

Planning Committee Meeting – 21st February 2008

2005/00860/OUT Received on 12 April 2006

Dreameze Beds Ltd. (Newco), C/o 256, Holton Road, Barry, Vale of Glamorgan. , CF63 4HL
CDC Westlea, 9, Burnham Avenue, Sully, Vale of Glamorgan. , CF64 5SU , ,

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

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

SITE DESCRIPTION

The site relates to an area of land situated between residential properties on Bendrick Road and land falling within Barry Docks/Port related land. The Cadoxton River runs alongside the north-western limits of the site. The site is annotated as allotments on Ordnance Survey plans. A recently built industrial unit lies to the north-east of the site to the rear of dwellings on Bendrick Road.

DESCRIPTION OF DEVELOPMENT

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

Commercial Development

9392m of industrial manufacturing units, with all matters reserved for subsequent approval other than access. Plans have however been submitted showing a building's footprint to the north-western boundary of the site with access and parking between this unit and the rear of dwellings on Bendrick Road. Access to the site is indicated from the Dock Road entrance adjacent to and behind the relatively recently erected commercial building and entails alterations to the access to that unit.

Residential Development

This part of the application also has all matters reserved other than access but the submitted plans indicate four terraced units positioned fronting Bendrick Road and four semi-detached pairs of dwellings to the rear (north-western and southern part of the site). Twelve residential units in total are proposed. Access is indicated off Bendrick Road.

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

PLANNING HISTORY

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

CONSULTATIONS

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

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

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

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

In relation to amended details the Town Council advise “ The alterations to the layout of the industrial area and the new access road have been noted and are welcomed. These amendments do nothing to overcome this Council's previously submitted strong objection against the principle of residential development on this site. This Strong objection is therefore maintained.”

The Director of Learning and Development (School and Strategic Services) commented on the application that a contribution will be required to provide or enhance education facilities. Final comments are awaited in respect of the amount to be determined using the Council's formulae for education contributions.

Glamorgan Gwent Archaeological Trust – Following receipt of an Archaeological evaluation which showed no signs of historic human occupation the site has a low level potential for archaeological remains. There is therefore no further requirement for archaeological mitigation should planning permission be granted. Full comments retained on file

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

Environment Agency Wales responded as follows, (for a full copy of response please see Appendix A).

“Based upon the information submitted, the assessment shows that the risks and consequences of flooding could be acceptably managed in accordance with criteria set out in TAN15. We therefore have no objection to the development from a flood risk perspective.”

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

The Head of Visible Services (Highway Development) originally objected to the proposals on grounds of highway safety, however following the receipt of amended details their objections have now been withdrawn. The comments received are as attached at Appendix B.

Health and Safety Executive (PADHI) "Does not advise, on safety grounds, against the granting of planning permission in this case."

The Head of Economic Development and Leisure (Ecology) - See Appendix C.

REPRESENTATIONS

Four letters of representation have been received and are attached as Appendix D. These letters raise objections to the proposals on grounds of proximity to housing, noise, parking, traffic and air pollution.

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

A letter has also been received from Dow Corning raising concern over the construction of houses on the site, close to the chemical complex, see Appendix E.

REPORT

The application was deferred from the Planning Committee meeting of 17th January 2008 to enable members to visit the site. It is anticipated that the visit will have taken place on 21 February 2008.

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

Planning Policies

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

EMP2 - NEW BUSINESS AND INDUSTRIAL DEVELOPMENT

EMP3 - GENERAL INDUSTRY

ENV29 - PROTECTION OF ENVIRONMENTAL QUALITY

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

ENV1 - DEVELOPMENT IN THE COUNTRYSIDE

ENV6 - EAST VALE COAST

ENV27 - DESIGN OF NEW DEVELOPMENTS

HOUS3 - DWELLINGS IN THE COUNTRYSIDE

REC3 - PROVISION OF OPEN SPACE WITHIN NEW RESIDENTIAL DEVELOPMENT

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

REC10 - DEVELOPMENT OF ALLOTMENT LAND

ENV16 - PROTECTED SPECIES' IS RELEVANT

ENV7 - WATER RESOURCES' IS RELEVANT DUE SITE'S LOCATION IN A FLOOD ZONE - C2

ENV19 - PRESERVATION OF ARCHAEOLOGICAL REMAINS

ENV26 - CONTAMINATED LAND AND UNSTABLE LAND DUE TO SITE'S PROXIMITY TO FORMER LANDFILL SITE

Policy TRAN10 'Parking' and TRAN9 'Cycling Development' would apply to both the commercial and residential elements of the scheme.

Supplementary Planning Guidance on Public Art

Issues

The application was previously considered at the Planning Committee of 18 October 2006 but was deferred. It was reconsidered at the meeting of 19 July 2007 where it was recommended for refusal on the grounds of lack of information. The application was again deferred at the request of the applicant to enable him to submit the ecological, flood and archaeological studies required before determination. These studies have now been submitted.

The site lies between land allocated in the Unitary Development Plan Policy EMP1(i) as employment land (Atlantic Trading Estate) and the cluster of dwellings at Bendrick Road. A recently built industrial unit sits alongside the proposed industrial unit.

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

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

Planning Policy Wales (PPW) at para 9.3.1 advises that 'new housing development should be well integrated with and connected to the existing pattern of settlements. The expansion of towns and villages should avoid creating ribbon development, coalescence of settlements or a fragmented development pattern'.

The guidance continues (paragraph 9.3.2) that minor extensions to groups of dwellings may be acceptable. However the guidance also advises that residential development in the vicinity of existing industrial units should be restricted so that their presence does not seek to curtail industrial activities. The industrial allocation immediately adjoining the site relates to uses for B1, B2 and B8 of the Town and Country Planning (Use Classes) Order 1987 (as amended). B2 uses would not be compatible with close proximity to residential development. The site for the housing adjoins the boundary of the Atlantic Trading Estate as defined in the Adopted Unitary Development Plan 1996-2011. It is noted however that the Head of Economic Development and Leisure appears to support the provision of housing adjacent to the estate as he considers that it will help to improve security at the Estate. If industrial development is proposed at the estate then regard to issues of noise and visual amenity would need to be considered and a suitable buffer area between the two uses considered.

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

In considering the development of housing in the Hayes Road/Bendrick area Committee are referred to planning application reference 99/01281/FUL. This related to the development of seven dwellings which was allowed on appeal in October 2000. The scheme was considered under the Draft Development Plan prior to adoption. However in reaching his decision the Inspector (paragraphs 25-26) considered the harm to policies for protection of the countryside in allowing housing on this site and concluded that the development would not lead to nor contribute to the coalescence of Barry and Sully nor detract from the visual amenities of the landscape. Thus that development did not conflict with the policy objective of protecting the countryside. It is considered that the development of the application site now before Committee in the coastal zone could be considered similarly.

In relation to the loss of allotment land, Policy REC10 states that development can take place if "suitable and accessible replacement sites are provided by the developer". The indicative plans indicate that a reduced area of allotment land will remain extending to approximately 17m x 45m maximum. The supporting text to this policy indicates that there is no evidence of excess demand for allotments. Subject to the provision of and securing the future of an area of allotment land of reasonable size, the aims of this policy would be safeguarded.

Under Unitary Development Plan Policy REC3, new residential developments are expected to make provision for public open space. Given the size of the site, this is not practical in this instance. Therefore, it is considered reasonable to seek a financial contribution of £10,000 to upgrade existing local areas of public open space likely to be used by future occupiers of the site.

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

Committee will be aware that land behind Bendrick Road has recently been developed for a commercial unit. This was approved with a condition that the use be limited to that applied for and to no other use falling within Classes B1, B2 or B8 of the Use Classes Order. The development of this current site could be considered as suitable for some form of commercial use but that use should be limited to B1 or possibly B8 uses to ensure that neighbours' amenities are not adversely affected. It is generally accepted that B1 uses can operate in residential areas without undue adverse effects from noise and odour. The boundary nearest to the residential development on Bendrick Road should be screened and the restriction of outside storage be imposed on any planning permission if granted.

The site is fairly remote in terms of access to local facilities and services, yet a bus service operates approximately every 90 minutes during the daytime. Local and national planning policies emphasise the need for developments to be accessible by alternative modes of transport than the private car. Therefore, it is considered appropriate to seek a contribution to enhance facilities for sustainable transport (i.e. for pedestrians, cyclists, public transport patrons etc.) serving the site. In addition a condition is recommended requiring the submission of a Travel Plan for the commercial unit at reserved matters stage.

Notwithstanding the above Members will note that there has been a delay in bringing the application before Committee for determination, which has been caused by the need to consider the site's location in a flood zone as well as ecological issues.

The Council's Ecologist and the developer's appointed ecologist identified that surveys should be undertaken before the application could be determined. Policy ENV16 'Protected Species' and the duty of the Local Planning Authority to have regard to ensuring that any development does not derogate either the habitats of protected species nor the species themselves which are protected by the relevant legislation. An ecological survey for the site has now been conducted and assessed by the Council's ecologist. As will be seen from Appendix C subject to conditions to control vegetation clearance, to require native planting, and a habitat corridor there are no ecological objections to development of the site.

Similarly, in relation to flooding, the necessary information for the Local Planning Authority and Environment Agency to consider the implications for and potential, as appropriate, for mitigation, has now been received. Advice contained in TAN15 'Development and Flood Risk Areas' requires that information to confirm that the development would not cause or exacerbate flooding in the area is submitted. The Environment Agency have considered the information and in their comments advise that 'the risks and consequences of flooding could be acceptably managed in accordance with the criteria set out in TAN15. We therefore have no objection to the development from a flood risk perspective'.

In comments relating to the site's location in relation to a former landfill site, the Agency advise that if approved, investigation in relation to land contamination and mitigation measures as appropriate to the findings will be required to ensure no contamination of controlled waters. The Local Planning Authority would also seek to ensure that the future occupiers and nearby residents were not adversely affected by any contamination on the site. Whilst the comments of Dow Corning at Appendix F are noted the Safety Executive has no objections on safety grounds to the development.

In addition the Council has a percent for art policy which is supported by the Council's adopted supplementary planning guidance on Public Art. On major developments, developers are required to set aside a minimum of 1% of their project budget specifically for the commissioning of art and, as a rule, public art should be provided on site integral to the development proposal. This provision will be secured through a Section 106 Agreement.

It is noted that to secure the education contributions identified by the Director of Learning and Development (Schools and Strategic Services) in relation to the provision of education as a result of the development that the applicant will be required to enter into a Section 106 Legal Agreement to provide an appropriate financial contribution for education provision.

It is also the case that to ensure that the allotments are provided and actively managed the applicant/developer should be required to provide details under a legal agreement as to how this will be secured.

A letter from the applicant is attached as Appendix F.

CONCLUSION

The decision to recommend planning permission has been taken in accordance with Section 38 of The Planning and Compulsory Purchase Act 2004, which requires that, in determining a planning application the determination must be in accordance with the Development Plan unless material considerations indicate otherwise. The Development Plan comprises the Vale of Glamorgan Adopted Unitary Development Plan 1996-2011.

Having regard to Policies ENV1 - Development in the Countryside; ENV6 - East Vale Coast; ENV7 - Water Resources; ENV16 - Protected Species, ENV19 - Preservation of Archaeological Remains; ENV26 - Contaminated Land and Unstable Land; ENV27 - Design of New Developments; ENV29 - Protection of Environmental Quality; HOUS3 - Dwellings in the Countryside; TRAN9 - Cycling Development; TRAN10 – Parking; EMP2 - New Business and Industrial Development the development is considered acceptable. The development will not result in an unacceptable effect on the privacy or amenities of adjoining occupiers nor will it result in an unacceptable effect on the highway network or highway safety. The development can acceptably manage the risks and consequences of flooding and does not adversely impact on archaeology or ecology for the area.

RECOMMENDATION

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

- The Developer shall pay a financial contribution to the Council to provide or enhance educational facilities available for future occupiers of the site (to be calculated using the Council's formulae for education contributions).
- The Developer shall pay the sum of ten thousand pounds (£10,000) to the Council to provide or enhance public open space and/or recreational facilities off site likely to be used by future occupiers of the development.
- The Developer shall pay the sum of fifty thousand pounds (£50,000) to the Council to improve Sustainable Transport Facilities serving the site.
- The Developer will provide public art on site to a value of at least 1% of the build costs of the development or provide a financial contribution to the same value in lieu of on site provision for the Council's public art fund.
- The Developer shall provide a Management Plan for the provision, enhancement of and maintenance of the allotments.
- The Legal Agreement will include the standard clause requiring the payment of a fee set at 20% of the value of the planning application fee (£441.60 in this case).

APPROVE subject to the following condition(s):

1. 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.

Reason:

To comply with the requirements of Section 92 of the Town and Country Planning Act 1990.

2. 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.

Reason:

To comply with the requirements of Section 92 of the Town and Country Planning Act 1990.

3. Plans and particulars of the reserved matters referred to in Condition No. 4, relating to the siting, design and external appearance of any buildings to be erected and the landscaping of the site, shall be submitted in writing to the Local Planning Authority and shall be carried out as approved.

Reason:

The application was made for outline planning permission and to comply with the requirements of Section 92 of the Town and Country Planning Act 1990.

4. Approval of the siting, 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.

Reason:

To comply with the requirements of Section 92 of the Town and Country Planning Act 1990.

5. Prior to the commencement of development full engineering details of the access points and service roads, paving, lighting and drainage into the site shall be submitted to and approved in writing by the Local Planning Authority and the approved access, roads, lighting and drainage shall be fully implemented on site prior to the first beneficial use of the development to which it relates.

Reason:

To ensure safe access to serve the development site to meet the requirements of Policies ENV27 and TRAN10. of the Unitary Development Plan.

6. Prior to the commencement of development an investigation for the presence of contamination on the site and the control of effects on controlled waters and a report detailing all necessary remedial measures to be taken shall be submitted to and approved in writing by the Local Planning Authority. The development shall be carried out in accordance with the approved scheme of investigation and mitigation.

Reason:

To avoid contamination of controlled waters and in the interests of the health and safety of existing and future occupiers of the site and area in general and to meet the requirements of Policy ENV29 of the Unitary Development Plan.

7. The reserved matters for the site shall be designed having regard to the Local Planning Authority's Parking Guidelines for the provision of parking and Supplementary Planning Guidance for the provision of Amenity in residential developments.

Reason:

To ensure on site parking is provided in the interests of highway safety and that adequate amenity is provided for existing and proposed occupiers of residential dwellings and to meet the requirements of Policies HOUS11, ENV27 and TRAN10 of the Unitary Development Plan.

8. Prior to any site clearance a clearance methodology or reptile mitigation strategy shall be submitted to and approved in writing by the Local Planning Authority and the site clearance and development shall be carried out in accordance with the approved details.

Reason:

To safeguard any protected species on the site and to meet the requirements of Policy ENV16 of the Unitary Development Plan.

9. There shall be no vegetation clearance of the site between March to August inclusive unless it can be demonstrated that nesting birds are absent.

Reason:

To ensure that no harm to the ecology of the site occurs to meet the requirements of Policy ENV16 of the Unitary Development Plan.

10. The scheme of landscaping required by the reserved matters shall incorporate indigenous planting to the northern river boundary and screen planting to the other boundaries.

Reason:

To enhance the ecological value of the site and to protect the amenities of adjoining occupiers to meet the requirements of Policies ENV16 and ENV27 of the Unitary Development Plan.

11. Full details of parking on site for bicycles for the industrial unit shall be submitted to and approved in writing by the Local Planning Authority and the approved scheme of parking for bicycles shall be fully implemented on site prior to the first beneficial occupation of the development hereby approved and shall thereafter be so retained at all times.

Reason:

To ensure that satisfactory parking for the industrial unit is provided on site to serve the development, and to ensure compliance with the terms of Policy ENV27 and TRAN9 of the Unitary Development Plan.

12. There shall be no outside storage of waste, materials, goods or machinery other than in accordance with a scheme which shall have been submitted to and approved in writing by the Local Planning Authority in advance of such storage taking place.

Reason:

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

13. The industrial development hereby approved shall be used only for purpose(s) falling within Class B1 or B8 of the Town and Country Planning (Use Classes) Order 1987, or in any provision equivalent to that Class in any statutory instrument amending, revoking or re-enacting that Order.

Reason:

To control the precise nature of the use of the site, and to ensure compliance with the terms of Policies ENV27 and ENV29 of the Unitary Development Plan.

14. The access to the rear of the existing residential units at Bendrick Road shall not be used as vehicular or pedestrian access to serve the industrial development.

Reason:

In the interests of highway safety and the amenities of residential occupiers to meet the requirements of Policy ENV27 of the Unitary Development Plan.

15. The allotment land shall be enclosed, in accordance with details which shall be submitted to and approved in writing by the Local Planning Authority, and shall be made available for use prior to the first beneficial use of any part of the site and shall be so retained at all times thereafter.

Reason:

To ensure the provision of allotment land to meet the requirements of Policy REC10 of the Unitary Development Plan.

16. Prior to the construction of slab levels details of the finished floor levels of the dwellings and industrial development and the finished site levels in relation to existing grounds levels shall be submitted to and approved in writing by the Local Planning Authority and the development shall be carried out in accordance with the approved levels.

Reason:

In the interests of the visual amenities of the area and to ensure that the flood mitigation measures are undertaken to meet the requirements of Policies ENV27 and ENV7 of the Unitary Development Plan.

17. The industrial area and the residential development area shall be enclosed prior to the first beneficial use of the site for these purposes in accordance with details which shall have been submitted to and approved in writing by the Local Planning Authority prior to their enclosure.

Reason:

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

NOTE:

1. In accordance with the advice of the National Assembly for Wales regarding development of contaminated land I am giving you notice that the responsibility for safe development and secure occupancy of a site rests with the developer. Whilst the Council has determined the application on the information available to it, this does not necessarily mean that the land is free from contamination.
2. This consent does not convey any authorisation that may be required to gain access onto land not within your ownership or control.
3. The attention of the applicant is drawn to the fact that a public sewer runs through the site and may be affected by the development.
4. Where the work involves the creation of, or alteration to, an access to a highway the applicant must ensure that all works comply with the appropriate standards of the Council as Highway Authority. For details of the relevant standards contact the Visible Services Division, The Vale of Glamorgan Council, The Alps, Wenvoe, Nr. Cardiff. CF5 6AA. Telephone 02920 673051.
5. Please note that a legal agreement/planning obligation has been entered into in respect of the site referred to in this planning consent. Should you require clarification of any particular aspect of the legal agreement/planning obligation please do not hesitate to contact the Local Planning Authority.
6. You are advised that there are species protected under the Wildlife and Countryside Act, 1981 within the site and thus account must be taken of protecting their habitats in any detailed plans. For specific advice it would be advisable to contact: The Countryside Council for Wales, 7 Castleton Court, Fortran Road, Cardiff; telephone number 02920 772400.

- 7. 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.**
- 8. The applicants are advised that all necessary consents/ licences must be obtained from, the Environment Agency prior to commencing any site works.**
- 9. The Environment Agency has stated that provision must be made to ensure that no polluting discharge from haul roads and disturbed areas enter any watercourse.**

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.

2005/01267/FUL Received on 9 August 2005

V. J. Thomas & Son, Pancross Farm, Llancarfan, Vale of Glamorgan. , CF62 3AJ
Morgans of Usk Limited, Woodside Works, Usk, Monmouthshire. , NP15 1SS , ,

Pancross Farm, Llancarfan

Retention of holding lagoon for separated slurry water and separator tank

SITE DESCRIPTION

The main Pancross Farm complex is located on elevated ground to the immediate south west of the village of Llancarfan. The slurry lagoon, which was dug over 2 years ago, is located in a field 500mts north of the main farm complex and 400mts due west of the village of Llancarfan. Also Included within the application is the retention of an unrelated settlement tank, again to accommodate cow slurry, which is located within main the farm complex.

DESCRIPTION OF DEVELOPMENT

The application seeks retention of a slurry lagoon, which to date has not been used and is intended to accommodate cow slurry, and an associated settlement tank. The settlement tank element is understood to be in use.

PLANNING HISTORY

No relevant planning applications for the subject field. However, with regard to Pancross Farm complex itself the following are considered most relevant:

04/01822/FUL - Retention of 2 Silos and Structures. Refused 15 June 2007.

02/00749/FUL - Cattle Sheds and Milking Parlour. Approved 6 July 2002.

In light of the above refusal, an Enforcement Notice was served on 14 September 2007 requiring cessation of the use of all the buildings applied for (not removal). That Notice is now live as no appeal has been lodged against its terms.

CONSULTATIONS

Llancarfan Community Council, in brief, have expressed concerns for the following reasons:

- (a) Given the capacity of the lagoon (over 2.5 million gallons), and its location above the village (Llancarfan), it is vital that the stability of bunding and integrity of the clay lining is sufficient to both empound the material and prevent possible ground water contamination.
- (b) Given the existing problems of odour omissions, it is considered that use of the lagoon may recreate these problems at this new location. There is also concern that the large surface area of the lagoon may be such that the slurry material will not crust, a problem that already occurs with existing facilities at the farm.

- (c) The intended piping of slurry material across some 422mts of field to the lagoon, through flexible pipes, could result in leakage and therefore measures should be in place to warn of this.
- (d) With regard to the separator/settlement tank, surprise is expressed that given the existing problems at the site, and the solutions being put forward (by the Environmental Health Officer), that a cover is not proposed.

Environment Agency Wales, after protracted consultations, have no objection in principle, but subject to a condition being imposed that clearly states that no beneficial use shall be made of the facility until full details of the means of lining the lagoon have been submitted and thereafter, implemented and in full accord with the appropriate British Standards.

The Head of Economic Development and Leisure (Public Rights of Way Officer) (when first consulted in September 2005) objected on the grounds that fences erected around the lagoon during construction, were obstructing a public right of way. All fences have now been removed.

The Director of Legal, Public Protection and Housing Services (Environmental Health Officer) having initially commented (back in September 2005) that providing the lagoon was only used to store conventional slurry that is capable of forming its own crust, there would be no objection, have now revised their stance.

They now consider that in the light of recent and still on-going legal actions against the applicant on matters relating to the whole issue of slurry waste management and disposal at the site, they remain to be satisfied that the lagoon of the size and capacity constructed would be properly managed or is even capable of functioning without causing a further statutory nuisance (odour) to nearby residential property. They therefore consider that before any beneficial use of the lagoon is granted, a comprehensive, robust and evidenced slurry management plan is in place to prevent any adverse impact upon residential amenity.

After a further exchange of e-mails seeking clarification of their revised stance, they now confirm an objection.

Dwr Cymru/ Welsh Water have not made any representations.

REPRESENTATIONS

25 letters of objection have been received, the majority from residents of Llancarfan, although letters have also been received from residents of Llanbethery. The comments can be summarised as follows:

- (i) The position of the lagoon could repeat odour omission problems already experienced with slurry management and disposal at Pancross Farm itself.

- (ii) Limited details submitted to detail the form and type of lining (if any) of the lagoon, which given the fractured nature of the local sub-strata, is of serious concern in terms of potential land and ground water contamination. Also concern is expressed over the construction of the impounding bunds and the poor choice of material used in their construction.
- (iii) What measures will be put in place to contain any spillages or overflow, including when slurry is piped from Pancross Farm to the lagoon.
- (iv) What measures will be put in place to safeguard the public given the proximity of a public footpath adjacent the lagoon.

REPORT

Consideration of the application was deferred from the Planning Committees of 13 December 2007 and again in light of the Environmental Health Officers revised comments and objection, the meeting of 17 January 2008 to enable Members to visit the site.

Planning Policies

This application is being assessed against the aims of terms of planning Policies ENV1 - Development in the Countryside; ENV4 - Special Landscape Areas; ENV7 - Water Resources; ENV29 - Protection of Environmental Quality; and WAST2 : Criteria for Assessing Waste Management Facilities, of the Vale of Glamorgan Adopted Unitary Development Plan 1996-2011.

Issues

Members may recall that an application to retain various structures erected without planning permission, to support and operate a (cow slurry) flush wash system at Pancross Farm, ref: 04/01822/FUL, was reported to and refused planning permission, at the 7 June 2007 Planning Committee. That refusal was subsequently followed by the service of an Enforcement Notice requiring cessation of the use of all buildings used to support and operate the flush wash system and this Notice is now live.

It would appear that the current retrospective development was proposed in an attempt to overcome the major problems of cow slurry management and disposal at the site, and in particular the odours arising from use of the flush wash system. These odour problems have led to the service of Abatement Notices on the applicant by the Environmental Health Officer requiring cessation of operation, it was then reported that, some 30 months ago, the applicant had began carrying out major excavations in a nearby field.

On investigation, it transpired that those works amounted to the excavation of a void of some 4mts in depth (below ground level) and the re-use of that excavated stone material to then form 2mt high, impounding bunds around the whole excavation. The finished result is a void of some 6mts in total depth, and measuring between the impounding bunds, 46mts x 70mts (base of the bunds external dimensions 62mts x 87mts). The total capacity of this lagoon is given as 2.6million gallons. Whilst the lagoon was completed well over 2 years ago, it remains unused.

The primary issue in the consideration of this proposal would appear to be whether in engineering terms, the lagoon is actually fit for purpose, having regard to both possible ground water pollution and the issue of odour emissions.

As stated previously, the issue of slurry disposal at this site has already resulted in odour nuisance Abatement Notices being served by the Environmental Health Officer, and the applicant considered the lagoon, with a capacity of over twice that currently available at the site (a 1million gallon slurry tank), as being the best storage solution pending spreading the material on the land. It is calculated that based on current stock levels, the lagoon would accommodate the total slurry produced at the site for a year, estimated at over 2 million gallons. A storage facility is required to allow the slurry only to be spread when ground and weather conditions are appropriate.

Pancross Farm operates a system of intensive milking wherein upward of 400 cows or more are kept more or less permanently under roof and as a consequence, unlike cows put out to grass, cow slurry is concentrated in a small area and has to be mechanically removed and stored. It is this need to store the huge quantities of slurry produced, that has resulted in this application.

However, concerns have been expressed by both local residents and the Environment Agency (EA) over the structural integrity of the lagoon and its impounding bunds, given both its location on high ground above the village of Llancarfan and the fact that it has been excavated out of lias limestone bed rock (known as Porthkerry limestone). Such material is known to be heavily fissured and as such, prone to the rapid transmission of ground water and therefore, slurry contaminated water. The EA are understood to have commissioned an in-house technical report, which details both their concerns and the further requirements of the applicant to allow the lagoon to become operational. The critical details and elements of that report have been copied to the applicant by the Agency.

It now appears that whilst the EA still need to be satisfied that adequate measures can and will be implemented (they require details of an impermeable membrane to line the lagoon), they suggest that there is no reason not to proceed to determination, subject to rigorously worded condition/s being imposed that prevent beneficial use until such time as all necessary ground water protection measures have been approved (in consultation with the EA) and are in place.

However, whilst this option does exist, the applicant, and/or, his representatives have to date, consistently failed to demonstrate any real intentions in progressing this application with the submission of further details to cover all outstanding issues, even though they were first alerted to these in a letter of 5 January 2006. Whilst it is understood that there has been some direct consultation with the EA by the agents, nevertheless still no progress has been made in terms of submitting any further details and as such, there must remain serious concerns over the structural integrity of the lagoon and whether it is even fit for purpose.

Further to the above, the Environmental Health Officer (EHO), having previously not raised an objection, has revised the Division's stance and is now objecting to the development. This objection is based in no small part, on the grounds that the applicant has so far failed to demonstrate that he can manage, store and dispose of the huge quantities of cow slurry being produced at the site. This has already resulted in Abatement Notices being served upon the applicant (covering the issue of odour emissions) and at the time of writing, prosecutions are pending for the continuing failure to contain or control these odour emissions.

Whilst the above matters are considered not to be directly relevant to the planning merits of this application, the EHO has nevertheless expressed serious concern on whether the lagoon could ever operate in the intended manner for such facilities without causing further nuisance. It is understood that when slurry is stored, pending later disposal on the land, in order to contain or minimise odour omissions, it is of a consistency that encourages a crust cap to form across the surface of the material. In broad terms, spreading takes place about 3 to 4 times a year and frequency will largely depend on the amount of material being produced and the available storage capacity.

The concern in this case is that with such a large surface area of potentially, 0.3 hectares (0.8 acres) it maybe difficult for the material to actual form a sustainable crust, thus there could be a repeat of the serious odour omission problems currently being experienced in the area, and in particular, Llancarfan, and which has led to the EHO taking legal action. There is further concern that the design of the lagoon would also make extraction of the material, very difficult. Whilst these on-going legal actions must not be read as any indicator that the lagoon itself would be poorly managed, the EHO nevertheless remains to be convinced that with no robust, evidenced and comprehensive slurry management plan in place, then on technical and operational grounds, any use of the lagoon should be resisted until such matters can be tested and assessed.

CONCLUSION

The decision to recommend refusal of planning permission has been taken in accordance with Section 38 of The Planning and Compulsory Purchase Act 2004, which requires that, in determining a planning application the determination must be in accordance with the Development Plan unless material considerations indicate otherwise. The Development Plan comprises the Vale of Glamorgan Adopted Unitary Development Plan 1996-2011.

Given the above therefore, as this application was first made nearly 30 months and the actual excavation works themselves were undertaken several months earlier, as insufficient information has still not been submitted to allow a full, proper and comprehensive assessment of this application to be made, it is recommended that planning permission be refused. Members should note that if the recommendation to refuse is accepted, the pursuit of enforcement action is then an option and authorisation for this was previously obtained at the July 2005 meeting of this Committee.

RECOMMENDATION (W.R.)

REFUSE

1. In the opinion of the Local Planning Authority, insufficient details have been submitted to allow a full, comprehensive and proper assessment to be made of the development or its possible impact upon the surrounding area, including details of any ground water protection measures, pollution controls, constructional details and matters relating to the containment of odour emissions. As such, the Local Planning Authority is unable to consider the implications arising from the development and therefore the development would be contrary to the aims and objectives of terms of Policies ENV1 - Development in the Countryside; ENV29 - Protection of Environmental Quality; and WAST2 - Criteria for Assessing Waste Management Facilities, of the Vale of Glamorgan Adopted Unitary Development Plan 1996-2011.

2006/00774/FUL Received on 10 January 2007

Mr. Carl Terry, Church Cottage, Llanmaes, Vale of Glamorgan, CF61 2XR
C. J. Morgan, 13, Merthyr Street, Barry, Vale of Glamorgan., CF63 4LA

Meadowvale Nursery, Llantwit Road, Llantwit Major

Change of use from Wholesale Nursery to Garden Centre

SITE DESCRIPTION

The application site relates to approximately 1.63 hectares of land to the north of Llantwit Major on the Cowbridge Road (B4270). The site currently accommodates a wholesale nursery and pony paddocks.

The site lies within the open countryside outside the residential settlement boundary of Llantwit Major. It is bounded by the B4270 to the east, a watercourse to the south and a public footpath to the north. The site is currently accessed via a long private drive off the main road at the south-east corner of the site.

DESCRIPTION OF DEVELOPMENT

The application seeks planning permission to change the use of a wholesale horticultural nursery and adjoining field into a retail garden centre (A1 retail use class). It is proposed to construct a new 10m wide entrance from the main road giving access to a new 6m wide driveway into the site.

Illustrative drawings have been submitted showing the potential future development and layout of the site and proposed garden centre with a footprint of approximately 10,000 sq. ft. The applicant expects that 20 to 30 full time positions will be created within the first 12 months. The illustrative plans also show a lake, car parking for 80 vehicles, landscaping and a walkway. The garden centre will include an ancillary tea/coffee shop. The pony paddock to the north-east corner of the site is retained.

PLANNING HISTORY

05/00610/FUL – Change of use of wholesale nursery to retail garden centre.
Refused 1 September 2005 for the following reason:

“The proposed retail enterprise, by reason of its scale and location, is considered to be unjustified in the interests of agriculture or horticulture, while the future development of the site would represent an unacceptable and unsustainable form of development in the countryside, causing serious harm to the character and appearance of the area while failing to demonstrate that there would be no harm to the vitality and viability of local established shopping centres. The proposal is therefore contrary to the aims and objectives of Policies ENV1, ENV9, ENV10 and SHOP 12 of the adopted Vale of Glamorgan Unitary Development Plan 2005 and Planning Policy Wales (2005).”

00/01034/FUL - 3 new buildings : toilet block, wormery, storage/barn. Approved 3 November 2000.

95/00634/FUL - To erect poly-tunnels and building in association with horticultural nursery and to erect windbreak around new tunnels. Approved 21 August 1995.

CONSULTATIONS

Llantwit Major Town Council was consulted on 9 June, 2006 and re-consulted on amended site plans on 18 January 2007 and 2 March 2007. "No objection in principal to the application, however the planning committee have concerns regarding the new access, and would welcome the views of the Highway department."

"No objection provided highways are satisfied with access to development."

The Head of Visible Services (Highways Development) was consulted on 9 June 2006 and re-consulted on amended site plans on 18 January 2007 and 2 March 2007.

"Further to the recent site visit in relation to the above application, I would comment that a site layout plan to a suitable scale showing the details of the proposed access and the required visibility splays of 6.0m x 215.0m in both directions along the adjoining highway is required to be submitted to the Highway Authority for consideration."

"Further to receiving amended plans, dated 10 January 2007 in relation to the above application, I would comment that the proposed access and subsequent visibility splays are located outside the application site identified as red on the submitted plans.

Therefore, the plan identifying the application site is required to be amended to include the proposed access and visibility envelopes."

"Further to receiving amended plans, dated 19 February 2007 in relation to the above application, I would comment that provided that the applicant has control over the land, which the required vision splays will cross, the Highway Authority has no objection to the development proposals provided that the following details are made conditional to the planning consent.

Visibility splays of 6.0m x 215.0m in both directions along the B4270 are required to be provided from the proposed access in accordance with Technical Advice Note 18 (TAN 18). Within the visibility splay no structures e.g. boundary walls, fencing, gates shall be greater than 900mm in height above the carriageway channel edge and any vegetation shall be planted at the rear of the vision splays.

Full engineering details of the proposed site access are required to be submitted to the Local Planning Authority for written approval prior to commencement of any works at the development site. Once approval has been granted, the applicant is required to contact Mr. Peter Coughlan of the Highways Traffic Section for permission to work within the highway. All works in relation to the proposed site access shall be completed before commencement of any works within the site.

The existing site access shall be removed and formally stopped up once the proposed site access has been completed.

Full details of the proposed on site parking and maneuvering facilities are required to be submitted to the Local Planning Authority for written approval prior to commencement of any works at the development site. Upon approval; the parking and maneuvering facilities shall be provide before beneficial occupation and thereafter maintained and retained at all times for the purpose associated with the development site."

Environment Agency Wales was consulted on 9 June 2006 and re-consulted on amended site plans on 18 January 2007. They responded with their standard advice to developers.

The Director of Legal, Public Protection and Housing Services (Environmental Health – Health and Safety Section) was consulted on 9 June 2006. "This department has no comment to make regarding this application."

Dwr Cymru/Welsh Water was consulted on 9 June 2006 and re-consulted on amended site plans on 18 January 2007. No comments have been received to date.

The Head of Economic Development and Leisure (Ecologist/Biodiversity Officer) was consulted on 9 June, 2006 and re-consulted on amended site plans on 18 January 2007 and comments:

"It is noted the Highways requirement for a visibility splay is 6m x 215m in both directions from the proposed new entrance to the application site. This is would result in loss of the highway hedgerow in both directions.

The hedgerows on both sides of the entrance are well established, dense, continuous, and ecologically species-rich with associated hedgerow features. Sections of hedgerow were looked at on both sides of the proposed hedgerow although the speed of the road traffic prevented access to the entire length of hedgerow. Based on observations made during this brief assessment, it is considered that these hedgerows would qualify as "important" under the Hedgerow Regulations 1997.

Should the development be granted consent, planting a new species-rich hedgerow along the new line of the visibility splay would help mitigate for the loss of the existing hedgerow and would be welcomed. However it would not fully compensate for loss of an Important Hedgerow and it is considered that there would be a local ecological impact if this amount of an Important Hedgerow were to be removed. It is recommended that this be taken into account as a material consideration in assessing the application.

It is recommended that at the full/outline application stage a plan be submitted to the planning authority prior to determination to show which hedgerows / trees are proposed for retention and which are proposed for removal. It is recommended that hedgerows / trees be retained as part of the scheme wherever possible. Where trees / hedgerows are proposed for removal it is recommended that compensatory planting be proposed on plans to be submitted to the local authority to achieve no net loss of trees / hedgerows post development.

The application site includes grassland which could not all be accessed and two fields which are understood to be in pasture and to which access could not be gained. There is therefore potential that the site may offer potential habitat for use by badger.

At the full/outline application stage it is recommended that a walk over badger survey be carried out to ascertain presence or absence of badger prior to the granting of consent.

The application site includes habitat which could potentially be used by reptiles. It is recommended that a condition of consent be that a reptile clearance methodology be submitted to the Local Planning Authority for approval prior to the commencement of works.

A mature ash tree is present along the western boundary of the application site which may offer potential roost opportunities for bats.

If the proposals will result in removal of the ash tree, it is recommended that prior to a full/outline consent being granted, a full bat survey be conducted by a licensed surveyor to ascertain presence / 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.

If this mature tree is excluded from the application area or marked for retention on to ensure its retention on submitted plans, no bat survey would be necessary.

Streams / drains run along two boundaries of the application site. The drain alongside the highway is a narrow ditch. The status of the stream running west-east along the southern boundary is not known.

It is recommended that the stream and streamside vegetation running west-east along the southern boundary of the application site be retained and excluded from development site through condition.

It is possible that otter or water vole may use the stream running along the southern boundary.

In the event that the development proposals would include the stream or corridor of streamside vegetation, an otter and water vole survey should be conducted by a licensed surveyor prior to a full/outline consent being granted to ascertain presence or absence of otter and water vole. In the event that the survey reveals the presence of otter/water vole, 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 vegetation on this application site may be used by nesting birds.

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

At the full/outline application stage it is recommended that the Countryside Council for Wales be consulted to establish whether or not they would require any additional survey work / information in respect of protected species.”

“Further to the ecology comments recently sent re: the above application, if DC are minded to recommend approval of the application I would like to amend ecology comments to include the recommendation that:

prior to determination, a dormouse survey of any hedgerows which may be impacted upon as a result of the development proposals should be conducted by a licensed surveyor prior to consent being granted to ascertain presence of absence of dormouse.

I had understood that the application was unlikely to be recommended for approval for a number of different reasons when originally submitted and therefore did not make the recommendation at that stage.

Please can you update the response as necessary.”

Countryside Council of Wales was consulted on 2 February 2007. They are aware that the access improvements required for the proposed development would involve the removal of a substantial portion of dense species rich hedgerow, which also acts as a link to other hedgerows within the wider Vale of Glamorgan area. They recommend that Dr. Kate Pryor, the Vale of Glamorgan ecologist, be consulted.

Following the advice of the Council's Biodiversity officer, a Dormouse survey has been carried out within the lengths of hedgerow that would need to be removed to facilitate the vision splay. The survey has revealed that there is no evidence the hedgerow is being use by dormice and that the hedge provides a poor habitat for dormice.

REPRESENTATIONS

Neighbouring occupiers were notified on 9 June 2006 and re-notified on amended site plans on 18 January 2007 and 2 March 2007 and the application was advertised as a departure to the local plan on site and in the press on 28 June 2006. The occupiers of Floodgate Farm and Peterswell have objected to the proposal on the following grounds:

- The access to the site is on a dangerous bend.
- Increased Highway safety concerns due to increased traffic (deliveries and customers).
- Intrusion of privacy especially at the extreme end of the proposed slip road.
- The proposal may result in further alterations to ground levels on the site.

The letter and e-mail letter are attached as Appendix A to this report.

The Country Land & Business Association, Jane Hutt AM, Alun Cairns AM and John Smith MP all sent a letter in support of the original application and the proposal, highlighting the positive contribution to the local economy and the proposed access improvements which would improve highway safety.

REPORT

Planning Policies

The site forms part of the open countryside and the proposal is for a retail development outside the recognised shopping centres of the Vale of Glamorgan. Therefore the proposal can be assessed against Strategic Policy 10 and Policies ENV1 – Development in the Countryside; ENV2 – Agricultural Land; ENV10 – Conservation of the Countryside; ENV11 – Protection of Landscape Features; ENV27 – Design of New Developments and SHOP12 – New Retailing Developments Outside Shopping Centres of the Vale of Glamorgan Adopted Unitary Development Plan 1996-2011, Planning Policy Wales (March 2002) and advice contained within TAN6 Agricultural and Rural Development (2000) and the “Landscapes Working for the Vale of Glamorgan” assessment. The proposal represents a retail development outside a district shopping centre. Policy SHOP12 states:

PROPOSALS FOR NEW RETAIL DEVELOPMENT OUTSIDE EXISTING TOWN AND DISTRICT SHOPPING CENTRES WILL BE PERMITTED IF ALL OF THE FOLLOWING CRITERIA ARE MET:

- (i) THE PROPOSAL EITHER SINGULARLY OR CUMULATIVELY WITH OTHER EXISTING OR APPROVED DEVELOPMENTS WILL NOT DETERMINE THE VITALITY, ATTRACTIVENESS AND VIABILITY OF THE TOWN AND DISTRICT SHOPPING CENTRES OR THE RETAIL DEVELOPMENTS PROPOSED IN POLICY SHOP3;
- (ii) THERE ARE NOT SUITABLE TOWN, DISTRICT OR EDGE OF CENTRE SITES AND IN THE CASE OF OUT OF TOWN PROPOSALS, THERE ARE NO SUITABLE TOWN, DISTRICT, EDGE OF CENTRE OR OUT OF CENTRE SITES ('THE SEQUENTIAL TEST');

- (iii) THE PROPOSAL WILL NOT HAVE AN UNACCEPTABLE EFFECT ON THE ACHIEVEMENT OF AN ACCEPTABLE SUPPLY OF BUSINESS/INDUSTRIAL LAND AS IDENTIFIED IN POLICY EMP1;
- (iv) THE PROPOSAL IS WELL LOCATED TO PUBLIC TRANSPORT, THE NEEDS OF THE NON-CAR TRAVELLER AND THE MAIN ROAD NETWORK;
- (v) THE HIGHWAY NETWORK IS CAPABLE OF ACCOMMODATING THE TRAFFIC GENERATED BY THE PROPOSAL WITHOUT AN UNACCEPTABLE ADVERSE EFFECT ON TRAFFIC FLOWS AND PATTERNS, SAFETY, ENERGY USE OR OTHER EMISSIONS;
- (vi) CAR PARKING AND SERVICING FACILITIES ARE IN ACCORDANCE WITH THE COUNCIL'S APPROVED GUIDELINES;
- (vii) ADEQUATE UTILITY SERVICES EXIST, ARE REASONABLY ACCESSIBLE OR CAN BE READILY AND ECONOMICALLY PROVIDED;
- (viii) THE PROPOSAL DOES NOT RESULT IN THE LOSS OF GRADES 1, 2 OR 3A AGRICULTURAL LAND OR HAVE AN UNACCEPTABLE EFFECT ON AREAS OF ECOLOGICAL, GEOLOGICAL, GEOMORPHOLOGICAL, WILDLIFE IMPORTANCE, LANDSCAPE PROTECTION OR ARCHAEOLOGICAL INTEREST.

Issues

The application seeks consent to change the use of a wholesale horticultural nursery and adjoining land into a retail garden centre (A1 retail use class) at Meadowvale Nursery, Llantwit Major. It is also proposed to construct a new and improved access into the site with visibility splays of 6.0m x 215.0m in both directions along the B4270. Illustrative plans submitted with the application identify that the garden centre will incorporate new retail buildings and a landscaped 'wildlife lake', and will eventually include an ancillary tea/coffee shop with approximately 80 car parking spaces.

The total size of the site has been gradually reduced from the previously refused application (4.8 Ha) to an area of 2.96 Ha with the original plans for the re-submitted application and finally to an area of 1.63 Ha of land with the latest amended plans.

The nursery is currently a relatively low intensive use of the site with few buildings in the countryside that blend in well with the surrounding area and is screened from the main road.

The applicant has not carried out a Sequential Test Analysis of sites within neighbouring towns, district or edge of centre sites such as Llantwit Major or Cowbridge and has not demonstrated the need for this enterprise in this particular location. However, the applicant has suggested that this is the most suitable location for a garden centre, not least because of the presence of the existing nursery business, and that there are no other suitable sites of both size and practicality available within Llantwit. The applicant will initially operate the garden centre side by side with the existing Wholesale Nursery, it is acknowledged that there is demand for a garden centre in the area and it is considered that this is a suitable edge of town area for a quasi retail use of this type. Policy ENV1 states that planning permission will only be granted for development which is “essential for agriculture, horticulture, forestry or other development... for which a rural location is essential.” It is considered that a Garden Centre cannot be reasonably accommodated within existing town centres and the garden centre enterprise is more suited to a rural location. The proposed garden centre is a natural progression of the established nursery and it is anticipated that 4 to 7 extra members of staff will be employed initially with a total of 18 to 23 employed on a full time basis once the enterprise is fully operational. This is in line with advice contained within paragraph 10.3.8 of Planning Policy Wales which states: “Shops ancillary to other uses ... can also serve a useful role in rural areas by providing new sources of jobs and services.”

Therefore, whilst the site is in a potentially unsustainable location that would encourage car use, generate traffic, it is relatively close to Llantwit Major and there is no realistic alternative to the site in close proximity to the town. The provision of a new tree lined access with screened parking areas will accommodate the increased number of visits and parking at the site.

This application seeks to establish the principle for the change of use of the existing nursery and surrounding land into a retail garden centre with a new access, as required by the Highways Development Officers. Should this application be approved, a further application will be submitted with full details of the siting and design of the new retail element, a lake, car parking, landscaping and an ancillary coffee shop. The significant reduction in the size of the site and the combination of an existing wholesale nursery with a related garden centre use will result in a sympathetic development on an existing site that will preserve the character and appearance of the site within the open countryside.

In terms of the new access into the site, the requirement for a visibility splay of 6.0m x 215.0m in both directions along the B4270 will inevitably result in the loss of a large section of the established hedgerow fronting the site. However, it is considered that the immediate replanting of a new hedgerow behind the vision splay will mitigate this loss in visual amenity terms.

The dormouse survey has indicated that the hedge does not show any evidence of dormice and furthermore, that its composition makes it an unsuitable habitat for dormice in the future. Accordingly, it is not considered that the removal of the hedge would result in the loss of a realistic habitat.

In order to mitigate the harm that would otherwise caused by the removal of the hedgerow, a new hedgerow will be required along the lengths of the vision splay, to be comprised of a mix of species that would encourage and support habitation by dormice. Details of the trees and hedgerows to be retained as well as the proposed replacement planting will be required by condition prior to the commencement of development on site.

With regard to the impact of the development on the visual amenities and appearance of the surrounding countryside, it is considered that the negotiated reduction in the size of the site, the proximity of the site to the existing wholesale nursery buildings, the future development of single storey buildings and the use of indigenous planting to screen the site will significantly limit the potential damage to the landscape in line with Policy ENV10 of the UDP and the 'Landscapes Working for the Vale of Glamorgan' assessment.

Details of the range of goods to be sold from the premises can be conditioned to ensure that the retail element of the development does not have a detrimental impact on the vitality and viability of existing retail centres such as Llantwit Town Centre.

CONCLUSION

The decision to recommend planning permission has been taken in accordance with Section 38 of The Planning and Compulsory Purchase Act 2004, which requires that, in determining a planning application the determination must be in accordance with the Development Plan unless material considerations indicate otherwise. The Development Plan comprises the Vale of Glamorgan Adopted Unitary Development Plan 1996-2011.

Having regard to Strategic Policy 10 and Policies ENV1 – Development in the Countryside; ENV2 – Agricultural Land; ENV10 – Conservation of the Countryside; ENV11 – Protection of Landscape Features; ENV27 – Design of New Developments and SHOP12 – New Retailing Developments Outside Shopping Centres of the Vale of Glamorgan Adopted Unitary Development Plan 1996-2011, Planning Policy Wales (March 2002) and advice contained within TAN6 Agricultural and Rural Development (2000) and the "Landscapes Working for the Vale of Glamorgan" assessment, the amended proposal for the change of use of the wholesale nursery and surrounding land is considered to be acceptable in terms of its location within the open countryside, its impact on the visual amenities of the surrounding countryside, highway safety adjacent to the site and the effect on flora and fauna in and around the site.

RECOMMENDATION

APPROVE subject to the following condition(s):

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

Reason:

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

2. This consent shall only relate to the amended plans reference visibility splay and site location plan received on 10th January, 2007 and 19th February, 2007 respectively and the development shall be carried out strictly in accordance with these details.

Reason:

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

3. The land shall be used only for the purpose(s) specified in the application and for no other purpose, whatsoever, including any other purpose in class A1 of the schedule of the Town and Country Planning (General Permitted Development) Order 1995, or in any provision equivalent to that class in any statutory instrument revoking and re-enacting that Order.

Reason:

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

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

Reason:

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

5. No development shall take place until such time as details of the new junction between the site and B4270 have been submitted to and approved in writing by the Local Planning Authority and the development shall not be brought into beneficial use until such time as that junction has been constructed in accordance with the approved details.

Reason:

In the interest of highway safety and to ensure a satisfactory form of access to serve the development, and to ensure compliance with the terms of Policy ENV27 of the Unitary Development Plan.

6. Notwithstanding the submitted details, details of a parking scheme to serve the development shall be submitted to and approved in writing by the Local Planning Authority; the approved scheme of parking shall be laid out in accordance with the approved details prior to the first beneficial use of the site and shall thereafter be so retained at all times to serve the development hereby approved.

Reason:

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

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 by the Local Planning Authority prior to the commencement of development, and the means of enclosure shall be implemented in accordance with the approved details prior to the development being put into beneficial use.

Reason:

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

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

Reason:

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

9. All planting, seeding or turfing comprised in the approved details of landscaping and the replacement hedgerows 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, plants or hedges which within a period of five years from the completion of the development die, are removed or become seriously damaged or diseased shall be replaced in the next planting season with others of similar size and species, unless the Local Planning Authority gives written consent to any variation.

Reason:

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

10. The retail element of the site hereby approved shall be limited solely to the sale of plants, gardening or other horticultural related goods, unless otherwise agreed in writing with the Local Planning Authority.

Reason:

For the avoidance of doubt and to control the precise nature of the use of the site.

11. No works affecting the trees and scrub within the site shall be carried out during the nesting season between March and June unless a survey is first conducted and submitted to the Local Planning Authority which ascertains the absence of breeding birds.

Reason:

To comply with the Wildlife and Countryside Act 1981.

12. No works shall be carried out to the mature ash tree along the western boundary of the application site until a bat survey has been submitted to and approved in writing by the Local Planning Authority, which demonstrates that the proposed works would not adversely affect bats or any other protected species.

Reason:

In order to protect any bats or other protected species that may roost within the tree and to ensure compliance with Policy ENV16 of the Unitary Development Plan.

13. Prior to the removal of any hedgerows within the application site, the following shall be submitted to and approved in writing by the Local Planning Authority:

- (i) A plan indicating the lengths of hedgerow to be removed.
- (ii) A plan indicating the location of the new lengths of hedgerow to be planted.
- (iii) A detailed schedule of the species composition of the new hedgerow.

The replacement hedgerow shall thereafter be planted and maintained in accordance with the approved details and the terms of Condition 9 of this planning permission.

Reason:

To ensure the replanting of an appropriate length and type of hedgerow, in the interests of visual amenities and to ensure compliance with Policy ENV16 of the Unitary Development Plan.

NOTE:

1. You are advised that there are species protected under the Wildlife and Countryside Act, 1981 within the site and thus account must be taken of protecting their habitats in any detailed plans. For specific advice it would be advisable to contact: The Countryside Council for Wales, 7 Castleton Court, Fortran Road, Cardiff; telephone number 02920 772400.
2. Where the work involves the creation of, or alteration to, an access to a highway the applicant must ensure that all works comply with the appropriate standards of the Council as Highway Authority. For details of the relevant standards contact the Visible Services Division, The Vale of Glamorgan Council, The Alps, Wenvoe, Nr. Cardiff. CF5 6AA. Telephone 02920 673051.
3. The applicants are advised that all necessary consents/ licences must be obtained from, the Environment Agency prior to commencing any site works.

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

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

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

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

Mr. and Mrs. P. Lougher, Batslays Farm, Higher End, St. Athan, Vale of Glamorgan., CF62 4NN
S. G. Williams & Associates, Lombard House, 64, Mansel Street, Swansea., SA1 5TN

Batslays Farm, Higher End, St. Athan

Conversion of barn to form 2 no. holiday units

SITE DESCRIPTION

The application site relates to a stone farm building located within a courtyard of farm buildings at Batslays Farm, located adjacent and to the south of the RAF St. Athan base and some 200 metres north of the main coast road (B4265). The application site consists of a barn which is listed by virtue of being attached to Batslays Farm Farmhouse which is Grade II Listed.

The building is linear in form with a pent roof, where the rear wall forms part of the garden enclosure to the farmhouse. The building is constructed from randomly coursed natural stone with stone quoining to doorway openings. The building has a modern addition by way of a lean-to on its southern (side) elevation.

The site is accessed through St. Athan via Llantwit Road, which runs due west from the village.

DESCRIPTION OF DEVELOPMENT

This is a full application for the conversion of the barn to provide two holiday let units, to provide a open plan kitchen lounge/ding area, bedroom and bathroom.

The conversion will include the replacement of the existing roofs with natural slate. All existing openings (doorways and windows) will be retained and utilised in the conversion to be fitted with dark stained timber doors/windows. The only additional opens comprise of two windows in the rear elevation (facing into the garden of the farmhouse) which are shown to be fitted with obscure glass. The amended plans indicate that the modern attached lean to open fronted structure will be retained, where the existing exposed concrete block side wall is shown to be roughcast rendered.

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

PLANNING HISTORY

96/00972/FUL – Barn for the storage of hay and straw for agricultural purposes. Approved 6 December 1996 subject to conditions.

04/00268/LBC – Conversion of barns to three holiday let units and associated external works. Approved 18 June 2004 subject to conditions.

04/00296/FUL - Conversion of barns to three holiday let units and associated external works. Approved 20 October 2004 subject to conditions.

06/00926/LBC - Conversion of barn to form 2 no. holiday let units. Approved 30 January 2008 subject to conditions.

CONSULTATIONS

Llantwit Major Town Council were consulted and have raised no objection however concerns that the location is on the perimeter fence of the RAF Station at St. Athan.

Environment Agency Wales were consulted and advised that "standard advice" guidance note for developers apply.

Ministry of Defence were consulted and have stated that there is no safeguarding objections to the proposal.

The Head of Visible Services (Highways Development) was consulted and has raised no objection to the development proposals provided that the following details are made conditional to the planning consent.

"The development proposals shall provide parking and manoeuvring facilities within the boundary of the development in accordance with the Highway Authorities parking guidelines".

The Head of Economic Development and Leisure (Tourism and Marketing) was consulted and has responded with no adverse comments to make.

The Director of Legal, Public Protection and Housing Services (Environmental Health) was consulted and have advised that the conversion should only be used as holiday lets only and not as a permanent dwelling due to the lack of noise insulation and should be conditioned appropriately.

REPRESENTATIONS

Adjacent occupiers were notified and to date no letters of representation have been received.

REPORT

Planning Policies

In policy terms, the application site lies within the open countryside and the relevant policies in assessing this application contained within the Vale of Glamorgan Adopted Unitary Development Plan 1996-2011 are:

ENV1 – DEVELOPMENT IN THE COUNTRYSIDE

ENV8 – SMALL SCALE RURAL CONVERSIONS, STATES

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 residential use or holiday lets, the following criteria contained within the above policy are applicable:

- (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;
- (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.

ENV17 – Protection of Built and Historic Environment, 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 area.
- (ii) Scheduled ancient monuments and sites of archaeological and/or historic interest.
- (iii) Designed landscapes, park or gardens of historic, cultural or aesthetic importance,

will not be permitted.

Policy ENV27 - Design of New Developments, states that proposals for new development must have full regard to the context of the local natural and built environment and its special features.

Policy TRAN10 – Parking, states that the provision of parking facilities will be in accordance with the approved parking guidelines, and will be related to the type of land use, its density and location; accessibility to existing and potential public transport facilities; and the capacity of the highway network.

Also relevant is the guidance contained within the Conversion of Rural Buildings Supplementary Planning Guidance.

Issues

It should be noted that planning permission (under ref 04/00296/FUL) has been granted for the conversion of the barn on the opposite side of the courtyard into three holiday let units. Therefore the barn subject to this application remains the only building within a farming use within this courtyard, with more modern and larger farm buildings found to the north of the original farm buildings.

The application barn is of a limited size and is therefore not suitable for modern agriculture purposes and whilst it is used for incidental storage its loss is not considered to impact on the viability of the holding and given its limited size would not require a replacement building elsewhere within the agricultural unit.

Whilst there may well be times where activities undertaken on the farm will impact on the occupiers of the holiday lets, (noise, smells and general disturbance etc.) given that the holiday lets will not be used as full time residential dwellings, the degree of disturbance would not be considered to adversely impact on the amenity of the occupiers of the holiday lets.

Furthermore, the application site lies adjacent to RAF St. Athan, where the Environmental Health Department would object to new residential development. However they have no objection to the principle of use as holiday lets as this would not be classified as permanent residential occupation.

The Principal Building Control Officer has assessed the submitted structural reports and has undertaken a site inspection. He advised that the structural report submitted by the applicant only gives a brief description of the present condition of the structure and recommended that a more detailed structural report be submitted giving a clearer indication as to the present condition of all structural elements of the existing building. Following further correspondence and the submission of supplementary information, the Principal Building Control Officer considers that his concerns have been addressed.

The proposal originally included the conversion of the attached open fronted lean-to addition to the main barn (shown to be used as a bedroom and bathroom) on the south facing side elevation, which is constructed from blockwork with profiled roof sheeting. The agent was advised that such a modern addition to the original stone barn was not considered appropriate for conversion and would not accord with the guidance contained within the Conversion of Rural Buildings Supplementary Planning Guidance. Accordingly it was requested this element of the conversion be omitted from the proposed scheme and that the lean-to should be demolished to enhance the original building. Amended plans have been submitted and the lean-to, whilst still retained is now shown to remain as an open storage area, although the external concrete block wall is shown to be in roughcast render. On the basis that the structure could be used for car parking to serve the holiday lets, its retention would not adversely impact on the character of the main barn.

In light of the above and whilst acknowledging that there are some areas of repair and rebuild, it is considered that the conversion can be undertaken without substantial reconstruction of the external walls, or extension to the building.

In terms of the alterations proposed to convert the barn, all existing openings and doorways will be retained and new doors and windows are to be in dark stained timber which will be in keeping with the character of barn and the approved barn conversion opposite. The only additional openings comprise of two additional window in the rear elevation which face into the garden of the farm house. Whilst this results in an alteration to what is a currently a blank stone facade, this is nevertheless a secondary elevation and only visible from the adjacent farmhouse and as a whole will not impact on the character of the rural building.

It should be noted that the proposed scheme has already been considered and approved under associated Listed Building application ref: 06/00926/LBC, where it was considered that the conversion retained the architectural and historical value of the barn in relation to its impact on the Listed farmhouse. As a whole it is considered that the proposed conversion can be undertaken without unacceptably altering the appearance and rural character of the building and will be in keeping with the character of the surrounding area.

Given that the proposal relates to holiday lets and not a residential conversion (for a private dwelling), the issue of the provision of residential curtilages would not normally be considered as part of such an assessment. However, the submitted plans indicate that part of the existing curtilage will be separated from the farm house to be used to serve the holiday let units. Such a use will not result in any encroachment into the countryside and is considered acceptable.

In terms of access and parking, the Head of Visible Services (Highways Department) has raised no objection subject to satisfactory provision for parking and a turning area, which can be conditioned.

CONCLUSION

The decision to recommend planning permission has been taken in accordance with Section 38 of The Planning and Compulsory Purchase Act 2004, which requires that, in determining a planning application the determination must be in accordance with the Development Plan unless material considerations indicate otherwise. The Development Plan comprises the Vale of Glamorgan Adopted Unitary Development Plan 1996-2011.

Having regard to Policies ENV8 – Small Scale Rural Conversions; ENV17 – Protection of Built and Historic Environment; ENV27 - Design of New Developments and TRAN10 – Parking, the proposed conversion of the barn for holiday lets is considered acceptable in that the conversion can be achieved without substantial reconstruction of the external walls, or extension to the building and would not unacceptably alter the appearance and rural character of the Listed barn and the wider character of the countryside.

RECOMMENDATION

APPROVE subject to the following condition(s):

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

Reason:

Given the structural integrity of the barn and to comply with the requirements of Section 91 of the Town and Country Planning Act, 1990.

2. This consent shall relate to the plans registered on 30 June 2007 other than where amended by plans reference 04/05/11/4 received on 27 November 2006.

Reason:

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

3. Notwithstanding the submitted details and prior to their use on site, further details of windows, raised verges, doors and eaves (including cross sections) to a scale of 1:10 or 1:20 as appropriate shall be submitted to and approved in writing by the Local Planning Authority and the development shall be carried out in accordance with the approved details.

Reason :

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

4. Prior to their use on site, samples of ridge, verge tiles, slates and rainwater goods shall be submitted and approved in writing by the Local Planning Authority and the development shall be carried out in accordance with the approved samples.

Reason:

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

5. No part of the development hereby approved shall not be brought into beneficial use until such time as the parking and turning areas have been laid out which shall be in accordance with a scheme which shall have first been submitted to the Local Planning Authority for their approval in writing and shall thereafter be so retained at all times to serve the development hereby approved.

Reason:

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

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

Reason:

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

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 converted barn hereby approved shall not be extended or altered in any way without the prior written consent of the Local Planning Authority.

Reason:

To enable the Local Planning Authority to control the scale of development and to ensure compliance with the terms of Policy ENV8 and ENV27 of the Unitary Development Plan.

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

Reason:

To enable the Local Planning Authority to control the scale of development, and to ensure compliance with the terms of Policy ENV8 and ENV27 of the Unitary Development Plan.

9. This conversion hereby approved shall be for two holiday units only and not as a permanent residential dwelling or any other use. Each letting of the units shall be for a period not exceeding four weeks duration and no letting shall be renewed within six months of the end of a previous letting to any of the same occupants in any calendar year.

Reason:

In order to ensure that the converted barns are used for holiday let purposes only, since a permanent residential dwelling is not considered to be acceptable in this location due to the impact that the nearby airbase would have on the amenities of permanent residential occupiers.

NOTE:

1. **Please note that this application relates to a conversion of the building(s) only and does not imply any consent for demolition or partial demolition and rebuilding of the barn(s) other than as may be shown in the approved details. Should work not outlined in the application and the structural survey be required then you should immediately contact my department. Demolition or partial demolition of the barn(s) will not comply with the consent as granted and subsequent planning consent will not normally be forthcoming for rebuilding a new dwelling.**

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

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

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

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

2007/00532/FUL Received on 13 April 2007

Dutton & Cadwell, R/O 11-19, Braeval Street, Roath, Cardiff., CF24 4SJ,
Boyer Planning Ltd & Willdig Lammie Partnership 1b, Oak Tree Court, Mulberry
Drive, Cardiff Gate Business Park, Cardiff, CF23 8RS,

Sully House, Swanbridge

Refurbishment & extension works to provide 5 no apartments

SITE DESCRIPTION

The site relates to a building in residential use which was also used historically as a restaurant/hotel. The site lies adjacent to the highway fronting the foreshore and is accessed via St. Mary's Well Road. The site adjoins a public house car park and a former farmhouse and converted barns. A small group of dwellings exists to the rear of the site.

DESCRIPTION OF DEVELOPMENT

The application seeks consent to refurbish and extend the residential unit to create five flats comprising two and three bedroom flats. A three storey extension will be built to the rear of the existing building. Materials for external finishes will be walls of render, roof of plain terracotta tiles to match the existing roof and balconies of glass and steel to the front and west side (facing public house car park) elevations.

A rear two storey flat roof extension and a later addition conservatory to the front elevation will be demolished.

Twelve on site parking spaces are proposed.

PLANNING HISTORY

Planning consent was refused for the re-development of the site for 16 units for reasons of adverse effect on the coastal setting, un-neighbourly development, traffic highway safety issues and inadequate information regarding flood risk. (04/01525/OUT).

CONSULTATIONS

Sully Community Council - No comments have been received to date.

Environment Agency Wales - See Appendix A. Have considered the flood consequences assessment and consider the scheme acceptable subject to the findings of the flood consequences assessment being met.

The Head of Visible Services (Highway Development) - See Appendix B. Would not object subject to management and maintenance of the access road and that the access be laid out as detailed.

The Head of Economic Development and Leisure (Public Rights of Way Officer). No comments have been received to date.

The Director of Legal, Public Protection and Housing Services (Environmental Health) has no adverse comments.

Countryside Council for Wales required that surveys be submitted for the presence of protected species.

Glamorgan Gwent Archaeological Trust comment that given the possible connection of passageway units from the house to Sully Island for smuggling they require a working brief.

Dwr Cymru/Welsh Water require consideration of drainage connections to ensure that the integrity of the public sewerage system is not compromised.

The Head of Economic Development and Leisure (Ecology Officer) - See Appendix C. Has considered the surveys submitted and do not object subject to the findings of the reports.

The Head of Visible Services (Engineering Design) recommends that the Environment Agency be consulted and that the shoreline management issues for flooding be considered.

Civil Protection - With regard to the Environment Agency advising that they seek their views they comment that the Council does have arrangements in place to deal with emergency incidents including flooding. However these are reactive and not specific to any site or property. The issue of an evacuation would involve a multi-agency response, including for example fire and rescue services and the police. The officer advises that this is the first time they have been requested for comments on such a matter which they believe is an Environment Agency responsibility and they will raise this at the Vale of Glamorgan Flood Forum.

REPRESENTATIONS

Driftwood, Swanbridge House, The Granary, Swanbridge Farmhouse, Southwinds, Nos. 2 and 6 Swanbridge Farm Estate, The Rookeries, Silverwood, The Wolves, The Manager of The Captian's Wife were consulted on 24 April 2007. No comments have been received to date.

A site notice was posted on 10 May 2007.

REPORT

Planning Policies

STRATEGIC POLICY 2

ENV6 - EAST VALE COAST

ENV27 - DESIGN OF NEW DEVELOPMENTS

TRAN10 - PARKING

HOUS9 - CONVERSION OF LARGE DWELLINGS

Issues

The site is currently occupied by a relatively large property which, whilst vacant at present, has a history of commercial or some residential use in the recent past. The property is prominent along the coastal foreshore and therefore the issues to be considered relate to the principle of the development and to the impacts such a scheme could have on the visual quality and character of the area. Other issues raised relate to access to the site and the potential for flooding on site or in the area, archaeology and ecology. Given the site's location near to dwellings the impact on their privacy and amenity should also be assessed.

The scheme can also be considered under the policy for the conversion of large dwellings. The scale and form of the development is generally in keeping with the existing structure which itself is larger than property generally in the area. The provision of an access and on site parking has been assessed and there are no objections to the scheme, subject to details of site layout (see Appendix B for Highway Development officers comments). Similarly there is no objection to the use of the highway itself for this scale of development. The development if approved should be conditioned to require that the access and driveway be undertaken and maintained as such as should the on-site parking.

The scale and form of the development and the design of the rear extension which replaces an existing unattractive flat roofed addition, are considered acceptable in relation to the character of the existing building and the wider area in general. The extension as proposed extends approximately the same distance and occupies generally the same footprint as the extension to be demolished. The development has a pitched roof and is of more sympathetic design to the host building and thus it comprises accommodation over three floors rather than two as in the existing flat roof structure. It is considered that the scale of the development in relation to the site area as a whole will enable both adequate onsite parking to be provided and an acceptable level of amenity space to serve the units. The distance between the site and the dwellings to the north is considered sufficient to safeguard those residents' privacy and amenity and shall ensure that there is no over loading or over shadowing of these properties. Approximately 44m exists from the rear extension to the northern site boundary.

The issue of flooding has been assessed, following the submission of a flood consequences assessment by the applicant, to the Environment Agency. The comments of the agency indicate that with the mitigation measures detailed the findings of the report are accepted. The comments of the Agency should be read in conjunction with those of the Civil Protection Officer. Mitigation measures will include a floor level for the new development of 8.75m AOD which is lower than that of the original house at the front of the site and an enclosing bunded wall of stone facing around the site.

The issues of ecology have been considered as Local Planning Authorities are under a duty to have regard to the requirements of the Habitats Directive (EC Directive 92/43/EC) in exercising their functions. To avoid developments with planning permission subsequently not being granted a derogation licence in relation to European protected species, planning authorities should take the three requirements for a derogation into account when considering development proposals where a European protected species is present, and planning reports should demonstrate that the three tests have been applied. In this case, having regard to the surveys presented and the comments of the Countryside Council for Wales and Ecologist no evidence of protected species including bats were found but comments recommend that the developer be advised of his duties should any protected species be found during work and that nesting birds should not be disturbed.

The scheme is a sympathetic reuse of a building which is in a prominent coastal location. The site is considered to be relatively sustainable in location in relation to facilities, services and public transport.

CONCLUSION

The decision to recommend planning permission has been taken in accordance with Section 38 of The Planning and Compulsory Purchase Act 2004, which requires that, in determining a planning application the determination must be in accordance with the Development Plan unless material considerations indicate otherwise. The Development Plan comprises the Vale of Glamorgan Adopted Unitary Development Plan 1996-2011.

Having regard to policies ENV6 - East Vale Coast; ENV16 - Protected Species; ENV27 - Design of New Developments; ENV7 - Water Resources; HOUS11 - Residential Privacy and Space; HOUS9 - Conversion of Large Dwellings; HOUS3 - Dwellings in the Countryside; and TRAN10 - Parking is considered that the development is of an acceptable scale, design, layout and form which does not adversely affect the character or setting of this part of the East Vale Coast has an acceptable highway access and on site parking and does not adversely affect the privacy or amenities of adjoining occupiers.

RECOMMENDATION

APPROVE subject to the following condition(s):

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

Reason:

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

2. This consent shall relate to the plans registered on 13 April 2007 other than where amended by plans reference 1166(90)001 Revision D, 03 revision B, 04 Revision B, received on 5 December 2007.

Reason:

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

3. The development shall not be brought into beneficial use until the approved access has been constructed in accordance with the approved plans and details of the surface finish, which shall have been submitted to and approved in writing by the Local Planning Authority prior to their use on site, and the access shall thereafter be so retained to serve the development hereby approved.

Reason:

In the interest of highway safety and to ensure a satisfactory form of access to serve the development, and to ensure compliance with the terms of Policy ENV27 of the Unitary Development Plan.

4. Notwithstanding the submitted plans details of the bin stores and their location on site shall be submitted to and approved in writing by the local planning authority and the approved bin stores shall be provided on site prior to the first beneficial use of the development hereby approved and shall thereafter be so maintained at all times unless the Local Planning Authority gives written consent to any variation.

Reason:

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

5. No part of the development hereby approved shall be brought into beneficial use until such time as the parking areas, including all associated access and turning areas, have been laid out in full accordance with the details shown on drawing 1166(90)01 Revision D and the parking, access and turning areas shall thereafter be so retained at all times to serve the development hereby approved.

Reason:

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

6. Prior to their use on site details of the surface finish of the parking areas and paths shall be submitted to and approved in writing by the Local Planning Authority and the development shall be carried out in accordance with the approved details.

Reason:

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

7. Prior to the first beneficial use of the development hereby approved details of parking on site for bicycles shall be submitted to and approved in writing by the Local Planning Authority and the approved scheme of parking for bicycles shall be fully implemented on site prior to the first beneficial occupation of the development hereby approved and shall thereafter be so retained at all times.

Reason:

To ensure that satisfactory parking for bicycles is provided on site to serve the development, and to ensure compliance with the terms of Policy ENV27 of the Unitary Development Plan.

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

Reason:

To safeguard local visual amenities, and to ensure compliance with the terms of Policies HOUS9 and ENV27 of the Unitary Development Plan.

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

Reason:

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

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

Reason:

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

11. The development shall be carried out in accordance with the Sustainability Assessment submitted with the application unless the Local Planning Authority give written consent to any variation.

Reason:

To ensure a sustainable form of development and to meet the requirements of Strategic Policy 2 of the Unitary Development Plan

12. Prior to the first beneficial use of the site details of the means of foul drainage for the site shall be submitted to and agreed in writing by the Local Planning Authority and the development shall be carried out in accordance with the approved details.

Reason:

For the avoidance of doubt and to ensure satisfactory foul drainage for the development and to meet the requirements of Policy ENV27 of the Unitary Development Plan.

13. The developer shall ensure that a suitably qualified archaeologist is present during the undertaking of any ground works in the development area so that an archaeological watching can be conducted. The archaeological watching brief shall be undertaken to the standards laid down by the Institute of Field Archaeologists. The Local Planning Authority shall be informed in writing at least two weeks prior to the commencement of development on site of the name and address of the said archaeologist.

Reason:

In order that archaeological operations are undertaken to an acceptable standard and that legitimate archaeological interest in the site is satisfied and to ensure compliance with Policies ENV18 and ENV19 of the Unitary Development Plan.

14. The development shall be carried out in full accordance with the findings of the Flood Consequences Assessment and the conclusions of that report.

Reason:

To ensure that the development is carried out to safeguard as far as possible from the consequences of any flooding and to meet the requirements of Policy ENV7 of the Unitary Development Plan.

15. No development shall take place during the nesting season for birds, March to August inclusive, unless it can be demonstrated that nesting birds are absent,

Reason:

To ensure that protected species are not adversely affected by the development and to meet the requirements of Policy ENV16 of the Unitary Development Plan.

NOTE:

- 1. Where the work involves the creation of, or alteration to, an access to a highway the applicant must ensure that all works comply with the appropriate standards of the Council as Highway Authority. For details of the relevant standards contact the Visible Services Division, The Vale of Glamorgan Council, The Alps, Wenvoe, Nr. Cardiff. CF5 6AA. Telephone 02920 673051.**
- 2. This consent does not convey any authorisation that may be required to gain access onto land not within your ownership or control.**
- 3. The applicants are advised that all necessary consents/ licences must be obtained from, the Environment Agency prior to commencing any site works.**
- 4. The Environment Agency has stated that provision must be made to ensure that no polluting discharge from haul roads and disturbed areas enter any watercourse.**
- 5. 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.

2007/00751/FUL Received on 24 May 2007

Clearwater Property Company Ltd Firdene, Windsor Walk, Weybridge, Surrey.,
KT13 9AP

RIO Architects, 21A, Allensbank Road, Heath, Cardiff., CF14 3PN

67-79, Dochdwy Road (Shopping Parade), Llandough

18 self-contained residential units over three storeys to replace demolished mixed use building

SITE DESCRIPTION

The site relates to an area of land situated within a residential estate. The site adjoins a school and a play area exists to the rear of the site.

The site was until recently occupied by commercial (retail) units with flat accommodation above, believed to be six flats. These buildings were demolished as the units had been vacant for some time and were subject to vandalism. This building was approximately 6.5metres high with two access points serving the site. A rear parking area and service area for the commercial use was included.

DESCRIPTION OF DEVELOPMENT

To construct a three storey block of residential accommodation. The accommodation to provide 6 x 1 bed flats and 12 x 2 bed flats. The materials of construction will include cedar cladding, white render, blue engineering brick with zinc cladding. The roof will be generally a flat roof of single ply membrane

The building will have a maximum height of approximately 10 metres. The building will be set down below the road (Dochdwy Road), as was the original building on the site, by approximately 2 – 2.5 metres. The building will be approximately 3.8 metres higher than the original, now demolished building on the site.

23 parking spaces are shown on site. A further two spaces are shown in a lay-by to the front of the site. 17 bicycle parking spaces are shown. These are not indicated as covered areas.

Access to the site would be via an 'in' and 'out' arrangement accessed off Dochdwy Road in approximately the same location as the current access points but with a reconfigured geometry.

PLANNING HISTORY

05/00994/PND - Prior notification of demolition of the commercial and residential building on the site. The building has been demolished.

The commercial units were subject to applications. The most recent was an appeal approval for a takeaway unit in 2000 (ref: 99/00563/FUL).

CONSULTATIONS

Llandough Community Council comments:

“Does not oppose the application but would suggest that the Vale of Glamorgan Council ensure that access through to the Adventure Playground is secured and that the car parking area that was available at the former shopping precinct is secured if this proves possible.”

Further comments advise that: “The Council would like to see the development embrace a small shop unit to address the demand for such a facility and the fact that a number of shopkeepers have approached the Council expressing an interest in setting up business in Llandough.

The Council looks forward to the footpath between Dochdwy Road and Cogan Pill Road being re-opened at the earliest opportunity.

The Council is concerned that there is already a parking issue in this part of Dochdwy Road and the development proposed may exacerbate the position if there are insufficient car parking spaces built into the design.”

Environment Agency Wales’ standard advice notes apply.

The Head of Visible Services (Highway Development) comments: “Further to receiving amended plans in relation to the above, the Highway Authority would advise that based on the proposed alterations to the site access/egress and the financial contributions (via a Section 106 Agreement) to enhancing public transport facilities within the area of the site, there is no objection to the development proposals provided that the following details are made conditional to the planning consent.

1. Notwithstanding the submitted plans, no works whatsoever shall commence on site until full engineering details of the proposed site access and egress have been submitted and approved in writing by the Local Planning Authority.
2. The area of adopted highway identified on the amended site layout plan (Drawing. No. 05075-SK105) bounded in blue, shall be extinguished under Section 247 of The Town and Country Planning Act 1990 before commencement of works at the site.
3. The proposed parking provision within the boundary of the development site as shown on the submitted plans shall be provided before first beneficial occupation of any dwelling and there after maintained and retained at all times for the purpose associated with the development.
4. The proposed cycle parking within the boundary of the development site as shown on the submitted plans shall be provided before first beneficial occupation of any dwelling and there after maintained and retained at all times for the purpose associated with the development.”

The Head of Economic Development and Leisure (Public Rights of Way Officer) has advised that there is no definitive public right of way on the site, namely:

“Further to our telephone conversation this morning, I confirm that the above application is not affected by any public rights of way shown on the Definitive Map.

However, I am aware of one issue that has been of concern to residents which involves previous informal access across the site to reach a park adjacent to the proposed development. However, there is at present no formal public right of way that would enable such access, nor have I received an application under Section 53 of the Wildlife and Countryside Act 1981 claiming such a path or requesting that one be added to the Definitive Map, though I have informed residents of such a procedure.”

The Director of Community Services – No comments have been received to date.

The Director of Legal, Public Protection and Housing Services (Environmental Health) has “ No comment”.

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

The Head of Visible Services (Operational Manager Parks and Grounds Maintenance) objects to the principle of the development. “The Council has had vehicular and pedestrian access to the public open space known as Cogan Pill across the application site for a period of 20 years. I cannot see anywhere in the application that indicates that this is available. I require that this access is shown with dedicated pedestrian and vehicular to Cogan Pill that is open at all times and not restricted. “

Glamorgan Gwent Archaeological Trust advise that whilst the record is not definitive they have no objection to the determination of the application.

Councillor Colin Osborne requests a site visit is undertaken and raises concerns about a possible right of way through the site; considers that the application should be refused on grounds of over development and adverse effect on privacy and amenity. Matters concerning a caretaker and accommodation of such are also raised. See Appendix A.

REPRESENTATIONS

Nos. 1, 2, 3, 4 Waverley Close, No. 7 Grassmere Close, Nos. 51, 53, 55, 57, 59, 61, 63, 65, 78, 80, 82, 84, 86, 88, 90, 92, 94, 96, 98 and Llandough County Primary School, Dochdwy Road, No. 3 Summerland Crescent, and No. 1 Waverley Close were consulted. A site and press notice was posted on 15 June 2007.

Twenty two letters of representation were received. Seven letters are reproduced as Appendix B being generally representative of the views expressed. All comments are retained on file should Members wish to inspect them. In summary, the concerns of respondents relate to noise from vehicles, overlooking, intensity of use, traffic, height of the proposed building, parking, materials of construction and loss of shopping facilities.

Comments from Commercial Property Specialists were reported to the January meeting as late representations and referred to:: Former agent of the shopping centre at The Parade for 30 years and witnessed its demise with lack of trade and vandalism. Notes that the spar and the Post Office could not survive and that a survey of locals indicated that they preferred to take a local bus into Cardiff Bay.

REPORT

The application was deferred from the Planning Committee meeting of 17 January 2008 to enable Members to visit the site. It is anticipated that the visit will take place on 21 February 2008.

Planning Policies

HOUS2 - ADDITIONAL RESIDENTIAL DEVELOPMENT

HOUS8 - RESIDENTIAL DEVELOPMENT CRITERIA

HOUS11 - RESIDENTIAL PRIVACY AND SPACE

TRAN9 - CYCLING DEVELOPMENT

TRAN10 - PARKING

ENV27 - DESIGN OF NEW DEVELOPMENTS

SHOP9 - PROTECTION OF RETAIL USES

ADVICE CONTAINED IN PLANNING POLICY WALES, ASSOCIATED TAN'S, AND SUPPLEMENTARY PLANNING GUIDANCE 'AMENITY STANDARDS, SUPPLEMENTARY PLANNING GUIDANCE ' SUSTAINABLE DEVELOPMENT' .SUPPLEMENTARY PLANNING GUIDANCE 'PUBLIC ART' .

Issues

The site is considered to be a Brownfield site and lies within the settlement boundary as defined for Llandough in the Vale of Glamorgan Adopted Unitary Development Plan 1996 - 2011.

The site is referred to in the Development Plan under Policy SHOP9 'Protection of Retail Uses'. This policy favours the retention of retail units. The policy seeks to protect from the 'intrusion of offices and other non-retail users'. It is noted that the site was demolished in early 2007 under the 'prior notification' procedure due to the presence of the flats (residential units). The Local Planning Authority therefore had no control over the retention of the building housing these commercial/retail units. It is noted that the retail units were subject to high vacancy rates in recent years and more recently, due to the vacancy the building, suffered from vandalism and anti- social behaviour. The comments of the Community Council and residents are noted, including those welcoming the demolition of the retail units, however it is not considered that refusal of the scheme as now presented on grounds that it does not include any retail or commercial uses could be supported by this policy.

The site has been cleared of the former two storey mixed commercial and residential development. The scheme seeks to erect a three storey contemporary design block of flats. Whilst the development will be higher than the previous development on the site in principle this would not be unacceptable. Consideration of the impacts of the increase in height on the street scene and on the amenities and privacy of adjoining occupiers is required. In relation to the street scene the fact that the site sits below road level results in the increase in height being accommodated in the street scene without detriment to the wider amenity of the area.

In terms of the impact on the nearest dwellings there are two main issues raised in the representations. The first to be considered is the reference to loss of view, which is not a material planning consideration.

The wider public interest regarding visual impact as indicated above is not adversely affected to any degree to warrant a refusal of the scheme on this ground. The design of the building, whilst of contemporary nature, is not considered to affect the character of the residential area and is an enhancement over the appearance of the building which was recently demolished on the site.

In relation to the possible effect on the amenity of existing dwellings the scheme incorporates balconies to only four flats, these being on the second floor to the rear elevation facing towards the rear of Waverley Close properties. The former building had a rear access/balcony area running the whole length of the rear of the building serving all the flatted development at first floor. There was an external rear staircase to access this balcony area. The position of this balcony and access staircase enabled views towards the rear gardens of the dwellings at Waverley Close. The distance of overlooking from the original building was approximately 19 metres.

The scheme as now submitted will include balconies for only four of the units, at second floor level, and which are 21 metres from the rear of the dwellings at Waverley Close. Consideration should be given therefore as to the effect of this development over and above any overlooking that would have occurred with the balcony area at first floor level in the original building. Having regard to the pre-existing condition the development is not considered to diminish the amenity of these residents to any degree which would warrant refusal. The distance of the proposed building to the properties on Dochdwy Road at the front of the site remains at a similar distance to the original building i.e. approximately 29 metres.

In terms of the amenity of the occupiers of the flats, the proximity of the pavement to the flats at the front of the site reflects the arrangement found in the original building on the site. In terms of amenity space, the four units at second floor will have private balconies. Areas of amenity space are provided to the front of the site to serve the ground floor units albeit this will be overlooked from the pavement. Enclosure treatments may be able to provide a degree of privacy and will be required to be agreed by condition if approved.

Minor incidental areas of landscaping are proposed to the rear of the parking area. As a consequence of this under provision account has been taken of the proximity of the site to existing open space and play area. Subject to the contributions for the open space/play area enhancement referred to in any Section 106 Agreement referred to below the development is considered acceptable.

The access arrangements as proposed have been the subject of discussion with the highway development section and are now considered to produce a safe entrance and exit in relation to the school entrance. An 'in ' and 'out' arrangement has been indicated following discussion with the Highway Development Section. The arrangement would improve the safety of users of the school entrance and provide a safe access for proposed users of the site. There is no public footpath or public right of access over the site to the play area. Whilst the comments of the Operational Manager Park and Grounds Maintenance are noted this is a 'civil' land ownership matter, not for consideration as part of the planning application.

The level of parking provision, the need to encourage, and where appropriate enhance public transport and pedestrian and cycling movements have all been assessed. The provision of on-site bicycle parking is welcomed however to maximise its potential use on a regular basis the provision should be in the form of secured, covered parking. A condition to this effect will therefore be required.

The enhancement of public transport services has been addressed and is covered in the paragraph below in relation to Section 106 contributions.

In considering residential development of this scale consideration is required as to the need for Section 106 contributions. The areas considered relevant to this scheme relate to education, public art, public open space and public transport. The response from the Learning and Development Office indicates that given the nature of the accommodation the development would not generate sufficient pupils to warrant planning gain. The appropriate level of contributions are therefore listed as:

Public Art	£9,678.00	
Public Transport	£10,000.00	In the form of enhanced bus stop and information provision
Public Open Space	£40,000.00	To upgrade the existing play area
Section 106 Officer Administration Fee	£1,137.60	
TOTAL	£60,815.60	

CONCLUSION

The decision to recommend planning permission has been taken in accordance with Section 38 of The Planning and Compulsory Purchase Act 2004, which requires that, in determining a planning application the determination must be in accordance with the Development Plan unless material considerations indicate otherwise. The Development Plan comprises the Vale of Glamorgan Adopted Unitary Development Plan 1996-2011.

Having regard to Policies SHOP9 'Protection of Retail Uses', HOUS2 'Additional Residential Development', HOUS8 'Residential Development Criteria', HOUS11 'Residential Privacy and Space', TRAN9 'Cycling Development', TRAN10 'Parking' and ENV27 'Design of New Developments' the design, scale and form of the development are considered acceptable. The access and level of parking provides a safe and adequate level of onsite parking and connection to the highway. The arrangement of the development is acceptable in relation to adjoining neighbours' privacy and amenity and does not affect the visual amenities or the character of the area and street scene.

RECOMMENDATION

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

- The Developer shall pay the sum of ten thousand pounds (£10,000) to the Council to improve Sustainable Transport Facilities serving the site.
- The Developer will provide public art on site to a value of at least 1% of the build costs of the development or provide a financial contribution to the same value in lieu of on site provision for the Council's public art fund. In this case the 1% for art has been calculated as nine thousand six hundred and seventy eight pounds and (£9,678).
- The Developer shall pay the sum of forty thousand pounds (£40,000) to the Council to provide or enhance public open space or recreation facilities likely to be used by the future occupiers of the site.
- The Legal Agreement will include the standard clause requiring the payment of a fee set at 20% of the value of the planning application fee (£1,137.60 in this case).

APPROVE subject to the following condition(s):

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

Reason:

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

2. This consent shall relate to the plans registered on 24 May 2007 other than where amended by plans reference 05075-SK105 received on 26 November 2007 and RIO106 additional drawing received on 3 July 2007.

Reason:

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

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

Reason:

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

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

Reason:

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

5. The development shall not be brought into beneficial use until the approved access has been constructed in accordance with the approved plans and the access shall thereafter be so retained to serve the development hereby approved.

Reason:

In the interest of highway safety and to ensure a satisfactory form of access to serve the development to ensure compliance with the terms of Policy ENV27 of the Unitary Development Plan.

6. Prior to the construction of the access points with the public highway full engineering details of the access points shall be submitted to and approved in writing by the Local Planning Authority and the development shall not be brought into beneficial use until such time as that junction has been constructed in accordance with the approved details.

Reason:

In the interest of highway safety and to ensure a satisfactory form of access to serve the development, and to ensure compliance with the terms of Policy ENV27 of the Unitary Development Plan.

7. No part of the development hereby approved shall be brought into beneficial use until such time as that area of highway shown edged blue on Drawing No. 05075-SK105 has been formally stopped up in accordance with Section 247 of the Town and County Planning Act 1990.

Reason:

To ensure a safe highway arrangement to meet the requirements of Policy ENV27 of the Unitary Development Plan.

8. All means of enclosure, including enclosure of the bin store areas, and gates associated with the development hereby approved shall be in accordance with a scheme to be submitted to and agreed in writing by the Local Planning Authority and the means of enclosure and gates shall be implemented in accordance with the approved details prior to the development being put into beneficial use unless the Local Planning Authority gives prior written consent to any variation.

Reason:

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

9. Notwithstanding the submitted details, details of secure and enclosed parking on site for bicycles shall be submitted to and approved in writing by the Local Planning Authority and the approved scheme of parking for bicycles shall be fully implemented on site prior to the first beneficial occupation of the development hereby approved and shall thereafter be so retained at all times to serve the development.

Reason:

To ensure that satisfactory parking for bicycles is provided on site to serve the development, and to ensure compliance with the terms of Policies TRAN9 and ENV27 of the Unitary Development Plan.

10. Prior to the laying of the slab for the building details of the finished floor levels in relation to existing ground levels and finished ground levels and in relation to the highway level at Dochdwy Road shall be submitted to and approved in writing by the local planning authority and the development shall thereafter be carried out in accordance with the approved levels.

Reason:

To safeguard local visual amenities, as required by Policy ENV27 of the Vale of Glamorgan Adopted Unitary Development Plan 1996 - 2011.

11. Prior to their use in the construction of the development hereby approved, samples of the materials to be used in the external finishes of the building, parking areas and access surfaces shall be submitted to and approved in writing by the Local Planning Authority and the development shall thereafter be carried out in accordance with the approved details unless the Local Planning Authority gives written consent to any variation.

Reason:

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

NOTE:

1. **Please note that a legal agreement/planning obligation has been entered into in respect of the site referred to in this planning consent. Should you require clarification of any particular aspect of the legal agreement/planning obligation please do not hesitate to contact the Local Planning Authority.**
2. **Where the work involves the creation of, or alteration to, an access to a highway the applicant must ensure that all works comply with the appropriate standards of the Council as Highway Authority. For details of the relevant standards contact the Visible Services Division, The Vale of Glamorgan Council, The Alps, Wenvoe, Nr. Cardiff. CF5 6AA. Telephone 02920 673051.**
3. **This development is on adopted highway. For further details please contact the Highways Department, The Vale of Glamorgan Council, The Alps, Wenvoe, Cardiff; CF5 6AA. Telephone No. 02920 673071.**

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

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

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

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

2007/01162/FUL Received on 16 August 2007

Redding Ltd, Portland House, Station Road, Ballasalla, Isle of Man, IM99 6AB
Wayne Maguire, Maguire Holdings Ltd, 40a Edgar Street, Hereford, HR4 9JS

**Land at Cambrian residential caravan park, Brooklands Terrace,
Culverhouse Cross**

Change of use - recreational land to a residential caravan site

SITE DESCRIPTION

The application site comprises a vacant field to the south of Winston Avenue at the Cambrian Residential Caravan Park, Culverhouse Cross. The site is surrounded by protected trees and is accessed at the junction of The Crescent and Winston Avenue, via an existing pathway and track, which is not highway adopted. The site is at a higher level than the caravans fronting Winston Avenue, adjoining the site to the North. The site lies outside any designated conservation areas or special landscape areas. However to the south, the site adjoins the Green Wedge.

DESCRIPTION OF DEVELOPMENT

The current application seeks to change the use of the land from recreational use to form part of the existing Cambrian Residential Caravan Park to site mobile homes / caravans.

The caravan park is subject to a site license controlled by Environmental Health (Public Sector Housing) with the stipulation that no more than 145 units can be located on the whole site. The license also includes conditions relating to health and safety and fire regulations.

In order to meet the conditions stipulated by Environmental Health, the applicant has stated it is necessary to reduce the overall density of the site. The applicant therefore seeks permission to re-site around 14 caravans / mobile homes from their existing position to the application site. This would reduce the density of the current caravan site, whilst still complying with the maximum number of units permissible on-site, as specified in the site license.

This application is a re-submission of the application submitted in 2004 (04/01375/FUL), which was refused on 27 January 2005. Whilst considering the current application, new material information has been submitted for considered in the determination of this application.

PLANNING HISTORY

04/01375/FUL - Change of use to residential caravan park. Refused 27 January 2005 for the following reason:

“The proposal represents unacceptable and unjustified new residential development in the countryside which would harm the rural character and appearance of the locality, and potentially be detrimental to the health of protected trees. The proposal is therefore contrary to policies for the protection of rural areas including Policies H10 and EV3 of the adopted South Glamorgan Structure Plan Deposit Draft 1998 (as amended 2004).”

88/01121/FUL - Caravan Park. Non permittal 25 November 1988.

76/00185 – Play area. Approved 19 March 1976.

CONSULTATIONS

Wenvoe Community Council was consulted on the 20 August 2007 and the 11 January 2008. Comments to the first consultation are set out below:

“...considered the...planning application and resolved to support it, subject to the applicants undertaking not to increase the number of units on-site. Our reasons for doing this are humanitarian having regard for all the residents legal rights and well-being. We realise that this is contrary to the Local Development Plan but this park requires regularisation and upgrading. We feel that this decision will enable the regulation of previous irregular development.”

No other comments have been received to date.

Environment Agency Wales was consulted on the 21 August 2008 and has no objections to the aforementioned planning consultations. (Standard advice applies – see Appendix A). No other comments received to date.

The Director of Legal, Public Protection and Housing Services (Environmental Health) were consulted on 21 August 2008 and the 11 January 2008. Comments to the first and second consultation are as follows:

“This department has no comment to make regarding the above application.” However, further comments were put forward by the Principal Environmental Health Officer on 7 November, specifying the licensing requirements for the site (see Appendix B).

Dwr Cymru/Welsh Water was consulted on the 21 August. Comments are as follows:

“...submitted details indicate that the surface water run-off is to discharge to existing surface water system on site. The applicant should be requested to provide full details including the discharge point of the existing drains to enable me to comment further...please note there is a culverted watercourse in the area and any further connection of surface water run-off to this watercourse may exacerbate or cause flooding downstream...”

Cardiff County Council was consulted on 2 October 2007 and 11th January 2008. Comments to the first consultation are as follows:

“The Vale of Glamorgan Council be informed that Cardiff council has no observations on the application...”

To date no further comments have been received.

The Head of Visible Services (Highway Development) was consulted on 18 December 2007 and 11 January 2008. Comments from the first and second consultations are as follows:

“When considering the development it is noted that the existing number of caravans at the site is 145, which is above the permissible number based on the site layout and area.

Therefore it is considered that the proposals to increase the area of the site will not increase the number of caravans, but will serve to meet current licensing requirements by bringing the site up to date with modern standards.

However, notwithstanding the above and in the event that planning consent is granted for the development proposals, the highway authority require the following details to be made conditional to the planning consent.

Before the commencement of any works at the site, full details of the proposed works in relation to the provision of new services an access roads within the site, adjacent to the adopted highway are required to be submitted and approved in writing. Reason: In the interest of highway and public safety.”

The Councils Arboricultural Officer is concerned about the potential impact upon protected trees and therefore further details are required by condition.

REPRESENTATIONS

Nos. 15, 16, 17, 18, 19, 20, 21, 22, 23, 24, 25, 26, 27, 28 Winston Avenue; Nos. 1, 1a, 6b, 15, Berkley Square; No. 6 Park Avenue were consulted on the 21 August 2007 and the 11 January 2008.

To date a total of 4 letters have been submitted in support of the planning application (Appendix C) and a total of 4 letters have been submitted opposing to the development on grounds of lack of details and loss of amenity space (Appendix D). In addition, a petition has been received with 145 signatures (Appendix E).

Further to the above a letter has been received from the applicants which states that a rule is in place on the Park requiring that all occupants are 50 or over, thus negating the need for a play area and confirming that private amenity space will be increased around each caravan plot (see Appendix F).

REPORT

Planning Policies

ENV1 – DEVELOPMENT IN THE COUNTRYSIDE

ENV3 – GREEN WEDGE

ENV10 – CONSERVATION OF THE COUNTRYSIDE

ENV27 – DESIGN OF NEW DEVELOPMENTS

ENV11 – PROTECTION OF LANDSCAPE FEATURES

ENV28 – ACCESS FOR DISABLED PEOPLE

HOUS3 – DWELLINGS IN THE COUNTRYSIDE

TRAN10 – PARKING

REC1 – PROTECTION OF EXISTING RECREATIONAL FACILITIES

The proposed development must be considered in light of the relevant policies as set out above, and as the caravans and mobile homes are under permanent residential uses, rather than holiday accommodation, thus, Strategic Policy 6 and TOUR 4 – Caravan, Chalet and Tent Sites are not considered to be relevant policies in this case.

The site lies outside any residential settlement boundary and is therefore designated countryside. However as the site forms part of the existing caravan site (approved in 1976) the principles of Policies ENV1 and HOUS3 are relevant, but preclude the use of this part of the park for the siting of caravans. The development is ancillary to the existing established use. Likewise, the land cannot be considered as agricultural land and therefore Policy ENV2 (Agricultural Land) does not apply.

It is important to note that the submitted details in the previous application in 2004, failed to provide evidence of the original approval of the caravan site in 1976, (76/00185), thus failing to show the approved outline of the site with the play area at the time. The land was therefore not considered to be part of the established caravan site, was deemed as agricultural and assessed as new development in the countryside.

The relevant information with regards to the original approved site has been provided under this application. The application has been submitted in order to overcome several breaches of the license requirements, to reduce the density of the units on the existing caravan site and relocate an existing 14 units to the adjacent land, which is also in the ownership of the license holder. The applicants are not proposing additional homes to those already existing on-site, and intend complying with the existing caravan site license.

Although the adjacent land was approved as a play area, and is under the license holder's ownership, it does not form part of the current site license. Its approval to relocate homes would ensure that the license holder could comply with the site license conditions and would thereby lead to improvements essential for health, safety and well being of the residents on the site, as this would prompt other improvements and changes, i.e. water, electricity and road maintenance, etc.

The site licensing requirements prescribed by the provisions of the Caravan Sites and Development Control Act 1960 (issued in August 2002 with amendments in February 2007) requires that (See Appendix B):

- Site Boundaries: ...All caravans which are currently positioned in contravention of the above shall be relocated to a position approved by the council in writing and when the existing caravan is sold by way of an assignment or when the caravan is replaced with a new caravan or within 7 years from the 9 August 2002, whichever is earliest...
- Density and Space between Caravans: ...To achieve full compliance within the 7 years it is required that at the end of the first year at least 15% of the homes on the site shall comply with the 6 metres spacing, at the need of the second year at least 30%, at the need of the third year at least 45%, at the end of the fourth year at least 60%, at the need of the fifth year at least 75%, at the need of the sixth year at least 90% and the remainder to comply by the need of the seventh year.

...Alternative measures, which achieve the same level of fire protection afforded by the 6 metre separation distance may be agreed in writing by the Council...

...All fencing which are currently in contravention must be removed or replaced with a fencing of a type agreed in writing...etc

The application site is currently used by the residents as an informal area of open space. Therefore the developer is required to pay a financial contribution to enhance existing public open space in the vicinity to compensate for this loss, in accordance with Unitary Development Plan Policy REC1 – Protection of Existing Recreational Facilities.

The existing access to the site is a narrow grass track, up a steep gradient, and this access is proposed to be improved and graded to make it accessible to private vehicles. In this sense, the development raises some concerns regarding the existing vegetation and trees on the boundaries of the site. Therefore the access proposals to the site will need to be the subject of detailed submission in discharge of relevant Condition No. 5, as this information and details of the caravan siting have not been submitted under this application.

Members will note that concerns have been expressed by some residents of the park at the loss of informal recreation land, which this site provided. However it is noted that there are no younger families currently residing on the site (see Appendix F), which would require the provision of play equipment. Furthermore, as part of the siting of caravans on the application site, the more space will be created for use as private amenity areas, for each caravan owner, as the density of the site in general, will be reduced. Finally it is intended to require a contribution by the developer to the maintenance and improvement of the existing Council play area located in the housing estate off Heol Collen to the rear of the Caravan Park.

It should be noted that the application site is raised above that of the surrounding land and therefore, may be more prominent, however the land is surrounded by planting and it is intended to seek additional landscaping to the front of the caravans.

Furthermore, it is noted that this is not a site of recognised landscape value, and given the setting adjacent to the existing caravan park, the proposal is unlikely to significantly detract from the visual amenity of the site and surroundings.

The details of the new access road, and the siting of the caravans (including engineering works) will be conditioned prior to any work commencing on-site to minimise or prevent any possible harm to the mature vegetation surrounding the site.

Accordingly, given that the site is not agricultural land and is within the application site boundary for the caravan park, (however not part of the site license), the principle of the change of use of the land for the siting of caravans is considered acceptable (not exceeding the maximum number of 145 units throughout the entire site) in order to comply with the site license requirements and to achieve improvements in terms of health and safety. The proposal is therefore considered acceptable and would comply with the relevant policies of the Vale of Glamorgan Adopted Unitary Development Plan 1996-2011.

CONCLUSION

The decision to recommend planning permission has been taken in accordance with Section 38 of The Planning and Compulsory Purchase Act 2004, which requires that, in determining a planning application the determination must be in accordance with the Development Plan unless material considerations indicate otherwise. The Development Plan comprises the Vale of Glamorgan Adopted Unitary Development Plan 1996-2011.

Having regard to Policies ENV27 – Design of New Developments; ENV11 – Protection of Landscape Features; ENV28 – Access for Disabled; TRAN10 – Parking; and REC1 – Protection of Existing Recreational Facilities, it is considered that the development does not generate any unacceptable or unjustified works, given the designation of the site. The development therefore complies with the relevant policies and supplementary planning guidance.

RECOMMENDATION

Subject to the interested person(s) first entering into a Section 106 Legal Agreement to include the following necessary planning obligations:

- The Developer shall pay a contribution to the Council to provide or enhance public open space or recreation facilities in the vicinity of the site.
- The Legal Agreement will include the standard clause requiring the payment of a fee, in this case being the minimum £150.00.

APPROVE subject to the following condition(s):

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

Reason:

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

2. The maximum number of caravans on the entire site shown hatched on the attached plan will not exceed 145 units without formal at any one time, without formal consent from the local planning authority.

Reason:

To ensure compliance with the licensing requirements and relevant policies of the plan.

3. No development shall take place until such time as details of the new junction and access connecting Winston Road to the application site have been submitted to and approved in writing by the Local Planning Authority, and the development shall not be brought into beneficial use until such time as that junction and access has been constructed in accordance with the approved details.

Reason:

In the interest of highway and public safety and to ensure a satisfactory form of access to serve the development, and to ensure compliance with the terms of Policy ENV27 of the Unitary Development Plan.

4. Notwithstanding the submitted plans, the use shall only relate to the site outline in red.

Reason:

In the avoidance of doubt and to ensure compliance with the relevant policies of the plan.

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

Reason:

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

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

Reason:

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

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

Reason:

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

NOTE:

1. **The site shall comply with the site licensing requirements prescribed by the provisions of the Caravan sites and development control act 1960 (issued in August 2002 with amendments in February 2007).**

Reason: In the interest of health and safety and to ensure compliance with the relevant policies.

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.

Welsh Assembly Government, C/O Agent
White Young Green, 21, Park Place, Cardiff, CF10 3DQ

Unit 415, Beggars Pound, St Athan

Refurbishment and extension of existing hangar for aerospace engineering

SITE DESCRIPTION

The site is located on the eastern side of MoD St. Athan, adjoining the road that leads northwards from the B4265, to the northwest of the village of St. Athan. The site is generally flat and the existing hangar can be seen from the B4265 and occupies a prominent position within the aerospace complex.

DESCRIPTION OF DEVELOPMENT

The development proposes reusing an old, existing and currently disused hangar building as part of the comprehensive regeneration policy for MoD St. Athan. The Welsh Assembly Government is assisting the relocation and business development of an existing company (TES Aviation Group) that already provides employment in the aerospace sector. The company currently has a workshop facility and separate office accommodation at MoD St. Athan and the proposal will bring these together in one new composite facility, which will allow for the future development of the company. Employment numbers in the company are expected to increase from 40 to 70 as a result of business expansion at the new facility.

The development includes the construction of a two storey curved office extension to the front. The extension will measure between 29 and 21 metres in length and will be between 6 and 10.5 metres high with a curved roof.

The existing hangar will be fitted with a high degree of insulation with solar panels to the south-facing roof, supplying electricity to the building. The south-facing curved office extension will be glazed: baffle and brise soleil will be incorporated to prevent glare and excess heat, whereas the energy produced will be utilised within the building.

Passive ventilation will be provided via vents from the northern side and upwards to the roof. The 'fins' at the end of the office extension are to be in dense concrete to absorb solar heat.

The majority of the existing hangar space will be used for production purposes and this will be accessed from the existing western entrance, which faces into the complex. The existing, eastern entrance will be incorporated within a new extension, which will comprise a new double height reception area, with a canteen/dining room, toilet and changing areas at ground floor level and directors' and meeting rooms at upper floor level. These areas will be located within the existing hangar building and have been designed to maximise natural daylight.

Extending from the eastern end of the building will be the new offices, on two floors. This new extension has been designed as a promontory, rather than a flat extension, in order to gain natural light for the office areas and to enclose the entrance space. Within this new 'courtyard' will be located the entrance way and the external seating space off the dining area. A parking area and landscaped grounds will be provided to the south, where the existing parking is located.

Vehicular access to the application site will be from within the aerospace complex and there will be no new vehicular or pedestrian access from the public highway. Provision is to be made for access by pedestrians and cyclists. The existing crash gates for the main runway will not be obstructed by the development and will remain clear at all times, both during construction and operation.

PLANNING HISTORY

2007/00523/FUL - Re-use of existing hanger and new extension as ancillary offices. Withdrawn 4 May 2007.

CONSULTATIONS

St. Athan Community Council has no objections.

Environment Agency Wales has no objections subject to standard conditions.

Ministry of Defence. No response has been received to date.

Cardiff Airport has no objections.

The Head of Visible Services (Highway Development). No response has been received to date.

The Director of Legal, Public Protection and Housing Services (Environmental Health) has no objections following the submission of a noise and vibration assesment.

Dwr Cymru/ Welsh Water. No response has been received to date.

SWALEC. No response has been received to date.

Glamorgan Gwent Archeological Trust has no objections following an evaluation.

REPRESENTATIONS

Neighbouring properties were consulted on 7 September 2007 and a press and site notice were displayed, comments were received from the closest property expressing concern about the possibility of noise, dust, security issues and the proximity of the building. Broadway Cottage has responded by expressing concerns about the possible loss of an existing conifer hedge and trees on the eastern boundary of the site with the road, hours of operation, noise and disturbance and possible overlooking from the offices.

REPORT

Planning Policies

Current planning policies are to be found in the Vale of Glamorgan Unitary Development Plan, which was adopted in April 2005, and in supplementary planning guidance.

Unitary Development Plan

On the Unitary Development Plan (UDP) Proposals Map, the application site lies within the defined boundary of the RAF St. Athan employment allocation, for which the relevant policy is Policy EMP10. This policy acknowledges the role of the base as an important source of employment for the local economy and permits further appropriate development for RAF activity, provided there is no unacceptable impact on local amenity.

Preparation of the UDP preceded the rundown of RAF activity at the base and the current proposals for redevelopment of the site, (much of which is now owned by the Welsh Assembly Government, having been acquired from the Ministry of Defence for this purpose) would fit within the spirit of the policy.

Other UDP policies continue to be relevant to the proposal and are supportive of the planning application. These include Policies EMP2 and EMP3 shown below:

EMP2 - NEW BUSINESS AND INDUSTRIAL DEVELOPMENT. This states that proposals for new business and industrial development including agricultural service industries and the extension, conversion and replacement of existing premises for such purposes, will be permitted if all of the following criteria are met:

- (i) The proposal does not lie within the countryside except for those proposals acceptable under the terms of env8 (rural buildings) or comm2 (redundant hospitals).
- (ii) The proposal minimises the loss of good quality agricultural land (Grades 1, 2 and 3a) and does not have an unacceptable impact on areas of attractive landscape and high quality townscape or on area of historical, archaeological or ecological importance.
- (iii) The size and relationship of any new building and/or alteration or extension is not disproportionate to its size and setting.
- (iv) Access and parking arrangements are in accordance with the council's approved standards.
- (v) Adequate landscaping is provided.
- (vi) The proposal does not have an unacceptable effect on residential amenity by virtue of traffic congestion, noise, smell, safety, health impacts and emissions.

- (vii) Adequate utility and infrastructure services exist or are reasonably accessible or capable of being readily and economically provided.
- (viii) Does not present additional risk to the health or safety of users of the site and does not unacceptably pollute air, water, or land; and
- (vii) Does not unacceptably affect the use of the adjoining land by virtue of the risk and impact of potential pollution.

EMP3 - GENERAL INDUSTRY. Development will be permitted for B2 Use* (General Industry) where:

- (i) The proposal is compatible with existing business/industrial/warehousing uses.
- (ii) It will not cause detriment to the amenities of nearby residential areas.
- (iii) The nature and scale of the proposed development does not unacceptably affect surrounding uses.
- (iv) It does not present additional risk to the health or safety of users of the site and does not unacceptably pollute air, water or land; and
- (v) It does not unacceptably affect the use of the adjoining land by virtue of the risk and impact of potential pollution.

ENV27 - DESIGN OF NEW DEVELOPMENTS. This policy states that proposals for new development must have full regard to the context of the local natural and built environment and its special features. New development will be permitted where it:

- (i) Complements or enhances the local character of buildings and open spaces.
- (ii) Meets the council's approved standards of amenity and open space, access, car parking and servicing.
- (iii) Ensures adequacy or availability of utility services and adequate provision for waste management.
- (iv) Minimises any detrimental impact on adjacent areas.
- (v) Ensures existing soft and hard landscaping features are protected and complemented by new planting, surface or boundary features.
- (vi) Ensures clear distinction between public and private spaces.
- (vii) Provides a high level of accessibility, particularly for public transport, cyclists, pedestrians and people with impaired mobility.
- (viii) Has regard to energy efficiency in design, layout, materials and technology; and

- (ix) Has regard to measures to reduce the risk and fear of crime.

Supplementary Planning Guidance

Relevant supplementary planning guidance is to be found in two documents: St. Athan Development Brief (July 2006); and Sustainable Development (2006).

The St. Athan Development Brief sets out the council's currently approved proposals for MoD St. Athan, reflecting its future role as both an aerospace centre of excellence and as the principal location for delivering the Defence Training Review. On the Indicative Land Use Master plan (Figure 06 in the Brief), the application site is shown to lie within that part of the site south of the main runway that is reserved for aerospace uses. The current proposal therefore complies fully with the council's most up-to-date, approved proposals for MoD St. Athan.

The Council's SPG on Sustainable Development seeks to raise awareness of how the development of land can contribute to sustainability, through encouraging a holistic approach to construction and by reducing the impact of a development during its lifetime.

The reuse of existing buildings and the redevelopment of previously developed land have been identified by the Welsh Assembly Government as important aspects of sustainable development and this proposal is a good example of how that can be achieved. The proposal has been designed with regard to the principles of sustainable development and the planning application is accompanied by a completed sustainability checklist.

Issues

The proposed re-use of the building itself would not require planning permission and involves the repair, salvage and stripping down of aircraft engines. This use is very similar to the operations previously carried out by the RAF and latterly DARA. However given the proximity of residential properties to the site the applicant was required to submit a noise and vibration assessment. This has shown that the operations proposed within the hangar will not be audible to the local residents even if the hangar doors are left open.

The hangar is an existing building and therefore issues of scale that often arise with large new buildings are not so relevant in this case. However the proposed extension to provide office accommodation will be within 14 metres of the nearest residential property. Notwithstanding this it is considered that the design of the building is such that it should not be detrimental to the amenities of the properties concerned as it is intended to require that the rear elevation of the offices are conditioned to include only obscure glass. In addition, the distance of the extension from the properties and the general design with the sloping roof should ensure that there is no noticeable loss of the light to the properties themselves. It should also be noted that the proposed extension to the existing building has been designed so that it is visually subservient in scale. The entrance to the offices and hangar are not near to any of the existing properties and are screened from them by the

proposed extension, as is the proposed parking area. This should ensure that no disturbance is caused to the neighbouring dwelling through any general comings and goings.

The parking provision proposed with the development itself is considered sufficient for the type and size of operation proposed and it is noted that parking is available throughout the DARA St. Athan site. In addition access is proposed through the main site and as such there will be no highway safety implications.

The application site is flat and featureless. The proposal includes for areas of hard surface where functionally necessary and for appropriate planting within the application site to create a new setting for the refurbished and extended building. The proposed landscape scheme will not feature any berry bearing trees that may attract birds to the airfield. The height of the proposed trees will not exceed that of the adjoining hangar and existing boundary trees will be retained which will aid in the general screening and assimilation of the proposal into the landscape.

Other Matters

There are no issues in terms of ecology and It is considered that the development will not have any adverse effect upon any existing trees in the vicinity of the application site, nor will it effect any existing users of the DARA site itself.

The Council has a percent for art policy which is supported by the Council's adopted supplementary planning guidance on Public Art. On major developments, developers are required to set aside a minimum of 1% of their project budget specifically for the commissioning of art and, as a rule, public art should be provided on site integral to the development proposal. In this case it is intended that the provision will be secured through a Section 106 Agreement.

CONCLUSION

The Development is considered not to detrimentally effect the amenities of surrounding residential properties or the street scene in general, and will provide a for the sustainable re-use of an existing building by a company seeking to expand its workforce. Accordingly the decision to recommend planning permission has been taken in accordance with Section 38 of The Planning and Compulsory Purchase Act 2004, which requires that, in determining a planning application the determination must be in accordance with the Development Plan unless material considerations indicate otherwise. The Development Plan comprises the Vale of Glamorgan Adopted Unitary Development Plan 1996-2011.

Having regard to Policies EMP2, EMP3, EMP10, ENV27, and the relevant supplementary planning guidance, the proposed development is considered to be acceptable in terms of impact upon the amenity of neighbouring properties, the DARA St. Athan Site and in terms of the levels of parking, design and sustainability.

RECOMMENDATION

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

- The Developer will provide public art on site to a value of 1% of the build costs of the development or provide a financial contribution to the same value in lieu of on site provision for the Council's public art fund.
- The Legal Agreement will include the standard clause requiring the payment of a fee set at 20% of the value of the planning application fee (£577.60 in this case).

APPROVE subject to the following condition(s):

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

Reason:

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

2. Notwithstanding the provisions of the Town and Country Planning (General Permitted Development) Order, 1995 (or any Order revoking, amending or re-enacting that Order) no additional (other than those shown on the approve plans) windows shall be inserted in the northern elevation hereby approved shall not be extended or altered in any way without the prior written consent of the Local Planning Authority.

Reason:

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

3. All the windows in the northern elevation of the office extension marked in green on the approved plans shall be fitted with non opening obscure glazing at the time of the construction of the development hereby approved and prior to the first beneficial use of the extension and shall thereafter be so maintained at all times, unless otherwise agreed in writing by the Local Planning Authority.

Reason:

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

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

Reason:

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

5. No materials connected with the use hereby approved shall be stored outside any building on the site unless otherwise agreed in writing by the Local Planning Authority.

Reason:

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

6. Prior to their use in the construction of the extensions hereby approved, details of the materials to be used shall be submitted to and approved in writing by the Local Planning Authority and the development shall thereafter be carried out in accordance with the approved details.

Reason:

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

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

Reason:

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

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

Reason:

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

NOTE:

- 1. Please note that a legal agreement/planning obligation has been entered into in respect of the site referred to in this planning consent. Should you require clarification of any particular aspect of the legal agreement/planning obligation please do not hesitate to contact the Local Planning Authority.**

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

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

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

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

2007/01366/FUL Received on 27 September 2007

Miss Anna Bendall-RWE Npower PLC, Windmill Hill Business Park, Whitehill Way, Swindon., SN5 6PB

Miss Anna Bendall-RWE Npower PLC, Windmill Hill Business Park, Whitehill Way, Swindon., SN5 6PB

Aberthaw Power Station, The Leys, Aberthaw

To install a local stack and scrubber to remove ammonia from PFA Drier output (in relation to 05/01498/FUL)

SITE DESCRIPTION

The application relates to a site at Aberthaw Power Station where a building for the treatment of pulverised fuel ash (pfa) is currently being constructed. The site lies on the east bank of the River Thaw, approximately 200 metres from the river mouth and at the south-western corner of the ash mound.

DESCRIPTION OF DEVELOPMENT

A full application for the construction of a 30 metre high vent stack and associated scrubbing plant to remove ammonia from the pfa drier output. The stack and plant are to be constructed on the northern end of the building. The scrubbing plant, having the appearance of a large item of machinery, is to be approx 6 x 5 metres in area and 13.5 metres in height and will be linked to the main building by various pipes and ducts. The vent stack, to be linked to the plant by further pipe work, is to be 1.4 metres in diameter and 30 metres high.

PLANNING HISTORY

There is an extensive planning history on the power station site, but of most relevance to this proposal is:

05/01498/FUL - Establishment of new plant to treat pfa from Aberthaw Power Station. Approved 12 January 2006 and currently under construction.

CONSULTATIONS

There is no Community Council for this area. Councillor James has been notified as local Member but has made no comment except to seek confirmation that the Environment Agency will be responsible for any emissions or odours.

Environment Agency Wales confirm that the requirement for the stack and scrubber have been agreed with them during the determination of the PPC permit for the station. They have no adverse comment on the planning application. Their letter is attached as Appendix A along with a reply to an e-mail requesting further information regarding any omissions.

Ministry of Defence has no safeguarding objections to the proposal.

The Director of Legal, Public Protection and Housing Services (Pollution Control) has no comment to make following receipt of information on ammonia emission levels.

Countryside Council for Wales have no observations to make on the physical installation of the plant. They note that emissions to air and seas are the responsibility of the Environment Agency and understand that these issues are included in a PPC application to the Agency which has recently been the subject of public consultation. A copy of their e-mail dated 11 December 2007 is attached as Appendix B.

Dwr Cymru/Welsh Water were consulted on 5 October 2007. No comments have been received to date.

REPRESENTATIONS

There are no dwellings within 700 metres of the site. The proposal was advertised by four site notices on 9 October 2007, two of which were replaced on 23 October following advice from a resident of Rhoose that they had been removed.

The occupier of No. 1 Bryn y Môr, West Aberthaw, some 1100 metres from the site, has expressed concern over possible noise and loss of amenity, and comments that emissions and noise from both the power station and cement works are increasing as station and works expand. His emailed comments are attached as Appendix C.

There has been an exchange of e-mail correspondence between Mr. Max Wallis and Barry/Vale Friends of the Earth and your officers. It is attached at Appendix D, and consists of a letter and attachment dated 22 November from Mr. Wallis, the case officer's response by e-mail of the 26 November; a further e-mail of 27 November from Mr. Wallis and acknowledgement from the Council (dated 27 November 2007) and two further letters from Mr Wallis dated 5th and 9th December. The latest letters object on the grounds that any transportation of ash from the plant to the cement works should be by conveyor and not by road and that inadequate consideration has been given to issues of emissions and discharges.

REPORT

This application was reported to the December 2007 meeting of this Committee, when determination was deferred pending clarification of the Environment Agency's position regarding discharges from the plant to the sea. The letter of comment from the Agency, dated 1 November 2007 and confirming they have no adverse comment to make, is attached as Appendix A to this report. The Agency also confirm that all necessary information has been provided to them by the applicants as part of the IPPC process and that the PPC permit will contain appropriate controls to minimise the impact of emissions.

Determination was deferred again at the January 2008 meeting of this Committee to enable clarification of the quantities of ammonia to be disposed of and the method of its disposal. The applicants have submitted a letter (attached as Appendix E to this report) giving a detailed description of this part of the process and advising that discharges to sea water will be between 0.0065 and 0.02 mg/l, compared to the authorised discharge limit of 0.1 mg/l (i.e. less than 20% of the permitted level) whilst emissions to air via the new stack will contain less than 2 mg/m³ of ammonia (within the Environment Agency's short-term hourly average Air Quality Benchmark of 2.5 mg/m³) and the annual deposition level of nutrient nitrogen at the nearby SSSI resulting from the stack emissions will be less than the Environment Agency's <0.1 kg/ha/yr criterion for negligible impact on the SSSI.

The building to which the new plant is to be attached will, when operational, treat up to 50% (200,000 tonnes) of the annual ash arisings from the power station, with 30% of the total being recycled as fuel for the station and the remainder being sold, mainly to the cement industry as a replacement for primary aggregates. The proposal has been assessed against Schedule 2 of the Town and Country Planning (Environmental Impact Assessment)(England and Wales) Regulations 1999 and it has been confirmed that an Environmental Impact Assessment is not required.

In support of the application, the applicants advise that as originally envisaged vapour, including ammonia, arising from the process would be piped to the main part of the power station and discharged from the main power station stack, a distance of over 1 km. Further work has shown that due to the distance involved this is not feasible due to potential condensation and pooling of vapour in the pipeline, and a separate seawater ammonia scrubbing plant and a local stack are therefore proposed to overcome this problem.

Additional information submitted by the applicants indicates that the scrubbing system will remove 99.6% of ammonia arisings, with the maximum predicted airborne concentration being less than 2% of the odour detection threshold. The only other gases to be vented through the stack are water vapour, carbon dioxide and air.

Planning Policies

None of the policies of the Vale of Glamorgan adopted Unitary Development Plan 1996 - 2011 refer directly to Aberthaw Power Station. However, Strategic Policy 2 encourages proposals for sustainable practices which contribute to (amongst other things) energy conservation or efficiency, waste reduction and recycling.

Issues

From the information submitted in support of the application, it is clear that the works proposed are essential for the efficient operation of the plant currently under construction. In policy terms, the plant will recycle material that would otherwise normally be sent for landfill, for use as fuel in the station and as an alternative aggregate, with a resulting substantial reduction in the use of primary materials and in the amount of material requiring disposal. It therefore meets the objectives of Strategic Policy 2 in respect of sustainability, energy efficiency, waste reduction and recycling.

As stated, the application site is over 700 metres from the closest dwelling (Mon Repos, East Aberthaw) and will be screened from that property by the intervening ash mound. The proposed plant and stack will be partly visible from the coastal footpath on the sea wall on the east side of the River Thaw, but even from this viewpoint it will be screened by the main part of the treatment plant, will be seen against the mass of the ash mound and will generally form part of the heavy industrial landscape of the power station. There are unlikely to be any views from East or West Aberthaw and it is concluded that the new plant and stack will not be visually intrusive features.

From the information available it is apparent that emissions from the plant will be a fraction of 1% of the Environment Agency's Air Quality Benchmark. Control over emissions will be by the PPC permit to be issued by the Agency, and the Agency confirm that they have no adverse comment to make on the planning application. In view of the distance from dwellings and the screening effect of the ash mound to the north east and the main power station buildings to the north west, noise nuisance and emissions should not be an issue at any residential properties and as advised earlier in this report marine discharges of ammonia will be less than 20% of the authorised discharge limit.

It is concluded that this addition to the approved ash processing plant will not be a visually intrusive feature and that it will have no adverse impact on the amenity of any local residents.

CONCLUSION

The decision to recommend that planning permission be granted has been taken in accordance with Section 38 of The Planning and Compulsory Purchase Act 2004, which requires that, in determining a planning application the determination must be in accordance with the Development Plan unless material considerations indicate otherwise. The Development Plan comprises the Vale of Glamorgan Adopted Unitary Development Plan 1996-2011.

Having regard to Strategic Policy 2 of the Unitary Development Plan it is concluded that the development will meet the objectives of that Policy in respect of sustainability, energy efficiency, waste reduction and recycling, and will have no adverse effect on visual or residential amenity.

RECOMMENDATION

APPROVE subject to the following condition(s):

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

Reason:

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

NOTE:

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

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

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

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

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

2007/01453/FUL Received on 19 October 2007

Mr and Mrs R. Mundy, C/o Agent.
Terry Nunns Architects, Mr John Curley, Rawden House, 65, Cowbridge Road
East, Cardiff., CF11 9AE,

Land to rear of 24, Bassett Road, Sully

Erection of one dwelling with associated access and parking

SITE DESCRIPTION

The site comprises an area of vacant scrubland located within a residential area off Bassett Road, Sully, with each of the three applications under consideration comprising approximately one third of this land. All three plots are accessed via an unadopted access lane off Bassett Road to the north of the site. The site lies within the settlement boundary of Sully and originally formed part of a piece of open space to the original residential development in the area (1970s). The site slopes gradually down from north to south.

07/01453/FUL

This site is known as Plot C and comprises the south east corner of the vacant land, to the west of properties fronting Porlock Drive and to the north of properties fronting Stradling Close. The application site measures approximately 640 square metres.

07/01454/FUL

This site is known as Plot A and comprises the north west corner of the vacant land, to the east of properties fronting Bassett Road and Eckley Road and to the north of properties fronting Stradling Close. The application site measures approximately 720 square metres.

07/01455/FUL

This site is known as Plot B and comprises the north east corner of the vacant land, to the south of properties of Bassett Road and to the west of properties fronting Porlock Drive. The application site measures approximately 470 square metres.

DESCRIPTION OF DEVELOPMENT

Each application proposes the erection of one chalet-style dwelling with associated access and parking. Each dwelling will be T-shaped and will have maximum dimensions 11.0 metres wide by 12.0 metres deep. Each dwelling will have a ridge height of 6.3 metres, an eaves height of 2.7 metres and will feature roof accommodation. A new access drive with a turning circle is proposed to serve all three properties and two off-street parking spaces are proposed for each dwelling.

07/01453/FUL

The dwelling will be sited 6.5 metres from the rear, east boundary of the site and 3.0 metres from the south west side boundary.

07/01454/FUL

The dwelling will be sited 6.4 metres from the rear, north west boundary of the site and 1.5 metres from the south west side boundary.

07/01455/FUL

The dwelling will be sited 6.3 metres from the rear, east boundary of the site and 2.1 metres from the north west side boundary.

PLANNING HISTORY

79/1359 - Residential development. Approved 9 October 1979 subject to conditions relating to external finishes, landscaping scheme and the construction of the access roads prior to beneficial occupation.

89/01240/FUL - Erection of 3 No. bungalows for private occupation. Withdrawn.

05/01093/OUT - Outline consent for the erection of one detached dwelling with existing access from Bassett Road. Approved 18 November 2005.

06/00316/FUL - Erection of two dwellings with garages and parking spaces with existing access off Bassett Road. Refused for the following reason:

"The proposed dwellings, by reason of their height and siting close to the boundary of the site, would represent an overbearing and unneighbourly form of development, causing unreasonable loss of amenity to the occupiers of the adjoining dwellings."

CONSULTATIONS

Sully Community Council were consulted on 26 October 2007 and has no objection.

The Head of Visible Services (Highway Development) was consulted on 26 October 2007 and comments that based on the number of bedrooms and the gross floor area of each proposed dwelling, three parking spaces are required to be provided within the boundary of each development site. Additionally, the proposed manoeuvring area shown on the submitted site block plan is required to be increased in size to enable larger vehicles to manoeuvre within the site.

Dwr Cymru/ Welsh Water were consulted on 2 November 2007 : Conditions relating to the public sewerage system should be imposed on any planning permission granted.

The Head of Economic Development and Leisure (Ecology) was consulted on 22 November 2007 and comments:

Nesting Birds

The vegetation on this application site may potentially be used by nesting birds.

- It is recommended that the developer be made aware that under the Wildlife and Countryside Act 1981 (Section 1) it is an offence to take, damage or destroy the nest of any wild bird while that nest is in use or being built.
- It is recommended that to comply with the law, a condition be included in any consent that states that any clearance of vegetation should be done outside the nesting season, which is generally recognised to be from March to August inclusive, unless it can be demonstrated that nesting birds are absent. It should be noted that birds may still be nesting outside this season, therefore care should be taken to ensure that no nesting birds are affected.

Reptiles

The application site includes habitat that could potentially be used by reptiles.

- It is recommended that the applicant be informed that reptiles are protected under the Wildlife and Countryside Act 1981.
- It is recommended that a condition of consent be that a reptile mitigation strategy OR clearance methodology be submitted to the local authority for approval prior to the commencement of works.

REPRESENTATIONS

Neighbour notification letters were sent to No. 1 Eckley Road; Nos. 1, 3, 5, 7, 9 and 11 Stradling Close; Nos. 18, 20, 22, 24, 26 and 28 Bassett Road and Nos. 4, 6, 8, 10 and 12 Porlock Drive on 29 October 2007. Objection letters have been received from the occupants of nine of these properties (see Appendix A). The issues raised are as follows:

- Land should be maintained as public open space.
- Proposal represents overdevelopment of the land.
- Proposal would result in overlooking to existing properties reducing privacy.
- Access to the properties is narrow and concern is expressed about emergency access.
- Additional pressure on fragile sewerage infrastructure.
- No. 3 Stradling Close is not accurately reflected on the submitted plans.

- Loss of light and privacy to No. 3 Stradling Close.
- Impact on neighbour amenities exacerbated by change in land levels.
- Proposal is out of keeping with surrounding properties in terms of building height and proximity to boundaries.
- Population of Sully has risen resulting in a loss of areas of enjoyment but increasing the need for them.
- Overlooking, overbearing and loss of privacy to No. 5 Stradling Close.
- Increase in traffic and pollution.
- Loss of light and privacy to No. 1 Eckley Road.
- Properties will be out of keeping with surrounding properties and will dominate residents on all sides.
- Overlooking, loss of light and loss of privacy to No. 6 Porlock Drive.
- Pre- and post-development traffic will obstruct highway access in the vicinity.
- Direct overlooking and significant reduction in privacy to No. 10 Porlock Drive.
- Shadowing effect and loss of light to No. 10 Porlock Drive.
- Access road is very small for the number of cars that would use it.
- Oppressive impact on Porlock Drive properties resulting from height and distance to the boundary.
- Loss of feeling of privacy and seclusion to Porlock Drive properties and general noise and disturbance.
- Unwelcome precedent.
- Insensitive infilling resulting in adverse impact on character and appearance of the area, resulting in a loss of spaciousness between buildings, which will have a negative impact upon the aesthetic quality of the area.

REPORT

Planning Policies

ENV27 - DESIGN OF NEW DEVELOPMENTS

HOUS2 - ADDITIONAL RESIDENTIAL DEVELOPMENT

HOUS8 - RESIDENTIAL DEVELOPMENT CRITERIA HOUS2 SETTLEMENTS

HOUS11 - RESIDENTIAL PRIVACY AND SPACE

TRAN10 - PARKING

SPG AMENITY STANDARDS

Issues

The application site is located within a settlement boundary wherein residential development may be acceptable subject to the specific criteria of Policy HOUS8. Whilst the principle of the development of the site for one dwelling has been established (planning permission ref: 05/01093/OUT for which a Reserved Matters application can be submitted up until 17 November 2008), the three applications now under consideration each relate to the provision of a dwelling house on different thirds of the application site. The applications propose chalet-style dwellings, which are not out of keeping with the general characteristics of the area. However, taking each application and plot separately, the size and shape of each plot and the siting of each dwelling within its plot, are not considered to be in keeping with the general character of the area, and would be detrimental to the general character and appearance of the area. Taken cumulatively, the provision of three dwellings on the site would result in a highly cramped form of backland development that would be detrimental to the general perception of openness that currently exists. This perception of openness would remain to a far greater degree if the 2005 scheme were implemented, given the siting of the dwelling and the density of development. As such, objections are raised with respect to Policies HOUS8 and HOUS11 because each of the three proposed applications would be detrimental to the character and appearance of the locality and this would be exacerbated by the cumulative impact of two or three of the proposed schemes being constructed, on land which is essentially to the rear of all the existing dwellings in the area.

Each of the proposed sites provides a sufficient level of amenity space in line with the Council's standards. However, consistent rear garden depths of ten metres are not attainable, which is indicative of the scheme's unacceptable layout. Each dwelling house would require three off-street parking spaces. Whilst only two spaces are indicated on the plans, it would be possible for three spaces to be provided to the front of each dwelling. Furthermore, the Highway Engineer's request for a larger manoeuvring area could be achievable. However, these considerations do not alter the overall objection to the cramped and unacceptable layout of the overall proposal.

With respect to neighbour amenity, it is pertinent to assess each application separately:

07/01453/FUL (Plot C)

The proposed dwelling will be sited a minimum of 3 metres from the boundary with the rear of No. 7 Stradling Close, which has a rear garden depth of 11 metres. Given that No. 7 is set at a lower level than the application site, it is considered that the proposed dwelling would appear unduly overbearing and visually intrusive to the occupants of No. 7 Stradling Close when utilising their rear habitable rooms and amenity space.

It is not considered that an objection can be sustained in terms of the impact of the built form on the amenities of Nos. 5 and 9 because of the siting of the dwelling and the resulting juxtaposition with these properties. The dwelling is positioned such that the element closest to the boundary (at a distance of approximately 6 metres) is 5.3 metres in height. Given that there is not a significant change in levels at this part of the site, it is not considered that the proposed dwelling will appear unduly overbearing to the occupants of Nos. 8 and 10 Porlock Drive. However, there will be an element of perceived overlooking to these properties. To the front, it is considered that there would be an unacceptable level of overlooking to the occupants of No. 5 Stradling Close when utilising their rear amenity space. As such, objections are raised with respect to the impact of the proposed dwelling house on the residential amenities currently enjoyed by the occupants of Nos. 5 and 7 Stradling Close and Nos. 8 and 10 Porlock Drive.

07/01454/FUL (Plot A)

The proposed dwelling will be sited within 2 metres of the rear boundary of No. 3 Stradling Close, with the flank wall running parallel with this boundary. By virtue of the siting of the dwelling, the distance to the boundary and the fact that No. 3 is at a lower level to the application site, it is considered that the proposal would appear grossly overbearing and visually intrusive to the occupants of No. 3 Stradling Close when utilising their rear amenity space and habitable rooms. It is not considered that there will be an unacceptable impact on the occupants of No. 1 Stradling Close or Nos. 18 and 20 Bassett Road resulting from the built form because of the distance of the dwelling to these boundaries. However, there will be an element of perceived overlooking to the Bassett Road properties. As such, objections are raised with respect to the impact of the proposed dwelling house on the residential amenities currently enjoyed by the occupants of No. 3 Stradling Close and Nos. 18 and 20 Bassett Road.

07/01455/FUL (Plot B)

The proposed dwelling will be sited a minimum of 2 metres from the rear boundary with No. 26 Bassett Road. By virtue of this distance, it is considered that the proposed dwelling will appear visually intrusive and overbearing to the occupants of No. 26 when utilising their rear amenity space and habitable rooms. It is considered that there is a sufficient distance between the dwelling and the boundaries with No. 28 Bassett Road and Nos. 6 and 8 Porlock Drive such that the dwelling will not appear unduly overbearing to these neighbouring occupants. However, an element of perceived overlooking will occur to these latter properties. As such, objections are raised with respect to the impact of the proposed dwelling house on the residential amenities currently enjoyed by the occupants of No. 26 Bassett Road and Nos. 6 and 8 Porlock Drive.

Cumulative Impact

Finally, whilst it is appreciated that the applications have been submitted separately, they all have different sites and therefore if all three were permitted, they could all be built. It is considered that the use of the proposed access drive by three separate residential properties would result in an unacceptable level of general disturbance to the occupants of Nos. 22 and 24 Bassett Road to the detriment of their residential amenities.

CONCLUSION

The decision to recommend refusal of planning permission has been taken in accordance with Section 38 of The Planning and Compulsory Purchase Act 2004, which requires that, in determining a planning application the determination must be in accordance with the Development Plan unless material considerations indicate otherwise. The Development Plan comprises the Vale of Glamorgan Adopted Unitary Development Plan 1996-2011.

Having regard to Policies HOUS2, HOUS8, HOUS11 and ENV27 of the Vale of Glamorgan Adopted Unitary Development Plan 1996-2011 and Supplementary Planning Guidance 'Amenity Standards', it is considered that each of the proposed dwelling houses would have an unacceptable impact on the character and appearance of the area and the general perception of openness that currently exists and that this harm would be exacerbated if two or three of the proposed dwellings were constructed. Furthermore, each of the three proposed dwellings would have an unacceptable impact on the residential amenities currently enjoyed by the occupants of neighbouring properties and this harm would be exacerbated if two or three of the proposed dwellings were constructed.

RECOMMENDATION (W.R.)

REFUSE

1. By virtue of the size and shape of the proposed plot, in conjunction with the siting of the proposed dwelling, the proposal is considered to be detrimental to the character and appearance of the area and the general perception of openness that currently exists. This harm would be exacerbated if this dwelling were constructed along with one or both of the other two dwellings of planning application refs: 07/01454/FUL and 07/01455/FUL. Furthermore, the proposal would be detrimental to the amenities currently enjoyed by the occupiers of neighbouring properties, notably Nos. 5 and 7 Stradling Close and Nos. 8 and 10 Porlock Drive both on its own and, when taken cumulatively with planning application refs: 07/01454/FUL and 07/01455/FUL, Nos. 22 and 24 Bassett Road. The proposal is therefore contrary to Policies HOUS2, HOUS8, HOUS11 and ENV27 of the Vale of Glamorgan Adopted Unitary Development Plan 1996-2011 and Supplementary Planning Guidance 'Amenity Standards'.

2007/01454/FUL Received on 19 October 2007

Tagweena Investments Ltd. C/o Agent.
Chichester Nunns Partnership - Mr Terry Nunns, Rawden House, 65, Cowbridge
Road East, Cardiff., CF1 9AE

Land to rear of 24, Bassett Road, Sully

Erection of one dwelling with associated access and parking

SITE DESCRIPTION

The site comprises an area of vacant scrubland located within a residential area off Bassett Road, Sully, with each of the three applications under consideration comprising approximately one third of this land. All three plots are accessed via an unadopted access lane off Bassett Road to the north of the site. The site lies within the settlement boundary of Sully and originally formed part of a piece of open space to the original residential development in the area (1970s). The site slopes gradually down from north to south.

07/01453/FUL

This site is known as Plot C and comprises the south east corner of the vacant land, to the west of properties fronting Porlock Drive and to the north of properties fronting Stradling Close. The application site measures approximately 640 square metres.

07/01454/FUL

This site is known as Plot A and comprises the north west corner of the vacant land, to the east of properties fronting Bassett Road and Eckley Road and to the north of properties fronting Stradling Close. The application site measures approximately 720 square metres.

07/01455/FUL

This site is known as Plot B and comprises the north east corner of the vacant land, to the south of properties of Bassett Road and to the west of properties fronting Porlock Drive. The application site measures approximately 470 square metres.

DESCRIPTION OF DEVELOPMENT

Each application proposes the erection of one chalet-style dwelling with associated access and parking. Each dwelling will be T-shaped and will have maximum dimensions 11.0 metres wide by 12.0 metres deep. Each dwelling will have a ridge height of 6.3 metres, an eaves height of 2.7 metres and will feature roof accommodation. A new access drive with a turning circle is proposed to serve all three properties and two off-street parking spaces are proposed for each dwelling.

07/01453/FUL

The dwelling will be sited 6.5 metres from the rear, east boundary of the site and 3.0 metres from the south west side boundary.

07/01454/FUL

The dwelling will be sited 6.4 metres from the rear, north west boundary of the site and 1.5 metres from the south west side boundary.

07/01455/FUL

The dwelling will be sited 6.3 metres from the rear, east boundary of the site and 2.1 metres from the north west side boundary.

PLANNING HISTORY

79/1359 - Residential development. Approved 9 October 1979 subject to conditions relating to external finishes, landscaping scheme and the construction of the access roads prior to beneficial occupation.

89/01240/FUL - Erection of 3 No. bungalows for private occupation. Withdrawn.

05/01093/OUT - Outline consent for the erection of one detached dwelling with existing access from Bassett Road. Approved 18 November 2005.

06/00316/FUL - Erection of two dwellings with garages and parking spaces with existing access off Bassett Road. Refused – the proposed dwellings, by reason of their height and siting close to the boundary of the site, would represent an overbearing and unneighbourly form of development, causing unreasonable loss of amenity to the occupiers of the adjoining dwellings.

CONSULTATIONS

Sully Community Council was consulted on 26 October 2007 and has no objection.

The Head of Visible Services (Highway Development) was consulted on 26 October 2007 and comments that based on the number of bedrooms and the gross floor area of each proposed dwelling, three parking spaces are required to be provided within the boundary of each development site. Additionally, the proposed manoeuvring area shown on the submitted site block plan is required to be increased in size to enable larger vehicles to manoeuvre within the site.

Dwr Cymru/Welsh Water were consulted on 2 November 2007. Conditions relating to the public sewerage system should be imposed on any planning permission granted.

The Head of Economic Development and Leisure (Ecology) was consulted on 22 November 2007 and comments:

Nesting Birds

The vegetation on this application site may potentially be used by nesting birds.

- It is recommended that the developer be made aware that under the Wildlife and Countryside Act 1981 (Section 1) it is an offence to take, damage or destroy the nest of any wild bird while that nest is in use or being built.
- It is recommended that to comply with the law, a condition be included in any consent that states that any clearance of vegetation should be done outside the nesting season, which is generally recognised to be from March to August inclusive, unless it can be demonstrated that nesting birds are absent. It should be noted that birds may still be nesting outside this season, therefore care should be taken to ensure that no nesting birds are affected.

Reptiles

The application site includes habitat that could potentially be used by reptiles.

- It is recommended that the applicant be informed that reptiles are protected under the Wildlife and Countryside Act 1981.
- It is recommended that a condition of consent be that a reptile mitigation strategy OR clearance methodology be submitted to the local authority for approval prior to the commencement of works.

REPRESENTATIONS

Neighbour notification letters were sent to No. 1 Eckley Road, Nos. 1, 3, 5, 7, 9 and 11 Stradling Close, Nos. 18, 20, 22, 24, 26 and 28 Bassett Road and Nos. 4, 6, 8, 10 and 12 Porlock Drive on 29 October 2007. Objection letters have been received from the occupants of nine of these properties (see Appendix A of 2007/01453/FUL). The issues raised are as follows:

- Land should be maintained as public open space.
- Proposal represents overdevelopment of the land.
- Proposal would result in overlooking to existing properties reducing privacy.
- Access to the properties is narrow and concern is expressed about emergency access.
- Additional pressure on fragile sewerage infrastructure.
- No. 3 Stradling Close is not accurately reflected on the submitted plans.
- Loss of light and privacy to No. 3 Stradling Close.
- Impact on neighbour amenities exacerbated by change in land levels.

- Proposal is out of keeping with surrounding properties in terms of building height and proximity to boundaries.
- Population of Sully has risen resulting in a loss of areas of enjoyment but increasing the need for them.
- Overlooking, overbearing and loss of privacy to No. 5 Stradling Close.
- Increase in traffic and pollution.
- Loss of light and privacy to No. 1 Eckley Road.
- Properties will be out of keeping with surrounding properties and will dominate residents on all sides.
- Overlooking, loss of light and loss of privacy to No. 6 Porlock Drive.
- Pre- and post-development traffic will obstruct highway access in the vicinity.
- Direct overlooking and significant reduction in privacy to No. 10 Porlock Drive.
- Shadowing effect and loss of light to No. 10 Porlock Drive.
- Access road is very small for the number of cars that would use it.
- Oppressive impact on Porlock Drive properties resulting from height and distance to the boundary.
- Loss of feeling of privacy and seclusion to Porlock Drive properties and general noise and disturbance.
- Unwelcome precedent.
- Insensitive infilling resulting in adverse impact on character and appearance of the area, resulting in a loss of spaciousness between buildings, which will have a negative impact upon the aesthetic quality of the area.

REPORT

Planning Policies

ENV27 - DESIGN OF NEW DEVELOPMENTS

HOUS2 - ADDITIONAL RESIDENTIAL DEVELOPMENT

HOUS8 - RESIDENTIAL DEVELOPMENT CRITERIA HOUS2 SETTLEMENTS

HOUS11 - RESIDENTIAL PRIVACY AND SPACE

TRAN10 - PARKING

Issues

The application site is located within a settlement boundary wherein residential development may be acceptable subject to the specific criteria of Policy HOUS8. Whilst the principle of the development of the site for one dwelling has been established (planning permission 05/01093/OUT for which a Reserved Matters application can be submitted until 17 November 2008), the three applications now under consideration each relate to the provision of a dwelling house on different thirds of the application site. The applications propose chalet-style dwellings, which are not out of keeping with the general characteristics of the area. However, taking each application and plot separately, the size and shape of each plot and the siting of each dwelling within its plot, are not considered to be in keeping with the general character of the area, would be detrimental to the general character and appearance of the area. Taken cumulatively, the provision of three dwellings on the site would result in a highly cramped form of backland development that would be detrimental to the general perception of openness that currently exists. This perception of openness would remain to a far greater degree if the 2005 scheme were implemented, given the siting of the dwelling and the density of development. As such, objections are raised with respect to Policies HOUS8 and HOUS11 because each of the three proposed applications would be detrimental to the character and appearance of the locality and this would be exacerbated by the cumulative impact of two or three of the proposed schemes being constructed, on land which is essentially to the rear of all the existing dwellings in the area.

Each of the proposed sites provides a sufficient level of amenity space in line with the Council's standards. However, consistent rear garden depths of ten metres are not attainable, which is indicative of the scheme's unacceptable layout. Each dwelling house would require three off-street parking spaces. Whilst only two spaces are indicated on the plans, it would be possible for three spaces to be provided to the front of each dwelling. Furthermore, the Highway Engineer's request for a larger manoeuvring area could be achievable. However, these considerations do not alter the overall objection to the cramped and unacceptable layout of the overall proposal.

With respect to neighbour amenity, it is pertinent to assess each application separately:

07/01453/FUL (Plot C)

The proposed dwelling will be sited a minimum of 3 metres from the boundary with the rear of No. 7 Stradling Close, which has a rear garden depth of 11 metres. Given that No. 7 is set at a lower level than the application site, it is considered that the proposed dwelling would appear unduly overbearing and visually intrusive to the occupants of No. 7 Stradling Close when utilising their rear habitable rooms and amenity space. It is not considered that an objection can be sustained in terms of the impact of the built form on the amenities of Nos. 5 and 9 because of the siting of the dwelling and the resulting juxtaposition with these properties.

The dwelling is positioned such that the element closest to the boundary (at a distance of approximately 6 metres) is 5.3 metres in height. Given that there is not a significant change in levels at this part of the site, it is not considered that the proposed dwelling will appear unduly overbearing to the occupants of Nos. 8 and 10 Porlock Drive. However, there will be an element of perceived overlooking to these properties. To the front, it is considered that there would be an unacceptable level of overlooking to the occupants of No. 5 Stradling Close when utilising their rear amenity space. As such, objections are raised with respect to the impact of the proposed dwelling house on the residential amenities currently enjoyed by the occupants of Nos. 5 and 7 Stradling Close and Nos. 8 and 10 Porlock Drive.

07/01454/FUL (Plot A)

The proposed dwelling will be sited within 2 metres of the rear boundary of No. 3 Stradling Close, with the flank wall running parallel with this boundary. By virtue of the siting of the dwelling, the distance to the boundary and the fact that No. 3 is at a lower level to the application site, it is considered that the proposal would appear grossly overbearing and visually intrusive to the occupants of No. 3 Stradling Close when utilising their rear amenity space and habitable rooms. It is not considered that there will be an unacceptable impact on the occupants of No. 1 Stradling Close or Nos. 18 and 20 Bassett Road resulting from the built form because of the distance of the dwelling to these boundaries. However, there will be an element of perceived overlooking to the Bassett Road properties. As such, objections are raised with respect to the impact of the proposed dwelling house on the residential amenities currently enjoyed by the occupants of No. 3 Stradling Close and Nos. 18 and 20 Bassett Road.

07/01455/FUL (Plot B)

The proposed dwelling will be sited a minimum of 2 metres from the rear boundary with No. 26 Bassett Road. By virtue of this distance, it is considered that the proposed dwelling will appear visually intrusive and overbearing to the occupants of No. 26 when utilising their rear amenity space and habitable rooms. It is considered that there is a sufficient distance between the dwelling and the boundaries with No. 28 Bassett Road and Nos. 6 and 8 Porlock Drive such that the dwelling will not appear unduly overbearing to these neighbouring occupants. However, an element of perceived overlooking will occur to these latter properties. As such, objections are raised with respect to the impact of the proposed dwelling house on the residential amenities currently enjoyed by the occupants of No. 26 Bassett Road and Nos. 6 and 8 Porlock Drive.

Cumulative Impact

Finally, whilst it is appreciated that the applications have been submitted separately, they all have different sites and therefore if all three were permitted, they could all be built. It is considered that the use of the proposed access drive by three separate residential properties would result in an unacceptable level of general disturbance to the occupants of Nos. 22 and 24 Bassett Road to the detriment of their residential amenities.

CONCLUSION

The decision to recommend refusal of planning permission has been taken in accordance with Section 38 of The Planning and Compulsory Purchase Act 2004, which requires that, in determining a planning application the determination must be in accordance with the Development Plan unless material considerations indicate otherwise. The Development Plan comprises the Vale of Glamorgan Adopted Unitary Development Plan 1996-2011.

Having regard to Policies HOUS2, HOUS8, HOUS11 and ENV27 of the Vale of Glamorgan Adopted Unitary Development Plan 1996-2011 and Supplementary Planning Guidance 'Amenity Standards', it is considered that each of the proposed dwelling houses would have an unacceptable impact on the character and appearance of the area and the general perception of openness that currently exists and that this harm would be exacerbated if two or three of the proposed dwellings were constructed. Furthermore, each of the three proposed dwellings would have an unacceptable impact on the residential amenities currently enjoyed by the occupants of neighbouring properties and this harm would be exacerbated if two or three of the proposed dwellings were constructed.

RECOMMENDATION (W.R.)

REFUSE

1. By virtue of the size and shape of the proposed plot, in conjunction with the siting of the proposed dwelling, the proposal is considered to be detrimental to the character and appearance of the area and the general perception of openness that currently exists. This harm would be exacerbated if this dwelling were constructed along with one or both of the other two dwellings of planning application refs: 07/01453/FUL and 07/01455/FUL. Furthermore, the proposal would be detrimental to the amenities currently enjoyed by the occupiers of neighbouring properties, notably No. 3 Stradling Close and Nos. 18 and 20 Bassett Road both on its own and, when taken cumulatively with planning application refs: 07/01453/FUL and 07/01455/FUL, Nos. 22 and 24 Bassett Road. The proposal is therefore contrary to Policies HOUS2, HOUS8, HOUS11 and ENV27 of the Vale of Glamorgan Adopted Unitary Development Plan 1996-2011 and Supplementary Planning Guidance 'Amenity Standards'.

2007/01455/FUL Received on 19 October 2007

Mr and Mrs E. Jenkins, C/o Agent
Terry Nunns Architects - Mr John Curley, Rawden House, 65, Cowbridge Road
East, Cardiff., CF1 9AE

Land to rear of 24, Bassett Road, Sully

Erection of one dwelling with associated access and parking

SITE DESCRIPTION

The site comprises an area of vacant scrubland located within a residential area off Bassett Road, Sully, with each of the three applications under consideration comprising approximately one third of this land. All three plots are accessed via an unadopted access lane off Bassett Road to the north of the site. The site lies within the settlement boundary of Sully and originally formed part of a piece of open space to the original residential development in the area (1970s). The site slopes gradually down from north to south.

07/01453/FUL

This site is known as Plot C and comprises the south east corner of the vacant land, to the west of properties fronting Porlock Drive and to the north of properties fronting Stradling Close. The application site measures approximately 640 square metres.

07/01454/FUL

This site is known as Plot A and comprises the north west corner of the vacant land, to the east of properties fronting Bassett Road and Eckley Road and to the north of properties fronting Stradling Close. The application site measures approximately 720 square metres.

07/01455/FUL

This site is known as Plot B and comprises the north east corner of the vacant land, to the south of properties of Bassett Road and to the west of properties fronting Porlock Drive. The application site measures approximately 470 square metres.

DESCRIPTION OF DEVELOPMENT

Each application proposes the erection of one chalet-style dwelling with associated access and parking. Each dwelling will be T-shaped and will have maximum dimensions 11.0 metres wide by 12.0 metres deep. Each dwelling will have a ridge height of 6.3 metres, an eaves height of 2.7 metres and will feature roof accommodation. A new access drive with a turning circle is proposed to serve all three properties and two off-street parking spaces are proposed for each dwelling.

07/01453/FUL

The dwelling will be sited 6.5 metres from the rear, east boundary of the site and 3.0 metres from the south west side boundary.

07/01454/FUL

The dwelling will be sited 6.4 metres from the rear, north west boundary of the site and 1.5 metres from the south west side boundary.

07/01455/FUL

The dwelling will be sited 6.3 metres from the rear, east boundary of the site and 2.1 metres from the north west side boundary.

PLANNING HISTORY

79/1359 - Residential development. Approved 9 October 1979 subject to conditions relating to external finishes, landscaping scheme and the construction of the access roads prior to beneficial occupation.

89/01240/FUL - Erection of 3 No. bungalows for private occupation. Withdrawn.

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06/00316/FUL - Erection of two dwellings with garages and parking spaces with existing access off Bassett Road. Refused for the following reason:

“The proposed dwellings, by reason of their height and siting close to the boundary of the site, would represent an overbearing and unneighbourly form of development, causing unreasonable loss of amenity to the occupiers of the adjoining dwellings.”

CONSULTATIONS

Sully Community Council were consulted on 26 October 2007 and has no objection.

The Head of Visible Services (Highway Development) was consulted on 26 October 2007 and comments that based on the number of bedrooms and the gross floor area of each proposed dwelling, three parking spaces are required to be provided within the boundary of each development site. Additionally, the proposed manoeuvring area shown on the submitted site block plan is required to be increased in size to enable larger vehicles to manoeuvre within the site.

Dwr Cymru/ Welsh Water were consulted on 2 November 2007. Conditions relating to the public sewerage system should be imposed on any planning permission granted.

The Head of Economic Development and Leisure (Ecology) was consulted on 22 November 2007 and comments as follows:

Nesting Birds

The vegetation on this application site may potentially be used by nesting birds.

- It is recommended that the developer be made aware that under the Wildlife and Countryside Act 1981 (Section 1) it is an offence to take, damage or destroy the nest of any wild bird while that nest is in use or being built.
- It is recommended that to comply with the law, a condition be included in any consent that states that any clearance of vegetation should be done outside the nesting season, which is generally recognised to be from March to August inclusive, unless it can be demonstrated that nesting birds are absent. It should be noted that birds may still be nesting outside this season, therefore care should be taken to ensure that no nesting birds are affected.

Reptiles

The application site includes habitat that could potentially be used by reptiles.

- It is recommended that the applicant be informed that reptiles are protected under the Wildlife and Countryside Act 1981.
- It is recommended that a condition of consent be that a reptile mitigation strategy OR clearance methodology be submitted to the local authority for approval prior to the commencement of works.

REPRESENTATIONS

Neighbour notification letters were sent to No. 1 Eckley Road; Nos. 1, 3, 5, 7, 9 and 11 Stradling Close; Nos. 18, 20, 22, 24, 26 and 28 Bassett Road; and Nos. 4, 6, 8, 10 and 12 Porlock Drive on 29 October 2007. Objection letters have been received from the occupants of nine of these properties (see Appendix A of 2007/01453/FUL). The issues raised are as follows:

- Land should be maintained as public open space.
- Proposal represents overdevelopment of the land.
- Proposal would result in overlooking to existing properties reducing privacy.
- Access to the properties is narrow and concern is expressed about emergency access.
- Additional pressure on fragile sewerage infrastructure.
- No. 3 Stradling Close is not accurately reflected on the submitted plans.
- Loss of light and privacy to No. 3 Stradling Close.

- Impact on neighbour amenities exacerbated by change in land levels.
- Proposal is out of keeping with surrounding properties in terms of building height and proximity to boundaries.
- Population of Sully has risen resulting in a loss of areas of enjoyment but increasing the need for them.
- Overlooking, overbearing and loss of privacy to No. 5 Stradling Close.
- Increase in traffic and pollution.
- Loss of light and privacy to No. 1 Eckley Road.
- Properties will be out of keeping with surrounding properties and will dominate residents on all sides.
- Overlooking, loss of light and loss of privacy to No. 6 Porlock Drive.
- Pre- and post-development traffic will obstruct highway access in the vicinity.
- Direct overlooking and significant reduction in privacy to No. 10 Porlock Drive.
- Shadowing effect and loss of light to No. 10 Porlock Drive.
- Access road is very small for the number of cars that would use it.
- Oppressive impact on Porlock Drive properties resulting from height and distance to the boundary.
- Loss of feeling of privacy and seclusion to Porlock Drive properties and general noise and disturbance.
- Unwelcome precedent.
- Insensitive infilling resulting in adverse impact on character and appearance of the area, resulting in a loss of spaciousness between buildings, which will have a negative impact upon the aesthetic quality of the area.

REPORT

Planning Policies

ENV27 - DESIGN OF NEW DEVELOPMENTS

HOUS2 - ADDITIONAL RESIDENTIAL DEVELOPMENT

HOUS8 - RESIDENTIAL DEVELOPMENT CRITERIA HOUS2 SETTLEMENTS

HOUS11 - RESIDENTIAL PRIVACY AND SPACE

Issues

The application site is located within a settlement boundary wherein residential development may be acceptable subject to the specific criteria of Policy HOUS8. Whilst the principle of the development of the site for one dwelling has been established (planning permission 05/01093/OUT for which a Reserved Matters application can be submitted up until 17 November 2008), the three applications now under consideration each relate to the provision of a dwelling house on different thirds of the application site. The applications propose chalet-style dwellings, which are not out of keeping with the general characteristics of the area. However, taking each application and plot separately, the size and shape of each plot and the siting of each dwelling within its plot, are not considered to be in keeping with the general character of the area, and would be detrimental to the general character and appearance of the area. Taken cumulatively, the provision of three dwellings on the site would result in a highly cramped form of backland development that would be detrimental to the general perception of openness that currently exists. This perception of openness would remain to a far greater degree if the 2005 scheme were implemented, given the siting of the dwelling and the density of development. As such, objections are raised with respect to Policies HOUS8 and HOUS11 because each of the three proposed applications would be detrimental to the character and appearance of the locality and this would be exacerbated by the cumulative impact of two or three of the proposed schemes being constructed, on land which is essentially to the rear of all the existing dwellings in the area.

Each of the proposed sites provides a sufficient level of amenity space in line with the Council's standards. However, consistent rear garden depths of ten metres are not attainable, which is indicative of the scheme's unacceptable layout. Each dwelling house would require three off-street parking spaces. Whilst only two spaces are indicated on the plans, it would be possible for three spaces to be provided to the front of each dwelling. Furthermore, the Highway Engineer's request for a larger manoeuvring area could be achievable. However, these considerations do not alter the overall objection to the cramped and unacceptable layout of the overall proposal.

With respect to neighbour amenity, it is pertinent to assess each application separately:

07/01453/FUL (Plot C)

The proposed dwelling will be sited a minimum of 3 metres from the boundary with the rear of No. 7 Stradling Close, which has a rear garden depth of 11 metres. Given that No. 7 is set at a lower level than the application site, it is considered that the proposed dwelling would appear unduly overbearing and visually intrusive to the occupants of No. 7 Stradling Close when utilising their rear habitable rooms and amenity space. It is not considered that an objection can be sustained in terms of the impact of the built form on the amenities of Nos. 5 and 9 because of the siting of the dwelling and the resulting juxtaposition with these properties.

The dwelling is positioned such that the element closest to the boundary (at a distance of approximately 6 metres) is 5.3 metres in height. Given that there is not a significant change in levels at this part of the site, it is not considered that the proposed dwelling will appear unduly overbearing to the occupants of Nos. 8 and 10 Porlock Drive. However, there will be an element of perceived overlooking to these properties. To the front, it is considered that there would be an unacceptable level of overlooking to the occupants of No. 5 Stradling Close when utilising their rear amenity space. As such, objections are raised with respect to the impact of the proposed dwelling house on the residential amenities currently enjoyed by the occupants of Nos. 5 and 7 Stradling Close and Nos. 8 and 10 Porlock Drive.

07/01454/FUL (Plot A)

The proposed dwelling will be sited within 2 metres of the rear boundary of No. 3 Stradling Close, with the flank wall running parallel with this boundary. By virtue of the siting of the dwelling, the distance to the boundary and the fact that No. 3 is at a lower level to the application site, it is considered that the proposal would appear grossly overbearing and visually intrusive to the occupants of No. 3 Stradling Close when utilising their rear amenity space and habitable rooms. It is not considered that there will be an unacceptable impact on the occupants of No. 1 Stradling Close or Nos. 18 and 20 Bassett Road resulting from the built form because of the distance of the dwelling to these boundaries. However, there will be an element of perceived overlooking to the Bassett Road properties. As such, objections are raised with respect to the impact of the proposed dwelling house on the residential amenities currently enjoyed by the occupants of No. 3 Stradling Close and Nos. 18 and 20 Bassett Road.

07/01455/FUL (Plot B)

The proposed dwelling will be sited a minimum of 2 metres from the rear boundary with No. 26 Bassett Road. By virtue of this distance, it is considered that the proposed dwelling will appear visually intrusive and overbearing to the occupants of No. 26 when utilising their rear amenity space and habitable rooms. It is considered that there is a sufficient distance between the dwelling and the boundaries with No. 28 Bassett Road and Nos. 6 and 8 Porlock Drive such that the dwelling will not appear unduly overbearing to these neighbouring occupants. However, an element of perceived overlooking will occur to these latter properties. As such, objections are raised with respect to the impact of the proposed dwelling house on the residential amenities currently enjoyed by the occupants of No. 26 Bassett Road and Nos. 6 and 8 Porlock Drive.

Cumulative Impact

Finally, whilst it is appreciated that the applications have been submitted separately, they all have different sites and therefore if all three were permitted, they could all be built. It is considered that the use of the proposed access drive by three separate residential properties would result in an unacceptable level of general disturbance to the occupants of Nos. 22 and 24 Bassett Road to the detriment of their residential amenities.

CONCLUSION

The decision to recommend refusal of planning permission has been taken in accordance with Section 38 of The Planning and Compulsory Purchase Act 2004, which requires that, in determining a planning application the determination must be in accordance with the Development Plan unless material considerations indicate otherwise. The Development Plan comprises the Vale of Glamorgan Adopted Unitary Development Plan 1996-2011.

Having regard to Policies HOUS2, HOUS8, HOUS11 and ENV27 of the Vale of Glamorgan Adopted Unitary Development Plan 1996-2011 and Supplementary Planning Guidance 'Amenity Standards', it is considered that each of the proposed dwelling houses would have an unacceptable impact on the character and appearance of the area and the general perception of openness that currently exists and that this harm would be exacerbated if two or three of the proposed dwellings were constructed. Furthermore, each of the three proposed dwellings would have an unacceptable impact on the residential amenities currently enjoyed by the occupants of neighbouring properties and this harm would be exacerbated if two or three of the proposed dwellings were constructed.

RECOMMENDATION (W.R.)

REFUSE

1. By virtue of the size and shape of the proposed plot, in conjunction with the siting of the proposed dwelling the proposal is considered to be detrimental to the character and appearance of the area and the general perception of openness that currently exists. This harm would be exacerbated if this dwelling were constructed along with one or both of the other two dwellings of planning application refs: 07/01453/FUL and 07/01454/FUL. Furthermore, the proposal would be detrimental to the amenities currently enjoyed by the occupiers of neighbouring properties, notably No. 26 Bassett Road and Nos. 6 and 8 Porlock Drive both on its own and, when taken cumulatively with planning application refs: 07/01453/FUL and 07/01454/FUL, Nos. 22 and 24 Bassett Road. The proposal is therefore contrary to Policies HOUS2, HOUS8, HOUS11 and ENV27 of the Vale of Glamorgan Adopted Unitary Development Plan 1996-2011 and Supplementary Planning Guidance 'Amenity Standards'.

Mr and Mrs D. J. Thomas, Pengelli Farm, Pendoylan, Vale of Glamorgan., CF71 7UJ,
Civic Planning Associates, 35, Marine Drive, Barry, Vale of Glamorgan., CF62 6QP

Pengelli Farm, Pendoylan

Conversion of redundant farm buildings to residential

SITE DESCRIPTION

The application site comprises a group of agricultural outbuildings, including two single storey stone barns, and part of the associated farmyard which comprises an existing farm complex located in the countryside to the southwest of Pendoylan.

DESCRIPTION OF DEVELOPMENT

This is an application for full planning permission for the conversion and extension of two single storey, pitched roof, detached stone barns to residential accommodation, comprising a lounge, kitchen, two bedrooms, bathroom and integral garage. The proposed works include:

- Demolition of a number of the existing outbuildings, including a Dutch barn attached to the north side of the larger stone barn.
- A new linking extension between the two barns which are sited at right angles to each other. The proposed single storey lean-to extension will measure approximately 2.4m x 1.8m.
- Replacement of the existing roof structure with the re-use of existing slates and a new roof to the proposed lean-to garage conversion which will maintain the existing roof profile and comprise a zinc fibre grey sheeting.
- The introduction of a solar heating panel on the south elevation roof plane.
- New openings including three new windows on the north elevation and one on the east elevation of the larger barn, with two on the east elevation of the smaller barn, and full and partial closure of three existing door openings.
- Provision of a turning area and two car parking spaces to the north of the barns with vehicular access via the existing field gate from a shared entrance off the main highway.

The application is supported by a Structural Report, a Planning and Sustainability Appraisal, an Access Statement and a Bat and Barn Owl Survey.

PLANNING HISTORY

None.

CONSULTATIONS

Pendoylan Community Council were notified on 16 November 2007. No comments received to date.

Environment Agency Wales have submitted their "Standard Advice" Guidance Note for Developers only.

Dwr Cymru/Welsh Water has no comment as the applicant intends utilising private drainage facilities.

Countryside Council for Wales has no objection. They recommend consultation with the Council's Ecologist with regard to how the scheme could be improved to allow access for bats to new dwellings, which could be applied as a condition. They also note that they have not considered possible effects on all local or regional interests which the Council's Ecologist should be consulted on.

The Head of Economic Development and Leisure (Ecology). Confirmation following examination of the submitted bat survey that a development licence need not be sought. However, due to the potential for bats and the suitable foraging conditions a number of recommendations are made including, notification of contractors; work ideally carried out in the winter months; a repeat survey undertaken within 12 months if work not commenced; the developer be made aware of obligations under the separate wildlife legislation.

The Head of Economic Development and Leisure (Public Rights of Way Officer). The property is affected by a Public Path, Public Footpath No. 25 Pendoylan. Recently dealt with a complaint concerning a possible obstruction and have carried out an investigation into the history of the route, with the outcome that it is believed that the route is incorrectly shown on the Definitive Map. In short the public footpath runs through the farmyard and not directly to the road through Sutton Rise as previously shown. It is intended to make a Definitive Map Modification Order which will allow the correct route to be shown, but in the meantime the route through the yard has been agreed with the owners and will be maintained as a public path at all times.

Comments received on 4 February 2007 from the Public Rights of Way Officer relating to amended plans are as follows:

"I refer to your recent note of the amended plan, and confirm that I am happy with the removal of the dividing fence line within the old farmyard, as this is the location of the agreed route of the Public Footpath.

As mentioned before, if they wish to diver the Public Footpath to a route to the west of the farm buildings, a formal Diversion Order will be required. To my mind it is not necessary to allow the proposed development to proceed, but if they were to make a formal application it would be considered, most likely to be made under the Highways Act 1980."

The Director of Legal, Public Protection and Housing Services (Environmental Health (Pollution Section)) queried whether the farming operations will continue, since an operational farmyard would affect the residential amenity of the proposed dwelling with issues of noise. Also noted that any private water supply must be registered with the Pollution Control Team.

The Head of Visible Services (Highway Development) considered the application acceptable in principle and there are no highway grounds to sustain an objection provided the proposed parking and manoeuvring facilities are provided and retained.

Building Control Section . Comments awaited.

REPRESENTATIONS

The occupiers of neighbouring properties were notified on 19 November 2007. In addition the application was advertised on site on 21 November 2007 and in the press on 6 February 2008. No representations have been received to date. The applicant and his agents have submitted letters in support of the proposal. These are reproduced at Appendix A for Committee Members inspection.

REPORT

The application site comprises two single storey, stone barns, associated outbuildings and part of the farmyard to an existing farm complex Pengelli Farm, which is located in the countryside to the southwest of Pendoylan. The proposal entails the conversion of the stone barns to a two bed dwelling. As such the following policy background is relevant.

Planning Policies

Policy ENV1 of the Vale of Glamorgan Adopted Unitary Development Plan 1996-2011 (UDP) relates to Development in the Countryside and states:

WITHIN THE DELINEATED COUNTRYSIDE PERMISSION WILL ONLY BE GRANTED FOR:

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

Policy ENV4 of the Unitary Development Plan relates to Special Landscape Areas. The site is located within the Ely Valley & Ridge Slopes Special Landscape Area where new development will be permitted where it can be demonstrated that it would not adversely effect the landscape character, landscape features or visual amenities of the Special Landscape Area.

The policy most relevant to the assessment of the application is Policy ENV8 – Small Scale Rural Conversions. This states:

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

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

Policy ENV16 relates to Protected Species and states:

PERMISSION WILL ONLY BE GIVEN FOR DEVELOPMENT THAT WOULD CAUSE HARM TO OR THREATEN THE CONTINUED VIABILITY OF A PROTECTED SPECIES IF IT CAN BE CLEARLY DEMONSTRATED THAT:

- (i) THERE ARE EXCEPTIONAL CIRCUMSTANCES THAT JUSTIFY THE PROPOSALS.
- (II) THERE IS NO SATISFACTORY ALTERNATIVE; AND
- (iii) EFFECTIVE MITIGATION MEASURES ARE PROVIDED BY THE DEVELOPER.

Policy ENV27 refers to the Design of New Developments is a criteria based policy that requires that new development has full regard to the context of the local natural and built environment and its special features.

Policy HOUS3 of the UDP refers to Dwellings in the Countryside and is a policy that seeks to restrict new house building in the countryside to those that can be justified in the interests of agriculture and forestry.

Policy TRAN10 refers to Parking and requires parking facilities in accordance with Council's guidelines and related to the type of land use; accessibility to public transport; and the capacity of the highway network.

Policy REC12 of the UDP refers to Public Rights of Way and Recreational Routes and states that the Council will maintain and improve the existing pattern of public rights of way.

The Strategic Policies of the UDP include Policy 2 which favours proposals that encourage sustainable practices, including:

- “(ii) Proposals which are located to minimise the need to travel, especially by car and help to reduce vehicle movements or which encourage cycling, walking and the use of public transport.”

Whilst Strategic Policy 8 states:

“Development will be favoured in locations which:

- (i) are highly accessible by means of travel other than the private car; and
- (ii) minimise traffic levels and associated unacceptable environmental effects.”

The Council also has Supplementary Planning Guidance (SPG) including SPGs on Sustainable Development and Amenity Standards and one on the Conversion of Rural Buildings which supports Policy ENV8 of the UDP. The Conversion of Rural Buildings SPG highlights the fact that isolated buildings are not appropriate for residential conversion and are contrary to sustainability principles.

“Proposals for the conversion of isolated buildings for residential purposes are generally unacceptable. Residential conversions are not considered suitable in such locations because isolated residential development can have a detrimental effect upon the rural/agricultural character of the landscape and encourage private car use contrary to the principles of sustainability embodied in national policy and the UDP.”

National guidance is contained in Planning Policy Wales March 2002 (PPW). Paragraph 7.6.11 contains advice on the residential conversion of rural buildings and states:

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

Issues

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

It is considered that there are a number of issues of concern in relation to the conversion of the barns to permanent and independent residential use, both in terms of the principle of such a use and the details of the actual conversion work.

One of the concerns over the proposed residential use of the barns is that of a possible conflict between a new residential use and an agricultural use, with the intended continued use of the agricultural buildings to be retained, along with the farmyard and surrounding agricultural land. This has been raised by the Council's Environmental Health Officer who is concerned about the impact on residential amenity. In addition the Council's Public Rights of Way Officer has highlighted that the correct route of the Public Footpath No. 25 Pendoylan is through the existing farmyard. The initial plans showed this area being subdivided to provide a separate curtilage for the converted barn. This could have potentially affected the use if the public right of way. Finally, as with all barn conversions, regard has to be given to whether the barn to be constructed is in a sustainable location.

As regards the specific details of the proposed works of conversion it is noted that the original scheme envisaged a number of extensions and alterations to the existing buildings. The barns are two separate and relatively small structures which will provide limited residential floor space for a permanent and entirely independent dwellinghouse such that some form of linking extension is necessary. Additionally it is likely that any future occupiers would seek to increase their accommodation with further unacceptable extension to the buildings. The original plans, in addition to a linking conservatory extension and a new pitched roof over the proposed garage also included several new openings. Criterion (iii) of Policy ENV8 requires that the conversion work can be achieved without substantial reconstruction of the external walls, or extension to the building. In addition criterion (iv) requires that the conversion work can be undertaken without unacceptably altering the appearance and rural character of the building. It is considered that the new works originally proposed all served to domesticate the appearance of the existing barns and detract from their rural character and the surrounding countryside of the Ely Valley and Ridge Slopes Special Landscape Area. The applicant has submitted amended plans in an attempt to overcome these concerns which include a replacement lean-to roof over the proposed garage and a smaller scale lean-to link extension between the two barns. It is considered that the amendment to the proposed garage roof is appropriate and will assist in maintaining the character of the buildings at the main vehicular entrance to the farmyard. The amendment to the proposed linking extension however is considered to be less acceptable as it still has the appearance of a domestic porch rather than an addition to an agricultural barn.

It is also considered that the number of new openings is excessive and these changes will all adversely affect the original character of the barns, particularly as these works will be highly visible from the nearby public right of way that passes through the site. Notwithstanding this it is noted that the buildings are structurally sound and it is considered that an appropriately designed link extension could be provided and that the number of new openings, particularly on the eastern elevations, could be reduced without compromising the proposed residential use of the barns.

These changes, coupled with the applicant's supporting information explaining in more detail the intended use of the proposed accommodation and associated buildings and land, indicate that the development is acceptable. The applicant has indicated that he intends vacating the existing farmhouse, which will then be occupied by his daughter and family, and take up residence in the converted barn with his wife. As a semi-retired farmer he will continue limited agricultural operations utilising the retained buildings. On that basis it is considered that there would no longer be any concerns relating to the issues of sustainability or conflict with agricultural operations, since the occupier of the barns would be a semi retired farm operative. As regards any conflict with the right of way, or additional impact from extended domestic curtilage, it is noted that the amended plans have omitted the proposed new boundary which would have sub-divided the existing farmyard, since this will not be needed as the occupier of the barns will be related to the farmhouse occupiers and still have an association with the farming activities on and surrounding the site. It will however be necessary to control the nature of the use and restrict the occupation of the converted barn to the applicant and any dependents.

On the issue of highways it is noted that the Council's Highway Engineer has no objections to the proposal subject to the provision of the proposed parking and turning area.

As regards ecology it is noted that the Countryside Council for Wales and the Council's Ecologist have no objections to the proposed development, but have made a number of recommendations, which can be included as conditions and informatives.

Finally as regards infrastructure there are no objections raised by either the Environment Agency or Welsh Water.

In view of the above the following recommendation is made.

CONCLUSION

The decision to recommend planning permission has been taken in accordance with Section 38 of The Planning and Compulsory Purchase Act 2004, which requires that, in determining a planning application the determination must be in accordance with the Development Plan unless material considerations indicate otherwise. The Development Plan comprises the Vale of Glamorgan Adopted Unitary Development Plan 1996-2011.

Having regard to Policies ENV1 - Development in the Countryside, ENV4 - Special Landscape Areas, ENV8 - Small Scale Rural Conversions, ENV16 - Protected Species, ENV27 - Design of New Developments, HOUS3 - Dwellings in the Countryside, TRAN10 - Parking, REC12 - Public Rights of Way and Recreational Routes, and Strategic Policies 2 - The Environment and Policy 8 - Transportation of the Vale of Glamorgan Adopted Unitary Development Plan 1996-2011; Supplementary Planning Guidance on the Conversion of Rural Buildings; and national guidance contained in Planning Policy Wales March 2002, it is considered that the residential use of the barns by the applicants in association with the existing farm complex and their continued, albeit limited, agricultural activities, is acceptable in planning terms.

RECOMMENDATION

APPROVE subject to the following condition(s):

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

Reason:

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

2. This consent shall relate to the original plans and documents received on 1 November 2007 where not superseded by the amended plans received on 1 February 2008.

Reason:

For the avoidance of doubt as to the approved plans.

3. The occupation of the dwelling hereby permitted shall be restricted solely to that of the applicants, Mr. and Mrs. Thomas and any dependents.

Reason:

The occupation of the barns as a separate residence, entirely independent of the existing farm and associated farming activities, would be contrary to Council's policies and national guidance.

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

Reason:

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

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

Reason:

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

6. Notwithstanding the approved plans this consent shall not relate to the proposed link extension nor the three new window openings in the east elevation of the barns. Before the commencement of development further details of the link extension, (the design of which should be more in keeping with the agricultural nature of the buildings), and if necessary an alternative means of lighting to the kitchen and living room, shall be submitted to and approved in writing with the Local Planning Authority. The development shall be implemented thereafter in accordance with the agreed details.

Reason:

In the interests of the rural appearance and character of the buildings and the surrounding Ely Valley and Ridge Slopes Special Landscape Area in accordance with Policies ENV8 - Small Scale Rural Conversions, ENV4 - Special Landscape Areas and ENV27 - Design of New Development of the Unitary Development Plan.

7. Before the commencement of development full details of the new and altered window and door openings, (including cross-sections and materials), which shall be to a scale of 1:20, shall be submitted to and approved in writing with the Local Planning Authority. The development shall be implemented thereafter in accordance with the agreed details.

Reason:

In the interests of the rural appearance and character of the buildings and the surrounding Ely Valley and Ridge Slopes Special Landscape Area in accordance with Policies ENV8 - Small Scale Rural Conversions, ENV4 - Special Landscape Areas, and ENV27 - Design of New Development of the Unitary Development Plan.

8. The proposed car parking and turning area, indicated on the amended Block Plan received on 1 February 2008, shall be implemented before the first beneficial occupation of the dwelling hereby permitted, and shall be maintained and retained thereafter in connection with the use of that property.

Reason:

To ensure the provision and retention of car parking and manoeuvring space to serve the dwelling in the interests of highway safety in accordance with Policies ENV8 - Small Scale Rural Conversion and ENV27 - Design of New Developments of the Unitary Development Plan.

9. No works entailed in the development hereby permitted, including demolition, shall be undertaken during the bird nesting season March to August inclusive, unless it can be demonstrated and agreed in writing with the Local Planning Authority that nesting birds are absent.

Reason:

To ensure protected species are safeguarded in accord with Policy ENV16 - Protected Species of the Unitary Development Plan.

NOTE:

1. **Please note that this application relates to a conversion of the building(s) only and does not imply any consent for demolition or partial demolition and rebuilding of the barn(s) other than as may be shown in the approved details. Should work not outlined in the application and the structural survey be required then you should immediately contact my department. Demolition or partial demolition of the barn(s) will not comply with the consent as granted and subsequent planning consent will not normally be forthcoming for rebuilding a new dwelling.**
2. **You are advised that should any species protected under the Wildlife and Countryside Act 1981 be discovered on site the developer should contact the Countryside Council for Wales on 02920 772400 for specific advice. In particular it is possible that bats may be found on the site and care should be taken during works entailed in the development.**
3. **Please note that a restrictive occupancy condition applies to this consent and you should ensure that you can fully comply with the requirements for occupancy as detailed in the conditions. Failure to do so may result in the Council taking legal action against you.**

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

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

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

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

2007/01589/FUL Received on 16 November 2007

Mr. & Mrs. Howells, Greenfields, Trerhyngyll, Near Cowbridge, Vale of Glamorgan.
Evolution Building Design, 18, Norseman Close, Rhoose, Vale of Glamorgan.,
CF62 3FY

Greenfields, Trerhyngyll

Three bedroom dormer bungalow

SITE DESCRIPTION

The application site lies in the open countryside, just north of the defined settlement boundary of Trerhyngyll. The site forms part of a small group of dwellings, separated from the defined settlement by the adopted highway. The proposal relates specifically to the side garden of the property, Greenfields, which lies at the junction of the main road that runs north to south through the village, and the side road off which the site is accessed.

DESCRIPTION OF DEVELOPMENT

The application proposes the erection of a detached dwelling on a plot formed from the garden of Greenfields. The garage of the existing dwelling is to be removed to allow for the new plot and dwelling. Greenfields itself is a bungalow, which is located at a raised level to the highway. It is proposed to erect a two storey dwelling at a ground level some 0.8 metres lower than the existing bungalow, in order that the ridge heights would be comparable.

The proposed chalet bungalow will have maximum dimensions 9.5 metres wide by 9.9 metres deep with a ridge height of 6.0 metres and an eaves height of 2.8 metres. A total of six dormer windows are proposed in the roof slopes, each measuring 1.5 metres wide by 1.9 metres high and projecting approximately 1.9 metres from the roof slope.

Approximately, the dwelling will be sited 1.6 metres from the west side boundary with the existing dwelling house, 9 metres from the north boundary with the neighbouring property Ceffyl Gwyn, 13 metres from the east boundary with the main road through the village and 12 metres from the south boundary with the side road off which the site is accessed.

PLANNING HISTORY

07/00613/FUL - Extension to dwelling. Approved.

07/00804/FUL - New dwelling units and associated parking. Refused – unjustified form of development in the open countryside; unsympathetic to the environs of the site; unacceptable effect on the character and wider visual amenities of the area; development does not constitute the logical rounding off of the settlement and represents an insensitive and inappropriate form of infilling within the small group of dwelling.

CONSULTATIONS

Penllyn Community Council were consulted on 27 November 2007. Members feel that this is a 'high visibility site' - a corner plot situated at the entrance to the village. Excavation appears to be proposed so as to lower the roofline of the proposed dwelling, but that will do nothing to reduce its overall visual impact. Members feel that the proposal is not in sympathy with the area. Objection.

The Head of Visible Services (Highway Development) was consulted on 27 November 2007 and has no objection subject to conditions.

REPRESENTATIONS

Neighbour notification letters were sent to Ceffylgwyn, Kinesburn and Mulberry House on 27 November 2007. Furthermore, a site notice was displayed on 17 December 2007.

A letter has been received from the occupant of Mulberry House (see Appendix A). The occupant feels that the development will dominate the position and will alter the descending roof levels of the other dwellings on this hill. This new property should fall in the same fashion as existing properties to keep this elevated position as unobtrusive as possible.

A letter has been received from the applicant's agent (see Appendix B) that put forwards the applicant's justification for the proposal. The letter concludes:

- The application relates to a much smaller scheme than first submitted.
- This revised scheme was purposely amended to adhere to issues addressed by local parties and the Vale of Glamorgan Planning Department.
- Positive discussions were undertaken with the Planning Department before submission of this revised scheme.
- This revised scheme is some 50% smaller than the initial application.
- The proposal lies in line with neighbouring dwellings and does not project past the elevations of these related properties.
- The settlement boundary of Trerhyngyll is only some 15 to 20 metres away from the site.
- The proposed dwelling is not bigger than any approved properties in the neighbourhood and is in keeping with the local vernacular and character.
- No privacy will be lost to neighbouring properties.
- The proposal will use existing proportions, materials and scale.
- The application will have little impact on the streetscape if landscaping and planting was to be introduced.

- Where appropriate the scheme meets all UDP design policies and SPG requirements.

REPORT

Planning Policies

The application site is located outside the settlement boundary of Trerhyngyll and accordingly the proposal has been primarily assessed against the following policies of the Vale of Glamorgan Adopted Unitary Development Plan 1996-2011 (UDP).

ENV1 - DEVELOPMENT IN THE COUNTRYSIDE

ENV10 - CONSERVATION OF THE COUNTRYSIDE

ENV27 - DESIGN OF NEW DEVELOPMENTS

HOUS2 - ADDITIONAL RESIDENTIAL DEVELOPMENT

HOUS3 - DWELLINGS IN THE COUNTRYSIDE

HOUS8 - RESIDENTIAL DEVELOPMENT CRITERIA HOUS2 SETTLEMENTS

Policy ENV1 of the UDP permits development in the countryside provided it is essential for the purposes of agriculture or forestry, appropriate recreational use, or provided it is acceptable in planning terms as the conversion of a rural building. Similarly, Policy HOUS3 permits new housing in the countryside provided it can be justified in the interests of agriculture or forestry.

Policy HOUS2 of the UDP states that small scale rounding off of settlement boundaries that meets the criteria of Policy HOUS8 may be permitted.

Subject to the provisions of Policy HOUS2, Policy HOUS8 permits development within or closely related to defined settlement boundaries, subject to criteria relating to the scale, form and character of the proposal, its sympathy to the environs of the site, and the impact on the amenity and character of the existing environment.

Policy ENV27 relates to all new forms of development. It requires that new forms of development are of a high standard of design and have regard to the context of the environment within which they are proposed.

In addition to the relevant policies contained within the Unitary Development Plan, Planning Policy Wales (2002) provides advice in respect of extensions to existing small groups of dwellings, and states that such forms of development may be acceptable, however much will depend on the character of the surroundings and the number of such groups in the area. It goes on to state that incremental expansion of housing in villages should be avoided where it is likely to result in an unacceptable expansion of travel demand to urban areas.

Issues

It is considered that the primary issue in this case is the principle of the development in this location; whether the development constitutes either an appropriate form of rounding off to the defined settlement or a sensitive form of infilling within a small group of houses (as described in Planning Policy Wales (2002)). In addition, the application needs to be assessed in respect of the impact on neighbours, highway issues and the level of amenity space that would serve the existing and proposed dwellings.

The site lies outside the settlement boundary of Trerhyngyll. Policies ENV1 and HOUS3 of the UDP require new dwellings in the open countryside to be justified in the interests of agriculture or forestry. There is no such justification in this case. However, Policies ENV1 and HOUS3 do make provision for proposals to be assessed under criteria of Policies HOUS2 and HOUS8 of the UDP, where appropriate. In this case, the proposed development is located close to the settlement boundary and it is therefore considered appropriate to consider it under the terms of these policies.

As previously stated, Policy HOUS2 states that small scale rounding off may be permitted at the edge of settlement boundaries where the development can be shown to be consistent with the provisions of Policy HOUS8. The commentary to Policy HOUS2 states that small scale rounding off may be permitted where the site lies within or immediately adjacent to the settlement boundary and conforms to a logical site boundary. In this instance, the site does not lie within the settlement boundary and is separated from the boundary by two adopted highways. It is sited on the opposite corner of the crossroads which form the settlement boundary. As such, it is not considered that the proposed plot constitutes logical or appropriate rounding off of the Trerhyngyll settlement and therefore comprises inappropriate development within the open countryside.

Criteria 1 and 2 of HOUS8 require the scale, form and character of the development to be sympathetic to the environs of the site and to not unacceptably affect the amenity and character of the existing environment. The application site is prominently located at the junction of two highways at the northern entrance to the village. Furthermore, the site is elevated from the highway rendering it more prominent from surrounding view points. The plot within which the dwelling would be sited is presently a maturely landscaped garden, which has a pleasant and open character. Whilst of a relatively domestic appearance, the site has a pleasant, open feel that contributes significantly to the visual amenity and character of the wider area. It is considered that the provision of a new building on the site, with the associated excavation and hardstanding works that would be required, would adversely affect the wider visual amenity of the countryside location and result in an overly prominent form of development that fails to respect the existing built and natural environment.

In light of the above, it is considered that the proposal does not constitute logical or appropriate rounding off of the settlement of Trerhyngyll or a form of development that is sympathetic to the existing environment. Accordingly, it is considered that the proposal is contrary to Policies HOUS2 and HOUS8 of the UDP, and is therefore also contrary to Policies ENV1 and HOUS3.

In this respect, it is considered that the development is also contrary to the advice contained within Planning Policy Wales (2002) in that the character and surroundings of the application site would be unacceptably affected by the erection of an additional dwelling. It is further considered that the proposal represents an unacceptable incremental expansion of the village, and would constitute an unsustainable and inappropriate location for a new dwelling.

In respect of the other normal planning requirements, the submitted layout would provide sufficient amenity space to satisfy the Council's standard of 1m² amenity space to 1m² gross floor space and the proposed dwelling would be unlikely to unacceptably affect the residential amenities of neighbouring occupants by virtue of overlooking or its scale and proximity. The only first floor rear window is located 14 metres from the rear boundary and it is not considered that this window would cause an unacceptable level of overlooking to the neighbouring property's habitable rooms or private amenity space. In highways terms, no highway objection has been raised in respect of the access and it would appear that sufficient parking could be achieved within the site.

However, these matters do not outweigh the overriding objections in relation to the principle of a new, unjustified residential unit outside of the settlement boundary, and the unacceptable impact that it would have on the character and wider visual amenities of the locality.

CONCLUSION

The decision to recommend refusal of planning permission has been taken in accordance with Section 38 of The Planning and Compulsory Purchase Act 2004, which requires that, in determining a planning application the determination must be in accordance with the Development Plan unless material considerations indicate otherwise. The Development Plan comprises the Vale of Glamorgan Adopted Unitary Development Plan 1996-2011.

Having regard to Policies ENV1 – Development in the Countryside; ENV10 – Conservation in the Countryside; ENV27 - Design of New Developments; HOUS2 – Additional Residential Development; HOUS3 – Dwellings in the Countryside; and HOUS8 – Residential Development Criteria HOUS2 Settlements, of the Vale of Glamorgan Adopted Unitary Development Plan 1996-2011 and the Council's Supplementary Planning Guidance the proposal does not constitute logical or appropriate rounding off of the settlement of Trerhyngyllk or a form of development that is sympathetic to the existing environment.

RECOMMENDATION (W.R.)

REFUSE

1. By reason of its location outside the settlement boundary of Trerhyngyll and its relationship to the existing built and natural environment, the proposal represents an unjustified form of development in the open countryside, which is unsympathetic to the environs of the site and would have an unacceptable effect on the character and wider visual amenities of the area. It is therefore considered that the development does not constitute the logical rounding off of the settlement, and represents an insensitive and inappropriate form of development contrary to Policies ENV1 - Development in the Countryside, ENV27 - Design of New Developments, HOUS2 - Additional Residential Development, HOUS3 - Dwellings in the Countryside and HOUS8 - Residential Development Criteria, of the Vale of Glamorgan Adopted Unitary Development Plan 1996-2011, and the advice contained within Planning Policy Wales (2002).

2007/01591/FUL Received on 16 November 2007

P. Salter, 38, Margurites Way, St. Fagans, Cardiff., CF5 4QW
K. McAuliffe, 26 Heol Pearetree, Rhoose, Vale of Glamorgan., CF62 3LB

Plot of land adj to Le Reve, Old Port Road, Wenvoe

Construction of chalet bungalow

SITE DESCRIPTION

The application site comprises an area of land, being previously part of the residential curtilage of Le Reve featuring a detached building that was previously a garage/outbuilding serving Le Reve. The plot has recently been subdivided from Le Reve by close-boarded fence. The detached building is not currently being used. The site is served by an existing access.

DESCRIPTION OF DEVELOPMENT

The application proposes the construction of a chalet bungalow, the demolition of the existing building on the site and the construction of a detached garage building.

The proposed chalet bungalow is T-shaped and has maximum dimensions 14.3 metres by 19.6 metres. The dwelling will have a gabled roof with a ridge height of 5.4 metres and will feature two dormer windows in the north west roof slope. The dwelling will be sited approximately 8 metres from the front boundary with the highway, 1 metre from the rear boundary of the site and 1 metre from the side boundary of the site with Le Reve.

The proposed garage measures 8.0 metres by 5.4 metres and has a gabled roof with a ridge height of 4.7 metres. The garage will be sited up to the front boundary of the site.

PLANNING HISTORY

There is no planning history for the site in its own right. However, the site was part of the residential curtilage of Le Reve when the following planning applications were submitted:

01/01330/FUL - Conservatory. Approved 14 December 2001.

05/00977/FUL - Provision of first floor to existing bungalow. Withdrawn 15 September 2005.

05/01646/FUL - Demolition of single storey extension and garage, removal of roof structure and construction of new dormer roof to provide first floor accommodation and associated extensions. Approved 3 February 2006.

CONSULTATIONS

Wenvoe Community Council were consulted on 26 November 2007. The Council resolved not to support this application as it is contrary to Policy HOUS3.

The Head of Visible Services (Highway Development) were consulted on 26 November 2007 and have no objection subject to conditions.

The Head of Economic Development and Leisure (Ecology) was consulted on 12 December 2007. There are no ecological comments on this application.

The Director of Legal, Public Protection and Housing Services (Environmental Health (consulted on 4 December 2007): The application site is in an area that was previously used as a quarry, which has been in-filled. This department does not object to the application but requests that contaminated land conditions are added.

REPRESENTATIONS

Neighbour notification letters were sent to Le Reve, St. Anns and Caewal on 26 November 2007. A site notice was displayed on 7 December 2007.

To date, no responses have been received.

REPORT

Planning Policies

The application site is located outside the settlement boundary of Wenvoe and within a Green Wedge. Accordingly, the proposal should be primarily assessed against the following policies of the Vale of Glamorgan Adopted Unitary Development Plan 1996-2011 (UDP).

ENV1 - DEVELOPMENT IN THE COUNTRYSIDE

ENV3 - GREEN WEDGES

ENV27 - DESIGN OF NEW DEVELOPMENTS

HOUS2 - ADDITIONAL RESIDENTIAL DEVELOPMENT

HOUS3 - DWELLINGS IN THE COUNTRYSIDE

SPG AMENITY STANDARDS

Policy ENV1 of the UDP permits development in the countryside provided it is essential for the purposes of agriculture or forestry or appropriate recreational use or provided it is acceptable in planning terms as the conversion of a rural building. Similarly, Policy HOUS3 permits new housing in the countryside provided it can be justified in the interests of agriculture or forestry.

Policy HOUS2 of the UDP states that small scale rounding off of settlement boundaries may be acceptable subject to specific criteria other than within areas identified as Green Wedges.

Policy ENV27 relates to all new forms of development and requires that new forms of development are of a high standard of design and have regard to the context of the environment within which they are proposed.

Policy ENV3 does not permit development within identified Green Wedges that prejudices the open nature of the land.

Issues

The application site is located within a Green Wedge in the countryside some 250 metres north of the settlement boundary of Wenvoe. No justification has been submitted in relation to the provision of the dwelling for agricultural or forestry purposes. Notwithstanding the above, Policies ENV3 and HOUS3 do not permit additional dwellings in Green Wedges. As such, the proposal constitutes inappropriate development within this open countryside and Green Wedge location and is contrary to Policies ENV1, ENV3, HOUS2 and HOUS3 of the UDP.

Having regard to the above objection to the principle of the application, it is also pertinent to assess the application in relation to other relevant planning considerations.

The proposal comprises a substantial proportion of built form with buildings being located within close proximity to the boundaries of the site. Accordingly even if the principle of development was considered acceptable, the scale and layout of the proposal would not be considered acceptable. By virtue of its proximity to the front boundary, the proposed garage would appear highly prominent and intrusive from the highway. As such, additional objections are raised with respect to Policy ENV27.

The Council's amenity space requirements, as set out in the SPG Amenity Standards, are met. Furthermore, because the bungalow will have a maximum height of 5.4 metres with no first floor windows overlooking neighbouring properties, it is not considered that the proposal will harm the amenities of the occupants of neighbouring dwellings. There is sufficient space within the site for the parking of three cars along with space for manoeuvring. It is also noted that the Highway Engineer raises no objection to the proposal subject to the provision of conditions. However, it is not considered that the lack of objection to these planning considerations outweighs the objection in principle to the proposed scheme.

CONCLUSION

The decision to recommend refusal of planning permission has been taken in accordance with Section 38 of The Planning and Compulsory Purchase Act 2004, which requires that, in determining a planning application the determination must be in accordance with the Development Plan unless material considerations indicate otherwise. The Development Plan comprises the Vale of Glamorgan Adopted Unitary Development Plan 1996-2011.

The application site is located within a Green Wedge within the open countryside wherein additional dwellings are only permitted when justified for agricultural or forestry purposes. There is no such justification in this instance and therefore the proposal constitutes inappropriate development that prejudices the open nature of the land. The proposal is contrary to Policies ENV1, ENV3, ENV27, HOUS2 and HOUS3 of the Vale of Glamorgan Adopted Unitary Development Plan 1996-2011.

RECOMMENDATION (W.R.)

REFUSE

1. The application site is located within a Green Wedge and within the countryside. Green Wedges have been identified in order to prevent urban coalescence between and within settlements at several locations around the Vale of Glamorgan, as set out in Policy ENV3; in this instance to the north and east of Wenvoe. Policy ENV3 sets out that within these areas, development that prejudices the open nature of the land will not be permitted. Policy HOUS2 outlines that no additional residential development (aside from that justified for agricultural or forestry purposes) will be permitted within areas identified as Green Wedges. The proposed dwelling has not been justified on the basis of agricultural or forestry requirement and the proposal therefore constitutes inappropriate development that would have a harmful effect on the surrounding rural character. Furthermore, and notwithstanding the objection in principle to the scheme, the proposal comprises extensive built form across the site, which is not appropriate for a countryside location. As such, the proposal is contrary to Policies ENV1, ENV3, ENV27, HOUS2 and HOUS3 of the Vale of Glamorgan Adopted Unitary Development Plan 1996-2011.

2007/01635/FUL Received on 26 November 2007

Susan Sessions, Holm House, Marine Parade, Penarth, Vale of Glamorgan.,
CF64 3BG

Susan Sessions, Holm House, Marine Parade, Penarth, Vale of Glamorgan.,
CF64 3BG

Holm House, Marine Parade, Penarth

Amendment of conditions 5 and 7 of application 05/01728/FUL

SITE DESCRIPTION

The application site is located at Holm House, Marine Parade, within the settlement boundary of Penarth. The property currently operates as a hotel and is a large detached property, situated within the Penarth conservation area. Holm House is currently accessed from Marine Parade, with a separate access for the manager's accommodation from Cliff Hill/Road. The hotel is equipped with its own private car park.

DESCRIPTION OF DEVELOPMENT

The application seeks permission to remove Condition No. 5 and amend Condition No. 7 of planning application 2005/01728/FUL, granted consent on 20 January 2006.

Condition No. 5 states:

"The swimming pool, Jacuzzi, spa, bar and dining room hereby approved, shall be ancillary to main use as a bed and breakfast/hotel accommodation, for the sole benefit of residents and shall not be used at any time as a separate facility for wider public use.

Reason:

In the interest of amenity and in order to ensure that the facilities provided remain ancillary to the main use as a hotel."

Condition No. 7 states:

"The premises shall not be used for singing, dancing, the playing of any kind of music, or other forms of public entertainment other than the playing of background music.

Reason:

To ensure the amenities of adjoining occupiers are protected."

The application is to amend Condition No. 7 to include the playing of occasional live background music.

The hotel is currently graded as five star guest house accommodation, as a result of the hotel being unable to accept non residents. The reason for the applicant requesting to remove the conditions is to enable the hotel to be graded as five star hotel.

PLANNING HISTORY

2007/01077/FUL – New pedestrian and vehicular access to manager's accommodation. Approved 12 September 2007.

2006/01333/FUL – Provision of flat roof in gable valley in rear facing roof and amendment to existing roof lights (2 No.) on the roof plane facing the lane on the annex.

2005/01728/FUL – Amendments to previously approved application 03/01748/FUL including conversion of roof space of annex to bedroom/treatment rooms. Approved 20 January 2006.

2003/01748/FUL – Change of use from nursing home to boutique bed and breakfast with manager's flat and spa in south east corner of site and conversion of loft space to four rooms. Approved 25 March 2004.

CONSULTATIONS

Penarth Town Council were consulted on 30 November 2007, their response received 18 December 2007 states no objection.

The Director of Legal, Public Protection and Housing Services (Environmental Health) was consulted on 30 November 2007, their response received 2 January 2008 states no objection subject to conditions.

The Head of Visible Services (Highway Development) was consulted on 19 December 2007, their response received 16 January 2008 states no objection

REPRESENTATIONS

Nos. 2, 10, 11 and 12, Marine Parade were notified on 30 November 2007.

New Skomer and South Lodge, were notified on 30 November 2007.

Flat Nos. 1, 2, 3, 4, 5 and 6, Awel-Y-Mor were notified on 30 November 2007.

Nos. 10, 11 and 12 Dros y Mor were notified on 30 November 2007.

34 representations were received in total; 21 letters and e-mails of support and 13 letters of objection. A sample of these letters and e-mails can be found in the Appendices A-Z, A1 and B1.

A total of 8 letters of support were also submitted with the application although 2 of these wrote additional letters, included in the 15 letters of support.

The comments received are summarised:

Objections:

- There have been no changes since original consent was granted with conditions.
- Parking issues.
- Increase in traffic along Marine Parade.
- Noise disturbance.
- Crime and disorder.
- Most guests arrive by car not public transport.
- Cooking odours.
- Impact on residential amenity.
- Increase in problems if hotel was sold.
- Grading is irrelevant in planning terms.

Support:

- Much needed establishment within walking distance of Penarth town centre and other residents.
- Currently operates with regard to its environment.
- There has been no inconvenience or noise nuisance caused by the hotel.
- Impact on the area does not differ to that of the previous residential home, traffic is probably less.
- Sufficient parking.
- No affect to residents or the local area.
- Benefit to the community.

REPORT

Planning Policies

The relevant policies contained within the Vale of Glamorgan Adopted Unitary Development Plan 1996–2011 are as follows:

ENV6 – EAST VALE COAST

ENV17 – PROTECTION OF THE BUILT AND HISTORIC ENVIRONMENT

ENV20 – DEVELOPMENT IN CONSERVATION AREAS

ENV27 – DESIGN OF NEW DEVELOPMENTS

ENV29 – PROTECTION OF ENVIRONMENTAL QUALITY

Issues

The main issue in assessing this application is the effect of the use of the hotel by persons who are not residents and the playing of live music would have on the amenities of nearby residents.

In relation to parking provision within the site, a number of objections have stated that there are existing parking problems as a result of the use as a hotel. To allow the hotel to accept persons who are not resident at the hotel, could result in an increased number of people visiting the hotel either for the restaurant or spa facility and consequently may exacerbate the existing parking problem. The applicant has not proposed any additional car parking spaces to accommodate any increase. Notwithstanding the above, it is noted that Highway Development have no objection to the proposal and the site is located within walking distance of the town centre.

Taking into consideration the additional number of people visiting the site, it is necessary to take into account the increased noise and disruption this will cause for neighbouring properties. A number of letters of support state that the clientele visiting would be high class therefore are unlikely to be boisterous and noisy when leaving the establishment, however this does not take into account the noise and disturbance created by the starting up of car engines, manoeuvring of vehicles, the closing of car doors and the general noise of conversations. It is noted that the hotel is located in a predominantly residential area. It is also relevant to take into consideration that visitors to the restaurant would for the most part take place in the evening when a residential area is expected to be reasonably quiet. It is therefore essential to assess the impact of any relaxation of the conditions controlling the use in respect of the impact on the amenity of nearby residential properties. It should be noted that the current clientele is not a relevant consideration as the hotel could be sold and the prices reduced therefore it is unknown who may visit the hotel in the future.

The applicant has also stated, as part of this application that they wish to amend Condition No. 7 to allow the occasional playing of live background music for opera and jazz singers. It is difficult to define and restrict the playing of live music occasionally and also it is not possible to restrict the singers to opera or jazz therefore other forms of music, such as live bands would also be allowed by a variation of this condition. The playing of live music differs to background music therefore, for the purpose of this application, the removal of this condition to allow live music is being considered and not the amendment to allow occasional live background music of jazz and opera singers. The removal of Condition No. 7 could cause an increased disruption for occupiers of properties within the vicinity and this would primarily take place during the evening which could cause more noise and disruption for residents. The condition was originally imposed to protect these residents. However, the Environmental Health Department have not objected subject to conditions, these conditions require that doors and windows within the hotel are kept closed at all times when music is being played.

Given the above and the lack of any objections from the Environmental Health Section subject to conditions, it is considered that it may be possible to vary the relevant conditions of the original consent for a temporary period of a year, to allow the Local Planning Authority to properly assess if any harm is caused to neighbouring residential properties. However, it is considered that a further condition should be applied which would prevent the playing of music and the consumption of food outside the building.

Given the above, it is considered that the Council should be able to assess the implications of a temporary variation of the relevant conditions. Should it become apparent through complaints to either Environmental Health Department or Planning Enforcement that the use is causing a nuisance or detrimentally affecting the amenities of local residents, the Council could refuse to extend the consent any further.

CONCLUSION

The decision to recommend planning permission has been taken in accordance with Section 38 of The Planning and Compulsory Purchase Act 2004, which requires that, in determining a planning application the determination must be in accordance with the Development Plan unless material considerations indicate otherwise. The Development Plan comprises the Vale of Glamorgan Adopted Unitary Development Plan 1996-2011.

Having regard to Policies ENV6 - East Vale Coast, ENV17 - Protection of the Built and Historic Environment, ENV20 - Development in Conservation Areas and ENV27 Design of new Developments, the proposal by virtue of its lack of parking facilities and location within a residential area would represent an unacceptable level of noise and disruption to properties within the immediate vicinity.

RECOMMENDATION

APPROVE subject to the following condition(s):

1. The removal of Condition No. 5 of permission 2005/01728/FUL regarding the use of facilities at the hotel shall be for a temporary period only and the condition shall be reinstated on 21 February 2009 unless otherwise agreed in writing with the Local Planning Authority.

Reason:

To ensure the privacy of nearby residential properties are protected and in order to ensure compliance with Policy ENV29 of the Unitary Development Plan and to prevent noise breakout from the premises.

2. During the playing of any music, singing, dancing or any other kind of public entertainment, the windows and doors of the Hotel shall be kept closed in accordance with a scheme to be first submitted prior to the commencement of any of the above.

Reason:

To ensure the privacy of nearby residential properties are protected and in order to ensure compliance with Policy ENV29 of the Unitary Development Plan and to prevent noise breakout from the premises.⁷

3. No food or drinks shall be served or consumed (and no music, singing or dancing or any other kind of public entertainment) outside of the hotel, at any time.

Reason:

To ensure the privacy of nearby residential properties are protected and in order to ensure compliance with Policy ENV29 of the Unitary Development Plan and to prevent noise breakout from the premises.

NOTE:

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

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

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

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

2007/01684/FUL Received on 3 December 2007

Llangoedmor Properties, 1-2, Park Road, Penarth, Vale of Glamorgan., CF64 3BD

Mr. T. F. Mathias, 17, Cherry Orchard Road, Lisvane, Cardiff., CF14 0UD

Parkside Residential Home, 1-2, Park Road, Penarth

2 storey rear extension to provide 10 en-suite rooms, extension to dining area and laundry

SITE DESCRIPTION

The application site comprises 2 units, Nos. 1 and 2, Park Road, in the residential settlement of Penarth. The current use of the two properties is a residential home (Class C2), and the site comprises on-site parking, a large garden area to the front of the site, and a coach house conversion to the rear. The application site is located within the Penarth Conservation Area.

The site adjoins large dwellings to the north and west, and Gardenhurst Resource Centre to the south.

DESCRIPTION OF DEVELOPMENT

The submitted application seeks planning consent to construct a two-storey extension to the rear of the property to create 10 additional new bedrooms, four on the ground floor with a sitting area and six on the first floor. At ground floor the extension will link with the existing coach house. Currently the residential property comprises 30 bedrooms (10 on each floor) and the extension will potentially allow for 40 bedrooms on the site.

The application also proposes an extension to the existing conservatory and a laundry area attached to the kitchen, both single storey extension and therefore only affecting the ground floor.

PLANNING HISTORY

02/01255/TCA – Fell one bay. Approved 24 September 2002.

92/00919/FUL - It is intended that Nos. 1 & 2 Park Road and which now form one unit and operate as a residential home for the elderly, should henceforth be run as a residential / nursing home with dual registration. Approved 23 October 1992.

86/00216/FUL – Change of use from dwelling to home for the elderly. Refused 24 June 1986.

85/00259/Ful – Garage. Approved 16 May 1985.

84/00502/FUL – Conversion of Coach House to dwelling and erection of garage. Approved 24 July 1984.

CONSULTATIONS

Penarth Town Council was consulted on the 7 December 2007 and comment that “the application should be refused for the following reasons:

- (a) The two-storey extension to the rear left hand wing is considered to comprise insensitive overdevelopment of the size by virtue of its size, scale and form which will adversely affect the setting of this pair of Victoria villas as well as the visual amenities of the surrounding area, the character of which is epitomised by large open garden surrounds and is an essential feature of the Penarth Conservation Area in this location.
- (b) The proximity of the two-storey extension to the rear garden coach house and its linkage by means of a small lobby is considered to adversely affect the integrity of the coach house in terms of its character, setting and appearance.
- (c) Notwithstanding the proposed car parking provision for 17 vehicles along both driveways to this pair of properties, concern is expressed that an additional 10 bedrooms will exacerbate on-street parking problems in the area, which is under severe pressure, given the nature of developments in this locality.”

The Head of Visible Services (Highway Development) was consulted on 12 December 2007 and comments that an objection to the development proposals cannot be sustained based on highway related issues.

The Director of Legal, Public Protection and Housing Services (Environmental Health) was consulted on 12 December 2007 and comments that this department has no comment to make regarding the above application.

REPRESENTATIONS

No. 1, Gardenhurst Resource Centre, Holmesdale Place, was consulted on the 12 December 2007.

First Floor Flat - `Tanglewood`; Ty Zaria; Pinefield; Raismere; Nos. 2, 3, 4, 5 Park Road; and Nos. 38, 40, 42 Plymouth Road, were consulted on 12 December 2007.

To date, 8 letters with concerns and objections to the proposal have been submitted. They relate mostly to the overbearing nature of the scheme, its impact on the Conservation Area and the potential increase in parking issues (see Appendix A for all letters of objection).

REPORT

ENV17 – PROTECTION OF THE BUILT AND HISTORIC ENVIRONMENT

ENV20 – DEVELOPMENT IN CONSERVATION AREAS

ENV27 – DESIGN OF NEW DEVELOPMENTS

HOUS10 – NURSING HOMES

The submitted application seeks planning consent to construct 10 new en-suite bedrooms to the rear of the site, in between the courtyard and the converted coach house. This will be a two-storey rear extension.

The proposed ground floor will comprise four new en-suite bedrooms with a sitting area, a lift, an enclosed cloister and a lobby area. These bedrooms will adjoin the existing building where there is currently a Fir tree (to be removed) and link in with the existing converted coach house at the rear of the property.

The existing conservatory leading to the courtyard and the existing kitchen, both at ground floor will also be extended.

At first floor, the extension will follow the same footprint, thus also including a cloister and lobby area, however with six new en-suite bedrooms. The extension does not link with the coach house at first floor.

As a result of the proposal, the extension is due to create 10 additional bedrooms to the property, and the residential home will therefore have the potential of accommodating a maximum of 40 residents.

The proposed works are not considered to cause significant detrimental harm to the character of the Conservation Area, particularly, as the development in its entirety, is to the rear area of the site, between the converted coach house and the existing courtyard. Therefore in terms of the street scene, the works will not be visible from outside the site, given the location of the property (set back approximately 20 metres from the front highway) and the elevation to Park Road will remain as existing.

Furthermore, in terms of the possible harm to trees in a Conservation Area, one tree in particular 'Austrian Pine' is the largest specimen on-site and has survived amongst all the work that has previously taken place, but is only visible from the street through gaps between the semi-detached properties. The excavations for the rear extension may potentially cause harm to this tree, however as there are to be new tree plantings (as indicated on the plans) for the courtyard, (which can be conditioned as part of the granting of planning permission) it is considered that the eventual loss of the tree will be compensated.

In considering the neighbouring amenity, given the distance between the dividing boundaries of the properties on either side, the proposal is not considered harmful in terms of overbearing impact or detrimental to the private amenities of the neighbouring adjacent premises.

Furthermore, although there is significant concern amongst residents in terms of the parking provision on-site, and the impact upon on-street parking, the existing layout submitted with the application has been considered acceptable, as it is to cater for the nursing home as extended, being in accordance with the Council's approved parking guidelines. On-street parking, this should not be affected, as there is adequate on-site parking to prevent any adverse harm in terms of highway and pedestrian safety. The relevant letters regarding parking constraints for residents have been forwarded to the highway department (maintenance section).

As a result the proposed development is considered acceptable, and therefore complies with the relevant planning policies and supplementary planning guidance.

CONCLUSION

The decision to recommend planning permission has been taken in accordance with Section 38 of The Planning and Compulsory Purchase Act 2004, which requires that, in determining a planning application the determination must be in accordance with the Development Plan unless material considerations indicate otherwise. The Development Plan comprises the Vale of Glamorgan Adopted Unitary Development Plan 1996-2011.

Having regard to Policies ENV17 – Protection of the Built and Historic Environment; ENV20 – Development in Conservation Areas; ENV27 – Design of New Developments; and HOUS10 – Nursing Homes, the proposed development to include 10 new bedrooms, an extended conservatory and new laundry room is considered acceptable. The development is not regarded detrimental to the character of the property within the street scene, detrimental to the neighbouring private amenities or adversely affect highway or public safety. The proposal therefore complies with the relevant planning policies and supplementary planning guidance.

RECOMMENDATION

APPROVE subject to the following condition(s):

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

Reason:

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

2. Details of a planting scheme for the courtyard shall be submitted to the Local Planning Authority for their approval in writing.

Reason:

To ensure compliance with Policies ENV11 and ENV27 of the Unitary Development Plan.

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

Reason:

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

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

Reason:

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

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.

2008/00001/FUL Received on 2 January 2008

R. J. & D. Hill, Ty Shwllac, Heol Shwllac, St. Brides Major, Vale of Glamorgan.,
CF32 0RS

R. J. & D. Hill, Ty Shwllac, Heol Shwllac, St. Brides Major, Vale of Glamorgan.,
CF32 0RS

Swn-y-Mor Livery Stables, Glan-y-Mor Lane, Broughton

Temporary mobile home

SITE DESCRIPTION

The application site is 'Swn-y-Mor Stables, Glan-y-Mor Lane, Broughton. The site is located approximately 1.2km west of Wick, half way along Glan-y-Mor Lane. The stable complex is made up of two linear pitched roof buildings, providing accommodation in the form of 10 stables, tack room, feed store and barn.

At present there is a steel container to the front of the site, approximately 100m back from the highway. Whilst the application is related to the use of the stables as a whole, the delineated application site is specifically drawn around the footprint of the proposed development at the front of the site. The applicant has stated that the container is at present used for 'storage and accommodation'.

DESCRIPTION OF DEVELOPMENT

The application proposes the replacement of this container with a 'temporary mobile home' to enable a stable manager to live on site. Whilst the submitted plans of the building are of a limited quality, it takes the form of a box static caravan. The building measures 10m long x 3m wide x 2.5m in height. No further details have been submitted in respect of the external finishes.

The building would lie at the entrance to the stable blocks, approximately 100m back from the highway. It is proposed adjacent to the stable's access track, opposite the approved hardstanding for car parking.

There has been no detailed statement submitted with the application to justify the development, other than a brief statement of the value of horses stabled within the buildings and that the dwelling is required for husbandry and security purposes.

PLANNING HISTORY

91/00751 (Ogwr) - Application for a stables and managers accommodation. This application was refused as it represented an unjustified form of residential development in the open countryside and due to the impact on the rural character of the area.

91/01083 (Ogwr) - Application for a stables and managers accommodation. This application was also refused as it represented an unjustified form of residential development in the open countryside and due to the impact on the rural character of the area.

93/00016 (Ogwr) - This application was for a stable complex and riding centre and was refused due to its visual impact on the character of the area. An appeal was successfully lodged against this decision and planning permission granted.

96/00051 (Ogwr) - Stables and riding school. Approved.

97/00250/FUL - Application for the stables in an amended location to the previous applications. Approved. This planning permission was accompanied by a legal agreement to ensure that the previously approved scheme could not also be constructed.

02/01390/FUL - Application to renew 97/00250/FUL. This application was refused since the applicant was un-willing to enter into a new legal agreement, which would have been necessary to prevent the construction of the stables in two separate positions.

Notwithstanding the refusal of 02/01390/FUL, it was accepted that the 97/00250/FUL had been implemented and the stables were erected on that basis.

05/00489/FUL - Application for a bungalow. This application was refused as it represented an unjustified residential development in the countryside.

CONSULTATIONS

Wick Community Council. No representations have been received to date.

Environment Agency Wales have raised no objection and submitted their "Standard Advice Guidance Note for Developers."

The Head of Visible Services (Highway Development). No representations have been received to date.

The Director of Legal, Public Protection and Housing Services (Environmental Health). No representations have been received to date.

Dwr Cymru/Welsh Water. No representations have been received to date.

REPRESENTATIONS

A site notice has been posted at the junction of Glan-y-Mor Lane and Heol Las. No representations have been received to date.

REPORT

Planning Policies

The Development Plan for the area comprises the Vale of Glamorgan Adopted Unitary Development Plan 1996-2011, which was formally adopted by the Council on 18 April 2005, and within which the following policies are of relevance:

ENV1 - DEVELOPMENT IN THE COUNTRYSIDE

ENV5 - GLAMORGAN HERITAGE COAST

HOUS3 - DWELLINGS IN THE COUNTRYSIDE

HOUS5 - AGRICULTURAL OR FORESTRY DWELLINGS

ENV10 - CONSERVATION OF THE COUNTRYSIDE

Policy ENV1 permits new development in the countryside provided it is justified in the interests of agriculture or forestry, is for an appropriate recreational use, is for the re-use or adaptation of existing buildings or is for a form of development approved under other policies of the plan.

Policy HOUS3 permits new dwellings in the countryside provided that they can be justified in the interests of agriculture or forestry, while Policy HOUS5 permits dwellings associated with agriculture or forestry provided specific criteria are met, namely (i) an essential need is demonstrated, based on functional and financial necessity; (ii) the scale, siting, design, landscaping and external appearance are compatible with the surrounding landscape; and (iii) an acceptable access to the dwelling can be provided.

Policy ENV5 relates to the Glamorgan Heritage Coast and states that the special environmental qualities of this area will be preserved and enhanced.

Policy ENV10 seeks to ensure that the countryside and in particular areas of high quality landscape, will be protected from inappropriate forms of development, while Policy ENV27 relates to the Design of New Developments and seeks to ensure that all new forms of development have regard to the context of the environment within which they are proposed.

National planning guidance is to be found in Planning Policy Wales (2002) (PPW) and Technical Advice Note 6 (TAN 6). Planning Policy Wales advises that a proposal for such an agricultural dwelling must demonstrate that the proper functioning of the enterprise requires a worker to be readily available at most times, and that the farming enterprise is economically viable (functional and financial tests).

Planning Policy Wales (2002) also states that it is important to establish the stated intentions of the applicant to engage in agriculture are genuine, and reasonably likely to materialise and are capable of being sustained. PPW goes on to state that where a case is not completely proven, the dwelling should take the form of temporary accommodation for the first three years, which could easily be dismantled.

TAN6 repeats this advice and states that an application for a temporary dwelling should satisfy the following criteria:

- (i) Clear evidence of a firm intention to develop the enterprise concerned.
- (ii) Functional need.
- (iii) Clear evidence that the enterprise has been planned on a sound financial basis.
- (iv) The functional need could not be satisfied by another dwelling within the unit, or other suitable accommodation in the area.

- (v) Other normal planning requirements, for example on siting and access, are satisfied.

Issues

It is considered that the primary issues in this case are:

- The need for residential accommodation, given it is not associated with an agricultural or forestry activity and whether the proposed temporary caravan satisfies the functional and financial tests. Regard should also be given to whether a permanent dwelling would be acceptable, should the case for a temporary structure be proven.
- The visual impact of the proposed building on the rural character of this part of the Glamorgan Heritage Coast.

The approved stable complex is comprised of 10 stables with associated storage rooms and the applicant has stated that they currently house 8-12 thoroughbred Irish Tinker Ponies, mares and foals. However, the applicant has not submitted any detailed information relating to the existing, past or proposed occupation of the stables, or the extent to which the stables have materialised to become a viable commercial enterprise.

There is a general presumption against development within the open countryside and in accordance with Policy HOUS3, the erection of new dwellings in the countryside will be restricted to those that can be justified in the interests of agriculture and forestry.

To satisfy the agricultural functional test it must be demonstrated that a worker must be readily available to deal with agricultural processes that require essential care at short notice, or to deal with emergencies that might otherwise cause serious loss of crops or products (TAN6, para. 42).

In policy terms, equine uses generally do not fall within the terms of agriculture. The Welsh Assembly Government issued a report in January 2005 (Essential Dwellings in the Open Countryside). The report asked the question 'Should the scope for new dwellings in the open countryside be widened?' The response was 'There is a solid case for widening the current guidance for essential dwellings in the open countryside to apply to agricultural, forestry and other rural enterprises'. However, at present this has not been translated into policy. Notwithstanding this, it is useful to apply the agricultural tests in order that a full assessment of the proposal can be made.

In accordance with TAN6 'Agricultural and Rural Development', proposals for permanent agricultural dwellings need to pass functional and financial tests.

In terms of the functional test, as stated above, the applicant has failed to provide any detailed history of the occupancy of the site and information as to the current running of the stables. It is therefore not proven that welfare needs have arisen/will arise that would require 24-hour on site attention. Furthermore, alternative options such as shift working have not been explored by the applicant.

The approved structure contains a degree of accommodation in addition to the stables, which, whilst not ideal for such purposes, could be utilised to accommodate any necessary occasional and infrequent overnight stays as emergencies dictate. It is highly unlikely that infrequent activities of this nature would be viewed as a material change of use in their own right.

In terms of the financial test, the applicant has not submitted any information whatsoever to demonstrate that the site is currently operating at/likely to operate at a level which will make it a viable commercial operation. There is therefore a high degree of uncertainty over the likely prospects of the site as a business, which in the short term, clearly indicate that the financial test would not be satisfied.

An essential dwelling or caravan (having passed the functional and financial tests), even sited for a temporary period, could only be justified once all the other possibilities have been explored. Therefore, while there is an apparent move within WAG towards allowing essential dwellings for general rural enterprises (as well as agriculture) in the countryside, it is considered that the application for a dwelling here is not justified given the uncertainty over the actual number of horses to be stabled, the lack of a proven financial basis for a commercial enterprise, the nature and extent of the commercial use, and the fact that alternative methods of monitoring may exist but have not as yet been explored.

In terms of visual impact, whilst the caravan would be set back from the highway, it would be clearly visible from both the main entrance to the site and other points along the highway. It is considered that by virtue of its unsympathetic design and relatively prominent position, the proposed development would appear as a visually incongruous and inappropriate form of development that would cause harm to the rural character of the area and the special environmental qualities of the Glamorgan Heritage Coast.

Whilst the static caravan would replace an existing steel container, this cannot provide a justification for a replacement building of this type since this container does not appear to benefit from planning permission. It is therefore possible that this matter may be pursued separately by the Council's Planning Enforcement Section.

CONCLUSION

The decision to recommend refusal planning permission has been taken in accordance with Section 38 of The Planning and Compulsory Purchase Act 2004, which requires that, in determining a planning application the determination must be in accordance with the Development Plan unless material considerations indicate otherwise. The Development Plan comprises the Vale of Glamorgan Adopted Unitary Development Plan 1996–2011.

Having regard to Policies ENV1 – Development in the Countryside, ENV5- Glamorgan Heritage Coast, ENV10 – Conservation of the Countryside, ENV27- Design of New Developments, HOUS3 – Dwellings in the Countryside and HOUS5 – Agricultural or Forestry Dwellings, of the Vale of Glamorgan Adopted Unitary Development Plan 1996–2011 and advice in Planning Policy Wales (2002) and TAN 6 (2002), it is concluded that there is no proven justification for the proposed dwelling. In addition, it is considered that the proposed dwelling would cause harm to the visual amenities and rural character of the area.

RECOMMENDATION (W.R.)

REFUSE

1. The application proposes a temporary dwelling located in the open countryside associated with a proposed equestrian business, which does not carry any agricultural or forestry justification. In addition, whilst it is acknowledged that there may in the future be a move towards allowing essential dwellings for other rural enterprises in the open countryside, it has not been demonstrated that the enterprise would pass either the functional or financial tests. Neither have the alternative options to an on-site dwelling house been sufficiently explored. As such the proposed temporary dwelling is not justified and the proposal is contrary to Policies ENV1 - Development in the Countryside, HOUS3 - Dwellings in the Countryside and HOUS5 - Agricultural or Forestry Dwellings, of the Vale of Glamorgan Adopted Unitary Development Plan 1996-2011 and TAN6 - Agricultural and Rural Development.
2. By virtue of its design, form and prominence at the front of the site, the proposed caravan would appear as an inappropriate and visually intrusive form of development, which would adversely affect the rural character of the area and the special environmental qualities of the Glamorgan Heritage Coast. In this respect the proposal is therefore contrary to Policies ENV5 - Glamorgan Heritage Coast and ENV27 - Design of New Developments, of the Vale of Glamorgan Adopted Unitary Development Plan 1996-2011.

2008/00045/OUT Received on 11 January 2008

Mr. N. Esterkin, 45, Carrwood, Hale Barns, Altrincham, Cheshire., WA15 0EN
Andrews Gay & Partners, Watson House, 2, Cora Street, Barry, Vale of
Glamorgan., CF63 4EP

29, Dock View Road, Barry

Proposed 3 no. self contained flats

SITE DESCRIPTION

The application site is No. 29 Dock View Road, Barry, which is a vacant derelict piece of land between the corner shop at No. 28 and Campbell Court flats. The site measures approximately 7m wide x 29m deep, and has a consistent gradient upwards from front to back. Whilst the site is now vacant, historical Ordnance Survey plans appear to indicate that it was formerly occupied by a dwelling.

The site is bounded at the rear by a back lane, which has two access points at Kingsland Crescent and Station Street.

DESCRIPTION OF DEVELOPMENT

The application is in outline for 3 self contained flats. The applicant has reserved all matters for future approval, however, an indicative building footprint and car parking layout has been shown on the plans.

The site plan indicates 4 parking spaces at the rear of the site, to be accessed from the rear lane. It also shows a footprint of 50m², to be sited between 5 and 6 metres back from the front boundary of the site.

PLANNING HISTORY

None.

CONSULTATIONS

Barry Town Council have raised no objection in principle, subject to the applicants being able to provide an adequate level of amenity space and car parking and an appropriate design.

Dwr Cymru/Welsh Water. No representations have been received to date.

The Head of Visible Services (Highways Development) has raised an objection to the application on the grounds that the rear lanes are of an inadequate width and would not enable sufficient visibility when egressing into either Kingsland Crescent or Station Street. An objection would also be raised due to a lack of visibility should an access point be proposed from Dock View Road.

The Director of Legal, Public Protection and Housing Services (Environmental Health). No representations have been received to date.

REPRESENTATIONS

The neighbouring properties of No. 2 Kingsland Crescent, No. 28 Dock View Road and Nos. 1-12 (all Nos.) Cambell Court were consulted in respect of the application. One letter has been received, which raises no objection in principle, but raises concern over the proximity of any building to an external central heating flue on No. 28 Dock View Road.

REPORT

Planning Policies

The application site lies within the residential settlement boundary for Barry as defined in the Vale of Glamorgan Adopted Unitary Development Plan 1996-2011 (UDP). As such the following policy background is relevant:

Policy HOUS2 of the Unitary Development Plan allows for housing infill, small scale development and redevelopment within the settlement boundary of Barry, subject to the following criteria of Policy HOUS8 - Residential Development Criteria:

- (i) THE SCALE, FORM AND CHARACTER OF THE PROPOSED DEVELOPMENT IS SYMPATHETIC TO THE ENVIRONS OF THE SITE;
- (ii) THE PROPOSAL HAS NO UNACCEPTABLE EFFECT ON THE AMENITY AND CHARACTER OF EXISTING OR NEIGHBOURING ENVIRONMENTS BY VIRTUE OF NOISE, TRAFFIC CONGESTION, EXACERBATION OF PARKING PROBLEMS OR VISUAL INTRUSION;
- (iii) THE PROPOSAL DOES NOT HAVE AN UNACCEPTABLE IMPACT ON GOOD QUALITY AGRICULTURAL LAND (GRADES 1, 2 AND 3A), ON AREAS OF ATTRACTIVE LANDSCAPE OR HIGH QUALITY TOWNSCAPE OR ON AREAS OF HISTORICAL, ARCHAEOLOGICAL OR ECOLOGICAL IMPORTANCE;
- (iv) WHEN APPROPRIATE AND FEASIBLE THE PROVISIONS OF POLICY REC3 ARE MET;
- (v) THE PROVISION OF CAR PARKING AND AMENITY SPACE IS IN ACCORDANCE WITH THE COUNCIL'S APPROVED GUIDELINES;
- (vi) ADEQUATE COMMUNITY AND UTILITY SERVICES EXIST, ARE REASONABLY ACCESSIBLE OR CAN BE READILY AND ECONOMICALLY PROVIDED.

Policy ENV27 of the UDP relates to the Design of New Developments and is a criteria based policy that requires that new development has full regard to the context of the local natural and built environment and its special features.

TRAN10 of the UDP refers to Parking and requires the provision of parking facilities in accordance with the Council's approved guidelines.

The Council also has Supplementary Planning Guidance (SPG) including an SPG on Amenity Standards, which contains policies not only in relation to the level and quality of amenity space but also covers issues of privacy, overshadowing and visual amenity.

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

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

Issues

It is considered that the primary issues involved in the assessment of the application are the likely impact of the building on the street scene, the impact on the amenities of neighbouring properties and the level and quality of parking and amenity space that can be provided.

The application site lies within the settlement boundary of Barry, therefore, the principle of residential development is acceptable subject to the proposal satisfying the criteria of Policies ENV27 and HOUS8 of the UDP and the Council’s Supplementary Planning Guidance.

The application is in outline and whilst an indicative footprint has been detailed, the application does not contain the level of detail required to enable a full assessment to be made of the appearance and design of the building and its relationship to the existing built environment.

The site is particularly constrained in that it is adjoined on either side by large 3-storey developments. To the west, No. 28 Dock View Road directly abuts the application site and to the east, the flat complex of Cambell Court lies almost directly abutting the other side boundary of the site. The rear 3 storey annexe at No. 28 Dock View Road contains windows overlooking the site and the side elevation of Cambell Court contains a high number of windows (including a number of bedrooms) directly facing the site.

Whilst only indicative at this stage, the footprint indicates a building located towards the front of the site, approximately 5m back from the front boundary. Given the extremely narrow dimension to the site, it is considered reasonable to assess this application for three units on the basis of it being a three storey building. It does not appear that three units could be provided over fewer floors based on this type and size of footprint.

Again, notwithstanding that the footprint is indicative, it shows a building that would occupy almost the entire width of the site, it being sited within 1m of the side boundaries. It is considered that given the restricted size of the site, any building designed to achieve this level of accommodation would inevitably occupy a footprint of this size.

It is, therefore, considered that the proposed development, by virtue of its size and proximity to the boundaries with the neighbouring properties, would cause a significant degree of harm to the occupiers of these neighbouring units. Particularly in relation to the habitable room windows within Cambell Court, it is considered that the proposal would amount to an oppressive and unneighbourly form of development, which would result in an unacceptable degree of overshadowing and level of harm to the residential amenities of these neighbours.

Amenity Space

It is possible that the site could provide an area of amenity space to the rear of the building that satisfies the Council's amenity standards, purely in respect of its size. However, Policy 2 of the Council's Amenity Standards Supplementary Planning Guidance requires amenity space to be useable, adequate, appropriate and private. The guidance places an emphasis on the essential requirement for a degree of privacy.

In this case, the entire application site is overlooked by windows on the side elevations of both No. 28 Dock View Road and Cambell Court, particularly the latter, which contains at least 15 windows overlooking various parts of the site. Therefore, regardless of the siting of the building, it is inevitable that the area set aside as amenity space will be overlooked and lacking any degree of privacy.

In light of the above, notwithstanding the dimensions of the amenity space, it is considered that the constraints of the site would result in an area which fails to satisfy the SPG, given that it would be inadequate, inappropriate and lacking privacy for the occupiers of the proposed development.

Parking

The Highways Engineer has advised that the parking layout shown, accessed via the rear lane, is unacceptable by virtue of the lane's narrowness and the lack of visibility at both ends. Vehicular access would also be unacceptable to the front of the site from Dock View Road.

However, the application site is located directly opposite Barry Docks Train Station, on a regular bus route and within 5 minutes walk of the town centre. It is, therefore, considered that this represents a highly sustainable location that is well placed for local services and alternative methods of transport. On this basis, it is not considered that the lack of parking alone would warrant the refusal of the application.

CONCLUSION

The decision to recommend refusal of planning permission has been taken in accordance with Section 38 of The Planning and Compulsory Purchase Act 2004, which requires that, in determining a planning application the determination must be in accordance with the Development Plan unless material considerations indicate otherwise. The Development Plan comprises the Vale of Glamorgan Adopted Unitary Development Plan 1996-2011.

Having regard to Policies ENV27- Design of New Developments and HOUS8- Residential Development Criteria, of the Vale of Glamorgan Adopted Unitary Development Plan 1996-2011 and the Council's Supplementary Planning Guidance on Amenity Standards, it is considered that the proposal is unacceptable in that it would cause harm to the amenities of the neighbouring properties and given the relationship with windows on the neighbouring buildings, could not provide an appropriate private area of amenity space for the benefit of the users.

RECOMMENDATION (W.R.)

REFUSE

1. The proposed development is considered to be contrary to the aims of Policies HOUS2 - Additional Residential Development, HOUS8 - Residential Development Criteria and ENV27 - Design of New Developments, of the Vale of Glamorgan Adopted Unitary Development Plan 1996-2011, the Council's Supplementary Planning Guidance on Amenity Standards for the following reasons:
 - (i) By virtue of its likely scale and proximity to neighbouring residential properties (specifically windows), the proposal would represent an unneighbourly and oppressive form of development, which would unacceptably affect the residential amenities of these neighbours.
 - (ii) The area of amenity space proposed to serve the flats would be directly overlooked by the habitable room windows of neighbouring properties, resulting in an inappropriate and inadequate form of space that provides the occupiers with an insufficient level of privacy.

2007/01769/RG3 Received on 20 December 2007

Property Section, 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

Court Road Depot, Barry

Single storey modular building

SITE DESCRIPTION

The application site relates to land at the Vale of Glamorgan Council Court Road Depot, Court Road, Barry located adjacent to Jenner Park Athletic Stadium.

DESCRIPTION OF DEVELOPMENT

This is a Regulation 3 application for the siting of a single modular building to provide staff accommodation and the demolition and removal of existing staff accommodation within the site.

The building will measure 30 metres in length by a width of 9.9 metres with an eaves height of 3.2 metres and ridge height of 3.9 metres and is shown to be accessed by a ramp access and stairs. The accommodation comprises of a reception area, central corridor with office accommodation, toilets, meeting rooms and rest rooms. The building is shown to be constructed from light grey profiled steel roof sheeting and modular steel wall panels. The building will be sited on the western part of the site adjacent to the car park.

The application has been supported by an access statement.

PLANNING HISTORY

None relevant.

CONSULTATIONS

Barry Town Council were consulted and raised no objection

REPRESENTATIONS

Adjacent and nearby occupiers were notified and to date no letters of representation have been received.

REPORT

Planning Policies

The following policies contained within the Vale of Glamorgan Adopted Unitary Development Plan 1996-2011 are considered relevant:

Issues

The proposal seeks to replace the existing office accommodation for the Parks and Grounds Maintenance staff located at the front of the site which comprises of a number of separate demountable units. Therefore the removal of these existing units and their replacement by a single modern demountable unit set further back into the site will improve the appearance of the site when viewed from Barry Road and consolidate the staff accommodation into one unit.

The siting chosen is considered acceptable being located on what is currently an under utilised part of the site adjacent to the Jenner Park Athletic Grounds and as such will not be widely visible from outside the site and due to its distance from the nearby dwellings will not impact on the privacy of nearby residents occupiers.

The design of the building whilst demountable is considered appropriate and it is stated that this form of accommodation has been chosen in the event that the accommodation can be relocated to another site if necessary. The materials and finishes proposed are considered acceptable.

The access statement states that no additional staff or visitors are proposed and the building will utilise the existing pedestrian and vehicular access and the existing parking provision will be maintained.

CONCLUSION

The decision to recommend planning permission has been taken in accordance with Section 38 of The Planning and Compulsory Purchase Act 2004, which requires that, in determining a planning application the determination must be in accordance with the Development Plan unless material considerations indicate otherwise. The Development Plan comprises the Vale of Glamorgan Adopted Unitary Development Plan 1996-2011.

Having regard to Policies ENV27 – Design of New Developments and TRAN10 – Parking of the Vale of Glamorgan Adopted Unitary Development Plan 1996-2011, the proposal is considered acceptable in relation to its siting, design, materials and highway considerations and would not impact of the amenities of nearby occupiers.

RECOMMENDATION

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

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

Reason:

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

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.

2008/00018/RG3 Received on 3 January 2008

Vale of Glamorgan Council, The Alps Depot, Wenvoe, Vale of Glamorgan., CF5 6AA

Clifford Parish, OM Waste Management & Cleansing, Visible Services, Vale of Glamorgan Council, The Alps Depot, Wenvoe, Vale of Glamorgan., CF5 6AA

Barry Island Promenade and part of former Butlins Site, Barry Island

Enhancement of public open space to provide tourist related activities

SITE DESCRIPTION

The application site (as amended) relates to Barry Island Promenade and comprises of two distinct areas (Zones) relating to the main promenade area and landscaped public area and includes the eastern section of the Promenade including the shelter.

DESCRIPTION OF DEVELOPMENT

This is a Regulation 3 application submitted to provide an enhanced use of the areas of public open space at Barry Island and to extend the existing land uses which include leisure, retail and entertainment facilities to include temporary land use at specific seasonal periods along the promenade and surrounding areas for tourist related activities.

Zone 1 comprises of the main amusement/funfair area which is some 1.8 hectares in area located to the south of Friars Road, where the uses indicated are shown to include bouncy castle, Punch and Judy shows and street entertainers.

Zone 2 – Comprises of the eastern promenade and shelter with uses including market stalls, exhibition areas, display and demonstration areas.

It should be noted that the application has been amended to exclude Zone 3 which relates to the site of the former Butlins swimming pool for an overspill area for funfair activities.

It is proposed to provide use Zones 1 and 2 seasonally (Easter to December) and during public holiday, bank holiday and Bonfire night etc.

PLANNING HISTORY

07/01431/FUL – Refurbishment of existing mini golf course to form new 12 hole adventure golf course with reception building for the sale of refreshments.
Approved

CONSULTATIONS

Barry Town Council were consulted and have responded by stating that they are unable to make meaningful comments in view of the total lack of supporting information. The consideration of this application is therefore deferred pending receipt of information requested from the Local Planning Authority on 14 January 2008.

The Director of Legal, Public Protection and Housing Services (Environmental Health) were consulted and having visited the site and reviewed the recent complaint history for the area, requests the following information and makes the following recommendations:

Zone 1 & 2

This department has no objection to the development of these zones but does advise that the areas have time periods for use placed upon them.

Zone 3

We advise that the applicant detail what activities are going to be carried out in this area, including if it is going to be used for overnight accommodation. It is advised that that the area not be used to accommodate fairground rides or other noise creating activities such as overnight accommodation with the use of generators etc. in light of complaints received from the residents close to Zone 3. These we advise so to protect residential amenity.

REPRESENTATIONS

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

South Wales Police were consulted on 21 January 2008 and advise that correspondence has been forwarded to Inspector Andrew Rice of Barry Police Station for his attention.

REPORT

Planning Policies

In terms of planning policy, the site falls outside the defined residential settlement boundary of Barry and therefore the application site falls within the countryside, although the site is also classified as falling within the developed coast.

The most up-to-date policies are contained within the Vale of Glamorgan Adopted Unitary Development Plan 1996-2011, of which the following are of direct relevance to this application.

Policy ENV1 relates to development within the countryside and states:

Within the delineated countryside permission will only be granted for:

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

Policy ENV6 relates to the East Vale Coast and states:

Outside the Glamorgan Heritage Coast development within the undeveloped coastal zone will be permitted if:

- (i) a coastal location is necessary for the development; and
- (ii) the proposal would not cause unacceptable environmental effects by way of:
 - visual or noise intrusion;
 - impact on areas of landscape importance;
 - air, land or water pollution;
 - exacerbation of flooding or erosion risk;
 - hazardous operations; or
 - impact on ecology or features of geological or geomorphological importance.

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

Consideration should also be given to the guidance and policies contained within the Barry Development Guidelines.

Issues

In terms of impact on the amenities of nearby occupiers the Environmental Health (Pollution Control) Section have reviewed the recent complaints, they have raised no objection to the development of Zones 1 and 2 but advise that the areas have time periods for use placed upon them. With regards to Zone 3 (on the former swimming pool site) they have stated that area should not be used to accommodate fairground rides or other noise creating activities such as overnight accommodation with the use of generators etc., due to complaints received from the residents close to Zone 3 and to protect residential amenity.

In view of the above and following discussion with the applicant Zone 3 has now been omitted from the application. It is therefore considered that the use of Zones 1 and 2 for the uses proposed will not impact on the amenities of nearby occupiers.

It is considered that the proposed use will provide an enhancement to the existing tourism uses with Barry Island and offer increased opportunities for tourism within the area. The proposal also satisfies many of the objectives of the Barry Development Guidelines in relation to Barry Island in that it would satisfy the following development criteria;

- To realise the commercial potential of the island, establishing it as Wales' premier seaside visitor destination.
- To strengthen the Island as a major visitor destination for both tourists and day visitors.
- To create a themed high quality environment at Barry Island that will contribute towards a positive image for the Greater Barry area.
- To spread the economic benefits of tourism and strengthen the visitor experience on offer by integrating the resort with the rest of the town, e.g. the Waterfront, and the Town Centre.
- To safeguard and enhance the interests of the local residential community.

The proposal does not relate to any permanent form of development, in that it only seeks consent for temporary use of the land. In this regard whilst the exact type and mix of the uses is unknown, the scale of any temporary structures is likely to be small, and as they are temporary, there will be no permanent visual impact from the siting of structures/equipment on the land.

CONCLUSION

The decision to recommend planning permission has been taken in accordance with Section 38 of The Planning and Compulsory Purchase Act 2004, which requires that, in determining a planning application the determination must be in accordance with the Development Plan unless material considerations indicate otherwise. The Development Plan comprises the Vale of Glamorgan Adopted Unitary Development Plan 1996-2011.

Having regard to Policies ENV1 - Development in the Countryside and ENV6 - East Vale Coast, the proposal is considered acceptable in that it will provide improved and enhanced tourism related facilities and will not impact on the amenities of nearby occupiers, the character of the promenade and Barry Island as a whole.

RECOMMENDATION

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

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

Reason:

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

2. The consent hereby approved shall only relate to the use of the land as identified as Zones 1 and 2 only and shall not include the use of any of the land identified as Zone 3.

Reason :

In order to protect the amenities of nearby residential occupiers and to ensure compliance with Policy ENV27 of the Unitary Development Plan.

NOTE:

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

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

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

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

2008/00069/RG3 Received on 17 January 2008

Vale of Glamorgan Council, Visible Services, Alps Depot, Wenvoe, Vale of Glamorgan., CF5 6AA
Principal Landscape Architect, Vale of Glamorgan Council, Dock Office, Barry, Vale of Glamorgan., CF63 4RT

Council owned public open space off Dobbins Road, Barry

Re-siting of multi-use games area onto existing tarmac court utilising fencing, recessed goals and basketball hoops

SITE DESCRIPTION

The application site relates to an existing hard court surface play area located on the Palmerston playing fields to the south of Greenacres and Palmerston Primary School and to the east of Dobbins Road, Barry.

DESCRIPTION OF DEVELOPMENT

This is a Regulation 3 application which proposes to dismantle the existing Multi-Use Games Area (MUGA) currently located at Quarella Street, Barry and to re-site and re-erect it on the application site. The existing tarmac court will be retained and washed and enclosed with the relocated 4.8 metres high perimeter open mesh fencing (dark green) which will measure 22.5 by 13 metres and the court will be accessed by two gates. The proposal includes recessed goal ends and integral basketball hoop and court line marking.

PLANNING HISTORY

None.

CONSULTATIONS

Barry Town Council were consulted and has no objection subject to the reinstatement of the existing MUGA in Quarella Street as an area of public open space.

The Head of Visible Services (Highway Development) was consulted and has stated that there is no objection to the proposal.

The Director of Legal, Public Protection and Housing Services ((pollution Section) comments that:

“This department has no objection in principle to this application, as a playground is already established at the proposed site. However even though the proposed site is approximately 35 metres away from housing across a road it is advised that any lighting that is provided be directional in nature.”

REPRESENTATIONS

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

REPORT

Planning Policies

The following relevant policies contained within the Vale of Glamorgan Adopted Unitary Development Plan 1996-2011 are:

ENV27 - DESIGN OF NEW DEVELOPMENTS

REC2 - JOINT PROVISION AND DUAL USE OF FACILITIES

The Council will favour proposals which result in wider use by the community of existing recreational facilities in order to meet the recreational needs of the Plan Area.

Issues

The existing facility located at Quarella Street is to be relocated onto what currently appears as an under utilised hard surface play area. The relocated facility from Quarella Street will still fall within the same Council ward and such will still serve the same locality.

The court is located several metres below the road level of Greenaces (with residential dwellings located to the north). Therefore the 4.8 metre high enclosure will be below road level when viewed from Greenaces and will not be widely visible. In terms of noise and disturbance, the proposal does not relate to a change of use of land to a MUGA, only the installation of an enclosure. Whilst the provision of improved facilities may well increase the level of use at the site, given the distance of the nearest dwellings (40 metres away) the amenities of nearby occupiers are unlikely to be impacted upon, and will be no worse than the existing facility. The overall design, materials and finishes of the enclosure is considered acceptable and will not impact on the character of the area

The MUGA will provide a valuable and enhanced play opportunities for the area, with the nearest alternative facility being located at Victoria Park, Cadoxton. The use will offer multi games and provide more inclusive opportunities for a wide age range and abilities, being line marked for basketball and 5 –a-side and provide opportunities of other ball games within the contained rear area providing a safe and controlled environment. The access gates would not be locked and the sited would be an open facility accessible to all.

The site chosen is located within an established area of public open space with good existing footpath links from Dobbins Road. Access to the site is controlled at the entrance to the open space by the provision of a kissing gate and vehicle barrier, (to prevent unauthorised vehicle and motorbike access). The kissing gate will permit access for use users with wheelchairs and buggies.

CONCLUSION

The decision to recommend planning permission has been taken in accordance with Section 38 of The Planning and Compulsory Purchase Act 2004, which requires that, in determining a planning application the determination must be in accordance with the Development Plan unless material considerations indicate otherwise. The Development Plan comprises the Vale of Glamorgan Adopted Unitary Development Plan 1996-2011.

Having regard to policies ENV27 – Design of New Developments and REC2 - Joint Provision and Dual Use of Facilities, the proposal which seeks to enhance the existing play area is considered acceptable in relation to its design and scale and impact on the wider character of the area.

RECOMMENDATION

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

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

Reason:

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

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.

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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.

LATE ITEMS FOR COMMITTEE		Application No. 2005/01267/FUL	
Committee Date: 21 February 2008		Page No.: 73	
To be added to report: YES			
From: Llancarfan Community Council Summary of Comments : Objection of the grounds of 1. Given size and capacity of lagoon, concerns expressed over its structural integrity in terms of both lining and the impounding bunds and whether ground water contamination issues and potential overflows/breaches have been addressed or considered, including the methods of piping slurry material to the lagoon from Pancross Farm and containment of spills. Also, it is considered that the facility should be regularly inspected by the appropriate agencies. 2. Concern expressed that given the large surface area of the lagoon, whether it would operate in its intended manner in terms of forming a crust to suppress odour omissions, already a problem at the main Pancross Farm complex. 3. Surprised that there is no mention of a cover for the separator tank (which forms part of this application and is wholly separate to the lagoon)			
APPROVED BY:			
Officer: Mr. G. R. Thomas		Officer:	
Appendix No.:		O.M. or H.P.T.	

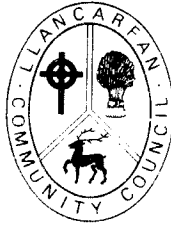
P. 83

LLANCARFAN COMMUNITY COUNCIL

CYNGOR CYMUNED LLANCARFAN

Mrs. J. Scott-Quelch
Clerk / Clerc

Telephone / Rhif Ffôn
BONVILSTON / TRESIMWN
(01446) 781366



2 PENYLAN HOUSE
LLANCARFAN
BARRY / Y BARRI
CF62 3AH

Mr R Thomas
Head of Planning & Transportation
Vale of Glamorgan Council
Docks Offices
Barry
CF63 4RT

26th August 2005.

Dear Mr Thomas

Planning Application No. 05/01267/FUL – Pancross Farm

I refer to the above application for a slurry water holding lagoon and separator tank at Pancross Farm, Llanccarfân.. Members of my Council do not have the qualifications to judge whether these proposals will solve or alleviate the odour problem associated with operation of the cattle unit at the farm, however, we have fully consulted with local residents and we request the concerns, observations and questions detailed below be taken into consideration when determining this application.

Lagoon

Given the size, capacity, 2.667900 galls and location, above the village of Llanccarfân, there is naturally great apprehension regarding the design safety of this development. The contours on the Ordinance Survey map of the area would indicate that should the bund be breached or an overflow occur the effluent could possibly flow towards the village and the river. It is, therefore, vital that the stability of the bund when the lagoon is full, especially taking into consideration periods of heavy rain, is fully assessed. The integrity of the clay lining is also of paramount importance to avoid possible ground water contamination in this limestone region. We have been informed by the applicant that the Environment Agency will fully inspect the development before it can be used. It would seem necessary and prudent that an annual inspection is carried out by a suitably qualified agency. We have been informed that a similar lagoon is in operation in Dorset.

Some concern has been expressed that there may be an odour problem associated with this storage lagoon. We have been informed that it will crust and odour and flies should not be a problem, however, the smaller tanks at the farm have not fully crusted despite a considerable time lapse since flood washing ceased. There is some doubt given the surface area of the lagoon that wind action could prohibit or impede the formation of a crust of any depth. The slurry water is to be pumped from Pancross Farm by over ground flexible pipes to the lagoon – 422m. There is concern that should a leakage occur during pumping there should be some form of warning system to identify the problem.

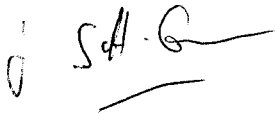
Cont.....

Separator Tank

We have been informed that this new tank has been constructed, on advice, in an attempt to solve the odour problem and will be used as an integral part of the flood wash system. If the Planning Department and Environmental Services, in consultation with other appropriate agencies, are convinced this system can work satisfactorily it would be welcomed. However, as the applicant was previously advised by your Environmental Health Officer, Rebecca Athay, that covering the existing tanks and gullies would mitigate the odour problem, we are surprised there is no mention of a cover for this new tank.

Members of the Planning Committee will determine the outcome of this technically complex application, we are aware they will be totally reliant upon direction and advice from Planning Officers. A solution must be found for this problem and we are of the opinion that operation of the system as a whole should be independently re-assessed and re-evaluated. It should also be stressed, for the benefit of Members, that the noxious odours emanating from the farm during operation of the flood wash were not the normal agricultural smells which are to be expected in rural areas.

Yours sincerely

A handwritten signature in dark ink, appearing to read 'J Scott-Quelch', with a horizontal line underneath.

J Scott-Quelch
Clerk to the Council

LATE ITEMS FOR COMMITTEE		Application No. 2007/00532/FUL	
Committee Date: 21 February 2008		Page No.: 109	
To be added to report: YES			
From: Mrs. Edwards, The Granary, Swanbridge Summary of Comments: Indicates that generally there are no objections to the scheme, although the plans have not been viewed. Expresses concerns about current use of the site by squatters.			
APPROVED BY:			
Officer: Mrs. J. M. Crofts		Officer:	
Appendix No.:		O.M. or H.P.T.	

Goldsworthy, Marcus J

From: A.M.Ernest (Co. Cllr.) [AMErnest@btinternet.com]
Sent: 19 February 2008 13:29
To: Hughes; Rowan (EHO - Noise); Goldsworthy, Marcus J
Subject: Fw: Planning Application - Swanbridge House.
Importance: High

Good Afternoon,

Please see below copy of an e-mail received this afternoon from Mrs. Edwards of The Granary, Swanbridge.

You may like to note the points she raises, particularly in respect of the Planning Application itself, but also to take appropriate action in respect of the allegations of unauthorised occupation, and resulting nuisance.

Many thanks,

Anthony Ernest (County Cllr.)
AMErnest@valeofglamorgan.gov.uk

Ward Member for SULLY & LAVERNOCK
Vale of Glamorgan Council,
BARRY.
Tel: 01446 709304 (O) 02920 702111 (H)

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

From: Sarah Edwards
To: AMErnest@valeofglamorgan.gov.uk
Sent: Tuesday, February 19, 2008 12:10 PM
Subject: Planning Application - Swanbridge

Dear Mr Ernest

I am contacting you with regards to your recent letter that was delivered to our property last Friday in Swanbridge Farm.

Would it be possible to have some clarification as to the exact application that you are referring to. I am assuming that this relates to the application made by the owner of Sully House which lies directly at the back of our property.

As this property lies directly at the back of our garden we have a great interest in the future development of the site. I am aware that two applications have been made during the past 3 years that my husband and family have lived at the property.

We objected strongly as did our neighbours to the first application as we felt that the number of apartments that was proposed would provide a great deal of concern for us, particularly due to real safety concerns of greatly increasing the volume of traffic along St Marys Well Bay Road.

I understand that the latest application from last year includes a much reduced number of apartments utilising the existing structure ie. Not building on the open plan areas around the property and including a pond and landscaping at the front of the property. I am afraid that we were unable to view the application personally but understand from our neighbour Peter Wood that the proposed plan was realistic and he held no objection to it.

We are very keen to see some progress with the existing site as currently it is occupied by varying numbers of 'travellers' living in caravans and converted lorries at the back of the house. The site is very messy and we feel a potential safety hazard due to the presence of gas cylinders and trailing power cables.

There are currently 4 caravans, 2 lorries, a camper van and cars parked at the back of the property directly facing the back of our house. In addition, on a weekly basis the occupants play loud music until the early hours both within the house and in their caravans. I have notified the council about this 'illegal caravan site' and have been told that nothing can be done as the land is private. We have called the police to report the noise but they have not attended the scene when they have informed us that they would visit.

As a professional family with three children under the age of 7, we are keen to see an end to this 'squatting' as we do not feel that we should be subsidising these individuals who are seriously affecting our quality of life on a daily basis.

We would certainly welcome some progress on this site and as long as the number of apartments was kept to a low and realistic number to minimise the danger of increased traffic on St Marys Well Bay Road and the plans were in keeping with the surrounding area and Vale of Glamorgan Coastline, we would not object to the application.

I would very much welcome your response and any update that you can provide me with.

Kind regards

Sarah Edwards

The Granary
St Marys Well Bay Road
Swanbridge
Penarth
CF64 5UJ

Tel: 02920 531565
Mob: 07866370437

No virus found in this outgoing message.

Checked by AVG Free Edition.

Version: 7.5.516 / Virus Database: 269.20.7/1286 - Release Date: 18/02/2008 18:49

LATE ITEMS FOR COMMITTEE		Application No. 2007/00532/FUL	
Committee Date: 21 February 2008		Page No.: 109	
To be added to report: YES / NO (Delete where necessary)			
From: Head of Planning and Transportation Summary of Comments: delete wording of condition 3 and insert in lieu ' No development shall take place until such time as the access road has been upgraded in accordance with drawing 1166(90)01 revision D received on 5 December 2007 and details of the surface finishes to be used for the upgraded access road shall be submitted to and approved in writing by the local planning Authority prior to their use on site. Reason: To ensure a safe access to serve the development and existing dwellings served by the access road and to meet the requirements of policies ENV27 Design of new developments and TRAN10 Parking.			
APPROVED BY:			
Officer: Mrs. J. M. Crofts		Officer:	
Appendix No.:		O.M. or H.P.T.	

LATE ITEMS FOR COMMITTEE		Application No. 2007/00751/FUL	
Committee Date: 21 February 2008		Page No.: 117	
To be added to report: YES / NO (Delete where necessary)			
Amend term 3 of the legal agreement from - The Developer shall pay the sum of forty thousand pounds (£40,000) to the Council to provide or enhance public open space or recreation facilities likely to be used by the future occupiers of the site. To - The Developer shall pay the sum of fifty thousand pounds (£50,000) to the Council to enhance access and provide improvements to public open space or recreation facilities likely to be used by the future occupiers of the site. 1 letter of objection from residents of Llandough			
APPROVED BY:			
Officer: Mrs. J. M. Crofts		Officer:	
Appendix No.:		O.M. or H.P.T.	

Residents of Llandough
Llandough
Penarth

21.2.08

Dear Sirs/Madam's

Just a short note in respect of your site visit to The Precinct on Dochdwy Road, relating to the proposed re-development.

We wish it to be noted that the local residents having read the minutes of the previous meeting agree that it appears that the Llandough Community Council seem to be agreeing to the development more on a Financial benefit gain to themselves and their only concern is the access to the adjacent so called play area and not to the actual development and the impact that it would have on the surrounding homes and area. They are not taking into consideration our objections and opinions from those living in the immediate vicinity. Whilst some members of the Vale Council seem to understand our predicament and are willing to speak up for us.

Whilst we all agree that something needs to be done, a development on this scale is far to overdeveloped for this area and a two story building with fewer flats would be more in keeping with the area.

We hope that all concerned will listen to the concerns of the local residents before any decisions are made concerning this development.

Yours faithfully

The Residents of Llandough

CONSULTATIONS

Llandough Community Council comments: 'Does not oppose the application but would suggest that the Vale of Glamorgan Council ensure that access through to the Adventure Playground is secured and that the car parking area that was available at the former shopping precinct is secured if this proves possible.'

Further comments advise that: "The Council would like to see the development embrace a small shop unit to address the demand for such a facility and the fact that a number of shopkeepers have approached the Council expressing an interest in setting up business in Llandough.

The Council looks forward to the footpath between Dochdwy Road and Cogan Pill Road being re-opened at the earliest opportunity.

The Council is concerned that there is already a parking issue in this part of Dochdwy Road and the development proposed may exacerbate the position if there are insufficient car parking spaces built into the design."

Environment Agency Wales' standard advice notes apply.

The Head of Visible Services (Highway Development) comments: "Further to receiving amended plans in relation to the above, the Highway Authority would advise that based on the proposed alterations to the site access/egress and the financial contributions (via a Section 106 Agreement) to enhancing public transport facilities within the area of the site, there is no objection to the development proposals provided that the following details are made conditional to the planning consent.

1. Notwithstanding the submitted plans, no works whatsoever shall commence on site until full engineering details of the proposed site access and egress have been submitted and approved in writing by the Local Planning Authority.
2. The area of adopted highway identified on the amended site layout plan (Drawing. No. 05075-SK105) bounded in blue, shall be extinguished under Section 247 of The Town and Country Planning Act 1990 before commencement of works at the site.
3. The proposed parking provision within the boundary of the development site as shown on the submitted plans shall be provided before first beneficial occupation of any dwelling and there after maintained and retained at all times for the purpose associated with the development.
4. The proposed cycle parking within the boundary of the development site as shown on the submitted plans shall be provided before first beneficial occupation of any dwelling and there after maintained and retained at all times for the purpose associated with the development."

Minor incidental areas of landscaping are proposed to the rear of the parking area. As a consequence of this under provision account has been taken of the proximity of the site to existing open space and play area. Subject to the contributions for the open space/play area enhancement referred to in any Section 106 Agreement referred to below the development is considered acceptable.

The access arrangements as proposed have been the subject of discussion with the highway development section and are now considered to produce a safe entrance and exit in relation to the school entrance. An 'in ' and 'out' arrangement has been indicated following discussion with the Highway Development Section. The arrangement would improve the safety of users of the school entrance and provide a safe access for proposed users of the site. There is no public footpath or public right of access over the site to the play area. Whilst the comments of the Operational Manager Park and Grounds Maintenance are noted this is a 'civil' land ownership matter, not for consideration as part of the planning application.

The level of parking provision, the need to encourage, and where appropriate enhance public transport and pedestrian and cycling movements have all been assessed. The provision of on-site bicycle parking is welcomed however to maximise its potential use on a regular basis the provision should be in the form of secured, covered parking. A condition to this effect will therefore be required.

The enhancement of public transport services has been addressed and is covered in the paragraph below in relation to Section 106 contributions.

In considering residential development of this scale consideration is required as to the need for Section 106 contributions. The areas considered relevant to this scheme relate to education, public art, public open space and public transport. The response from the Learning and Development Office indicates that given the nature of the accommodation the development would not generate sufficient pupils to warrant planning gain. The appropriate level of contributions are therefore listed as:

Public Art	£9,678.00	
Public Transport	£10,000.00	In the form of enhanced bus stop and information provision
Public Open Space	£40,000.0	
		To upgrade the existing play area
Section 106 Officer Administration Fee	£1,137.60	
TOTAL	£60,815.60	

CONCLUSION

The decision to recommend planning permission has been taken in accordance with Section 38 of The Planning and Compulsory Purchase Act 2004, which requires that, in determining a planning application the determination must be in accordance with the Development Plan unless material considerations indicate otherwise. The Development Plan comprises the Vale of Glamorgan Adopted Unitary Development Plan 1996-2011.

Having regard to Policies SHOP9 'Protection of Retail Uses', HOUS2 'Additional Residential Development', HOUS8 'Residential Development Criteria', HOUS11 'Residential Privacy and Space', TRAN9 'Cycling Development', TRAN10 'Parking' and ENV27 'Design of New Developments' the design, scale and form of the development are considered acceptable. The access and level of parking provides a safe and adequate level of onsite parking and connection to the highway. The arrangement of the development is acceptable in relation to adjoining neighbours' privacy and amenity and does not affect the visual amenities or the character of the area and street scene.

RECOMMENDATION

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

- The Developer shall pay the sum of ten thousand pounds (£10,000) to the Council to improve Sustainable Transport Facilities serving the site.
- The Developer will provide public art on site to a value of at least 1% of the build costs of the development or provide a financial contribution to the same value in lieu of on site provision for the Council's public art fund. In this case the 1% for art has been calculated as nine thousand six hundred and seventy eight pounds and (£9,678).
- The Developer shall pay the sum of forty thousand pounds (£40,000) to the Council to provide or enhance public open space or recreation facilities likely to be used by the future occupiers of the site.
- The Legal Agreement will include the standard clause requiring the payment of a fee set at 20% of the value of the planning application fee (£1,137.60 in this case).

APPROVE subject to the following condition(s):

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

Reason:

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

2. This consent shall relate to the plans registered on 24 May 2007 other than where amended by plans reference 05075-SK105 received on 26 November 2007 and RIO106 additional drawing received on 3 July 2007.

Reason:

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

LATE ITEMS FOR COMMITTEE		Application No. 2007/01162/FUL	
Committee Date: 21 February 2008		Page No.: 128	
To be added to report: YES / NO (Delete where necessary)			
1 letter from the applicants stating no one aged under 50 can live on the site 1 Email from Jane Hutt AM 2 letter of objection from Cambrian Residents Association. 1 Response to the letter from the Local Planning Authority 1 letter of response from the residents association			
APPROVED BY:			
Officer: Miss M. C. Ferreira		Officer:	
Appendix No.:		O.M. or H.P.T.	

MAGUIRE HOLDINGS LTD
40A EDGAR STREET, HEREFORD, HR4 9JS.
TELEPHONE 01432272277 OR 07967591857.

Mel Ferreira
Planning Department
Vale of Glamorgan Council
Docks Office
Barry Docks
Barry
CF63 4RT

attached to file

04-02-08

1st February 2008

Re. Application for change of use of land at Cambrian Residential Caravan Site from recreational area to siting of residential caravans on behalf of Redding Ltd.

Dear Mel,

I write further to the meeting between myself and my wife on behalf of Redding Limited and yourself and Marcus Goldworthy last week.

I write to give details of our responses to the concerns you raised at the meeting.

Firstly, I can confirm that a rule came into force on the park last year which limits occupation of the site to persons over the age of 50 years old. This obviously means that children will not be allowed to reside on the site, indeed, even before the rule came into effect there were no children on site. There is therefore no necessity for a children's play area on site, and in the eventuality of children visiting grandparents etc. There are public children's play facilities located adjacent the park within the housing estate.

Another factor is the fact that by being granted permission to spread the caravans on the existing site into the land in question the pitches will increase in overall size. This will in turn mean that individual caravan owners will have more private garden area for their own recreational use.

I can also confirm that Redding Limited are happy for your Council to attach a condition on any permission you may be mindful to consent, to limit the total number of caravans on the whole site including the recreation area to no more than 145 in total, the existing permitted number.

I trust you find this in order but should you require any further information prior to the Planning meeting please do not hesitate to call me.

Yours faithfully,

Wayne Maguire.



From: Lang, Mark (AM Support, Jane Hutt) [mailto:Mark.Lang@wales.gov.uk]
Sent: 18 February 2008 12:46
To: 'Thomas, Rob'
Subject: Urgent Planning Application by Redding Ltd, for Change of Use of Land Adjacent to Cambrian Residential Park, Culverhouse Cross (Ref: 07011 62FUL)
Importance: High

Rob Thomas
Head of Planning and Transportation
Vale of Glamorgan Council

[By Email]

Dear Rob,

Re: Planning Application by Redding Ltd, for Change of Use of Land Adjacent to Cambrian Residential Park, Culverhouse Cross (Ref: 0701162FUL)

Jane has asked me to email you with regard to the above planning application, which we understand has been tabled to go to the Planning Committee on Thursday of this week.

You will have by now received two separate letters (one on 8th and one on the 13th February) from Roy Thomas, Chairman of the Cambrian Park Residents Association, raising questions about this application and its implications for the existing Mobile Home Park at Cambrian Park. Mr Thomas has not yet received responses to these questions.

One question in particular relates to the category attached to the land. Planning notices issued by your officers state that the change of use relates to land which is currently categorised as "Recreational", however, evidence obtained by the Residents Association (referred to in Mr Thomas' letters of the 8th and 13th February and including photographic evidence from the Welsh Assembly Government's photographic library) indicates that the land is in fact "Agricultural". We are very concerned to see therefore that the report to Committee still appears to indicate that this land is "Recreational", and that any decision made by the Committee would be taken on this basis. I understand that the category of land may make a material difference to the outcome of the application. At Jane's request I also had a telephone conversation with the case officer responsible for the application at the Vale the week before last to detail our concerns in relation to the land categorisation.

Jane would be grateful if you could let us know whether the questions outlined in Mr Thomas' letters to you have been fully considered before the submission of the report to Committee, and in particular your assessment of land category issue. She would also be grateful if you could send her a copy of the response/s sent to Mr Thomas.

We look forward to your urgent response.

With best wishes

Mark

Dr Mark S. Lang BSc Econ (Hons) PhD
Researcher for Jane Hutt AM

mark.lang@wales.gov.uk

MO

Cambrian Park Residents Association

25 Park Avenue
Cambrian Residential Park
Culverhouse Cross
Vale of Glamorgan

13th February 2008

Rob Thomas
Head of Planning and Transportation
Vale of Glamorgan Council
Dock Office
Subway Road
Barry CF63 4RT

Dear Mr Thomas,

URGENT

Re: Planning Application by Redding Ltd, for Change of Use of Land Adjacent to
Cambrian Residential Park, Culverhouse Cross (Ref: 0701162FUL)

Further to my previous letter of the 8th February, I am writing on behalf of Cambrian Park Residents Association to raise a number of additional questions in relation to the above listed planning application, which as you know the Residents Association have objected to. These questions emerge from the letter submitted by Maguire Holdings Ltd, dated 12th August 2007, to the Vale of Glamorgan Council in relation to the planning application listed above.

Letter of 12th August 2007 from Maguire Holdings Ltd states that the application is for a change of use of the land to enable caravans from the existing site to be relocated onto it. We understand that an indicative plan has been submitted, but Maguire Holdings have stated that this is not part of the application. We also understand that this plan does not include dimensions. The letter further states that the total number of caravans on the entire site, including the proposed extension, will

not exceed the existing permitted figure of 145, and that if necessary Maguire Holdings are happy for this to be a condition of any permission granted. It would be helpful if you could confirm whether your office has consulted the Housing and Community Safety Department of the Vale of Glamorgan Council on this matter, and whether there are any implications for the existing Site Licence. Could you confirm whether, if these discussions have been held, what form a new Licence will take. Will there will be an amendment to the existing Licence or a new separate Licence for the new site.

The letter from Maguire Holdings on 12th August 2007 also refers that the companies ultimate aim is for a complete redevelopment of the whole site (although presumably this refers to the existing as the new would be in compliance with the site Licence), and states that the standard of services is extremely poor, the sewers are frequently blocked, being of poor construction and in part constructed of pitch fibre pipe. Can you confirm if this last point is correct, and if so what are the proposals for drainage provision from the extended area, and what effect will this have on the existing drainage system. In addition what effect will the proposed development have on the water pressure on the existing part of the site.

In addition, the indicative plan for the site shows that the proposed roadway and three of the proposed plots are sited close to the existing bank. Can you confirm if any report on behalf of the applicant been submitted confirming that there will be no adverse effect on stability or water discharge off the existing bank, which could potentially affect homes below the bank.

Further to the points raised in my previous letter of the 8th February 2008 in relation to Vale of Glamorgan Council's re-classification of the land from "agricultural" to "recreational", we have now received aerial photographic evidence from the photographic library of the Welsh Assembly Government, which shows that the conditions attached to the Planning Permission granted by Cardiff City Council in 1976 were not complied with within the five year period.

I look forward to hearing from you on the points raised in this and my previous letter, and would be grateful if you could confirm that these letters will be circulated amongst members of the Planning Committee in advance of the Committee meeting.

With best wishes,

Roy Thomas
CHAIRMAN

A handwritten signature in cursive script, appearing to read 'R. Thomas'.

Cc. Cllr A D Dobbinson, Chair of Planning
Cllr Chris Williams, Cabinet Member for Planning

MG

Cambrian Park Residents Association

25 Park Avenue
Cambrian Residential Park
Culverhouse Cross
Vale of Glamorgan

8th February 2007

Rob Thomas
Head of Planning and Transportation
Vale of Glamorgan Council
Dock Office
Subway Road
Barry CF63 4RT

Dear Mr Thomas,

Re: Planning Application by Redding Ltd, for Change of Use of Land Adjacent to
Cambrian Residential Park, Culverhouse Cross (Ref: 0701162FUL)

I am writing on behalf of Cambrian Park Residents Association in relation to the above listed planning application, as you know the Residents Association has formally objected to this application previously. I am writing having recently become aware from Notices on the site that the status of the land for which the change of use has been applied for has recently been changed to "recreational area/use" from the previous category in the application as "agricultural". I believe that this categorisation is inaccurate.

I understand that the status has been changed by your Department having received copies of a Permission for Development granted by Cardiff City Council on 19th March 1976. This Permission allows for the development of a "Play Area", but attaches conditions to the development which were required before development work was allowed to proceed. Amongst these conditions were a landscape scheme, a safety fence, and details of the location of all apparatus associated with the "Play Area", which were to be submitted to the Planning Authority within five years of the

permission being granted. I can find no evidence that this was ever complied with by the applicant, the former owner of Cambrian Park, nor that any development work was ever carried out for the creation of the "Play Area". There is certainly no visual evidence that the land has ever been used for anything other than agriculture.

I believe that under the terms of the Town and Country Planning Act 1990, as well as the Town and Country Planning Act 1971 and Town and Country Planning General Development Order 1973 under which Permission for Development was granted in 1976, unless development is undertaken within five years of the permission being granted the permission falls and a new application becomes necessary. As there is no evidence that the development of a "Play Area" ever took place, or that the conditions of the 1976 Permission were complied with, I would like to ask on behalf of the residents of Cambrian Park that consideration should be given to amending the status of this land back to a classification of "Agricultural" rather than "Recreational".

Could I also take this opportunity to state that our previous objections to this application stand.

I look forward to hearing from you on this matter.

With best wishes,

Roy Thomas
CHAIRMAN

A handwritten signature in cursive script, appearing to read 'R Thomas', written in dark ink.

Cc. Cllr A D Dobbinson, Chair of Planning
Cllr Chris Williams, Cabinet Member for Planning

19 February 2008
Mr. M. J. Goldsworthy
(01446) 704661
(01446) 704847

in data right application.
equal WRT.
file copy.

P/DC/MCF/2007/01162/FUL
Planning&Transport@valeofglamorgan.gov.uk

Mr. R. Thomas
25 Park Avenue,
Cambrian Residential Park,
Cardiff.
CF5 5TU

Dear Sir,

Town and Country Planning Act, 1990 (as amended)
Application No. 2007/01162/FUL

Proposal : Change of use - recreational land to a residential caravan site
Location : Land at Cambrian residential caravan park, Brooklands Terrace,
Culverhouse Cross

I refer to your communication regarding the above application, received at these Offices on 14th February 2008. I would advise you that full consultations have been undertaken in respect of this application and this has included the Councils Environmental Health officers who specifically deal with the site licence matters. In this regard, the Council's officer dealing with this matter is satisfied with the content of the application and has raised no objections. However, I have been advised by the relevant officer, Corrine Davies, that the site licence will remain largely unchanged save for a reference to any new planning permission that may be granted.

In respect of the existing site services, I can confirm that such matters are largely dealt with by the site licence, however it should be noted that the current proposal will not actually increase the intensity of the use of the site.

With reference to your concerns regarding water pressure should be directed to Welsh Water, as it is this organisation which has responsibility for such matters. However, I can confirm that any details submitted as part of the application and in respect of the discharge of any relevant conditions (were permission to be granted) will be assessed by the Councils own engineers to ensure that there are no drainage implications.

Further to the above, I can confirm that any approval will require by condition, specific engineering details of any proposed road ways and caravan site plinths to be first submitted to and agreed by the Local Planning Authority, and as part of this process full consultations will be undertaken with the relevant departments of the Council, at the appropriate time.

Continued./...

Finally, I would advise you that the planning permission that was granted in 1976 by the Cardiff City Council would appear to have been implemented, at least in part. The file seen by my officers in this respect is fairly sparse (which is not uncommon for planning applications of this age) and therefore on the balance of probabilities it has to be assumed that the application was implemented. In addition it is not considered that any of the conditions applied to this permission go to the heart of the issuing of the consent. Although there is no evidence that relevant details were submitted, given the sites clear history of use as recreation type land (for example benches and sitting areas) it is clear that the development was at least partially implemented. The above is further supported by the evidence provided in aerial photographs from 2001 and 2006 where it is clear that the land in question was both within the boundary of the park itself, and was maintained and regularly mowed.

Notwithstanding the above, I would confirm that your comments will be reported to the Planning Committee and will be taken into account in the determination of this application.

Yours faithfully,

A handwritten signature, likely of the Head of Planning and Transportation, consisting of a stylized, cursive mark.

Head of Planning and Transportation

Cambrian Park Residents Association

25 Park Avenue
Cambrian Residential Park
Culverhouse Cross
Vale of Glamorgan

20th February 2008

Rob Thomas
Head of Planning and Transportation
Vale of Glamorgan Council
Dock Office
Subway Road
Barry CF63 4RT

Dear Mr Thomas,

URGENT

Re: Planning Application by Redding Ltd, for Change of Use of Land Adjacent to
Cambrian Residential Park, Culverhouse Cross (Ref: 0701162FUL)

Thank you for the response of 20th February from Mr M J Goldsworthy. On behalf of the Residents Association I would like to raise a number of concerns arising from the points made in Mr Goldsworthy's letter and in furtherance to my previous letters of the 8th and 13th February, which we believe would make a material difference to the above Application. We would also like to raise a number of issues in relation to the Report prepared for the Planning Committee Meeting on 21st February, which we have now seen.

On the points made in Mr Goldsworthy's letter in relation to the status of the land, we would continue to strongly contest that the status of the land in question is "Agricultural" NOT "Recreational". The Report prepared for the Planning Committee being held on the 21st February states that Policy ENV2 does not apply as the land is not considered "Agricultural". We would like to reiterate our previous

comments that we can find no evidence that the conditions of the 1976 Consent by Cardiff County Council were ever complied with, and the aerial photographic evidence of the Welsh Assembly Government from 1979 and subsequent years which we have obtained proves that no work was undertaken. Mr Goldsworthy's letter suggests that there is clear evidence of the use of the land as a recreational type area, and makes reference to the existence of a picnic bench and seating area. There is in fact one picnic bench with attached seating, which I myself placed on the site approximately four years ago, with the permission of the then local manager, for a private barbeque I organised along with another resident. Reference is also made in Mr Goldsworthy's letter to the land being maintained and regularly mowed. We would contest that this is NOT so. Even a cursory look at the site would show that there is no evidence of maintenance and regular mowing, and that the typography of the site would mean that it would be dangerous to use the site as a recreation area, particularly by children, as there is a steep bank to one side of the site. You will recall that one of the key conditions of the 1976 Consent granted by Cardiff City Council was that a safety fence should be erected to allow for the safe use of the site as a result of the existence of the steep bank. The grass was cut ONCE at the same time as the barbeque by the then local manager of the site as a one off favour to allow the barbeque to take place.

Furthermore, on behalf of the Residents Association I myself asked Corrine Davies of the Vale of Glamorgan Council's Environmental Health Department approximately 18 months ago, after Redding Ltd took over the ownership of Cambrian Park, to arrange with the new owner for the area to be mown and maintained. On that occasion Ms Davies clearly informed me **that there was no obligation on the part of the site owner to cut the grass because the area was not within the site licence area of control, and that the area was not a recreation ground for Cambrian Park.** We believe that the overwhelming evidence shows that the status of the land in question should be "Agricultural", part of the Green Wedge, and therefore subject to Policy ENV2.

With regard to the water discharge and drainage issues, we note that the report to be submitted to the Planning Committee on 21st February states that Welsh Water were unable to comment on the Application until they had been provided with full details

of the water discharge system on site, including the discharge point of the existing drains. **Welsh Water also stated that there was a potential for the proposed development to exacerbate or cause flooding downstream, and they therefore requested that the applicant submit full details of the drainage system before they could make comments on the application.** Can you confirm that these details and associated water discharge studies were submitted to your Department and subsequently to Welsh Water for them to be able to fully respond, and, if so, could you let me have sight of their further comments with regard to this issue. Clearly the Welsh Assembly Government takes the flood risk associated with development very seriously. We would point out that TAN 15 (Development and Flood Risk) stipulates that if development is proposed in a “Zone C” area (which we believe Cambrian Park falls within), then the flood risk assessment measures used should be much more stringent than in normal cases. We would also ask for clarity on when the Environment Agency was consulted on this proposed development, the report to Committee indicates that the Agency was consulted on “21 August 2008 [sic]”, but clearly this cannot be the case.

Mr Goldsworthy’s letter to me on 20th February also states that water pressure issues should be addressed to Welsh Water directly, but we would contest that it is the responsibility of the Planning Authority, as stipulated in Planning Policy Wales, to fully consider the effect of any proposed development on services (including water supply) to existing dwellings prior to giving Planning Consent.

The Report to Committee also includes comments from the Vale Council’s Head of Visible Services, which states that the existing number of “caravans” on site is 145, which is above the permissible number based on the site layout and area. We would like to point out that the current site licence actually does allow for 145 homes on site, and would ask what evidence or site surveys the Head of Visible Services is using in making comments in relation to the current layout of the Park. Furthermore, the Report prepared for Committee being held on 21st February also states that the development is required to allow for the relocation of 14 “units” from the existing site. We would like to point out that there is a clear distinction to be made between actual *units* and *pitches*, we understand that units (mobile homes) are not subject to planning law, only the pitches in which they are located. We would argue that if

Consent were granted it would not be possible to stipulate that 14 of the existing homes should be moved as apposed to new units being sited. In addition, the Report to Committee also states that approval of the Application would ensure that the licence holder could comply with the site licence conditions, we would point out that this has never been proven. We would also state that currently there are 28 vacant properties owned by the licence holder on the Park and four vacant pitches, the simple removal of some of these properties altogether would make a significant impact in helping to ensure the Park complies with the site conditions.

The Report to Committee also appears to suggest that **the South Wales Fire and Rescue Service has NOT been consulted on this application.** We would argue that the Fire Service has an important contribution to make, particularly in relation to access for fire appliances to attend the scene in the event of a fire. We would strongly urge the Planning Authority to seek the views of the Fire Service before any Consent is granted.

In relation to representations, it is stated in the Report to Committee that only four letters have been received opposing the development. We would like to ask if my letters have been included in this number, and we would also like to point out that as Chair of the Residents Association I am writing on behalf of the 103 members of the Association who live on site. We would also state that we submitted a petition last year signed by 145 residents expressly opposing the development. In the same section of the Report to Committee it is stated that a letter has been received from the site owner which states that there is a rule in place on the Park requiring that all occupants are 50 and over, which thus negates the need for a play area. As Chair of the Association I can confirm that no such rule exists. The Residents Association undertook its own independently verified ballot of residents when the site owner proposed this rule change last year (the site owner needs the consent of the residents to make this change), and the result of this ballot was that 99% of the residents opposed the proposals to introduce this rule. The Committee of the Residents Association asked for a meeting with the site owner to discuss this, but they unfortunately never agreed to meet us. On this basis, the Residents Association would strongly contest this point.

We would also like to take this opportunity to point out that the title of the site is “Cambrian Mobile Home Park”, it is therefore NOT a “caravan” park as referred to in the Report to Committee and in the letter I have received from Mr Goldsworthy. This point is important as there are significant legal definitional differences between “mobile homes” and “caravans”, which the Committee Members should be made aware of.

I would be grateful if these points could be reconsidered prior to the Committee making its decision, and if copies of this letter could be circulated to members of the Committee.

I look forward to your response.

With best wishes,

Roy Thomas
CHAIRMAN

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

Cc. Cllr A D Dobbinson, Chair of Planning
Cllr Chris Williams, Cabinet Member for Planning

LATE ITEMS FOR COMMITTEE		Application No. 2007/01366/FUL	
Committee Date: 21 February 2008		Page No.: 145	
To be added to report: YES / NO (Delete where necessary)			
E Mail form Cllr J. James supporting the application.			
APPROVED BY:			
Officer: Mr. M. Lucas		Officer:	
Appendix No.:		O.M. or H.P.T.	

P.145

Thomas, Rob

From: James, Jeffery (Cllr)
Sent: 18 February 2008 15:47
To: Birch, Janice (Cllr); Birch, Rhiannon M (Cllr); Cox, Geoff (Cllr); Dobbinson, Andrew D (Cllr); Ernest, Anthony M (Cllr); Hacker, Eric (Cllr); Hampton, Anthony D (Cllr); Hartrey, Val M (Cllr); Harvey, Michael R (Cllr); Johnson, Fred T (Cllr); Kemp, Gordon C (Cllr); Powell, Anthony G (Cllr); Preston, Audrey J (Cllr); Randall, Margaret (Cllr); Vaughan, Colin (Cllr); Wiliam, Steffan T (Cllr); Williams, Anthony J (Cllr); Wilson, Mark R (Cllr)
Cc: Thomas, Rob
Subject: FW: West Quarry, East Aberthaw
Importance: High

Dear Colleagues,

I draw attention to an e-mail from Rob Thomas which was in answer to a question from me.

You will recall that a planning application for a chimney stack was deferred at the last Planning committee and that this was indeed the second time for such a deferral. Residents of East Aberthaw are becoming concerned that RWEnpower (Power Station) have already asked WAG Planning Inspectorate to defer consideration of their Planning Appeal for increasing the height of the fly ash mound by 12 metres by another two months. To date that has not been supported by the Planning Inspectorate.

The chimney stack is apart of an ash recycling plant and will when in full operation take approximately 30% if the fly ash produced by the Power Station and recycle key elements from it.

You will know that planning permission was granted for the disposal of PFA (Pulverised Fly Ash) in the West Quarry East Aberthaw and residents have supported that application as it offers an alternative to increasing the height of the mound.

The Power Station manager (Mr Clive Smith) has advised me he is reluctant to withdraw the appeal and therefore the Public Inquiry until he is certain that planning permission is granted for the chimney stack.

The Environment Agency has already issued the necessary permit (PPC) for the stack and they are the regulatory body for emissions and disposals.

It is imperative that the chimney stack is granted approval at the next Planning Committee in order that we can invite the Manager to keep his word and withdraw the appeal (Public Inquiry).

Previous Planning permission was granted for the PFA recycling facility which represents a £9 million investment in the Vale and if it were not for the regulations in relation to the airport they would not need to seek this consent.

I urge you to support the application which has always been recommended for approval by our officers.

Regards,

Jeff

From: Thomas, Rob
Sent: 18 February 2008 11:31
To: James, Jeffery (Cllr); Quick, Robert J
Cc: Evans, Peter H; Punter, Miles E; Walsh, Justina
Subject: RE: West Quarry, East Aberthaw

Cllr James,

The power station has been busy discharging conditions, but their appeal is still in with PINS and was held in abeyance until recently. I understand that they (RWEn power) are keen to get PP for their stack and scrubber before finally withdrawing their appeal and that application goes back to Committee this Thursday. Subject to that application being approved, I suspect they will withdraw their appeal.

21/02/2008

They also need the various consents from the Environment Agency before they can start depositing PFA, and I do not think that that consent has been issued as yet.

I hope this helps

Rob Thomas
Head of Planning and Transportation

From: James, Jeffery (Cllr)
Sent: 15 February 2008 16:22
To: Quick, Robert J
Cc: Thomas, Rob; Evans, Peter H; Punter, Miles E
Subject: West Quarry, East Aberthaw
Importance: High

Dear all,

Can you advise if the relevant legal agreements between all parties are now signed and also if you are aware of any obstacle that may stand in the way of the Power Station commencing with remediation and pre tipping works.

This is very relevant in relation to a future possible public inquiry that may or may not be withdrawn.

Regards,

Councillor Jeffrey James

LATE ITEMS FOR COMMITTEE		Application No. 2007/01589/FUL	
Committee Date: 21 February 2008		Page No.: 181	
To be added to report: ~~YES~~ / NO (Delete where necessary)			
From: Mr and Mrs Howells (applicants) Summary of Comments: Feel that the report is contradictory regarding whether the plot is located within the open countryside or not. Feel that they are developing an existing plot, their garden, and not open countryside. The report states that the proposal would result in an unacceptable incremental expansion of Trerhyngyll village. However, the proposed development of Trerhyngyll under the LDP would have a much greater impact (appears to be reference to the Candidate Site Register). The 'maturely landscaped garden, which has a pleasant and open character' is not relevant to the planning decision because building will not take place on that area of the plot. The land to be used for the new dwelling is currently occupied by the double garage attached to Greenfields. The proposed dwelling is small scale and the retention of high trees and mature shrubs will minimise visual impact.			
APPROVED BY:			
Officer: Miss K. Jones		Officer:	
Appendix No.:		O.M. or H.P.T.	

Greenfield
Trerhyngyll
Cowbridge
Vale of Glamorgan
CF71 7TN

18 February 2008

2007/01589/FUL

Dear Miss Jones,

We are writing to you with reference to the above planning application. Having read the report to be presented at the meeting to be held on February 21st 2008, we would like to comment on some points that raise concern.

With regard to the 'Issues' section of the report, there are some points we would be grateful for clarification. In the second paragraph, it states that the site is close to the village boundary and that the proposed development may be considered appropriate under the terms of HOUS2 and HOUS8, as part of the settlement boundary. However, paragraph three seems to argue to the contrary. It states that the proposed development can not be considered because the land is not within the village boundary and is classed as 'open countryside'. Having no experience of planning, these statements seem conflicting and we would appreciate clarification of these points. We feel that we are simply building within an existing plot – our garden, and not developing on open countryside.

We would also like to comment on the sixth paragraph of the 'Issues' section. Here it states that the development is contrary to the advice contained within Planning Policy Wales (2002) and is an unacceptable incremental expansion of the village. Having recently viewed the Vale of Glamorgan LDP 2011-2026 for the village of Trerhyngyll, if the proposed development goes ahead, it will have a much greater impact than our proposal. If the larger development did go ahead and we re-applied for permission would consent to our development then be granted, as we would then be within the newly extended village boundary?

Aside from these points, we do not understand why the 'maturely landscaped garden, which has a pleasant and open character,' is relevant to the planning decision since we are not proposing to build on that area of the plot.

As we are sure you appreciate, the land to be used for the new dwelling is currently occupied by the double garage attached to "Greenfield", a double driveway constructed of rough concrete and concrete compost containers. The only work planned for the existing garden is to remove an unsightly

cesspool. Therefore the 'maturely landscaped garden, which has a pleasant and open character,' will remain undisturbed.

We would also like to raise the issue of the prominence of the proposed new dwelling. The small scale dwelling of only one and a half stories is very insignificant within the plot. The proposed dwelling, as you comment, is 9.5M X 9.9M, therefore leaving at least 31M X 13M of garden to the side, plus substantial gardens to the rear and the front. The gardens contain high trees and mature shrubs, which will remain, thereby minimising the visual impact of our proposed development. In our view, the property to the rear of the proposed development is significantly higher and larger, and will continue to dominate the visual amenity. We strongly feel that a visit to the site to determine the true location, size and impact of the proposed dwelling would be extremely useful. Some photographs of the proposed development have been enclosed.

Finally, concerning the letter from our agent. The letter contains evidence that we have addressed and amended all the objections raised from our previous application, although you do not comment on this. We were dismayed that not enough recognition appears to be given to our new submission. This revised proposal took into account all of the earlier objections from the Planning Department. It was also discussed in detail with your department that the new proposals overcame the earlier objections. The decision to re-apply was reached only after having had these positive discussions.

We hope you can consider our views.

Yours sincerely

A handwritten signature in cursive script, appearing to read 'Howells', written in black ink.

Mr and Mrs Howells

LATE ITEMS FOR COMMITTEE		Application No. 2007/01635/FUL	
Committee Date: 21 February 2008		Page No.: 190	
To be added to report: YES / NO (Delete where necessary)			
7 letters of support, 2 E mail of support 1 letter plus 66 signature petition objecting to the development. 2 letters of objection 1 email from Cllr M. Kelly Owen including a previous objection. 1 letter of support from owners (including a folder which be available at committee			
APPROVED BY:			
Officer: Miss Sara Dowd		Officer:	
Appendix No.:		O.M. or H.P.T.	

Miss S Dowd
Assistant Planning officer
Development Control
Vale of Glamorgan Council
Civic Offices
Holton Road
Barry
CF63 4RU

Marine Holm
Marine Parade
Penarth
Vale of Glamorgan
CF64 3BE

02920 704113

12 February 2008

Dear Ms Rees

Re: Holm House Hotel, Marine Parade, Penarth:
Application 2007/01635/FUL

Removal of Restrictive Conditions to permit the use of the Restaurant and Spa by Non-Residents.

We write as long-term residents of Marine Parade, having lived here since 1980, and, we feel, as representatives of the silent majority of those living in this road.

We supported the successful application by the owners for a liquor licence at the hotel, and enclose copies of the letters of support that we wrote to the Licensing Committee when the matter was considered.

We submit that the arguments that we advanced on that occasion are equally relevant to the application before the Planning Committee to whom we understand the application to remove restrictive conditions has been referred, and which, we understand, is to be heard on 21st February.

There is a group of individuals that has mounted an orchestrated campaign against the operation of Holm House as a hotel, which we consider to be wholly unjustified. Holm House provides facilities that would greatly enhance the amenities available in this area were they to be available to non-residents.

Probably, the nearest establishment to provide food and accommodation of a similarly high standard, together with a Spa, is the St David's Hotel and Spa in Cardiff Bay, which is in an entirely different location and on a totally different scale. There are other restaurants in Penarth, but with due respect, none that profess to provide food of such quality and in such comfortable surroundings.

Much is made by the objectors about alleged nuisance, noise and loss of local amenities. We do not accept, from our own experience, of living in Marine Parade, that such allegations are in any way justified.

In the time the hotel has been open, particularly in the eight months since its liquor licence was granted, we are both unaware of any incident of noise or nuisance.

Marine Parade is a well used thoroughfare since the introduction of a one-way traffic flow on the seafront; it is a bus route, and it is often congested at weekends by the parking of cars belonging to the crowds who flock to Penarth in fine weather. These are facts of life in this part of Penarth that residents readily accept. The traffic movements deriving from the use of Holm House are minimal in this context.

Before Holm House was named as such and became a small hotel, with an equally small dining room, the premises were known as Skomer, a large nursing home with many patients, attendant 24-hour staff and frequent visitors. At the end of the road was the Raisdale Hotel, before its conversion to apartments. I am not aware that either of these establishments attracted the displeasure and orchestrated opposition of neighbouring residents.

At the time of the licensing application wild allegations were made to the effect that the licence would be abused, that crime and disorder would be created, public safety put at risk, that there would be public nuisance and harm to children! These wild allegations have been proven to be wholly without foundation. The owners and staff operate the hotel properly, responsibly and discreetly. They have created a facility that would be enjoyed and appreciated by other discerning residents and visitors were the current planning restrictions to be removed, and we therefore urge the members of the Planning Committee to grant the application.

Yours sincerely



Howard R. Palser



Nerida Palser

Letter 2

Ms Rees
Licensing Department
Vale of Glamorgan Council
Civic Offices
Holton Road
Barry
CF63 4RU

Dear Ms Rees

Re: Holm House Hotel, Marine Parade, Penarth

We wrote recently in support of the licensing application in relation to the above premises, but understand that the previous application did not in fact proceed and that a further application has been made which requires separate letters of support / objection to be lodged.

We trust it is in order to refer to our letter in support of the earlier application. A copy of this is enclosed for ease of reference. We stand by all that was said on that occasion, strongly support the current application and urge the Licensing Authorities to grant the licence so that the hotel can properly provide its guests with the facilities they understandably assume will be provided.

My husband and I are quite disgusted at the vitriolic campaign that appears to be being waged against the owners of the hotel. We enclose a copy of another anonymous note that was found in our post-box having apparently been hand-delivered. This note is intemperate in its terms and paints a picture which is far-fetched, to say the least.

There is no suggestion that the owners of the hotel, who have clearly spent a fortune on creating a luxury boutique hotel, would do other than operate the business to the highest standards, with every consideration for their neighbours in Marine Parade and Dros-y-Mor.

The note correctly refers to the application being limited in its scope, and we would submit that there are no grounds whatsoever to suggest that a licence would be abused. In our considered opinion the note which invites residents of the area to rise up in opposition is somewhat hysterical in its tone, and it strikes us as absurd to imply that the granting of a licence would create crime and disorder, risk public safety, cause a public nuisance or cause children harm.

We trust that the Council will not be swayed by invective and will determine the application on its obvious merits. Enough time, effort and public and private money has been wasted as a consequence of the misguided campaign of the anonymous opponent.

We, for our part, are quite happy to add our names to this letter.

Yours sincerely

Howard and Nerida Palser

Letter 1

Ms Rees
Licensing Department
Vale of Glamorgan Council
Civic Offices
Holton Road
Barry
CF63 4RU

Dear Ms Rees

I am writing to you further to an anonymous note which I believe has been hand-delivered to properties in Marine Parade and Park Road, Penarth.

My husband and I are long-term residents of Marine Parade, having lived at our current address for almost 27 years.

The property and business which is the subject of this correspondence is not a bed-and breakfast establishment, as disparagingly referred to in the said note, but is a sophisticated hotel. It is evident from the website of the business that a considerable sum of money has been expended to turn the old nursing home into a boutique hotel of the finest quality.

The individual(s) who have delivered the note and who seem to be orchestrating opposition to the present application conveniently forget that the previous nursing home business entailed considerable traffic from visitors, tradesmen, and large numbers of staff working 24 hours each day.

Furthermore the Raisdale Hotel, which I believe was open to the general public, existed for many years within a stone's throw of the present property and to the best of my recollection and belief did not present any problems in terms of parking and excessive noise. Indeed, Holm House has on-site parking which is more generous than available at the Raisdale Hotel.

The owners of Holm House, Mrs Margaret Hewitt and Mrs Sue Sessions, are responsible individuals who are experienced in business (Mrs Hewitt was formerly Welsh Businesswoman of the Year), and there is no reason to suggest that they would countenance noise or any disturbance, or would do otherwise than run the hotel and its restaurant in an exemplary manner. The hotel is small – 12 rooms; the traffic such a small number of residents can generate is obviously limited. Should there be excessive noise, the Council has ample powers to address such a nuisance.

The sympathetic restoration of this building, and the provision of a hotel of taste and quality is something that in our joint view is something to be applauded and welcomed. We have no objection whatsoever to the grant of the licence that is applied for. Residents of the hotel for which planning permission was granted, and pursuant to which considerable monies have been expended, would reasonably expect to be able to purchase alcoholic drinks.

In our joint view it would be manifestly unjust if this application were refused.

Yours sincerely

Nerida Palser

4 Park Road
Penarth
Vale of Glamorgan
CF64 3BD

15 February 2008

Miss S O'Dowd
Assistant Planning Officer
Development Control
Vale Of Glamorgan Council
Docks Office
Barry
Vale Of Glamorgan
CF63 4RT

Dear Miss O'Dowd

**Re: Holm House Application For Restrictive Planning Conditions To Be
Removed Thereby Allowing non-Residents To Use The Restaurant & Spa –
2007/01635/Ful – Holm House, Marine Parade, Penarth**

I am writing to state my support for the above application. Holm House has already achieved an excellent reputation receiving good reports in hotel guides.

I have in no way been adversely affected by the opening of the hotel and I see no reason why this should change if the hotel was opened to non-residents.

Indeed in my opinion would be an attractive facility not only to visitors but also to people within the locality.

There are a limited number of restaurants in Penarth and the availability of Holm House would be an excellent additional amenity bringing the prospects of additional employment to the area.

Yours sincerely

A handwritten signature in black ink, consisting of a stylized 'M' followed by a long horizontal line.

M A Jones

5 Park Road
Penarth
Vale of Glamorgan
CF64 3BD

17th February 2008

Miss S O'Dowd
Assistant Planning Officer
Development Control
Vale of Glamorgan Council
Docks Office
Barry
Vale of Glamorgan
CF63 4RT

Dear Madam,

Re: Holm House Application for Restrictive Planning Conditions to Be Removed Thereby Allowing non-Residents To Use The Restaurant & Spa – 2007/01635/Ful – Holm House, Marine Parade, Penarth

We are writing in support of this application for non-residents to use the restaurant and spa at the above hotel.

The hotel has only been open for nine months and has already generated a lot of good publicity which has not only benefitted the hotel but also local businesses in the town of Penarth.

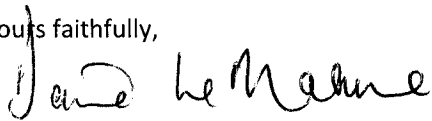
The hotel has received wonderful reviews in nearly all the national newspapers as well as prestigious magazines.

We have friends in different parts of the UK who have contacted us when they have seen these articles and it is quite obvious that the hotel is doing an excellent job at putting Penarth "on the map."

We feel, therefore, that the hotel should be encouraged by the Vale of Glamorgan and we see no reason why the application should not be granted.

The hotel is catering for guests who are looking for peace and quiet and it is obvious therefore that the proprietors would not want any element of noise which would disturb their guests or their immediate neighbours.

Yours faithfully,



David and Sara Le Masurier

[Faint, illegible text and stamps at the bottom of the page, possibly a carbon copy or administrative markings.]

**3 Park Tower
15 Bridgeman Road
Penarth
CF64 3AW**

02920 707200

13 February 2008

Miss S O'Dowd
Assistant Planning Officer
Development Control
Vale of Glamorgan Council
Docks Office
Barry
CF63 4RT

Dear Miss O'Dowd

**Holm House Application for Restrictive Planning Conditions to be Removed
Thereby Allowing Non-Residents to use the Restaurant and Spa –
2007/01635/FUL – Holm House, Marine Parade, Penarth**

I am writing in support of the removal of the restrictive planning conditions that are limiting the successful operations at Holm House. I have always thought that a hotel was there to provide services to the public, so why are the objectives of Holm House being so limited?

Whilst living close to the premises I have noticed no disturbance whatsoever but what is noticeable however is the quality of the refurbishment of the buildings and site generally making it a great credit to Penarth.

No doubt you will be aware that I live adjacent to Holm Tower, which is one of the busiest premises in Penarth, and I can assure you that no disturbance or nuisance is registered as a result of its operations. So how people can complain about the activities at Holm House, which are almost nil in comparison to Holm Tower? It seems to me it reflects pure spite and jealousy.

When one considers that the building used to be a Residential Home for elderly people anyone should be grateful for the change of use and appreciate both the improvement of the site and the vast reduction in disturbance and nuisance compared with previous use.

I understand there are a number of objectors to the removal of the restrictive conditions. What are these people complaining about and have the council investigated these complaints and reported back on their materiality?

It is amazing that such superb facilities are not available for use by the residents of Penarth – where is there in Penarth that one can have a meal to the standard being provided at Holm House in peaceful and sophisticated surroundings. What a waste! I hope that in your deliberations good sense will prevail for the benefit of many of the residents of Penarth.

I look forward with interest to your response to the questions raised.

Yours Sincerely

A handwritten signature in black ink, appearing to read 'David Wheeler', with a stylized flourish at the end.

David Wheeler

6,Dros-y-Mor,
Penarth
CF643BA

14th January 2008

The Planning Officer,
Vale of Glamorgan Council,
Civic Offices,
Holton Road,
Barry
CF634RU.

Dear Sir/Madam,

I understand that some of my neighbours in Dros-y-Mor have objected to none residence being able to use the facilities at Home House. I do not agree in any way that these objections are valid ,and would advise you that there has been no inconvenience noise or nuisance caused by this hotel. If the hotel was opened to none residence, the very upmarket nature of this business and characters of the owners would insure that this hotel would not only be a well needed facility but an asset to Penarth and the area. Why should a small number of people spoil the pleasure of so many.

Yours Faithfully

Mrs J.M.Davies.

**The Coach House
4 Marine Parade
Penarth
CF64 3BE**

**Mr Rob Quick
The Director of Planning
Vale of Environmental & Economic Regeneration
Vale of Glamorgan Council
Civic Offices
Holton Road
Barry CF63 4RU**

15th February 2008

Dear Sir,

Re Holm House, Marine Parade , Penarth

I write to support the planning application being put forward by the owners of the above property to obtain a full license which would enable it to offer a full dinner service to non residents.

The hotel, since its opening, has already received a number of accolades for its excellent design, ambiance and service. It is the kind of development that the residents of Marine Parade, Penarth and Wales should be justifiably proud.

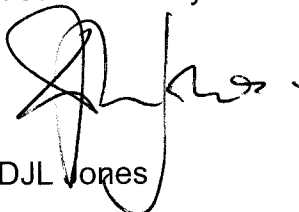
If Tourism is to make any contribution to the economy of Penarth then it also has to be of a benefit to the local community and residents.

This development, far from detracting from the environment of Marine Parade will greatly enhance the quality and level of service being provided to residents. Those who object to this development cannot fully appreciate the quality of what is being proposed.

As a resident of Marine Parade I strongly support this development and would make regular use of its services as a non resident if the appropriate planning permission were to be granted. Numerous other residents have indicated to me that they would similarly support this development.

I urge you to assist with what is desperately needed in Penarth; a hotel / restaurant of the highest international standard.

Yours faithfully



DJL Jones

2007/01635 / Full
HOLM HOUSE
MARINE PARADE
PENARTH

FEB 16TH 08

Dear Sir,

Re the above application I wish to endorse the proposal to extend the use of the facilities at HOLM HOUSE to allow non-residents the opportunity of being able to enjoy a meal and use of SPA which due to current restrictions non-res' guests are not able to take advantage of. In restoring this old House into a superb Hotel the owners have succeeded in enhancing the status of PENARTH and the surrounding area which hitherto had become either flats or old peoples Homes which have not contributed in any way to the kudos of what is called 'The GARDEN By The Sea'

As a Resident in the area I am most dismayed at seeing responsible people of vision who have been prepared to invest in the future prosperity of Penarth being criticized and subjected to unjustified claims founded not on facts but unreasonable prejudice.

I trust in considering this application you will look favourably on its merits so allowing it to develop fully into a place where local people can go to benefit from the relaxing treatments and excellent cuisine without need for us to travel further afield

Yours

June L. Has



Thomas, Rob

From: Jenny Barber [jennybarber10@hotmail.com]
Sent: 12 February 2008 18:28
To: drthomas@valeofglamorgan.gov.uk; mjgoldsworthy@valeofglamorgan.gov.uk; sdowd@valeofglamorgan.gov.uk
Cc: susan@holmhouse.co.uk
Subject: Holm House Application

We wish to support the application of the proprietors of Holm House. We live in our own property in Bridgeman Road and have suffered no disturbance, nuisance or loss of local amenities since Holm House became a hotel with restaurant and spa. We support the extension of the restaurant and spa to non residents and do not consider that it will constitute a nuisance to neighbours but rather offer a service which will add to the attractions of the area.

We hope you will consider our views when reaching a decision on this application. All members of this household are over the age of eighteen.

Jenny Barber
Chris Barber
Anna Barber
Ross Barber
Zoe Barber

Messenger on the move. [Text MSN to 63463 now!](#)

13/02/2008

Goldsworthy, Marcus J

From: claire morgans [cemorgans@yahoo.co.uk]
Sent: 19 February 2008 18:58
To: drthomas@valeofglamorgan.gov.uk; MJGoldsworthy@valeofglamorgan.gov.uk;
SDowd@valeofglamorgan.gov.uk
Cc: susan@holmhouse.co.uk
Subject: 2007/01635/FUL

Senders: Claire Morgans, Mike Kingston, 20 Sully Terrace, Penarth CF64 3DS

Dear Sirs

As nearby residents of Holm House, we would like to inform the Council that we have never been inconvenienced by the opening of the hotel or by its visitors.

Penarth has so little to offer visitors in terms of accommodation of any sort, and the opening of Holm House has done nothing but improve the offer of extremely high quality accommodation for those people visiting this town. The only consequence of opening the restaurant to non residents would be a welcome addition of a high quality dining experience, and one that we, as non residents of the hotel, would be pleased to see and use.

The size of the hotel means that even if non residents were permitted to use the restaurant and spa, we see no reason why we would be inconvenienced.

Claire Morgans
Mike Kingston

Sent from [Yahoo!](#) - a smarter inbox.

20th February, 2008

Dear Maureen,

As discussed, please find enclosed the list of petitions from Marine Parade, Dros-y-Mor and other local addresses. As you can see they are colour coded for clarification.

Altogether, there are 40 from Marine Parade

11 from Dros-y-Mor

and 15 other local residents

totalling 66 objections.

Also enclosed is a plan of Marine Parade.

With kind regards,



12 Dros-Y-Mor
Marine Parade
Penarth
Vale of Glamorgan
CF64 3BA.

The Planning Committee
Vale of Glamorgan Council
Civic Offices
Holton Rd
Barry
Vale of Glamorgan
CF63 4RU

19th February 2008

Dear Councillors,

Re: Holm House, Marine Parade, Penarth
Application No. 2007/01635/FUL
Proposal: Amendment of condition of application 05/01728/FUL

Please find enclosed a petition containing some 60 plus names and addresses, mainly from residents of Marine Parade and Dros-Y-Mor, objecting to the above application.

Also attached are images from Google Earth showing the entire length of Marine Parade and the view of Holm House and its small car park. The images clearly show that there is insufficient space for commercial vehicles to park and manoeuvre in the hotel car park or indeed enough room to accommodate guests **and** the general public who may be using the facilities. The image also shows that access through Marine Parade has been reduced to single file traffic due to vehicles parked outside the hotel on both sides of the road. You can also see the density of parking that already exists at the top of Marine Parade again reducing the traffic to single file and cliff hill also shows a high density of parking. If the hotel's facilities were open to the public, the increased level of commercial activity will cause further problems to access through Marine Parade and the general disturbance by cooking smells, noise, delivery vehicles, customers arriving and leaving will seriously reduce the standard of living in this residential and conservation area.

I formally request on behalf of the signatories therein the petition and the attachments enclosed be "tabled" at the planning meeting of the 21st February 2008.

Yours sincerely,



Adrian Gray

We, the undersigned, have signed this petition to express our opposition to the application by the proprietors of the above hotel for a change of planning consent so as to enable the hotel and its facilities to be open and available to the public at large. The hotel is within the first area in Penarth to have been designated as a conservation area— an area which arguably is the last example of Penarth as was during its heyday . It was and still remains a residential area. The proposals would operate to the prejudice of the last remaining example of historical Penarth and totally alter the character of the area. Also, the ensuing extra parking congestion on Marine Parade would inevitably further prejudice the conservation area.

- Marine Parade
- Dos y Mor
- Local residents

Holme Place Hotel, Marine Parade, Penarth

We, the undersigned, have signed this petition to express our opposition to the application by the proprietors of the above hotel for a change of planning consent so as to enable the hotel and its facilities to be open and available to the public at large. The hotel is within the first area in Penarth to have been designated as a conservation area— an area which arguably is the last example of Penarth as was during its heyday. It was and still remains a residential area. The proposals would operate to the prejudice of the last remaining example of historical Penarth and totally alter the character of the area. Also, the ensuing extra parking congestion on Marine Parade would inevitably further prejudice the conservation area.

NAME

ADDRESS

Adrian Gray	12 DROS-Y-MOR PENARTH
Joyce W Pritchard	11 Dros-y-Mor "
Chris Sweetman	3 Dros y Mor Penarth.
William	8 DROS Y MOR PENARTH
St David	8 DROS Y MOR PENARTH
St David	Fubank Bank Penarth
P. Robinson	3 ADEL-Y-MOR Penarth.
I. WHEADON	14 MARINE PARADE PENARTH
S. WHEADON	14 MARINE PARADE PENARTH
M. BOWEN	15 MARINE PARADE PENARTH
B. RANOM	CUFFWALS, MARINE PDE Penarth.
J. R. G. G. G.	" " "
J. R. G. G. G.	3 The Glades, Penarth
A. R. G. G. G.	" " "
J. R. G. G. G.	4 Cliff Parade Penarth.
J. R. G. G. G.	8 Cliff Parade Penarth.
J. R. G. G. G.	" " "
A. Williams	1 RAISDALE HOUSE, PENARTH
Em Williams	1 RAISDALE HOUSE, PENARTH
John	2 RAISDALE HOUSE Penarth
M. Catwell	" " "
George	Augusta Cott. Raisdale Rd. Penarth
L. J. Miller	" " "
D. J. Miller	5 Raisdale Cott. Penarth.
Alma	11 DROS-Y-MOR PENARTH.
G. Campani	" Dros-y-Mor- Penarth

Holme Place Hotel, Marine Parade, Penarth

We, the undersigned, have signed this petition to express our opposition to the application by the proprietors of the above hotel for a change of planning consent so as to enable the hotel and its facilities to be open and available to the public at large. The hotel is within the first area in Penarth to have been designated as a conservation area— an area which arguably is the last example of Penarth as was during its heyday . It was and still remains a residential area. The proposals would operate to the prejudice of the last remaining example of historical Penarth and totally alter the character of the area. Also, the ensuing extra parking congestion on Marine Parade would inevitably further prejudice the conservation area.

NAME

ADDRESS

L. J. Greenberg	4, Cosmeston Cottage, Lavernock Road, Penarth
G J GRAY	PIERMASTER LODGE, 8 BRIDGEMAN RD, PENARTH
L. J. Green	MARINE PARADE CF 64 3BG
K. V. Jones	Marine Parade CF 64 3BG
J. B. Jones	8, Dros, 4 near Marine Parade
J. Randall	Moorings - Marine Parade
C. J. Randall	Moorings - Marine Parade
J. Robinson	6 Portland Close Penarth
J. Robinson	6 Portland Close Penarth
J. W. Jones	6 Cliff Parade, Penarth
G. W. Jones	6 Cliff Parade, Penarth
B. W. Jones	20 D Marine Parade Penarth
C. M. Simpson - Weeks	20 D Marine Parade Penarth
L. J. Jones	4 & 5 Tower Hill, Penarth
M. J. P. Jones	4 Marine Parade PENARTH
E. J. Jones	4 Marine Parade
J. W. Jones	15 MARINE PARADE PENARTH

Holme Place Hotel, Marine Parade, Penarth

We, the undersigned, have signed this petition to express our opposition to the application by the proprietors of the above hotel for a change of planning consent so as to enable the hotel and its facilities to be open and available to the public at large. The hotel is within the first area in Penarth to have been designated as a conservation area— an area which arguably is the last example of Penarth as was during its heyday . It was and still remains a residential area. The proposals would operate to the prejudice of the last remaining example of historical Penarth and totally alter the character of the area. Also, the ensuing extra parking congestion on Marine Parade would inevitably further prejudice the conservation area.

NAME

ADDRESS

MR & MRS DAVID KIDBY - THE CHURCH

MARINE PARADE, PENARTH

MR & MRS NAIL KIDBY, FIDELITY HOUSE,

MARINE PARADE, PENARTH

MRS KENDALL, LORRAINE PARK, PENARTH

LOYD KIDBY, FIDELITY HOUSE, MARINE PARADE

PENARTH

JAMES KIDBY, FIDELITY HOUSE,

MARINE PARADE, PENARTH

FAO Miss Sara Dowd

Planning & Transport

Vale of Glamorgan Council

Dock Office

Barry Docks

Barry CF63 4RT

5 Dros y Mor

Penarth

Vale of Glamorgan

CF64 3BA

18 February 2008

Dear Sirs

Application No 2007/01635/FUL

I refer to the above and have written previously to express my opposition thereto. The present letter is additional and addresses a matter of some significance which I believe is germane to the application and certain statements by the applicants.

The Application as per the letter of 5 November 2007 from the applicants states "***following a recent visit by the Inspector of Hotels (Visit Wales)-----we are unable to be graded as the 'five star' hotel our Welsh Assembly grant asked us to achieve***", I attach a copy of communications dated 13th and 14 February 2008 from Lynette Newington of the Department for the Economy and Transport of the Welsh Assembly. These make it abundantly and unequivocally clear that the Grant does not require a five star hotel categorisation and indeed the grant has been paid and the matter completed to the total satisfaction of the Assembly. In addition the correspondence confirms that the Assembly was aware of the harmonised grading scheme and paid the grant in full knowledge and recognition of the planning constraints.

What we therefore have is a situation where the declared reason for the new application is wholly incorrect and indeed has been specifically repudiated by the Assembly. The only reason for the application therefore is one presumably known to the applicants but not declared or explained by the applicants. This to my mind makes it totally inappropriate to proceed further with the application.

Yours faithfully



Geoffrey Williams

From: Newington, Lynette (DE&T - Ops Invest Wales) [Lynette.Newington@Wales.GSI.Gov.UK]

To: <bruno.c@tiscali.co.uk>, <geodel2@btinternet.com>

Cc:

Sent: 14/02/2008 12:17

Subject: Holm House

Dear Mr Carpanini

Thank you for your letter received this morning.

I am obviously aware of the new harmonised grading scheme, which has affected the categorisation of a number of tourism businesses around Wales. Furthermore, in the case of Holm House, the five star 'Guest Accommodation' designation is wholly acceptable to us as the product offering remains of a very high standard. As your documentation states, due to planning constraints, the designation of 'hotel' was not appropriate, and replaced by the designation of 'guest accommodation' in this case.

I hope this helps to clarify the situation further

Kind regards
Lynette Newington

Lynette Newington

Senior Investment Analyst / Uwch Dadansoddwraig Buddsoddiad

Department for the Economy and Transport / Adran yr Economi a Thrafnidiaeth
Welsh Assembly Government / Llywodraeth Cynulliad Cymru

Tel /Ffon: +44 (0)29 2047 5269

Mobile/Rhif Sym.: 07786 110283

Fax /Ffacs: +44 (0)29 2047 5391

E-Mail /E-bost: lynette.newington@wales.gsi.gov.uk

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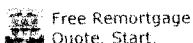
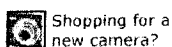
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Subject: Holm House Hotel

Date: Wed, 13 Feb 2008 11:17:35 -0000

From: "Newington, Lynette (DE & T)" <Lynette.Newington@Wales.GSI.Gov.UK>

To: bruno.c@tiscali.co.uk, geodel2@btinternet.com

Dear Mr Carpanini

Thank you for your letter of 6 February 2008. Further to the issues raised in your letter and our subsequent telephone conversation.

A grant of £400k was approved to Holm House for the creation of a high quality 'boutique' style hotel on 2/12/04. This project has now been completed and the standards achieved acceptable to the conditions of the grant. The applicant has therefore met with all the conditions of the grant awarded.

Public access to the hotel is clearly an important local issue and any amendments to the existing arrangements are obviously for the attention and decision of the Local Authority.

Kind regards

Lynette Newington

Lynette Newington

Senior Investment Analyst / Uwch Dadansoddwraig Buddsoddiad

Department for the Economy and Transport / Adran yr Economi a Thrafnidiaeth
Welsh Assembly Government / Llywodraeth Cynulliad Cymru

Tel / Ffon: +44 (0)29 2047 5269

Mobile/Rhif Sym.: 07786 110283

Fax / Ffacs: +44 (0)29 2047 5391

E-Mail / E-bost: lynette.newington@wales.gsi.gov.uk

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11, Dros-y-Mor
Marine Parade
Penarth

CF64 3BA

14th February, 2008

Dear Ms Dowd,

REF: Holm House, Marine Parade, Penarth

Please find enclosed a copy of the E-mail I received from Ms Lynette Newington of the Welsh Assembly Government Grants office.

As you will note in the last application N° 05/01728/FUL relating to the above, the main reason for the request of the removal of Condition 5 was because of the supposed requirement of the Grants office to achieve the 5 Star grading which has not been possible due to the restrictions on the original planning consent i.e. "facilities to be for the sole use of the residents")

In fact, this is not true. The reason being, the original conditions imposed by the Grants office had not been changed and the grant has been awarded.

I am confident that you will oppose this application, especially after such short time of trading. It will also be the first time that an application has been made for a change in the conditions challenging your original consent. This highlights the fact that the intention was to open to the public right from the beginning, in contravention to planning consent,

I am hopeful that you will ensure the amenities of the adjoining occupiers are protected, as promised.

Your comments on this matter would be very much appreciated.

Yours Sincerely,


BRUNO CARPANI

From: Newington, Lynette (DE & T) [Lynette.Newington@Wales.GSI.Gov.UK]

To: <bruno.c@tiscali.co.uk>, <geodel2@btinternet.com>

Cc:

Sent: 13/02/2008 11:17

Subject: Holm House Hotel

Dear Mr Carpanini

Thank you for your letter of 6 February 2008. Further to the issues raised in your letter and our subsequent telephone conversation.

A grant of £400k was approved to Holm House for the creation of a high quality 'boutique' style hotel on 2/12/04. This project has now been completed and the standards achieved acceptable to the conditions of the grant. The applicant has therefore met with all the conditions of the grant awarded.

Public access to the hotel is clearly an important local issue and any amendments to the existing arrangements are obviously for the attention and decision of the Local Authority.

Kind regards

Lynette Newington

Lynette Newington

Senior Investment Analyst / Uwch Dadansoddwraig Buddsoddiad

Department for the Economy and Transport / Adran yr Economi a Thrafnidiaeth
Welsh Assembly Government / Llywodraeth Cynulliad Cymru

Tel /Ffon: +44 (0)29 2047 5269

Mobile/Rhif Sym.: 07786 110283

Fax /Ffacs: +44 (0)29 2047 5391

E-Mail /E-bost: lynette.newington@wales.gsi.gov.uk

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Mae'n ddigon posibl y bydd unrhyw ohebiaeth drwy'r GSI yn cael ei logio, ei monitro a/neu ei chofnodi yn awtomatig am resymau cyfreithiol.

Dowd, Sara

From: Kelly-Owen, Maureen (Cllr)
Sent: 21 February 2008 11:53
To: Thomas, Rob
Cc: Dowd, Sara
Subject: Application Ref :2007/01635/FUL

Dear Rob,

I will be attending the Planning Committee this evening as ward councillor for Plymouth Ward, Penarth. This follows my handing in of the Petitions for this Application and also the Application for an Extension to Parkside, in Park Road, Penarth.

I understand that the letter/email sent by Mr. G. Powys Jones, Planning Consultant, on 21 December will be before Committee. As that letter addresses most succinctly the concerns of those objecting to the Application I will not re-state them.

What I will wish to do on my own and their behalf is make it very clear to the Committee what are the wider long term effects the Application, if approved will, inevitably, have on this original Penarth Conservation Area, its raison d'être and its very special character.

Best wishes, Maureen Kelly Owen.

21/02/2008

O'Keefe, Kevin T

From: Gpowysjones@aol.com
Sent: 21 December 2007 13:25
To: Planning&Transport@valeofglamorgan.gov.uk; developmentcontrol@valeofglamorgan.gov.uk
Subject: Holm House, Marine Parade, Penarth. Application Ref : 2007/01635/FUL

For attention of : Sara Dowd

Thanks for notifying my client Mr A Gray of the above-mentioned application. He lives at 12 Dros-y-Mor, Penarth immediately adjacent to the application site. He is likely to be the person most affected by the proposal. He therefore wishes to object to the application on the following grounds:

1. My client and others objected to the original application to change the use of the premises to a hotel. The concerns expressed then have been found to have been justified since the anticipated effects have occurred in practice. The current operation has materially affected my client by reason of noise & disturbance; cooking odours; overspill parking and the general nuisance arising therefrom. Certainly my client finds the locality a far less pleasant place to live than when the premises was run as a care home.
2. Of course, since planning permission has been granted, my client can do little about the consented operation. Even though disappointed that planning permission was granted, my clients concerns were ameliorated to an extent by the imposition of conditions, designed to limit the effect of the operation on its surroundings. Had the applicants felt aggrieved with the conditions concerned, they could have appealed or made application to remove them when the consent was first issued. Instead, they persevered with their investment. They now seek to remove the controls felt necessary by the Council but 2 years ago to protect neighbouring residents. If the conditions were a pre-requisite of consent then, they should remain so now particularly in circumstances where the applicants seemed to have accepted them as reasonable but a short time ago.
3. The s73 application seeks the removal of condition 5 and the amendment of condition 7: the precise extent of the amendment is not explained. My client objects to both proposals on the grounds that the noise and disturbance currently experienced at times will be intensified and become commonplace. What is sought in effect is consent to operate as a bar/restaurant and a spa facility open to all, such operation being sometimes accompanied by loud music. Given the professionalism of the operators and the anticipated demand it is likely that the venue would become extremely popular and busy. It should be apparent that any such operation should not be allowed to develop in the heart of a largely quiet and high quality residential area. There is also the prospect, borne out by current experience, that on-site car parking provision is insufficient. Cars would be parked in surrounding streets and the noise and disturbance caused by customers leaving the premises to their cars or on foot, particularly late at night and at week-ends, could not fail to leave its mark on local residents.
4. The justification provided by the applicants is not convincing. Certainly, the planning system should not be abused to assist the premises in gaining a tourism regrading. It is suspected however that the underlying motive has more to do with increasing the turnover/ profitability of the venture. My client has no objection in principle to a business attempting to better itself, but not at this cost to himself or other local residents. The Council will no doubt also bear in mind that any planning permission runs with the land. That is, however well meaning the assurances given by the current operators, the premises could be sold and run by others with, possibly, fewer scruples.

I would be grateful if you'd acknowledge receipt of this email and take its contents into account in making your recommendation. I would be grateful for further notification if the application is amended.

Regards

G Powys Jones MSc FRTPI
Town Planning Consultant
The Maltings
East Tyndall Street
CARDIFF CF24 5EA

02/01/2008

LATE ITEMS FOR COMMITTEE		Application No. 2007/01635/FUL	
Committee Date: 21 February 2008		Page No.: 190	
To be added to report: YES / NO (Delete where necessary)			
From: Margaret Hewlett and Susan Sessions, Holm House Summary of Comments: Response to objections received. Cooking odours: Environmental Health have indicated that the equipment used are more than adequate. No complaints have been received prior to the submission of the application. Large volume of local support. Facility has been designed to limit the impact on local residents. (Attached are traveller reviews and media coverage)			
APPROVED BY:			
Officer: Miss Sara Dowd		Officer:	
Appendix No.:		O.M. or H.P.T.	

LATE ITEMS FOR COMMITTEE		Application No. 2007/01684/FUL	
Committee Date: 21 February 2008		Page No.:196	
To be added to report: YES			
Additional Condition 5: 5. The parking provided on the application site, in accordance with the approved plans, shall be made available prior to the first beneficial occupation of the extension hereby approved and the spaces shall be maintained at all times for use in conjunction with the nursing home. Reason: In the interests of providing satisfactory off street, car parking and in order to ensure highway safety. 1 email from the Highway Authority confirming that there are no objections to the scheme. 2 letter of support from the applicants 1 letter of objection 25 signature petition objecting to the scheme 1 email objection via Cllr Dobbinson			
APPROVED BY:			
Officer: Miss M. C. Ferreira		Officer:	
Appendix No.:		O.M. or H.P.T.	

Goldsworthy, Marcus J

From: Harrison, Paul D
Sent: 20 February 2008 09:28
To: Goldsworthy, Marcus J
Cc: Bevan, Tom F
Subject: RE: Parkside Residential Home, Penarth

Marcus

Further to your email I would comment that under the development proposals the existing number of bedrooms at the site will be increased by 10 rooms and the existing parking provision increased to 17 spaces. However, it is noted that from the submitted plans, only 15 of the parking spaces can be used. Nevertheless, this still represents an increase in parking facilities at the site by 5 spaces.

In terms of the limited manoeuvring facilities within the site, it is considered that the development proposals are no worse than the existing situation.

Therefore the HA comments dated 20 December 2007, informing that an objection to the development proposals cannot be sustained are still applicable to the application.

Regards

Paul

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

From: Bevan, Tom F
Sent: 20 February 2008 08:20
To: Harrison, Paul D
Subject: FW: Parkside Residential Home, Penarth

Paul,

Did you comment on this?

Tom

From: Goldsworthy, Marcus J
Sent: 19 February 2008 15:42
To: Bevan, Tom F; Gay, Paul
Subject: Parkside Residential Home, Penarth

Tom/Paul I was contacted by Cllr Ernest today about the above application going to committee on Thursday and he wanted me to check with you that you are happy from a highway safety point of view with specific regard to parking arrangements. Are you able to confirm that your comments made on the application still stand?

Thanks for your help

Marcus Goldsworthy
Operational Manager



Registered by The National Assembly for Wales

Parkside House, 1 Park Road, Penarth, Vale of Glamorgan CF64 3BD Tel (029) 2070 0236

Fax: (029) 2070 5601 email: care@tlcuk.co.uk

COPY

13th February 2008

Sen. Councillor

I am writing to you with regard to a planning application which we have made for an extension to Parkside House Residential Home in Park Road, Penarth and which is due to be dealt with by the Planning Committee on 21st February.

I understand that you are not free to make any comment on the application but I just wanted to draw your attention to certain aspects of the application that perhaps are not obvious:-

- (i) There is a shortage of good residential care for the elderly that can also accommodate people suffering from Alzheimer's. Parkside House has been taking care of this most vulnerable section of the community for the last 22 years and what we would like to do is extend our services and our care to accommodate 10 more people in comfortable spacious surroundings, enabling them to have a good quality of life.
- (ii) The extension covers a section of the grounds to the rear of the building. It will not be visible from the front of the building. The extension is planned to be built on an area that is not now used as a sitting area or a parking area and therefore does not take away from the amenities of the gardens. The architect has, in fact planned an imaginative and peaceful courtyard area which both the existing and the new accommodation will have access to.
- (iii) We understand that some residents of Park Road have expressed concerns over parking. Park Road is often over parked due to people visiting and working in Marie Curie and to people parking especially in the summer, whilst going down to the beach or out for the day on the Balmoral or Waverley. The planned extension to our Home will not materially affect the parking situation since we can provide parking for up to 15 cars as our architect has demonstrated. Our architect has made some adjustments to the existing parking which will make the parking and manoeuvring of cars on site much easier as a result we expect visitors to Parkside to be ready to use on site parking in preference to street parking.

As we already operate as a residential home the extension will not result in any additional delivery vans or waste collection vehicles coming to Park Road.

I hope that you will feel able to support our Planning Application – I'm sure you will feel as I do that our elderly and infirm deserve the best care and the pleasantest accommodation achievable.

Yours sincerely

Meriel Watkins

Meriel Watkins
Director



Registered by The National Assembly for Wales

Parkside House, 1 Park Road, Penarth, Vale of Glamorgan CF64 3BD Tel (029) 2070 0236

Fax: (029) 2070 5601 email: care@tlcuk.co.uk

Ms Ferreira
The Planning Department
Vale of Glamorgan Council
Dock Offices
Barry Docks
Barry
CF63 4RT

Dear Ms Ferreira

Planning application by Llangoedmor Properties Limited re extension to Parkside House, 1-2 Park Road, Penarth

As I mentioned to you over the telephone there are a couple of points in favour of the above application which I feel have not been given sufficient emphasis. Accordingly I am writing this letter to highlight the points in question.

The points are as follows:

1. The purpose of building the extension is not only to increase the number of rooms, but also generally to improve the facilities of Parkside House for the benefit of residents of the existing accommodation. If the extension is built we will be looking at what improvements can be achieved by replanning parts of the internal lay out of the existing building. Such alterations will be directed to making more amenity space, (including additional bathrooms) available to the residents of the existing building. The result of such alterations will reduce the number of bedrooms in that part of the House. The net increase in the number of residents will therefore be less than 10 in all probability.

2. I have made a point of visiting Park Road on the last two Saturdays and Sundays, when of course Parkside is as busy as on any other day of the week, commercial and business calls apart). On each visit the number of vehicles parked in Park Road was minimal. On week days the number of visitors to Parkside is not significantly greater than at weekends. This does not seem to be the case at Marie Curie which is the source of most of the traffic to and from Park Road in the week. Parkside is not the cause of the overparking which sometimes occurs in Park Road.

3. Parkside, at 1 & 2 Park Road has been a Residential Home for more than 20 years. The adjoining properties, Gardenhurst on one side and 3 Park Road on the other were both local Authority Homes, I believe before the last war. As you know Gardenhurst is now a Council Community Centre. 3 Park Road became a nursing home in about 1992, and was only returned to domestic use in about 2002. My point is that the

extension of 1 Park Road will not be effecting a change of any significance to the area.

I should be grateful if you would both draw the above points to the attention of the Committee and take them into account in your evaluation of the Application

Yours sincerely

A handwritten signature in black ink, appearing to read 'D L Watkins', with a long, sweeping horizontal stroke extending to the right.

D L Watkins

Silverdale
Park Road
Penarth CF64 3BD

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

15th February 2008

Dear Sirs

**Re: Planning Application No. 2007/01/1684.FUL
Extension to Parkside Residential Home, 1-2 Park Road Penarth**

I understand that planning permission has been asked for ten extra bedrooms to extend 1-2 Parkside, Park Road. I understand that this is for the care of the elderly. I would like to say on record that I strongly object to this development.

The reasons for my objections are as follows:-

The road is a no through road and it is impossible for vehicles to turn. Have you any idea how many commercial vehicles arrive in a day. This starts at 4.20 am some nights with collections of rubbish which has been left on the road in front of my gate from Saturday until Monday morning as there are no male staff available to push it down the drive after Saturday so it is just left there, more than often with the lids open and revolting refuse flying around as they are over-packed, leaving me to pick up rubber gloves and other soiled goods. With ten more bedrooms this is not going to improve just this without anything else.

This is obviously a money making project for the owners and blow everyone else. The lorries have broken all the paving stones 40-50 at least as they park on the pavements with the fridges running and the engine on and every lorry has to drive down the road and turn or reverse back up again.

Staff start to park their cars from 7 am on, sometimes shouting to one another and letting off their car alarms right outside my gate, in front, to the left and right. Many times we can't get out of our drive.

When my father wanted to build on his land opposite Parkside 2 houses it was turned down by your office because of excess traffic so only 1 house was built with a single drive entrance so we are forced to reverse out.

Now on the other side of my house I have the Madam Curie Cancer Home with only 8 parking spaces for ALL the staff and visitors and Gardenhurst Day

Centre. Marine Parade and Park Road have been ruined by all the projects and we haven't been one year without some sort of building going on i.e. Bron-y-Glyn, extension of Madam Curie, Rabaiotti's. Where is everyone going to park?

Yours sincerely

A handwritten signature in black ink, appearing to read 'V.M. Rossi'. The signature is written in a cursive, somewhat stylized font.

Veronica Rossi

**Petition regarding Application No. 2007/10684/FUL 1-2 Parkside, Park Road.
Proposal : 2 storey extension to provide 10 en-suite rooms, extension to dining area and laundry.**

We, the undersigned, object to the above proposal and request that the Council refuse planning permission. We do so for the following reasons:

- 1. As residents in the Penarth Conservation Area we support the Council's policy to preserve and enhance the special character of the Area. We expect the Council to permit only those developments that are in keeping with the character and quality of their surroundings, in accordance with the Council's own 'Guide to Living and Working in Conservation Areas'. The above proposal would amount to over-development and the effects would be damaging and out of character.**
- 2. In particular, we deplore the present deterioration in traffic conditions and in the appearance of Park Road caused by traffic generated by 1 - 2 Parkside. We deplore the dangerous state of pavements in Park Road damaged by heavy delivery vehicles servicing 1 -2 Parkside.**
- 3. In particular, we object to the loss of residential amenity and privacy that would be suffered by the immediate neighbours of 1 - 2 Parkside if planning permission were to be granted. We object to the inevitable further deterioration in traffic conditions in Park Road that would result from additional traffic if permission were granted.**
- 4. We draw Councillors' attention to individual letters of objection and to the strength of feeling demonstrated by the number of signatories below.**

Signature	Name	Address
P. Morris	P.M. MORRIS	14 Park Rd.
R.W. Morris	R.W. MORRIS	14 Park Rd.
M. G. Griffin	M.G. GRIFFIN	Park Road
M. Griffin	M. GRIFFIN	PARK ROAD
L. M. Lloyd	L. M. LLOYD	4 PARK ROAD
L. M. Lloyd	L. M. LLOYD	4 PARK ROAD
S. C. Masurion	S. C. MASURION	5 PARK ROAD
J. P. He Masurion	J. P. HE MASURION	5 PARK ROAD
V. J. Granger	V. J. GRANGER	16 PARK ROAD
E. N. Granger	E. N. GRANGER	16 PARK ROAD
M. A. Jones	M. A. JONES	4 PARK ROAD
VERONICA ROSS	VERONICA ROSS	1 SIVERDALE PARK Rd.
ROBERT BIRCH-HURST	ROBERT BIRCH-HURST	
Mr. P. Mancuso	Mr. P. MANCUSO	40 Plymouth Road Penarth
Mrs. E. Cantlay	Mrs. E. CANTLAY	9 PARK Rd PENARTH.
Mrs. D. A. Cantlay	Mrs. D. A. CANTLAY	" " "

**Petition regarding Application No. 2007/10684/FUL 1-2 Parkside, Park Road.
Proposal : 2 storey extension to provide 10 en-suite rooms, extension to dining area and laundry.**

[illegible]

M6

Thomas, Rob

From: Dobbinson, Andrew D (Cllr)
Sent: 12 February 2008 22:26
To: MICHAEL GRIFFIN
Cc: Thomas, Rob; Goldsworthy, Marcus J
Subject: RE: Planning Application No. 2007/01684/FUL Parkside Residential Home 1-2 Park Road Penarth

Dear Mr. Griffin,

I can confirm that application 2007/01684/FUL will be reported to the Planning Committee for consideration on the 21st February. I can assure you that full attention will be given to ALL material considerations pertinent to this application prior to determination.
 A. Dobbinson. (Cllr).
 Chairman Planning Committee.

From: MICHAEL GRIFFIN [mailto:michaelgriffin524@btinternet.com]
Sent: 12 February 2008 12:21
To: addobbinson@valeofglamorgan.gov.uk
Subject: Planning Application No. 2007/01684/FUL Parkside Residential Home 1-2 Park Road Penarth

Dear Councillor,

I am writing in connection with the above application for development in a Conservation Area that will come before the Planning Committee shortly. **I, and a number of objectors, feel that this proposal is of such magnitude and consequence that it should be decided by the Planning Committee only after due consideration of the many objections and a site visit.** Our information is that your officers in the Highway Department have raised no objection to the proposal when much of the supporting evidence to our objections flies in the face of that opinion. There are other planning considerations that the Committee should also take into account and are referred to in letters of objection.. I append some extracts from my own letter which illustrate the highway concerns. My objection was accompanied by a series of photographs that I would urge you to study.

We object to the above proposal ... on the basis of over-development and the consequential adverse effects that development would have on the safety of traffic in Park Road and on the street scene in this important Conservation Area.

Even to the casual observer, it is obvious that Park Road is already under severe pressure from traffic Most of the staff from Parkside Residential Home use Park Road for parking on instruction from their management, it would seem. Apparently, 'notional' parking areas in this establishment are largely inoperable because of lack of manoeuvrable space, thus they are reserved for waste bins and kept clear for ambulance visits. Visitors to Parkside invariably use the road for parking, there being no provision within the site. As a result, Park Road becomes a virtual one-way cul- de-sac for much of its length during the working day. It becomes extremely inconvenient for residents to access and egress their homes and it is dangerous to manoeuvre. (Photo Exhibit 1 shows a typical weekday street scene outside Parkside).

The inadequacies ... become even more apparent when deliveries are made, (Photo Exhibits 2 - 8 taken from Ty Zaria show typical scenes). Officers and Councillors will note, we trust, the inappropriate size of the vehicles attempting deliveries and accept that neither they nor the applicant have any powers to restrict their size. Officers and Councillors will note too that, on every occasion, the drivers of these vehicles feel obliged to park on the pavements of Park Road to avoid becoming a total obstruction to vehicular flow. An inspection of the present state of pavements and the records in the Highway Maintenance Department will confirm the ever-occurring damage to the footpaths that is the result. Residents and other pedestrians walk these pavements at their peril.

Because Park Road is a cul-de-sac delivery vehicles and refuse collection vehicles invariably have to reverse in or out, as do ambulances. The latter being an extremely dangerous manoeuvre as they approach the 4-legged

13/02/2008

junction with Marine Parade, Bridgeman Road and Holmsdale Place. Council cleaning services are unable to operate properly in these conditions. As a result, Park Road is bypassed, it would seem, and is one of the dirtiest roads in the Vale. Parkside refuse bins also feature large in the street scene, both before and after collection. Their early morning collection by large refuse vehicles being an unwarranted disturbance of residents.

The application to extend Parkside Residential Home by another 10 units would significantly increase the capacity of this establishment. Staff would increase, as would visitors, and deliveries would become more frequent or longer in duration. It follows that the traffic problems in Park Road would also significantly deteriorate beyond the present point which is already wholly inappropriate for a Conservation Area. This road is dangerous, inconvenient and totally untypical of its statutory listing

We remain opposed to this application. However, if the Council were minded to grant planning permission we would urge that it be on the basis of fewer units and one that includes a condition that adequate access to operational parking be provided within the application site, (as opposed to the 'notional' provision the applicants might claim). Additionally, that all vehicles should be required to access and egress Parkside in a forward gear. There is no shortage of space to the fronts of 1-2 Park Road to make this condition viable and there is plenty of scope for the accesses to be widened.

I apologise for this unusual approach but time is short before your next meeting. I and other objectors appreciate the pressures on your officers and the Committee to deal expeditiously with planning applications, however, we feel that this is one that should be given more than a cursory glance and a rubber stamp.

Michael Griffin

P.201

O'Keefe, Kevin T

From: KAROLINE WHITTINGTON [karoline.whittington@btinternet.com]
Sent: 30 January 2008 09:05
To: planning
Subject: Planning Application

Wick Community Council

Clerk: Karoline Whittington, Arosfa, Ewenny Rd, Wick.
Vale of Glamorgan. CF71 7QA
Tel: 01656 890313, Fax: 01656 890313, E mail:
karoline.whittington@btinternet.com
Ref No. KW/WCC/01/01(06)

FAO

Mr I Robinson

Re: Planning Application 2008/00001/FUL

At the meeting of Wick Community Council I was instructed to write to you concerning the above planning application.

The Community Council feel the only purpose to this application is to eventually build a permanent building on the site. The area is part of the Heritage Coast and the mobile home would be in view due to it being a high point.

The Community Council hope you take these views into consideration when making your decision.

Regards
Karoline Whittington
Clerk to Wick Community Council

30/01/2008