Planning Committee Meeting 24th May 2007

2005/00408/FUL Received on 11 March 2005

Mayfield Developments (Wales) Limited, c/o Agent,
Jenkins Gould Partnership, Union Offices, Quarella Road, Bridgend. CF32 0LB

River Walk, Cowbridge

Erection of four detached dwellings

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

The application was advertised on 31 March 2005.

SITE DESCRIPTION

The site comprises an area of undeveloped land located on the eastern end of a cul-de-sac River Walk.

DESCRIPTION OF DEVELOPMENT

This is an application for full planning permission for the construction of 4 No. detached dwelling-houses. The four plots will be individually accessed off the turning head at the end of the cul-de-sac. Plots 1 and 2 will be positioned with south facing frontages, roughly in line with the existing houses on River Walk. The frontage to plot 3 will face to the east away from the turning head, whilst plot 4 will be orientated to front northwards towards Plot 3. The two storey dwellings will be of simple traditional design, with Plots 1, 2 and 3 being identical four bed properties with plot 2 handed, and a three bed house on Plot 4 with an additional sun lounge and single storey utility room. The external finishes include smooth render with contrasting banding around window and door openings, and dark grey Cambrian slates or similar approved. Each property will be served by a pitched roof double garage at the end of the driveway.

PLANNING HISTORY

There is a long history of applications covering the whole of the River Walk site. Of most recent and particular relevance to the current application are:

Applications 76/1822 to 1825 – 4 No. dwellings on the site. Approved 15 March 1977.

81/00751/FUL - Erection of 8 No. dwellings. Refused 23 June 1981. A subsequent appeal was dismissed on 23 December 1982 on the grounds that the site should be developed to a high standard and a low density with careful consideration to landscaping and tree planting to respect the site's semi-rural location and its place in the Conservation Area.

03/01019/FUL - Erection of 6 No. detached houses. Refused 23 October 2003 on grounds of a cramped and incongruous form of development adversely affecting the character of the Conservation Area. A subsequent appeal was dismissed on 23 July 2004.

03/00918/FUL - Land opposite No.1 River Walk - Four semi-detached houses. Refused 23 October 2003 on the grounds of cramped and incongruous form of development adversely affecting the character of the Conservation Area and neighbouring amenities. A subsequent appeal was dismissed 25 May 2004.

04/00409/FUL - Land opposite 1 River Walk - Two detached dwellings yet to be determined.

CONSULTATIONS

Cowbridge with Llanblethian Town Council objection on the following grounds:

(i) The existing sewerage system is overloaded.

(ii) The development is being built on an existing flood plain and this will be lost as a result. Members are concerned that the flood prevention measures that are proposed will result in displacing any floodwater to the other side of the river and affect properties further downstream. Members refer to the letter from Jenkins Gould Partnership 21 July 2005 and dispute reference being made to "the area of river adjoining the site is a back water from the culvert". The Committee is clear that the main course of the river adjoins the site.

(iii) Should the applicant be successful, members of the Committee request that any materials are of the highest quality bearing in mind the Conservation Area and the proximity of the development to the Old Grammar School, a listed building.

Environment Agency Wales initial comments:

"Part of the site lies within Zone C2 as defined by the development advice maps (dam) referred to under TAN15 Development and Flood Risk (July 2004). The development category is regarded as "highly vulnerable development" The TAN advice is that such developments should not be permitted within Zone C2. The Environment Agency therefore expects your Authority to refuse the application."

Following the submission of additional information from the applicant the Environment Agency submitted further representations. All of the representations are reproduced in full at Appendix A.

Final comments of the Environment Agency:

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 Development and Flood Risk (July 2004). We therefore have no grounds for objection to the development from a flood risk perspective.

In addition we advise that the integrity and functionality of the River Thaw as wildlife corridor is protected in the event that planning permission is granted. We seek a 7m undisturbed buffer along the bank of the River Thaw which is to be maintained and free from development, including all forms of built structure, hardstanding and un-consented planting or landscaping. We would welcome proposals to mitigate for the loss of semi-natural wildlife habitat. The developer should undertake enhancement of the River Thaw corridor within the curtilage of the application site, in conjunction with advice from the Environment Agency. A number of conditions are requested relating to the buffer zone; cut off ditches; and pollution control."

Dwr Cymru/Welsh Water initial comments:

Request that if minded to approve the development their standard conditions and advisory notes be included.

Further comments – These are reproduced in full at Appendix B but in summary these state: The public sewerage system to which the domestic flows from the above development would drain to is operating satisfactorily within its design parameters. We are not aware of any operational issues associated with our public sewerage system in the area. We therefore note that in the event of a connection application being made we would have no objection. Nevertheless we are aware that residents have expressed concerns over the capacity within the private drainage system serving the existing properties and would advise that should the developer wish to utilise this private system it would be necessary for the connection and any upgrade to be agreed between the relevant parties as a private drainage matter.

Glamorgan Gwent Archaeological Trust have requested that an archaeological watching brief condition be attached to any consent.

Countryside Council for Wales have no comments to make on the application.

Environment and Countryside (Ecology) : "it is recommended that the recommendations made in the letter of 27 February 2007 from the Environment Agency be conditional with any consent. Conditions are also requested in relation to nesting birds and consideration of the planting of indigenous local provenance, mixed species in any landscaping scheme."

The Head of Visible Services (Highway Development) has no objection subject to on–site turning and parking in accordance with the approved parking guidelines.

Vale of Glamorgan Conservation Area Advisory Group, Refused. The Group felt the application should be refused on the following grounds:

The form, scale and design of the proposals would represent a discordant element particularly when viewed from the adjacent open area to the north–east and therefore would not preserve or enhance the character of the Conservation Area.

REPRESENTATIONS

The occupiers of neighbouring properties were initially notified on 23 March 2005 and re–notified on 28 July 2005.

Letters of objection and concern have been submitted by the occupiers of Nos. 1, 4 and 5 River Walk, 'Heron House', 'Menolowan', and 'Stepaside', River Walk, 'The Mill', 'Lansdowne', and 'Kenley', 'Piccadilly' and 'The Old Bakehouse', Llanblethian. Whilst all the representations are available in full on file for Members' inspection, the letter from the occupier of 'Stepaside', River Walk, is reproduced at Appendix C as being generally indicative of the points raised. In summary, the main points of concern relate to inadequate drainage, flood risk, over–development and not in keeping.

In addition, Jane Hutt A.M. has submitted a letter of objection on grounds of flood risk.

REPORT

The site lies with the Cowbridge with Llanblethian Conservation Area and is also within the residential settlement boundary for Cowbridge as defined in the Vale of Glamorgan Adopted Unitary Development Plan 1996–2011 (UDP). The proposal entails the construction of four detached houses and the following policy background is therefore relevant.

Planning Policies

Policy HOUS1 of the UDP identifies a number of sites throughout the Vale for residential development. The site is one of two parcels on River Walk allocated for residential development. It is considered suitable for four units, with drainage, Environment Agency restrictions and archaeology identified as possible constraints.

Policy HOUS8 outlines the residential development criteria for housing infill and small scale development within Cowbridge. These include consideration of the scale form and character of the development and requirements relating to the provision of parking and amenity space.

Policy ENV7 of the UDP refers to Water Resources and seeks to safeguard such resources favouring development that helps to prevent flooding. Development will be permitted where it would not have an unacceptable effect on the quality or quantity of water resources, or be potentially at risk from flooding, or increased risk locally or elsewhere to an unacceptable level.

Policy ENV11 relates to the Protection of Landscape Features and permits development if it does not unacceptably affect features of importance to landscape or nature conservation.

Policy ENV16 refers to Protected Species with permission only given to development that would cause harm or threaten the continued viability of a protected species if it can be demonstrated that there are exceptional circumstances, there is no satisfactory alternative and effective mitigation measures are provided.

Policy ENV17 refers to the Protection of the Built and Historic Environment and does not permit development that has a detrimental effect on the special character, appearance or setting of Listed Buildings, Conservation Areas, and sites of archaeological interest.

Policy ENV18 relates to archaeological field evaluation and requires early investigation on sites with an archaeological interest.

Policy ENV20 of the UDP relates to Development in Conservation Areas and is a criteria based policy that permits new development where it preserves or enhances the character of the Conservation Area.

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

Policy TRAN10 refers to Parking and requires the provision of parking in accordance with Council guidelines.

The Council also has Supplementary Planning Guidance (SPG), including the Cowbridge with Llanblethian Conservation Area Appraisal and Supplementary Planning Guidance on Amenity Standards. The SPG on Amenity Standards contains policies not only in relation to the quantity 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, TAN12 – Design and TAN15 – Development and Flood Risk (July 2004).

Issues

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

It will be noted from the planning history that planning permission was refused in October 2003 for six dwellings on the site and a subsequent appeal dismissed in May 2004. The Inspector determined that there were two main issues to address, one being whether the proposed development would either preserve or enhance the character or appearance of the Cowbridge with Llanblethian Conservation Area, and the other being flood risk. It is considered that these two issues are also the main points to be addressed in the current application.

On the question of flood risk, it is noted that the Inspector concluded whilst the Environment Agency's objection remained, the matter was unresolved. The Inspector stated: "….while doubt remains that the whole of the site is available for development without giving rise to danger either here or elsewhere within the flood plain, it would be wrong to grant planning permission for this reason also."

The current application was registered on 11 March 2005, again, with very little information in respect of flood risk. The initial response of the Environment Agency was a recommendation to refuse the application on the grounds that part of the site lies within zone C2 as defined by the development advice maps (dam) referred to under TAN15 – Development and Flood Risk (July 2004). The Environment Agency did state however that such a stance could change if the site boundary was amended to exclude the area identified as zone C2 or the applicant submit an appropriate assessment of flooding consequences (FCA). It is noted that the issue of potential flood risk both on the site and elsewhere, is one of the main concerns expressed in the representations received as is the matter of drainage. For the past two years the application has remained undetermined whilst the applicant has pursued the matter of flooding and submitted additional information, with the appointment of their own Consultant Hydrologist to negotiate with the Environment Agency and the submission of a Flood Consequences Assessment report in December 2006. In that time also, circumstances have changed with the completion of the Cowbridge Flood Alleviation Scheme. As such, the Environment Agency have now confirmed that they have no objection to the development from a flood risk perspective. However, they have raised additional concerns relating to the integrity and functionality of the River Thaw as a wildlife corridor with records of water vole within the catchment area. They have requested therefore a number of conditions be imposed on any consent in order to mitigate and improve the biodiversity value of the River Thaw corridor.

As regards the drainage concerns it is noted that Dwr Cymru/Welsh Water have confirmed they have no objection to the direct or indirect connection of the development with the public sewerage system. In respect of the private drainage system, it is noted that the applicant has stated in letters dated 17 May and 9 June 2005 that works will be undertaken to improve and upgrade the existing foul drainage system for the benefit of all the dwellings in River Walk.

The other main issue identified is the impact of the proposed development on the character and appearance of this part of the Cowbridge with Llanblethian Conservation Area. Whilst the Cowbridge with Llanblethian Conservation Area Appraisal recognises that the existing dwellings on River Walk contribute little to the character of the Conservation Area, nevertheless it does identify the site and the remainder of the open land surrounding the River Thaw, including the wooded hillside rising to Cae Rex, as important for the semi–rural setting it provides to the southern limits of the walled town. The appeal Inspector also recognised that whilst the site clearly and obviously relates to River Walk. It also strongly interacts with both the riverside and the medieval settlement to the east. “That the site is conspicuous and prominent when seen from such a variety of directions only reinforces the fact that it has a number of functions to fulfil.”

The Inspector also noted that the existing houses on River Walk need not dictate either the form or style of the proposed development and that simple repetition is not required. The current application has followed that advice and been amended further to simplify both the design and external finishes of the proposed dwellings. Whilst their scale is in keeping with the existing houses, their design is more traditional. They are aspected however in contrast to the traditional street scene with Plots 3 and 4 turning away from River Walk and instead giving attention to the other important views of the site. It is considered therefore that the proposed development will serve to preserve the character and appearance of this part of the Conservation Area.

As regards residential amenity and neighbourliness, it is noted that the one property directly affected is the adjoining 'Stepaside'. The proposed house on Plot 1 is sited some distance away to the north–east of 'Stepaside' with the nearest built development being the proposed garage which is positioned alongside the existing garage. The proposal should therefore have little adverse impact on the occupiers of the existing house either from overshadowing or on the current levels of privacy. In respect of residential amenities for the proposed occupiers, it is noted that whilst not exceptional, nevertheless the development provides a level and quality of amenity space to meet the Council's requirements. In addition the orientation of Plot 4 to face Plot 3 does allow for overlooking of the north–eastern garden which does result in low levels of private amenity space for Plot 3. It is considered however that when weighed against the design issues and impact on the Conservation Area, this alone is not reasonable grounds to refuse the application.

On the issue of highways, it is noted that the Council's Highway Engineer has no objections to the proposed development. Each plot is provided with safe access and sufficient on–site parking and turning space to meet the Council's requirements.

Finally, in respect of archaeology, it is noted that the Glamorgan Gwent Archaeological Trust has confirmed that there is an archeological interest on the site and have requested the imposition of an archeological watching brief condition.

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 HOUS1 – Residential Allocations, HOUS8 – Residential Development Criteria, ENV7 – Water Resources, ENV11 – Protection of Landscape Features, ENV16 – Protected Species, ENV17 – Protection of Built and Historic Environment, ENV18 – Archaelogical Field Evaluation, ENV20 – Development in Conservation Areas, ENV27 – Design of New Development and TRAN10 – Parking of the Vale of Glamorgan Adopted Unitary Development Plan 1996–2011, Supplementary Planning Guidance on Amenity Standards and the Cowbridge with Llanblethian Conservation Area Appraisal, and national guidance contained in Planning Policy Wales March 2002 and TAN15 – Development and Flood Risk (July 2004), it is considered that the proposal represents an acceptable form of development that should preserve the character and appearance of the Cowbridge with Llanblethian Conservation Area and demonstrates that the risk of flooding can be acceptably managed.

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 amended plans Drawing No. 05: 08/02 received 26 July 2005 and Drawing Nos. 05: 08/01C, 03A, 04A and 05C, received on 13 September 2005 and the Flood Consequences Assessment dated 14 December 2006.

   Reason:

   For the avoidance of doubt as to the approved details.

3. The proposed garages for Plots 1 and 3 shall be completed in accordance with the garage details approved for Plots 2 and 4 as indicated on amended plans, Drawing No. 05: 08/04A received on 13 September 2005.

   Reason:

   For the avoidance of doubt as to the approved details.

4. Before the commencement of development, a full schedule of the external finishes of the proposed dwellings and garages, including details of window and door openings, shall be submitted to and agreed in writing with the Local Planning Authority. The development shall be implemented thereafter in accordance with the agreed details.

Reason:

In the interests of visual amenity and the character of the Conservation Area in accordance with Policies ENV27 - Design of New Development and ENV20 - Development in Conservation Areas of the Unitary Development Plan.

5. Before the commencement of development a scheme for the provison and management of a buffer zone alongside the River Thaw which shall include measures for the enhancement of the river corridor, shall be submitted to and agreed in writing with the Local Planning Authority. Within the 7m wide buffer zone, no development or formal landscaping, including hardstanding, footpaths, fences or overhanging structures will be permitted unless otherwise agreed in writing with the Local Planning Authority.

Reason:

In the interests of wildlife protection and biodiversity in accordance with Policies ENV11 - Protection of Landscape Features and ENV16 - Protected Species of the Unitary Development Plan.

6. Measures shall be undertaken to ensure that the adjacent watercourse, River Thaw, is safeguarded from pollution during the course of construction work on the site. These shall include the following:

(i) Cut off ditches provided above the working area to intercept and direct clean surface water away from the site;

(ii) Cut off ditches provided below the working area to intercept contaminated surface water and direct it to suitable lagoons for treatment prior to discharge to a watercourse;

(iii) Provisions to ensure no polluting discharge from haul roads and disturbed areas enter any watercourse;

(iv) Any facilities for the storage of oils, fuels or chemicals shall be sited on impervious bases and surrounded by impervious bund walls. The volume of the bunded compound should be at least equivalent to the capacity of the tank plus 10%. If there is multiple tankage, the compound should be at least equivalent to the capacity of the largest tank, or the filling combined capacity of inter connected tanks, plus 10%. All points, vents, gauges and sight glasses will be located within the bund. The drainage system of the bund shall be sealed with no discharge to any watercourse, land or underground strata. Associated pipework should be located above ground and protected from accidental damage. All filling points and tank overflow pipe outlets should be detailed to discharge downwards into the land.

Reason:

To prevent pollution of the adjacent watercourse in accordance with Policies ENV7 - Water Resources and ENV11 - Protection of Landscape Features of the Unitary Development Plan.

7. Full details of a scheme for the foul drainage of the site, which shall provide for the upgrade and improvement of the private drainage if the development is to communicate via that system rather than directly to the public sewerage system, 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 agreed details before the first beneficial occupation of any one of the dwellings hereby permitted.

Reason:

To ensure satisfactory drainage of the site in accordance with Policy ENV27 - Design of New Developments of the Unitary Development Plan.

8. 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 the proposed site layout Drawing No. 05: 08/01C amended plan received 13 September 2005 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.

9. The garages hereby approved shall not be physically altered or converted to any other domestic purpose without first obtaining the formal consent of the Local Planning Authority. The garage(s) shall be available at all times for the parking of private motor vehicles associated with the respective dwelling.

Reason:

In the interests of highway safety in accordance with Policies ENV27 - Design of New Developments and TRAN10 - Parking of the Unitary Development Plan.

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

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.

11. Notwithstanding the provisions of the Town and Country Planning (General Permitted Development) Order 1995 (or any Order revoking and re-enacting that Order) no building, structure or enclosure required for a purpose incidental to the enjoyment of a dwelling-house shall be constructed, erected, or placed within the curtilage of the dwellings 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.

12. A landscaping scheme shall be submitted to and approved in writing by the Local Planning Authority before the commencement of development 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.

13. 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.

14. All means of enclosure associated with the development hereby approved which shall include details of the gabion wall, along with any works for the repair and retention of the existing stone wall on the north-eastern boundary, shall be in accordance with a scheme to be submitted to and agreed in writing by the Local Planning Authority before the commencement of development and the means of enclosure shall be implemented in accordance with the approved details before the first beneficial occupation of the dwellings hereby approved.

Reason:

In the interests of visual amenity and the character of the Cowbridge with Llanblethian Conservation Area in accordance with Policies ENV20 - Development in Conservation Areas and ENV27 - Design of New Developments of the Unitary Development Plan.

15. 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.

NOTE:

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

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

3. **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.**

4. **Vegetation on the application site may potentially be used by nesting birds. It is recommended therefore that to comply with the Wildlife and Countryside Act 1981 referred to above, that any vegetation clearance is undertaken outside the nesting season from March to August, unless it can be demonstrated that nesting birds are absent.**

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

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

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

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

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

2005/00409/FUL Received on 11 March 2005

Mayfield Developments (Wales) Limited, C/o Agent. , ,
Jenkins Gould Partnership, Union Offices, Quarella Road, Bridgend. , CF32 0LB
, ,

River Walk, Cowbridge

Erection of two detached dwellings

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

The application was advertised on 31 March 2005.

SITE DESCRIPTION

The site comprises an area of undeveloped land located on the south side of River Walk opposite the existing dwelling at No.1 River Walk.

DESCRIPTION OF DEVELOPMENT

This is an application for full planning permission for the construction of two detached houses. The proposed three bed, two storey dwellings will have a frontage, slightly angled, with the existing highway and have direct access onto River Walk via driveways to the side of each house. A single storey pitched roof garage will be provided for each property, with the Plot 1 garage located at the end of the driveway adjacent to the boundary with No. 1 Town Mill Road, and the garage for Plot 2 located on the eastern side adjacent to the highway. The design of the proposed dwellings will be identical but handed and be the same simple, traditional style as the four dwellings proposed at the end of River Walk. The external finishes will also be the same, i.e. smooth render with contrasting banding around window and door openings, and dark grey Cambrian slates or similar approved.

PLANNING HISTORY

80/00058/FUL - Amendment to previous approval for residential development on River Walk (current site formed part of application for one plot). Approved subject to conditions 24 June 1980.

85/01164/FUL - Two detached dwellings. Approved subject to conditions 10 June 1986.

03/00918/FUL - Land opposite No. 1 River Walk (same site). Four semi-detached houses. Refused 23 October 2003 on the grounds of cramped and incongruous form of development adversely affecting the character of the Conservation Area and neighbouring amenities. A subsequent appeal was dismissed 25 May 2004.

03/01019/FUL - River Walk (separate site at end of cul-de-sac), 6 No. detached houses. Refused 23 October 2003 on grounds of cramped and incongruous form of development adversely affecting the character of the Conservation Area. A subsequent appeal was dismissed 25 May 2004.

05/00408/FUL - Land at head of cul-de-sac. Four dwellings-yet to be determined.

CONSULTATIONS

Cowbridge with Llanblethian Town Council – Initial comments No objection.

Comments on amended scheme - "No objection. However, the Committee note that no provision has been made for the possibility of flooding as in application 05/00409/FUL and is concerned that as a result of what is proposed in that application a knock-on effect may result. Members note that access to the adjoining garages may now be impeded as a result of the newly defined boundary and are aware that the user of the affected garage has raised concerns. Members also query whether narrowing of the access may impact on road safety given its proximity to the junction."

Comments on further amendments – "No objections. However, the Committee is concerned that no provision has been made for the possibility of flooding as in application ref: 05/00409/FUL and is concerned that as a result of what is proposed in that application a knock-on effect may result. The Committee is also concerned that this development may overload the sewer, which at times is already inadequate for existing purposes."

Environment Agency comments that the Agency has no knowledge of flooding in the vicinity of the proposed development site. The watercourse known as the River Thaw is scheduled pursuant to the Water Resources Act 1991 and the developer must obtain the prior formal land drainage consent of the Agency for any works in, under or over the watercourse or within 7m of the top of the riverbank. The developer should notify purchasers that responsibilty for maintenance of the watercourse lies solely with the riparian owner.

Dwr Cymru/Welsh Water' initial comments – "Request that if minded to approve the development that their standard conditions and advisory notes be included."

Further comments – "The public sewerage system to which the domestic flows from the development would drain to is operating satisfactorily within its design parameters. We are not aware of any operational issues associated with our public sewerage system in the area. We therefore note that in the event of a connection application being made we would have no objection. Nevertheless we are aware that residents have expressed concerns over the capacity within the private drainage system serving the existing properties and would advise that should the developer wish to utilise this private system it would be necessary for the connection and any upgrade to be agreed between the relevant parties as a private drainage matter."

Glamorgan Gwent Archaeological Trust have requested that an archaeological watching brief condition be attached to any consent.

The Head of Visible Services (Highway Engineer) initial comments – "No objection in principle subject to parking and on-site turning in accord with the Council's guidelines."

Comments on amended plans – "Objection as the reduced driveway length results in a lack of on-site parking and turning facilities contrary to guidelines."

Comments of further amended plans – "Parking and manoeuvring for each plot is acceptable and therefore no objection."

Vale of Glamorgan Conservation Area Advisory Group – Approved.

REPRESENTATIONS

The occupiers of neighbouring properties were initially notified on 23 March 2005 and renotified of amended plans on 28 July and 9 September 2005.

Letters of objection and concern have been submitted by the occupiers of Nos. 1, 3, 4 and 5 River Walk, "Menolowan" and "Heron House" River Walk, Nos. 1 Town Mill Road, 5 Mill Park, 61 The Verlands, 1 The Meadows Penllyn, 16 Claude Road Cardiff, and "Trengale", The Old Bakehouse", "Kenley", "Lansdowne" and "The Mill" Piccadilly. Whilst all the representations are available in full on file for Members inspection the letter from the occupier of No. 5 Mill Park is reproduced at Appendix A as being generally indicative of the points raised. In summary the main points of concern relate to inadequate drainage, flood risk, pollution, overdevelopment, out of keeping, traffic and exacerbation of parking problems, loss of trees and adverse impact on natural habitat, loss of privacy and natural light, and ownership issues in relation to neighbouring garages.

The occupier of No. 16 Claude Road submitted further representations to withdraw the objections on grounds of infringement with neighbouring garages.

In addition Jane Hutt AM has submitted a letter of objection on grounds of flood risk.

REPORT

The site lies within the Cowbridge with Llanblethian Conservation Area and is also within the residential settlement boundary for Cowbridge as defined in the Vale of Glamorgan Adopted Unitary Development Plan 1996-2011 (UDP). The proposal entails the construction of two detached houses and the following policy background is therefore relevant.

Planning Policies

Policy HOUS1 of the UDP identifies a number of sites throughout the Vale for residential development. The site is one of two parcels on River Walk allocated for residential development. It is considered suitable for two units, with drainage, Environment Agency restrictions and archaeology identified as possible constraints.

Policy HOUS8 outlines the residential development criteria for housing infill and small scale development with Cowbridge. These include consideration of the scale form and character of the development and requirements relating to the provision of parking and amenity space.

Policy ENV7 of the UDP refers to Water Resources and seeks to safeguard such resources favouring development that helps to prevent flooding. Development will be permitted where it would not have an unacceptable effect on the quality or quantity of water resources, or be potentially at risk from flooding, or increased risk locally or elsewhere to an unacceptable level.

Policy ENV11 relates to the Protection of Landscape Features and permits development if it does not unacceptably affect features of importance to landscape or nature conservation.

Policy ENV16 refers to Protected Species with permission only given to development that would cause harm or threaten the continued viability of a protected species if it can be demonstrated that there are exceptional circumstances, there is no satisfactory alternatives and effective mitigation measures are provided.

Policy ENV17 refers to the Protection of the Built and Historic Environment and does not permit development that has a detrimental effect on the special character, appearance or setting of listed buildings, conservation areas, and sites of archaeological interest.

Policy ENV18 relates to Archaeological Field Evaluation and requires early investigation of sites with an archaeological interest.

Policy ENV20 of the UDP relates to Development in Conservation Areas and is a criteria based policy that permits new development where it preserves or enhances the character of the Conservation Area.

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

Policy TRAN10 refers to Parking and requires the provision of parking in accordance with Council guidelines.

The Council also has Supplementary Planning Guidance (SPG), including the Cowbridge with Llanblethian Conservation Area Appraisal and Supplementary Planning Guidance on Amenity Standards. The SPG on Amenity Standards contains policies not only in relation to the quantity 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, TAN12 – Design and TAN15 – Development and Flood Risk (July 2004).

Issues

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

It will be noted from the planning history that planning permission was refused in October 2003 for four dwellings on the site and a subsequent appeal dismissed in May 2004. The Inspector determined that there were two main issues to address, one being the character and appearance of the Cowbridge with Llanblethian Conservation Area, and the other being the living conditions of neighbouring residents, particularly in terms of any overlooking. It is considered that these two issues are also the main points to be addressed in the current application.

In terms of the impact of the proposed development on the character and appearance of this part of the Cowbridge with Llanblethian Conservation Area, it is noted that the appeal Inspector recognised that the site was an important an attractive feature which "contributes to the green swathe that runs along the river". The Inspector concluded that the provision of four dwellings on the site would appear as cramped and incongruous leaving little space to soften the impact of the development and result in significant loss of trees. In contrast to the rejected scheme the current application proposes only two dwellings. In addition the scheme has been further amended with a reduction in the size of the dwellings, allowing for a more spacious development with scope for planting. As regards the specific design of the houses it is noted that the Inspector was not concerned as the mix of styles of the existing houses did not generally reflect the local vernacular. Indeed the Cowbridge with Llanblethian Conservation Area Appraisal recognises that the existing dwellings on River Walk contribute little to the character of the Conservation Area. It is noted that the current scheme proposes a similar design to the proposed houses at the end of the cul-de-sac, i.e. a simpler more traditional approach. Thus it is considered that the current proposal will serve to preserve the character and appearance of this part of the Conservation Area.

On the issue of neighbourliness and residential amenity, it is noted that in contrast to the rejected scheme the proposed houses are now sited at right angles to the main road which serves to mitigate any overlooking of the nearest neighbour at 1 Town Mill Road. In addition the future occupiers of the proposed houses will also be provided with a better level of amenity space, which like the proposed houses at the end of the cul-de-sac, is not exceptional, but provides a level and quality of amenity space to meet the Council's requirements.

It is noted that the Council's Highway Engineer has no objections to the proposed development. Each plot is provided with safe access and sufficient on–site parking and turning space to meet the Council's requirements.

In respect of archaeology, it is noted that the Glamorgan Gwent Archaeological Trust has confirmed that there is an archaeological interest on the site and have requested the imposition of an archaeological watching brief condition.

Finally it is noted that in conjunction with the separate application for four dwellings at the end of the cul-de-sac, reference 05/00408/FUL, two of the main issues of concern expressed by objectors relate to flooding and drainage. As with that application it is noted that Welsh Water have no objections to the proposal. Unlike that application, however, the Environment Agency have not raised flooding as an issue on this site and have no objection to the development from a flood risk perspective. The additional concerns raised by the Environment Agency on the separate application for four dwellings, relating to the integrity and functionality of the River Thaw as a wildlife corridor, have not been raised on the current application. Notwithstanding this it would seem appropriate to consider some form of mitigation measures, but of a reduced level to those required in respect of application ref: 05/00408/FUL.

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 HOUS1 – Residential Allocations, HOUS8 – Residential Development Criteria, ENV7 – Water Resources, ENV11 – Protection of Landscape Features, ENV16 – Protected Species, ENV17 – Protection of Built and Historic Environment, ENV18 – Archaeological Field Evaluation, ENV20 – Development in Conservation Areas, ENV27 – Design of New Development and TRAN10 – Parking of the Vale of Glamorgan Adopted Unitary Development Plan 1996–2011, Supplementary Planning Guidance on Amenity Standards and the Cowbridge with Llanblethian Conservation Area Appraisal, and national guidance contained in Planning Policy Wales March 2002 and TAN15 – Development and Flood Risk (July 2004), it is considered that the proposal represents an acceptable form of development that should preserve the character and appearance of the Cowbridge with Llanblethian Conservation Area and should not adversely affect the residential amenity of neighbouring 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 amended plans, Drg. No. 05:09/01D received on 12 October 2005, and Drawing Nos. 05:09/2C and 05:09/G1 received 6 September 2005.

Reason:

For the avoidance of doubt as to the approved details.

3. Before the commencement of development a full schedule of the external finishes of the proposed dwellings and garages, including details of window and door openings, shall be submitted to and agreed in writing with the Local Planning Authority. The development shall be implemented thereafter in accordance with the agreed details.

Reason:

In the interests of visual amenity and the character of the Conservation Area in accord with Policies ENV27 - Design of New Development and ENV20 - Development in Conservation Areas of the Unitary Development Plan.

4. Before the commencement of development a scheme for the enhancement of the river corridor, which shall include measures for the mitigation of any likely impact on wildlife, shall be submitted to and agreed in writing with the Local Planning Authority.

Reason:

In the interests of biodiversity and wildlife protection in accord with Policies ENV11 - Protection of Landscape Features and ENV16 - Protected Species of the Unitary Development Plan.

5. Measures shall be undertaken to ensure that the adjacent watercourse, River Thaw, is safeguarded from pollution during the course of construction work on the site. These shall include the following:

(i) Cut off ditches provided above the working area to intercept and direct clean surface water away form the site.

(ii) Cut off ditches provided below the working area to intercept contaminated surface water and direct it to suitable lagoons for treatment prior to discharge to a watercourse.

(iii) Provisions to ensure no polluting discharge from haul roads and distrurbed areas enter any water course.

(iv) Any facilities for the storage of oils, fuels or chemicals shall be sited on impervious bases and surrounded by impervious bund walls. The volume of the bunded compound shall be at least equivalent to the capacity of hte tank plus 10%. If there is multiple tankage the compound should be at least equivalent to the capacity of the largest tank or the combined capacity of interconnected tanks, plus 10%. All filling points, vents, gauges and sight glasses must be located within the bund. The drainage system of the bund shall be sealed with no discharge to any watercourse, land or underground strata. Associated pipework should be located above ground and protected from accidental damage. All filling points and tank overflow pipe outlets should be detailed to discharge downwards into the bund.

Reason:

To prevent pollution of the adjacent watercourse in accord with Policies ENV7 - Water Resources and ENV11 - Protection of Landscape Features of the Unitary Development Plan.

6. Full details of a scheme for the foul drainage of the site, which shall provide for the upgrade and improvement of the private drainage if the development is to communicate via that system rather than directly to the public sewerage system, 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 agreed details before the first beneficial occupation of either one of the dwellings hereby permitted.

Reason:

To ensure satisfactory drainage of the site in accord with Policy ENV27 - Design of New Development of the Unitary Development Plan.

7. The garages hereby approved shall not be physically altered or converted to any other domestic purpose without first obtaining the formal consent of the Local Planning Authority. The garages shall be available at all times for the parking of private motor vehicles associated with the respective dwelling.

Reason:

In the interests of highway safety in accord with Policies ENV27 - Design of New Development and TRAN10 - Parking 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) the dwellings 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.

9. Notwithstanding the provisions of the Town and Country Planning (General Permitted Development) Order 1995 (or any Order revoking and re-enacting that Order) no building, structure or enclosure required for a purpose incidental to the enjoyment of a dwelling-house shall be constructed, erected, or placed within the curtilage of the dwellings 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.

10. A landscaping scheme shall be submitted to and approved in writing by the Local Planning Authority before the commencement of development 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.

11. 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.

12. 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.

13. All means of enclosure associated with the development hereby approved, which shall ensure that it is compatible with the plans for enhancement of the river corridor required under Condition No. 4, shall be in accordance with a scheme to be submitted to and agreed in writing with the Local Planning Authority before commencement of development. The agreed means of enclosure shall be implemented in accordance with the approved details before the first beneficial occupation of the dwellings hereby approved, and thereafter shall be retained and maintained as such unless any variations are agreed in writing with the Local Planning Authority.

Reason: In the interests of visual amenity and the charadter of the Cowbridge with Llanblethian Conservation Area in accord with Policies ENV20 - Development in Conservation Areas and ENV27 - Design of New Development 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. **The applicants are advised that all necessary consents/ licences must be obtained from, the Environment Agency prior to commencing any site works.**

3. **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.**

4. **Vegetation on the application site may potentially be used by nesting birds. It is recommended therefore that to comply with the Wildlife and Countryside Act 1981, referred to above, that any vegetation clearance is undertaken outside the nesting season from March to August, unless it can be demonstrated that nesting birds are absent.**

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

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

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

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

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

2006/01419/FUL Received on 12 October 2006

Dr. Jemmett & Partners and Dr. Jones & Partners, C/o Agent.
Brackley Investments Limited, 6, Lower Farm Barns, Bainton Road, Bucknell, Bicester, Oxon., OX27 7LT

The Bear Field, The Broadshoard, Cowbridge

Erection of two storey medical centre with associated access, parking and landscaping

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

The application was advertised on 26 October 2006.

SITE DESCRIPTION

The site relates to an open, undeveloped area of land situated to the east of the Local Authority Leisure Centre.

DESCRIPTION OF DEVELOPMENT

The application seeks full planning consent for a Medical Centre. The Centre will include 2,534 sq.m. of new build serving a total of 86 staff possibly rising to 90 with predicted 28 staff on site at any one time. A total of 116 parking spaces (6 disabled) and 2 ambulance drop off points are indicated.

Access to the site will be via the Broadshoard and through the Leisure Centre Car Park. The external finishes of the two storey Medical Centre will be facing brickwork and render, flat composite metal wall cladding panel (silver/grey), standing seam profiled colour coated metal roof covering (slate grey). A brise soleil will be incorporated into the building. The maximum height of the building is indicated as 8.13 metres.

An Archaeological Assessment, Ecological Assessment, Sustainability Statement, Planning Statement, Flood Consequences Assessment, site investigation and Traffic Impact Assessment have been submitted in support of the application.

PLANNING HISTORY

None.

CONSULTATIONS

Cowbridge with Llanblethian Town Council has no objections, however, the Committee wishes to put forward the following comments:

(i) The proposed design and materials do not improve or enhance the Conservation Area – better quality materials and a more imaginative design would have been preferred.

(ii) Concerns over vehicular access to and from the Health Centre via Broadshoard onto Westgate.

(iii) Despite approval by the Environment Agency, the Committee is concerned with treated water being allowed to enter the waterway and to be linked to a future mains system in North Road.

Further comments state:

"No objections, however, the Committee have concerns with the proposed boundary wall and would prefer to see the hedgerow retained. In relation to the footpath link, the proposed Health Centre to North Road, the Committee would request provision of lighting along North Road which is currently unlit and which is extremely dark particularly during the winter months."

"And the Community Council's additional comments are: "That the design and construction of the building do not conform to the Vale of Glamorgan's document "Sustainable Development a Developer's Guide" which states that the Vale Council shall encourage all development to be carried out in ways that minimise.

Vale of Glamorgan Conservation Advisory Group comment that whilst the Group had no objection in principle to the construction of a Medical Centre on the site, the Group recommended refusal on the grounds that the scale, form, design and materials of construction would neither preserve nor enhance the character of the Conservation Area.

The Head of Economic Development and Leisure (Footpaths Officer) no comments to date.

Environment Agency see Appendices A1 and A2.

The Head of Visible Services (Highway Development) see Appendix B. In response to neighbours comments regarding the Traffic Impact Assessments base data comments are:

"I have just received the traffic comments which are summarised as follows:

The T/A refers in Section 5 to the results of an automatic traffic counter laid outside the police station on Westgate in July 1997. The results of this traffic counter have, however, only been used to demonstrate the tidal characteristics of the traffic flows along Westgate and to indicate the approximate times of the morning and evening peak traffic periods.

The above traffic information has been supplemented with 12 hour classified turning counts at the junctions of:

(1) The Broadshoard/High Street/Westgate.

(2) The Broadshoard/Leisure Centre Access.

Both of these surveys were undertaken in November 2005 and it is the results of these latter counts that have been used to undertake the assessment of the performance of the above junctions with and without the proposed development traffic. It is therefore considered that this element of the T/A is sufficiently up to date and that no further information on traffic flow need be requested from the applicant."

The Head of Economic Development and Leisure : See Appendix C and has further advised that "any scheme of works would need to specify that the reconfiguration of the Leisure Centre Car Park should be undertaken to the Council's satisfaction, before any development takes place."
The Head of Visible Services (Engineering Design) see Appendix D.

The Director of Legal and Regulatory Services (Pollution Control) see Appendix E. No adverse comments have been received following receipt of the site investigation report.

Head of Economic Development and Leisure (Ecology) See Appendices F1 and F2. In respect of further surveys regarding Great Crested Newts the report is acceptable.

Glamorgan Gwent Archaeological Trust see Appendix G.

The Head of Visible Services (Parks and Grounds Maintenance) has no comments to date.

Dwr Cymru/Welsh Water has no comments to date.

The Director of Social Services and the Director of Learning and Development have no comments to date.

Colwinston Community Council "has become aware of delays in progressing planning permission for the proposed new Health Centre in Cowbridge. Whilst we appreciate that a project of this nature requires a number of complex issues to be taken into account, we would emphasise that overall social benefits which will accrue, not least of all health care, accessibility and parking, mean that matters should be expedited as soon as possible. Needless to say this initiative has our full support."

<u>REPRESENTATIONS</u>

The application was advertised on site and in the press and neighbour notification letters sent. Eighteen letters of representation have been received. The comments relate to concerns regarding:

(1) The adequacy of the highway network to cope with the likely traffic generation.

(2) The impact on parking in the vicinity.

(3) Possible light pollution.

(4) Effects on health from fumes.

(5) The sustainability of the development.

(6) The appropriateness of the site for the development and consideration should be given to other sites.

Copies of 4 No. letters received, being generally representative of the views expressed, are attached as Appendix F. All copies of letters received are retained on file should members wish to view them.

REPORT

The site lies within the defined settlement boundary for Cowbridge and within the Cowbridge Conservation Area. The site is also within flood zones B and C2. The relevant policy context is therefore:

ENV16 – PROTECTED SPECIES.

ENV17 – PROTECTION OF BUILT AND HISTORIC ENVIRONMENT.

ENV18 – ARCHAEOLOGICAL FIELD EVALUATION

ENV19 – PRESERVATION OF ARCHAEOLOGICAL REMAINS.

ENV20 – DEVELOPMENT IN CONSERVATION AREAS.

ENV27 – DESIGN OF NEW DEVELOPMENTS.

ENV28 – ACCESS FOR DISABLED PEOPLE.

TRAN10 – PARKING.

Also of relevance is Policy ENV7 – Water Resources. With reference to "Development will be permitted where it would not: (ii) be potentially at risk from flooding, or increase the risk of flooding locally or elsewhere to an unacceptable level." The Local Planning Authority's Adopted Supplementary Planning Guidance re. Sustainable Development, is also relevant.

Issues

The development seeks to replace and enlarge the provision of health care facilities in Cowbridge by creating a purpose built Centre.

The development is sited within the settlement boundary defined for Cowbridge and can therefore be considered acceptable in principle. The issues relating to the schemes acceptability fall into the following broad categories:

(1) Traffic Impacts and associated transportation issues.

(2) Sustainability of the development.

(3) Design issues.

(4) Archaeology.

(5) Ecology.

Traffic and Transportation

In relation to traffic and transportation impacts, the development relies on the access which currently services the Tennis Club and Leisure Centre served off the Broadshoard. The Impact Assessment submitted with the proposal has been fully assessed by the Highways Development team, including the Traffic Section and no objections are raised.

The Highway Development Section require that the applicant enter into a Section 278/38 Agreement including appropriate bond and fees.

The issue of public transportation contributions has been considered and improvements to public service vehicle customers through the provision of improved bus shelters is required. This necessitates the signing of a Section 106 Legal Agreement contribution would be required.

The provision on site of bicycle parking as well as 116 car parking spaces, including disabled parking is considered acceptable.

To create the access to the site the car parking and servicing areas for the Leisure Centre will be disrupted and reconfigured. It is reasonable to ensure that this is kept to a minimum and thus as a consequence, a condition should be imposed if the application is approved to require that these works be implemented at the commencement of development.

Sustainability

The development is located close to the centre of Cowbridge and is served by a public bus route. The developers have submitted a Sustainability Statement which has been assessed and subject to the development according with the aims of that statement the issues set out in the Local Planning Authority's Adopted Supplementary Planning Guidance are met. The development includes bicycle parking, high performance low energy fittings. Solar water heating is being considered (albeit not a definite inclusion), a comprehensive thermal modelling assessment has been undertaken reducing the need for air conditioning and minimising mechanical ventilation. Energy efficiency and materials of construction have also been considered and whilst it is contended that sustainable construction techniques are not considered viable yet, recycling will be considered.

Design

Whilst the building is large, the Design Statement submitted with the application details how the scale has been reduced by carefully laying out the plan to produce a division of floor space with wings around a central hub. The elevations combine single and two storey development which, due to their composition, visually serve to reduce the scale and thus the impact on the local environment.

The building is of contemporary style with a low pitched, cladded roof further controlling its scale.

The site itself is considered to be a secondary one in terms of the Conservation Area. The development would have a minimal impact on the important east/west historic frontages of High Street. The site lies in a low lying area in the landscape context of the historic town between the By–pass and North Road. The area already has a building of modern construction and scale not historic to the Conservation Area in the Leisure Centre and the area is further seen in the context of the commercial development of poor design quality between North Road and the site. It is considered that the building, being of some design merit, will improve the standard of built development in the locale.

Archaeology

The study undertaken indicates that in the area there may be potential for significant archaeological features. However, from the geophysical survey and watching brief conducted at that time, there were no archaeological features identified. Glamorgan Gwent Archaeological Trust, as the Council's advisors on archaeology, therefore request a programme of archaeological work be conditioned if the scheme is approved.

Ecology

The site lies close to water and given the overgrown nature of the land nearby and the presence of hedgerows on the site, survey works have been required. The studies have been examined by the Council 's Ecologist and Countryside Council for Wales and are accepted. The development should not derogate the habitats of, nor affect protected species and appropriate conditions to ensure that works are carried out as indicated, would be required on any approval.

Other issues

Issues of general impacts on the environmental quality of the area and the need to ensure that the site is not contaminated, have all been considered. The Environment Agency are required to be contacted if any contamination is discovered and an informative to this effect is suggested on any approval. A series of conditions requiring landscaping, lighting details (for visual design reasons and to mitigate against light pollution) in addition to those referred to above, are required. The Environment Agency have also considered issues of drainage and flooding and confirmed their views at Appendix B2.

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 Policies 1 and 2 and Policies ENV7 – Water Resources Species; ENV18 – Archaeological Field Evaluation; ENV19 – Preservation of Archaeological Remains; ENV20 – Development in Conservation Areas; ENV27 – Design of New Developments; ENV28 – Access for Disabled People and TRAN10 – Parking of the Vale of Glamorgan Adopted Unitary Development Plan 1996–2011 and the Local Planning Authority's Adopted Supplementary Planning Guidance "Sustainable Developments" , the development is considered to be of an acceptable scale and design in this part of the Conservation Area which will not adversely affect the environment in general nor the amenities of nearby users including residential occupiers. Acceptable and safe access and on–site parking can be provided and therefore there will be no adverse impact on the highway network nor on vehicular or pedestrian safety.

RECOMMENDATION

That subject to the applicants first entering into a Section 106 Legal Agreement to:

(a) provide contributions to public transport in the form of bus shelters;

(b) meet the Council's standing charge set at 20% of the planning application fee;

(c) and subject to the applicants also entering into a Legal Agreement under Section 278/38 with the Highway Authority for the construction of the access road and its subsequent adoption;

planning consent be granted subject to following conditions.

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. Prior to works for the construction of the building, full details of the proposed method of foul drainage shall be submitted to and approved in writing by the Local Planning Authority and the development shall not be occupied or brought into beneficial use until the approved scheme of foul drainage has been fully installed.

   Reason:

   To safeguard the water environment and prevent the risk of flooding and to meet the requirements of Policies ENV7 and ENV25.

3. Prior to being discharged to any watercourse, surface water sewer or soakaway, all surface water drainage from the parking areas and hardstandings only shall be passed through an oil interceptor designed and constructed on site with a capacity and details compatible with the site being drained.

   Reason:

   To safeguard the water environment and prevent the risk of flooding and to meet the requirements of Policies ENV7 and ENV25.

4. Notwithstanding the submitted plans and prior to the commencement of work on site, full engineering details of the access road and parking for the Leisure Centre, including cross-sections, alignment, street lighting, surface water drainage, lining, signage, traffic calming 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 and no development shall take place on the construction of the building until such time as the approved access road and associated works and Leisure Centre parking have been undertaken in accordance with the approved details.

   Reason:

   To safeguard access to and pedestrian and highway safety at the Leisure Centre and in the area in general and to meet the requirements of Policy ENV27.

5. Prior to the commencement of any development works on site details of wheel washing facilities and dust supression measures shall be submitted to and approved in writing and such facilities and measures shall be provided on site at the commencement of development works and shall be so retained on site for the duration of the development.

   Reason:

   To safeguard the amenities of nearby occupiers and highway safety and to meet the requirements of Policy ENV27.

6. Prior to the commencement of development on site, details of the delivery times and haul routes to the proposed site shall be submitted to and approved in writing by the Local Planning Authority and deliveries and haul routes shall be in accordance with the agreed details unless the Local Planning Authority gives prior written consent to any variation.

   Reason:

   To safeguard the amenities of nearby occupiers and highway safety and to meet the requirements of Policy ENV27.

7. Prior to the occupation or first beneficial use of the site details for the provision of secure bicycle parking shall be submitted to and approved in writing by the Local Planning Authority and the approved scheme shall be fully implemented on site before beneficial use and thereafter so maintained at all times.

   Reason:

   To meet the requirements of TRAN10 by ensuring acceptable on-site parking.

8. The approved scheme of parking and turning areas including disabled parking and ambulance parking/drop off areas to serve the Medical Centre shall be fully provided on site prior to the first beneficial occupation of the building hereby approved and shall thereafter be so retained at all times unless the Local Planning Authority gives prior written consent to any variation.

   Reason:

   To meet the requirements of TRAN10 by ensuring acceptable on-site parking.

9. Notwithstanding the submitted plans, full details of any retaining walls and works, including cross sections through the site and the finished level of the buildings hereby approved, shall be submitted to and approved in writing by the Local Planning Authority prior to their construction or provision on site and the development shall thereafter be carried out in accordance with the agreed details unless the Local Planning Authority gives prior written consent to any variation.

   Reason:

   For the avoidance of doubt and to ensure a visually acceptable and safe development and to meet the requirements of Policy ENV27.

10. Prior to their installation on site, details of all external lighting, including details of measures to control light pollution, other than street lighting as referred to in Condition No. 4 above, 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 and shall thereafter be so retained unless the Local Planning Authority gives prior written consent to any variation.

    Reason:

    To safeguard the visual amenities and ecology of the area and to meet the requirements of Policies ENV16 and ENV27.

11. The development shall be carried out in full compliance with the recommendations and findings of the ecological surveys.

Reason:

To safeguard the ecology of the area and to meet the requirements of Policy ENV19.

12. The development shall be carried out in full accordance with the submitted Sustainability Appraisal.

Reason:

To ensure an environmentally acceptable development and to meet the aims of Strategic Policy 2 of the Unitary Development Plan.

13. A landscaping scheme shall be submitted to and approved in writing by the Local Planning Authority prior to the commencement of any development on the Medical Centre building 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.

14. 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.

15. Notwithstanding the submitted plans, the area shown cross-hatched in green on the plan attached to the Decision Notice shall be incorporated within the area for landscaping and shall be so retained at all times unless the Local Planning Authority gives prior written consent to any variation.

Reason:

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

16. No development shall take place until the applicant has secured the implementation of a written programme of archaeological work in accordance with a written scheme of investigation which shall be submitted by the applicant and approved in writing by the Local Planning Authority and the programme and scheme shall be fully implemented as defined in the approved details.

Reason:

To ensure that archaeological interest is protected and recorded and to ensure compliance with Policies ENV18 and ENV19 of the Unitary Development Plan.

NOTE:

1. **This consent does not convey any authorisation that may be required to gain access onto land not within your ownership or control.**

2. **The attention of the applicant is brought to the fact that a public right of way is affected by the proposal. The grant of planning permission does not entitle one to obstruct, stop or divert a public right of way. Development, in so far as it affects a right of way, must not be commenced until the necessary legal procedures have been completed and confirmed for the diversion or extinguishment of the right of way.**

3. **This permission does not purport to grant consent for the display of any advertisements which require consent under the Town and Country Planning (Control of Advertisements) Regulations, 1992.**

4. **Please note that this site lies within a Conservation Area. Under the Town and Country Planning Act 1990 a person who wishes to carry out work to trees must give the Local Planning Authority six weeks notice in writing of their intentions. Work to the trees must not be carried out during this period without permission, if you do you could be liable to prosecution. You may also be required to plant a replacement tree. There are exceptions to this rule and it would be advisable to check with the Local Planning Authority before undertaking works to trees within the Conservation Area.**

5. **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.**

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

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.**

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

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

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

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

2006/01491/FUL Received on 23 October 2006

Mr. Paul Llewellyn, Old Beaupre Farm, St. Hilary, Vale of Glamorgan., CF71 7LT
Chris J. Morgan, 13, Merthyr Street, Barry, Vale of Glamorgan., CF63 4LA

Land formerly part of Rectory Farm, Llandough

Agricultural dwelling - resubmission of application 05/01712/FUL

SITE DESCRIPTION

The site relates to agricultural land situated to the south of Llandough, Cowbridge. To the north of the site is the residential property known as the Rectory. The land is identified as Grade 3 Agricultural land on the Land Classification Map (1960's).

DESCRIPTION OF DEVELOPMENT

The application seeks full planning consent for a three bedroom, 2 reception room development. Access to the dwelling would be from the public highway to the west of the site along an access track of approximately 120m in length to a site/garden curtilage of approximately 34m x 34m. Drainage to be to cesspit. A detached garage measuring 6m x 6m is proposed alongside the dwelling.

The footprint of the dwelling is approximately 10.5m x 8.2m with porch and single storey utility w.c/shower room adding a further 3m x 1m and 2.7m x 5m respectively.

PLANNING HISTORY

An unauthorised residential caravan has been placed on land to the west of the site and reference is made to this matter elsewhere in the report.

05/00667/FUL – Proposed agricultural dwelling/four bedroom house with conservatory and double garage. Refused 28 July 2005 for the reason that there is no agricultural justification for a second dwelling on the agricultural holding for a new dwelling of the size proposed. Therefore, the proposal represents unjustified new residential development in the countryside which would cause serious harm to this area of special landscape value.

As such, the proposal is considered to be development contrary to Policies ENV1 and ENVXXX Special Landscape Areas, ENV9, HOUS2, HOUS3 and HOUS5 of the adopted Vale of Glamorgan Unitary Development Plan 2005 and advice contained in Planning Policy Wales 2002.

05/01712/FUL – For a three bedroom dwelling was refused as there was no agricultural justification for a dwelling 15 June 2006.

CONSULTATIONS

The Head of Visible Services (Highway Development) advises that his comments

made in respect of application 05/00667/FUL apply:

"Further to a site inspection carried out on 22 May 2005 in relation to the above application, the Highway Authority has no objection in principle, subject to the applicant satisfying the following conditions:

The proposed access shall have a hard surface of concrete or bituminous bound material for a minimum distance of 6.0m from the highway boundary. This is to prevent loose material being dragged onto the public highway, to the detriment of highway safety. Gates, if provided must be set back a minimum of 6.0m.

Visibility splays of 2.0m x 33.0m in both directions, measured from the centre line of the proposed access, shall be provided. Nothing, which may cause an obstruction to visibility shall be placed, erected or grown in this visibility splay."

Dwr Cymru/Welsh Water have no comment to make to date.

Environment Agency Wales see Appendix A.

Llanfair Community Council have no comments to date.

Council's Agricultural Advisor see Appendices B1 and B2.

The Head of Economic Development and Leisure (Footpaths Officer) has no comments to date.

REPRESENTATIONS

The application has been advertised on site and in the press. No representations have been received to date. A letter has been received from the National Farmers Union in support of their clients and this letter will be circulated at Committee.

REPORT

Members will recall that this application was deferred at the 25 April 2007 meeting of Planning Committee to allow Members to undertake a site visit.

Planning Policies

The development lies within an area of open countryside to the south of Llandough, Cowbridge. The site is not in an identified settlement. The application has been submitted as an application for an agricultural dwelling. The application falls to be considered as development in the countryside and thus the relevant policy framework is that contained in the Vale of Glamorgan Adopted Unitary Development Plan 1996–2011 and Planning Policy (Wales) 2002. The Unitary Development Plan is now adopted as the Development Plan for the area.
Policies in the Unitary Development Plan of relevance are:

ENV1 – Development in the Countryside - including where development will only be granted for that essential to agriculture etc.

ENV2 – Agricultural land will be protected from irreversible development.

ENV4 – Special Landscape Areas whereby development should not adversely affect the landscape.

ENV10 – Conservation of the Countryside.

ENV27 – Design of New Developments.

HOUS2 – Additional residential development will be permitted within settlement boundaries.

HOUS3 – Subject to Policy HOUS2 provisions, dwellings in the countryside will not be permitted unless such developments can be justified in the interests of agriculture or forestry.

HOUS5 – Agricultural or forestry dwellings will be permitted subject to an essential need based on a functional test and where appropriate, a financial test and other criteria of design/scale etc.

HOUS6 – Agricultural occupancy conditions will be considered on the basis of policy HOUS5 criteria.

Planning Policy (Wales) is considered relevant and in particular paragraphs 9.3.7 – 9.3.10 which indicate that a functional test to establish whether, for the proper functioning of the enterprise, one or more workers need to be readily available at most times and a financial test to establish that the farming enterprise is economically viable, are required and advises that:

"….since if it is not, new permanent accommodation cannot be justified on agricultural grounds, and to provide evidence of the size of dwelling which the unit can sustain." (9.3.7).

Issues

The applicant has submitted an agricultural appraisal in support of the application a copy of which is available for inspection by Members, should they so wish. This assessment has been fully considered in relation to the scheme as submitted with this application. A further letter has been received on behalf of he applicant from ADAS Cymru Wales and a copy is attached as Appendix C.

The Local Planning Authority has considered the application for a dwelling for agricultural purposes taking into account the location, size of dwelling and the specific details of the agricultural enterprise and within the context of the above policy framework.

The assessment of the functional test is that there is no proven need for the dwelling now sought on the holding. One dwelling already exists on the holding and there is no need for a second.

In relation to the financial test, this was not assessed as there is no functional need for the dwelling. It is also considered that the size of dwelling extending to approximately 160 sq.m. with double garage, is slightly excessive for an agricultural dwelling on this particular holding in any event and a dwelling of no more than 150 sq.m. would have been considered a reasonable size if an agricultural justification for a dwelling had existed. It is considered that there has been no material change in the circumstances of the agricultural appraisal to warrant a different decision from that made in 2005 and 2006.

It is considered, therefore, that the dwelling represents unjustified development in the countryside which would cause harm to this area of special landscape value both in principle and also due to the creation of a large dwelling set within an extensive curtilage (1225 sq.m. excluding access driveway (approx)). The application has been held in abeyance since January 2007 at the request of the applicant to enable comments to be made in support of the application these comments have been fully considered but in he opinion of the Local Planning Authority do not justify a dwelling in the countryside.

In April 2006, it was noted by the Council's Planning Enforcement Section that an unauthorised static caravan had been sited at Rectory Farm. A representative of the applicant requested in July 2006 that enforcement action be suspended pending the result of an appeal that was to be lodged against the refusal of planning application 05/01712/FUL. However, no such appeal materialised and the unauthorised caravan remains on the land. Accordingly it is now appropriate to progress the relevant enforcement action.

RECOMMENDATION (W.R.)

In the event of Committee agreeing to the recommendation to refuse this planning application, it is also recommended that the Director of Legal and Regulatory Services be authorised to take all necessary action, including action under Section 172 of the Town and Country Planning Act 1990 (as amended) to ensure that the unauthorised caravan is removed from the land, including any fixtures, attachments and base.

REFUSE

1. There is no agricultural justification for a second dwelling on the agricultural holding and therefore the proposal represents unjustified residential development in the countryside outside any recognised settlement which would, both in principle, and due to its size, siting and excessive curtilage, cause serious harm to this Special Landscape Area. As such, the proposal is considered to be contrary to Policies ENV1 - Development in the Countryside, ENV2 - Agricultural Land, ENV4 - Special Landscape Areas, ENV10 - Conservation of the Countryside, HOUS2 - Residential Development, HOUS3 - Dwellings in the Countryside and HOUS5 - Agricultural or Forestry Dwellings of the Vale of Glamorgan Adopted Unitary Development Plan 1996-2011 and advice contained in Planning Policy Wales 2002 and TAN6.

2006/01630/FUL Received on 14 November 2006

Mr. Paul Church, 16, Upper Cliff Drive, Penarth, Vale of Glamorgan, CF64 1BR
Mr. Paul Church, 16, Upper Cliff Drive, Penarth, Vale of Glamorgan, CF64 1BR

109, Glebe Street, Penarth

Two storey extension, shopfront modification and loft conversion

SITE DESCRIPTION

The application relates to a florist's shop with residential accommodation above, located at the junction of Glebe Street and Ludlow Lane in a prominent position in the Penarth Conservation Area.

DESCRIPTION OF DEVELOPMENT

A full application for a first floor extension over an existing single storey rear wing; a loft conversion including a pitched-roof rear dormer and a front rooflight, and a replacement shopfront.

PLANNING HISTORY

90/00448/FUL - Alterations and extensions. Approved 15 August 1990.

84/01060/FUL - New shopfront. Approved 2 July 1985.

CONSULTATIONS

Penarth Town Council consider the application should be approved on the basis of the amended plans received on 29 January 2007.

REPRESENTATIONS

Nos. 108 & 110 Glebe Street,
Plassey Street Gospel Hall
Nos. 57 & 58 Plassey Street,

were consulted on 27 November 2006 and on amended plans 1 February 2007. No comments have been received.

REPORT

The rear first floor extension is to be 4 x 3 metres in area, finished in render with a continuation of the existing slate roof, to form an entrance hall to the first floor flat. A new flight of external stairs will lead to the rear yard.

The loft conversion will form a second bedroom to the flat, with the pitched roof dormer being 2.4 metres wide and set 0.4 metre above the eaves.

The new shopfront will incorporate traditional-style pilasters and a new door giving access to the rear yard and the flat above.

Planning Policies

Policies ENV20 (Development in Conservation Areas) and ENV27 (Design of New Developments) of the Vale of Glamorgan Adopted Unitary Development Plan 1996-2011 are relevant, together with the Council's adopted Supplementary Planning Guidance: Shopfront Design Guide.

Issues

The rear first floor hallway extension and rear dormer are minor features that will be visible only from the enclosed rear yard of the property and will have no adverse impact of the appearance of the property in the Conservation Area. A minimal amount of private amenity space for the occupier of the flat is available in the rear yard, and although no off-street parking exists or can be provided, it would be unreasonable to object to these minor extensions to the flat on parking grounds. There will be no adverse impact on the amenities of the occupiers of any adjoining properties.

Although the front roof has a shallow slope, the proposed rooflight will be a noticeable feature and it is considered that in the interests of the appearance of the Conservation Area it should be of the 'conservation' style.

The proposed new shopfront will be of traditional appearance, with a central doorway in a stained hardwood façade with stained hardwood pilasters. Although the Council's Conservation Officer has some reservations about the height of the shopfront in relation to the first floor windows above, it is considered that in this location where the ground rises slightly across the frontage from south east to north west, the resulting stepped effect of the shopfronts in the immediate vicinity is acceptable. This will result in an enhancement to the appearance of the Conservation Area, meeting the objectives of Policies ENV20 and ENV27 of the adopted Unitary Development Plan in respect of the design and character of the local area.

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 Policies ENV20 (Development in Conservation Areas) and ENV27 (Design of New Developments) of the Vale of Glamorgan Adopted Unitary Development Plan 1996-2011 and the Council's adopted Supplementary Planning Guidance: Shopfront Design Guide, it is concluded that the proposals meet the objectives of those Policies and Guidance in respect of impact on the character of the area and of this part of the Penarth Conservation Area.

RECOMMENDATION

APPROVE subject to the following condition(s):

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

   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 CHU/001_1 received on 29 January 2007 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. Notwithstanding the submitted plans, the rooflight on the front roof slope shall be of the 'conservation' type and shall be so retained at all times.

   Reason:

   In the interests of visual amenity and to meet the objectives of Polices ENV20 (Development in Conservation Areas) and ENV27 (Design of New Developments) of the Vale of Glamorgan Adopted Unitary Development Plan 1996 - 2011.

NOTE:

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

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

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

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

2006/01715/OUT Received on 9 February 2007

The Representative Body of the Church in Wales, 39, Cathedral Road, Cardiff., CF11 9XF
Cooke and Arkwright, Bayer Lodge, Western Avenue, Bridgend., CF31 3TZ

Site of St. Lukes Church, Elfed Avenue, Penarth

Demolition of redundant church building and redevelopment for 4 No. houses

SITE DESCRIPTION

The site comprises an area of land, approximately 0.17ha, which is occupied by a detached church building that is currently vacant. The existing church is located on the north west boundary of the site with vehicular access in the southern corner onto Elfed Avenue.

DESCRIPTION OF DEVELOPMENT

This is an outline application for the demolition of the church and the redevelopment of the site for residential purposes. The application was submitted with all matters reserved for subsequent approval, however, details of siting, means of access and number of units were formally requested under Article 3(2) of the Town and Country Planning (General Development Procedure) Order 1995. The submitted information indicates the provision of 4 No. two storey houses, provided as two pairs of semi-detached properties. They will be sited in a northwest to southeast line continuing the existing row of housing on that side of Elfed Avenue. A new access road, approximately 5.5m wide, will be constructed off Elfed Avenue in a similar position to the existing vehicular access.

The application is supported by a Sustainability Check List.

PLANNING HISTORY

None.

CONSULTATIONS

Penarth Town Council – Comments on initial submission:- "That the application should be approved subject to scale form and design in keeping with the surrounding residential area with no more than two storeys in height; and car parking and amenity in accord with Council's guidelines. "

Comments on additional information – "The Town Council maintains its support for the application although it is noted that the layout indicated would suggest that off-street parking cannot be provided in respect of houses 4 and 5."

Comments on revised scheme – "That the application should be approved on the basis of the further amended plans."

Environment Agency Wales has no objection in principle subject to comments relating to waste from demolition; provisions for any hazardous waste or contaminated material; construction in line with industry best environmental practise; any fuel or polluting substances stored in secure bunded location; and sustainable drainage.

Dwr Cymru/Welsh Water- Comments on initial submission have requested their standard advice and conditions be attached to any consent.

Glamorgan Gwent Archaeological Trust comment that due to the modern nature of the building there is no necessity for any recording of the structure prior to demolition. No other recorded archaeological sites and therefore no objection.

The Directo of Legal and Regulatory Services (Environmental Health) has no co comment.

The Head of Visible Services (Highway Engineer) comments on initial submission that there is no objection in principle but further details required at this stage.

Comments on additional information – "The existing vehicular access is required to be formalised and upgraded. The Highway Authority has no objection subject to conditions including engineering details, maintenance of visibility, and parking provided in accordance with the approved parking guidelines."

REPRESENTATIONS

The occupiers of neighbouring properties were initially notified on 19 December 2006 and renotified on 21 February and 16 April 2007. In addition a site notice was posted on 18 December 2006. Letters of objection/representation have been received from the occupiers of Nos. 16 and 33 Elfed Avenue and 131 Westbourne Road. Whilst all the representations are available on file for Committee Members inspection the letter from the neighbouring occupier at No. 33 Elfed Avenue, along with the third letter form the occupier of 131 Westbourne Road are reproduced at Appendix A as being generally indicative of the issues raised. In summary the main points raised relate to the existing building could be re-used; whether the proposed dwellings would be in keeping; who will occupy the properties; alterations to vehicular access and parking provision; density; privacy; and boundary treatment.

REPORT

The proposal entails the demolition of an existing church and the redevelopment of the site for 4 No. residential units and new access drive. The site is located within the residential settlement boundary for Penarth as defined in the Vale of Glamorgan Adopted Unitary Development Plan 1996-2011(UDP). As such the following policy background is relevant.

Planning Policies

Policy HOUS2 of the UDP allows for housing infill, small-scale development and redevelopment within Penarth subject to the residential development criteria set out in Policy HOUS8.

(i) THE SCALE, FORM AND CHARACTER OF THE PROPOSED DEVELOPMENT IS SYMPATHETIC TO THE ENVIRONS OF THE SITE;

(ii) THE PROPOSAL HAS NO UNACCEPTABLE EFFECT ON THE AMENITY AND CHARACTER OF EXISTING OR NEIGHBOURING ENVIRONMENTS OF NOISE, TRAFFIC CONGESTION, EXACERBATION OF PARKING PROBLEMS OR VISUAL INTRUSION;

(iii) THE PROPOSAL DOES NOT HAVE AN UNACCEPTABLE IMPACT ON GOOD QUALITY AGRICULTURAL LAND (GRADES 1, 2 AND 3A), ON AREAS OF ATTRACTIVE LANDSCAPE OR HIGH QUALITY TOWNSCAPE OR ON AREAS OF HISTORICAL, ARCHAEOLOGICAL OR ECOLOGICAL IMPORTANCE;

(iv) WHEN APPROPRIATE AND FEASIBLE THE PROVISIONS OF POLICY REC 3 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 refers to the Design of New Development and is also a criteria based policy that requires that new development has full regard to the context of the local natural and built environment and its special features.

(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

HAS REGARD TO MEASURES TO REDUCE THE RISK AND FEAR OF CRIME.

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

The Council also has Supplementary Planning Guidance on Sustainable Development and Amenity Standards.

National guidance is contained in Planning Policy Wales March 2002. Paragraph 2.7 indicates a preference for the re-use of land in relation to sustainable objectives, particularly previously developed or brownfield land.

Issues

It will be noted from the representations received that one of the concerns raised relates to the loss of the existing church which is structurally sound and capable of re-use for community benefit. Unfortunately, however, whilst Policy COMM5 of the Unitary Development Plan seeks the retention of community facilities this is in rural settlements and villages and does not relate to the main urban areas. In addition planning permission is not required for the demolition of the building. Thus whilst the Council may prefer to see the church retained for community use this would not be justifiable grounds to reject an alternative development that may be acceptable, especially given the fact that consent is not required for the demolition of the existing structure.

In assessing the current proposal against the above policies, therefore, the following points are noted.

Details of the siting and means of access of the proposed new housing have been submitted for consideration with this application with matters of design, external appearance, and landscaping reserved for subsequent approval. It is considered that the proposed siting in line with the existing houses along the eastern side of Elfed Avenue is acceptable, and the indication that the houses will be two storey, semi-detached, means that the scale and form of the development will be in keeping with the surrounding properties. It is noted that the neighbouring occupier at No. 33 Elfed Avenue has objected, amongst other things, on the grounds of privacy and increased noise and disturbance. There is some justification for these objections as the proposed driveway is sited alongside this boundary and the position of the houses is such that they will face towards the rear garden of that property. It is noted however that the distance from the nearest proposed house to the existing garden boundary is approximately 17m. This is not considered unacceptable particularly as there is scope for screening. In respect of noise and disturbance it is considered that the existing use of the site would entail the movement of people and cars via the same access point to attend the church and whilst this may have been less frequent, nevertheless, it could potentially be in greater numbers at any one time.

As regards any likely impact on the remainder of the surrounding properties it is considered that the submitted details should allow for a neighbourly form of development that should have no adverse impact on the level of residential amenities currently enjoyed by the neighbouring occupiers. The proposal itself should be capable of providing the necessary amenity space to meet the requirements of the SPG on Amenity Standards.

On the issue of highways it is noted that the Council's Highway Engineer has no objections to the proposal subject to the agreement of full engineering details, maintenance of visibility and on-site car parking in accord with the approved guidelines. The submitted details of siting and access should allow for on-site parking to serve the development that would meet the Council's guidelines.

It is also noted that neither the Environment Agency nor Welsh Water have any objections to the proposal.

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 HOUS2 and HOUS8 - Residential Development Criteria, ENV27 - Design of New Development and TRAN10 - Parking of the Vale of Glamorgan Adopted Unitary Development Plan 1996-2011, and Supplementary Planning Guidance on Amenity Standards, it is considered that the principle of the redevelopment of the site for four residential units is acceptable in planning terms.

RECOMMENDATION

APPROVE subject to the following conditions(s):

1. Approval of the details of the design and external appearance of the buildings and the landscaping of the site (hereinafter called `the reserved matters`) shall be submitted to and approved by the Local Planning Authority before any development is commenced.

   Reason:

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

2. Application for approval of the reserved matters hereinbefore referred to must be made not later than the expiration of three years beginning with the date of this permission.

   Reason:

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

3. The development to which this permission relates must be begun not later than whichever is the later of the following dates:

   (a) The expiration of five years from the date of this permission.

   (b) The expiration of two years from the date of the final approval of the reserved matters or, in the case of approval on different dates the final approval of the last such matters to be approved.

   Reason:

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

4. This consent shall relate to the amended plans received on 12 April 2007 which indicates the provision of 4 No. two storey, semi-detached houses, with vehicular access off Elfed Avenue.

   Reason:

   For the avoidance of doubt as to the approved plans.

5. Notwithstanding the submitted plans full engineering details of the proposed new access onto Elfed Avenue shall be submitted to and agreed in writing with the Local Planning Authority before the commencement of work. The development shall be implemented thereafter in accordance with the approved details and before the first beneficial occupation of any one of the dwellings hereby permitted.

   Reason:

   In the interests of highway safety in accord with Policies HOUS8 - Residential Development Criteria and ENV27 - Design of New Development of the Unitary Development Plan.

6. The detailed plans shall provide parking facilities to meet the standards of the Local Planning Authority.

   Reason:

   To ensure adequate on-site parking in the interests of highway safety in accord with Policy TRAN10 - Parking of the Unitary Development Plan.

7. Details of the proposed finished floor levels in relation to the existing ground levels of the site, including cross-sections, shall be submitted to and approved in writing with the Local Planning Authority before development commences on the proposed dwellings.

   Reason:

   In the interest of visual and neighbouring amenities in accord with Policies HOUS8 - Residential Development Criteria and ENV27 - Design of New Development of the Unitary Development Plan.

8. All means of enclosure associated with the development hereby approved shall be in accordance with a scheme to be submitted to and agreed in writing 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. The details shall pay particular regard to the screening of the rear garden to No. 33 Elfed Avenue.

Reason:

To safeguard local visual amenities and neghbouring privacy in accord with Policies HOUS8-Residential Development Criteria and ENV27-Design of New Development of the Unitary Development Plan and Supplementary Planning Guidance on Amenity Standards.

9. The proposed dwellings shall be designed so that no main windows of habitable rooms shall directly overlook the main windows of habitable rooms of other dwellings at a distance of less than 21.3 metres, with consideration also given to possible overlooking of private rear gardens, in particular No. 33 Elfed Avenue.

Reason:

To safeguard the privacy of neighbouring occupiers in accord with Policies HOUS8 - Residential Development Criteria and ENV27 - Design of New Development of the Unitary Development Plan and Supplementary Planning Guidance on Amenity Standards.

10. Plans and particulars of the reserved matters referred to in condition 1 above relating to the design and external appearance of the buildings 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 Section 92 of the Town and Country Planning Act, 1990.

NOTE:

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

2. The attention of the applicant is drawn to the fact that a public sewer may be affected by the development and you are advised to contact Dwr Cymru/Welsh Water for further advice on Tel: 01443 331155.

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

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

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

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

2006/01724/FUL Received on 29 November 2006

Mr & Mrs O'Dwyer Oaklands Farm, Bonvilston, Cardiff, CF5 6TQ,
Brian Griffin P&CC Ltd The Cottage, Green Bottom, Little Dean, Gloucester, GL14 3LH

Oaklands Farm, Bonvilston

Stationing of mobile home for agricultural worker for 3 years

SITE DESCRIPTION

The application site is Oaklands Farm, Bonvilston. The site is accessed off the A4226, approximately 1km south of the A48, and lies adjacent to Blackland Farm. The holding measures approximately 54 ha (133 acres) and is comprised of 5.2 ha of grazed woodland, with the remainder as pasture. There exists one 32 x 9m steel portal framed building, with a lean to for housing livestock, which is located near the entrance to the site, 150m from the main road.

DESCRIPTION OF DEVELOPMENT

The agricultural enterprise is comprised primarily of poultry farming, but also elements of cattle, sheep and pigs. This is discussed in greater detail below.

The application is for a temporary consent of 3 years, for a temporary dwelling (wooden chalet) to house an agricultural worker. The dwelling has already been constructed on site and therefore the application is for its retention. It is presently occupied by the applicants.

Accessed along an existing track, the dwelling has been sited some 650 metres south west of the existing steel shed building, relatively central to the holding as a whole. The building is of timber frame construction and measures 6.1m wide x 13.6m long x 3.7m in height. A small hard surfaced area has been provided adjacent to the dwelling to provide vehicular access from the track.

The application also includes a single timber chicken brooder shed, which has also already been sited on the land. The brooder shed is located approximately 180m to the east of the dwelling, directly adjacent to existing farm track. It measures approximately 8m long x 3.5m wide x 2.5m in height, and is of timber construction. This building houses the chicks for the first few weeks until they are houses in mobile grower houses.

The grower houses are mobile, and are placed directly onto the ground, without bases or physical attachment. They are moved to another position in the holding when the chickens are ready to be processed, to enable the land to re-establish itself. The grower houses are approximately 2m in height x 3m wide x 10-12m in length, and bear resemblance to a polytunnel. Given the mobile nature of these structures their lack of permanence or physical attachment to the ground, and their use for agricultural purposes, they fall outside of planning control and do not form part of this application

PLANNING HISTORY

98/01004/FUL - Detached farmhouse. Refused.

98/00108/FUL - Detached farmhouse. Refused.

97/00153/FUL - Detached farmhouse. Refused.

93/00297/RES - Detached farmhouse. Approved.

90/01264/OUT - Detached farmhouse. Approved.

Application refs: 97/00153/FUL, 98/00108/FUL and 98/01004/FUL were refused as it was considered that insufficient information had been provided to justify the dwellings, particularly with regard to their size and level of accommodation provided. Additional information had been requested of the applicants in each case to justify the dwellings, however such details were not submitted.

CONSULTATIONS

St. Nicholas Community Council have raised no objection to the proposal.

Environment Agency Wales have been consulted. No representations have been received to date.

The Council's Agricultural Consultant was consulted in respect of the application. These comments are discussed below.

The Head of Visible Services (Highways Development) has raised no objection subject to the provision of parking to serve the dwelling, and the widening of the first 10m of the access.

REPRESENTATIONS

Blackland Farm was consulted and a site notice was erected at the site. No representations have been received to date.

REPORT

Planning Policies

The following policies of the Vale of Glamorgan Adopted Unitary Development Plan 1996-2011 (UDP) are considered to be of primary relevance to the assessment of this application:

ENV1 - Development in the Countryside.

ENV4 - Special Landscape Areas.

ENV10 - Conservation of the Countryside.

ENV27 - Design of New Developments.

HOUS3 - Dwellings in the Countryside.

HOUS5 - Agricultural or Forestry Dwellings.

Policy ENV1 of the UDP 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 ENV4 permits development within Special Landscape Areas (SLA's) provided it would not adversely affect the landscape character, landscape features or visual amenities of the SLA.

Policy ENV10 seeks to ensure that the countryside and in particular areas of high quality landscape, will be protected from inappropriate forms of development.

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.

Policy HOUS3 permits new dwellings in the countryside provided that they can be justified in the interests of agriculture or forestry.

Policy HOUS5 permits dwellings associated with agriculture or forestry provided:

(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.

(iii) An acceptable access to the dwelling can be provided.

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 a 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).

PPW 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.

TAN 6 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 whether the proposed dwelling satisfies the functional and financial tests, and whether its siting is appropriate, also having regard to whether a permanent dwelling would be acceptable in this location, should the case for a temporary structure be proven.

Functional Test

The agricultural activities currently being undertaken and which are proposed are primarily related to poultry, although the fully expanded scheme does provide for a level of cattle, sheep and pigs. It is envisaged by the applicants that over the first 18 months, the farm will have a turnover of 18,000-20,000 birds per annum, continuously throughout the year. It is proposed that this would be supported by 60 suckler cows, 20 sheep and 20+ pigs. The resultant 'Standard Man Day Assessment' produces a man year total of 2,500 to 2,800 hours, compared with a standard man hours year of 2,200. This would indicate that the enterprise as proposed would support the full time employment of a farm worker.

To satisfy the 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 (TAN 6, para 42).

In this case the applicant has stated that a worker is required on site to check regularly on the young chicks in the brooder houses (in cases as regularly as every 2 hours) maintain the bird accommodation, to let the chickens in and out of the rearing houses, to guard against predator attacks, for calving and lambing and to respond to the medical needs of the livestock.

The Council's agricultural consultant has been consulted and has raised concerns in respect of the relatively new nature of the enterprise and the fact that the functional need is based on assumptions of stock levels and expansion of the enterprise. In saying this, the Consultant has stated that the functional need is marginal at present, but would probably be satisfied if the business expands as intended.

Whilst the Council's consultant does not consider the case is completely proven at present, given that the functional need is likely to be satisfied based on the fully expanded enterprise as intended, it is considered that a temporary dwelling for 3 years would be appropriate to fully assess whether the enterprise does develop as proposed. This stance is supported in Planning Policy Wales and TAN 6.

Concern has also been raised in respect of the location of the dwelling, and whether it is ideally suited to deal with such emergencies should they arise. Whilst the dwelling is located approximately 650 metres from the existing livestock shed, it is located centrally to the unit as a whole, and closest to the chicken brooder and growing houses. The physical form of the unit prohibits the siting of these buildings towards the eastern end of the unit (near to the existing building) since there is only a thin strip of land at this point. Furthermore, the applicants are primarily reliant on the maintenance of the poultry in order to successfully expand and sustain the enterprise.

Given that the current location is most appropriate to meet the needs arising from the intended 18,000-20,000 chickens, it is considered that this represents the most appropriate location for a dwelling to satisfy the functional need.

There are no other dwellings within the unit and the only nearby dwelling, at Blackland Farm, is occupied by the farmer of that unit.

Financial Test

The agricultural enterprise has only been running since October and therefore accounts are not available to demonstrate that the enterprise *is* sustainable on a financial basis.

However, the submitted business plan and accounts demonstrate that should the enterprise develop as proposed, the unit would support a farm worker financially. The Council's consultant has advised that should the functional test be satisfied, a three-year period would be appropriate for the applicants to demonstrate that the unit is financially viable in the long term.

Evidence of a Firm Intention to Develop the Enterprise

The applicants have an agricultural background, and have submitted a long-term business plan for the proposed enterprise. A bank loan has been secured to finance the venture and the applicants have given up other jobs in order to manage the unit full time. The unit is currently staffed by Mr. O'Dwyer (full time) and Mrs. O'Dwyer on a basis approaching full time.

Therefore whilst the enterprise is in its early stages, it is considered that the applicants have demonstrated as far as possible at this stage that they have firm intentions to develop the enterprise towards it becoming a sustained and functioning agricultural unit.

Other Planning Issues

The dwelling is not visible from the public highway, and there are no other public viewpoints from which it can be seen. The land on which it is sited is relatively low lying, and the dwelling is therefore well screened from surrounding views. The dwelling and the brooder house are both of a modest scale and therefore have little impact on the wider landscape. The brooder house only becomes partially visible when close to it on the approaching farm track.

It is considered that should the temporary dwelling be considered acceptable, and should the enterprise develop over three years to the point that the functional and financial tests are fully satisfied, a permanent dwelling at this location would not be unacceptably prominent of harmful to the wider landscape.

The building is considered to be of an appropriate scale and design, constructed in materials appropriate for its purpose. The dwelling provides a limited level of accommodation, which is considered reasonable for the purpose which it serves. The dwelling could be easily dismantled and removed from the site following the period of a temporary consent. It is therefore considered that the application satisfies the criteria of Policies ENV4, ENV10 and ENV27 of the UDP, in that it would not unacceptably harm the rural character of the area, or the wider landscape value and visual amenity of the Special Landscape Area.

Access to the dwelling is from the A4226, and along an existing farm track. No objection has been raised by the Highways Engineer subject to parking spaces being provided to serve the dwelling, and the widening of the first 10m of the access track to 6m in width. It is considered that these matters can be appropriately controlled by conditions.

The application site is located approximately 2km away from the settlement of Bonvilston and whilst it is therefore likely that occupiers of the dwelling would be reliant on a private car to gain access to services, the dwelling is located near to a classified 'A' road and is not wholly unsustainable in its location. Furthermore it is not considered that it would unreasonable to site an agricultural dwelling in the countryside, somewhat detached from existing settlements.

In conclusion, it is considered that whilst the functional and financial tests are not satisfied on the basis of the current stock levels, this is not unusual given the relatively immature stage of the enterprise. The evidence submitted demonstrates that the fully expanded enterprise would satisfy the tests, if sustained as suggested. On this basis, it is considered appropriate to allow the applicants the retention of the temporary dwelling for three years, in order to fully assess whether the functional and financial viability of the unit will materialise, and whether a permanent dwelling would be justified.

It is considered that the dwelling is sited in an appropriate position to satisfy the functional test, and to satisfy the criteria of Policies ENV4, ENV19, ENV27 and HOUS5 of the UDP, all of which require that the dwelling is compatible with the existing landscape, and does not unacceptably impact upon the wider rural landscape.

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 - Design of New Developments, ENV4- Special Landscape Areas, ENV10- Conservation of the Countryside, ENV27- Design of New Developments, HOUS3- Dwellings in the Countryside, HOUS5- Agricultural or Forestry Dwellings and the guidance contained within Planning Policy Wales (2002) and Technical Advice Note 6, it is considered that the applicant has provided sufficient justification for the retention of a temporary dwelling for 3 years, in order that the long term prospects of satisfying the functional and financial tests can be assessed. The siting, scale, form and construction materials of the dwelling are considered to be acceptable in that the dwelling would not have an unacceptable impact on the wider rural landscape, and could be easily dismantled and removed.

RECOMMENDATION

APPROVE subject to the following condition(s):

1. The occupation of the static caravan hereby approved shall be limited to a person solely or mainly employed, or last employed, in the locality in agriculture as defined in Section 336 of the Town and Country Planning Act 1990, or inforestry, or a dependant of such a person residing with him or her, or a widow or widower of such a person.

   Reason:

   The site is not one which would be approved for residential development expect in connection with the agricultural use of the land, and to ensure compliance with Policies ENV1, HOUS3 and HOUS5 of the Unitary Development Plan.

2. The existing access track shall be widened, as a bound surface, to a width of 6m for a minimum distance of 10m from the boundary with the A4226.

   Reason:

   In the interests of highway safety and in order to comply with Policy ENV27 - Design of New Developments of the Unitary Development Plan.

3. Full details of the means of both foul and surface water drainage shall be submitted to the Local Planning Authority for their approval in writing, within 2 months of the date of this consent, and the approved means of drainage shall be fully implemented within 1 month of these details being agreed.

   Reason:

   In order to provide satisfactory drainage to serve the development hereby approved.

4. The wooden chalet and brooder house shall be sited for a temporary period only and the dwelling, any associated base, access, turning and parking areas and any means of enclosure shall be removed from the land on or before 3 years from the date of this consent, and the land shall thereafter be restored to its former condition, which shall include reseeding, where necessary within 2 months from the date of the removal of the dwelling.

   Reason:

   The siting of the chalet is permitted for a temporary period in order to allow the applicant to demonstrate a need to reside within the holding and to prove the functional and financial viability of the enterprise in respect of a permanent form of accommodation in connection with the holding and in order to comply with Policies ENV1, HOUS3 and HOUS5 of the Unitary Development Plan.

5. The Local Planning Authority shall be advised in writing within 1 week of the chalet being removed for the land.

   Reason:

   To ensure compliance with the temporary planning permission and the terms of Condition No. 4 above, and in order to comply with Policies ENV1, HOUS3, HOUS5 and ENV27 of the Unitary Development Plan.

NOTE:

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

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

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

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

2006/01771/FUL Received on 12 December 2006

Barratt Homes Limited, Oak House, Village Way, Tongwynlais, Cardiff., CF15 7NE
Boyer Planning, 1B, Oak Tree Court, Mulberry Drive, Cardiff Gate Business Park, Cardiff., CF23 8RS

Land at Suran-Y-Gog, Pencoedtre Village, Barry

Residential development (50 dwellings) and associated works

SITE DESCRIPTION

The application site comprises of an irregular shaped piece of former agricultural land located within the Pencoedtre Village housing development, on the north eastern side of Barry. The site measures an area of 3.14 acres (1.27 hectares) and slopes from north to south and was originally allocated for the construction of a school.

The site is bounded by the roundabout and highway of Afal Sur and Cennin Pedr, by the rear gardens of the dwellings located on Suran-y-Gog to the west and to the south by the open road frontage of Suran-y-Gog. To the east the site is bounded by the existing area of public open space and the side/rear gardens of the dwellings on Lili Mai and Gilbert Lane.

The site is served by two access points, the main access as a leg off the roundabout adjacent to the Lidl retail store and a turning head located at the junction of Suran-y-Gog and Coed Criafol at the south east corner of the site.

The land is currently grassed although, the site was used as a construction compound for the adjacent developments and therefore some excavated material has been disposed of on the site. The site is transversed from east to west by a hedgerow across the lower third of the site and there are also three protected oak trees within the site.

DESCRIPTION OF DEVELOPMENT

This is a full application for the construction of 50 dwellings on the site with associated works.

The amended plans now propose residential development comprising of five different house types of a mix of 2 and 3 bedroom terraced and semi detached dwellings. Whilst there are five different house types, the footprint, eaves and ridge heights of the 3 bedroom dwellings are all similar, as are those of the two bedroom dwellings.

- The two bedroom dwellings have a general footprint of 8.5 metres by a width of 4 metres with a ridge height of 4.6 metres and ridge height of 7.5 metres

- The three bedroom dwellings have a general footprint of 8.3 metres by a width of 4.7 metres with a ridge height of 4.6 metres and ridge height of 7.5 metres.

The proposed dwellings comprise of a mix of materials and finishes being red, grey and brown pantiles and plain tiles, red and buff facing brickwork and through coloured render (cream and ivory).

The site is shown to be accessed from the main roundabout on a Suran-y-Gog and Coed Criafol, which is shown to serve the upper two thirds of the site where the central access road will serve four communal parking areas. The lower third of the site is separated by the retention of the existing hedgerow where these dwellings will be served from Sur-y-Gog via two parking courtyards and from an extension of the existing junction at Suran-y-Gog and Coed Criafol.

The proposal seeks to retain two protected oak trees at the northern end of the site which will form part of the residential curtilage of the dwellings. The other protected tree to the south (adjacent to the hedgerow) will also be retained and will fall with the rear gardens of dwellings and land which is identified to be adopted as open space.

The application has been supported by the following documents:

- Ecological Appraisal
- Tree survey
- Statement of sustainability
- Design Statement
- Planning Statement.

PLANNING HISTORY

95/01148/OUT

This application was submitted on 18 December 1995 for the development of 56 hectares of predominantly agricultural grazing land and an area of woodland (Pencoedtre Wood) for a business park, special employment area, public open space, residential development, local community facilities (including primary school and retail) access, highway and infrastructure works.

The application was reported to Development Control Committee on 19 June 1996, where it was recommended that planning permission be granted, (with conditions) subject to the developers first entering into a Planning Agreement Under Section 101 of the Act to ensure the provision of amongst other things, public open space, transfer of land allocated for educational development, provision of affordable housing and other matters relating to the provision of infrastructure and access.

97/01077/RES

Area E - Erection of 64 dwellings; Area F - Erection of 68 dwellings plus access roads, drainage, parking, landscaping and associated works, (including development brief). Approved 16 July 1998, subject to conditions.

CONSULTATIONS

Barry Town Council was consulted on the original and amended scheme. In relation to the amended scheme whilst they now welcome the retention of the hedgerow the concerns previously expressed in relation to:

i. The tight/congested site layout and adequacy of the provision of amenity space to serve all units.

ii. The impact of additional vehicle movements on the safety and free flow of traffic in Suran-y-Gog.

iii. The levels of on-site car parking and the high proportion of off-plot parking spaces and the number arranged in tandem formation.

iv. The long term survival of the two listed oaks which would be enclosed within the confines of small rear gardens.

have not been overcome and therefore the previously submitted objection is maintained.

Environment Agency Wales were consulted and have responded with a "Standard Advice" guidance note for developers.

The Head of Visible Services (Highway Development) was consulted on the application and following the submission of revised details and amendments, has raised no objection subject to the submission of full engineering details of the layout, street lighting and surface water drainage, etc.

The Head of Visible Services (Environmental Health) were consulted and have stated that the site is located adjacent to the infilled Pencoedtre Ash Pit and that there may have been potential for contamination to have migrated onto the site. Therefore a condition should be added requiring the submission of a written method statement for approval detailing how the developer will deal with any potential contamination that may be identified during the groundwork's.

Hyder Consults were consulted on the application and have revised their comments and have raised no objection subject to conditions and the preparation of a scheme for comprehensive drainage of the site.

The Council's Ecologist:

The Ecological appraisal submitted in respect of this application assessed the hedgerow which runs east to west across the application site, to be species poor.

The Vale of Glamorgan Council's Ecology team disagree with this assessment. The hedgerow was assessed on site against the Hedgerow regulations (1997) criteria in January 2007. It was concluded that the hedgerow, including the eastern-most section running along the site boundary to meet the road, is species-rich and qualifies as **Important** under the Hedgerow Regulations (1997).

Since the hedgerow qualifies as **Important** under the Hedgerow Regulations (1997) it is strongly recommended that the hedgerow, including the eastern-most section running along the site boundary to meet the road, be retained and integrated into the development scheme, with a commitment to future management conditioned into any scheme, if approved.

Grassland Habitat

The area of the application site north of the on-site hedgerow, which constitutes the majority of the application site, was recorded as semi-improved species-rich grassland in the Phase 1 CCW survey.

The habitat survey reported in the Ecological appraisal was carried out during September and October 2006. Given the suboptimal timing of the survey and the inaccuracy of the hedgerow survey it cannot be assumed that the habitat survey of the grasslands reflects the botanical interest present across the site. Although much of the site has been disturbed there is still potential for remnant areas of species-rich, semi-improved grassland to be present.

- It is recommended that a further grassland survey be conducted during the field season (May to August) to include production of a species list for the site and identification and mapping of any areas of remnant species-rich, semi-improved grassland detected, with target notes including listed species. If the survey reveals remnants of species-rich, semi-improved grassland it is recommended that at least some be integrated into public open space and soft landscaping elements of the scheme, either through retention *in situ* or through translocation of turf, with a commitment to future management of these areas conditioned into the consented scheme.

Bird Nesting Season

The vegetation on the site may be used by nesting birds.

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

- It is recommended that to comply with the law, a condition be included in any consent which states that work affecting the 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.

*Bats

The application site includes three large, mature oak trees, one of which is ivy covered, and a large dead pollard which is ivy covered. The three living trees are proposed for retention as part of the scheme but the tree report recommends tree works to all three. The dead pollard is understood to be proposed for removal. The trees and pollard are considered to have potential to support roosting bats.

British bats and their breeding sites and resting places are protected by law through UK legislation under the Wildlife and Countryside Act (1981) (as amended) and through European legislation under the Habitats Directive (EC Directive 92/43/EC), enacted in the UK through the Conservation Regulations (1994).

- It is recommended that a bat survey of the three trees and pollard be conducted by a licensed bat surveyor prior to the granting of planning permission to ascertain presence or absence of bats/bat roosts. In the event that the survey reveals the presence of bats/roosts, further advice must be sought from the Countryside Council for Wales (CCW) and their advice taken into account in making the planning decision.

Reptiles

The Ecological Appraisal concludes that the site is potentially suitable for common reptiles, and in particular slow worm, though likely presence is assessed to be low. Reptiles are protected under the Wildlife and Countryside Act 1981.

It is recommended that a condition of consent be that a reptile clearance methodology be undertaken to minimise potential impacts on reptiles, to be submitted to the local authority for approval prior to the commencement of works.

***N.B.** A developer will require a development licence from the National Assembly Wales government for any development that would contravene the protection afforded to European protected species (which include bats) under the Habitats Directive. Before such a licence can be granted, the following tests, specified in Article 16 of the Habitats Directive, must be satisfied:

- *the derogation (in the form of a licence) is "in the interests of public health and public safety, or for other imperative reasons of overriding public interest, including those of a social or economic nature and beneficial consequences of primary importance for the environment"*

- *there is "no satisfactory alternative" to the derogation*

- *the derogation is "not detrimental to the maintenance of the populations of the species concerned at a favourable conservation status in their natural range".*

Although derogations are currently granted by a licence issued to the developer by the National Assembly Wales government, local planning authorities are under a duty to have regard to the requirements of the Habitats Directive in exercising their functions. To avoid developments with planning permission subsequently not being granted a derogation 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.

The revised design plan which shows retention of the hedgerow as part of the scheme is welcomed.

It is recommended that the following be conditioned into any consent:

- The development scheme be designed to retain a buffer zone strip on both sides of the hedgerow sufficient to ensure no damage to rootstock. The buffer zone boundaries should be fenced prior to and during construction phase to protect the hedgerow from damage during development.

- A landscaping scheme be submitted for approval to the local authority to include hedgerow enhancement measures including management of the existing hedgerow and new planting to gap up / strengthen the hedgerow where appropriate, to be implemented as part of the consent. Any new hedgerow planting should include a mix of species already present in the existing hedgerow and of local or at least UK provenance. The landscaping scheme should also include a future management prescription for any of elements of the hedgerow which lie within areas of public open space, to be implemented post development.

Parks and Ground Maintenance were consulted on the original and revised schemes and have agreed to the principle of adoption of the small area of open space and the land and protected tree subject to an adequate commuted sum for a 20 year period.

Director of Learning and Development was consulted and has advised:

“The land indicated on the map lies within the catchment area of Oakfield Primary School which is currently operating close to full capacity with limited space to accommodate further pupils, particularly those generated by the development.

The development will increase pupil numbers and increase pressure at the school. In terms of Oakfield Primary School the authority will require expansion/extension of existing school provision to accommodate those additional pupils generated.

In terms of planning gain the authority would initially be looking to potential planning gain of around £70,000 for educational need in terms of the proposed development.”

Glamorgan Gwent Archaeological Trust were consulted and have stated that it is unlikely that archaeological material would be located during the planned development.

REPRESENTATIONS

Adjacent occupiers were notified and two site notices were also posted, on the original and amended schemes. To date five letters of representation have been received in relation to the original plans and one of the letters is attached as Appendix A. The letters of objection are summarised below.

i. Two and three bedrooms properties are not in keeping with the surrounding detached dwellings,

ii. The dwellings appear to be built to a low specification,

iii. The number of properties on the site is excessive,

iv. Increase in traffic generation as a result of the development,

v. Proposal will add a further burden to the lack of community facilities in the area.

REPORT

Members will recall that this application was deferred at the 25 April 2007 meeting of Planning Committee to allow Members to visit the site.

By way of background, as part of the consideration of application 95/01148/OUT, for the mixed use development at Pencoedtre, planning permission was granted, subject to the developers first entering into a Planning Agreement Under S. 101 of the Act to ensure the provision of amongst other things, the transfer of land allocated for educational development. Paragraph 4 of the Schedule of the agreement states that the developers jointly and severally covenant with the Council:

To allocate and transfer before the commencement of development of the residential development ownership of 1.2 hectares of land at a central point within the residential development for education development. In the event of no application for planning permission being registered with a 10 year period from the transfer of the land this land shall revert back to the developers.

The land in question was identified in a development brief submitted and approved as part of application Ref. 97/01077/RES.

In brief the land in question was never formally transferred to the Council, although was allocated for education purposes. Furthermore during this 10 year period there has been no demand for a new school within the area or to serve the Pencoedtre Development. Therefore the development rights of the land has, subject to agreement with the Legal Department, reverted back to the developer.

Planning Policy

The planning policy framework comprises national planning policy guidance as contained with Planning Policy Wales (March 2002) and local planning polices comprising of the Vale of Glamorgan Adopted Unitary Development Plan 1996–2011.

The relevant Technical Advice Notes which should be read in conjunction with Planning Policy Wales March 2002 are set out below:

TAN 5 – Nature Conservation and Planning

TAN 12 – Design

TAN 18 - Transport

Furthermore of relevance is a Model Design Guide for Wales – Residential Development prepared for POSW with the support of Welsh Assembly Government (March 2005)

Local Planning Polices

For the purposes of assessing this application, the application site falls within the residential settlement boundary of Barry

The following are a list of relevant Part 1 (Strategic Polices) and Part 2 polices contained the Vale of Glamorgan Adopted Unitary Development Plan 1996–2011.

Part 1 Strategic Polices

Policy 1 and Policy 2

Part 2 Policies

The site is specifically allocated under Policy Rec 11(Informal public open space and country parks), as informal open space.

Also relevant in the assessment of the above application are the following policies:

- Policy ENV11 – Protection of landscape features
- Policy ENV15 – Local sites of nature conservation importance
- Policy ENV16 – Protected species
- Policy ENV27 – Design of new developments
- Policy HOUS2 – Additional residential development
- Policy HOUS8 – Residential development criteria – Policy HOUS2 settlements
- Policy TRAN 10 – Parking

The following Supplementary Planning Guidance is also of relevance

- Sustainable Development
- Amenity Standards
- Public Art
- Trees and Development
- Barry Development Guidelines SPG

Other relevant plans/documents which are material:

- Landscapes Working for the Vale of Glamorgan (White Consultants 1999) Design Guidelines Volume 2, page 28.
- Vale of Glamorgan Local Transport Plan (2000)
- South Wales Parking Guidelines (as amended 2001)

Issues

Given that the site falls within the residential settlement boundary of Barry, the principle of residential development is acceptable subject to the proposal satisfying the relevant policies and guidance.

It should be noted that the recently adopted Unitary Development Plan, designates the site for informal open space and not for an educational uses. However the reason for this is that the site was designated in the Consultative Draft in 1997, which was based on the allocation brought forward from the previous Local Plan. However, shortly after the preparation of the Consultative Draft, a revised development brief was approved under application Ref. 97/01077/RES, which effectively swapped the area of open space for the community use (education site). Therefore whilst the Development Plan has now been adopted, it is not up to date and the relevant plan is that contained within the approved development brief, which designates the site for educational use.

The site itself is located centrally within the Pencoedtre Development, which primarily comprises of residential development. The site adjoins residential development and estate roads and therefore the proposed use would be compatible with the existing adjacent uses.

Ecology

An assessment was undertaken on behalf of the applicant, of the hedgerow which found it be species poor. However following an assessment of the report and survey of the hedgerow the Council's Ecology team disagree with this assessment and concluded that the hedgerow, including the eastern-most section running along the site boundary to meet the road, is species-rich and qualifies as Important under the Hedgerow Regulations (1997).

In this regard it was strongly recommended that the hedgerow, including the eastern-most section running along the site boundary to meet the road, be retained and integrated into the development scheme, with a commitment to future management, conditioned into any scheme which may be approved.

Following on going discussions with the agents and the submission of several amended schemes, the final amended scheme now seeks to retain the hedgerow with a buffer, except for a small section to be removed to allow the footpath access through the site.

Furthermore the three protected trees which are proposed to be crown lifted with other remedial works and the existing pollarded tree which was indicated to be removed, were all considered to be potential roost for bats. Therefore it was the advice of the Council's Ecologist that a bat survey of the three protected trees and pollard tree be conducted by a licensed bat surveyor prior to the granting of planning permission to ascertain presence or absence of bats/bat roosts. A survey has now been carried out which indicates that there is no evidence of bat activity.

Site Layout

The proposals seek to serve the site from two access points, primarily from the roundabout to the north, which serves two thirds of the site by way of a cul-de-sac spine road serving four parking areas. The layout, aspect and orientation of the dwelling is considered acceptable and typical of modern estate layouts.

The proposal relates to 50 dwellings, which has been reduced in number from the original scheme which proposed 61 units, which was considered to result in overdevelopment of the site resulting in insufficient provision of amenity space. The scheme was revised having regard to density and the need to retain the hedgerow and the final amended scheme submitted and is considered acceptable.

The units proposed are smaller in size to those found within the area, however the smaller 2 and 3 bedroom units will introduce a better mix of housing types into the Pencoedtre Development, which currently comprise of larger detached dwellings.

Scale, Design and Materials

The proposed dwellings are of a design which reflects those of the nearby larger dwellings, which were also constructed by the same developer and as such the design, materials and finishes of the proposed dwellings will reflect the wider character of the area and are considered acceptable.

Highway Considerations

Following various revisions to the highway layout including vision splays, highway geometry and parking areas, the final amended scheme is considered acceptable to the Highway Engineer. Furthermore the proposed scheme now includes a high degree of pedestrian permeability with the introduction of footpath links through the site which link to Suran-y-Gog and a dedicated footpath which links the site to the adjacent area of public open space.

Privacy and Amenity

With regards to impact on the privacy and amenity of the existing occupiers located adjacent to the site and future occupiers within new site, the site layout and orientation of the dwellings is such that the distance between habitable windows falls within the requirements as set out in Policy 3 of the Amenity Standards Supplementary Planning Guidance.

In relation to the provision of amenity space, the Amenity Standards Supplementary Planning Guidance requires a minimum of one square metre of amenity space per one square metre of gross floor area. Furthermore it also requires that 70% of the amenity space should be accommodated in the private rear gardens, which shall also be private and of a usable shape. Due to the site layout, the proposed rear gardens vary in size and shape, where some plots exceed the requirement of amenity space and some are deficient. However, it is considered that the overall provision of amenity space to serve the development, given the availability of readily accessible public amenity space to the east of the application site, is considered acceptable

Section 106 Considerations

As a result of the consultation responses and requirements set out within Supplementary Planning Guidance, the following matters should be considered to form part of a Section 106 Agreement.

Public Art

The adopted Public Art Supplementary Planning Guidance states that the Council will seek to negotiate a minimum of one percent of the cost of all capital developments for public art within major developers. The percentage for art fund will be set aside for works of art complementary or integrated within the development. The proposal falls within the definition of a major development and as such there is a requirement to secure a commuted sum for public art.

Public Open Space

With regard to the adoption of the small area of Open Space, this has been agreed in principle subject to a commuted sum of money to ensure maintenance of the land.

Education Contribution

The Education Department have stated that the development will increase pupil numbers and increase pressure at the school. In terms of Oakfield Primary School the Authority will require expansion/extension of existing school provision to accommodate those additional pupils generated. Therefore in terms of planning gain the Authority initially looked to potential planning gain of around £70,000 for educational need in terms of the proposed development. This has recently been amended following discussions between the education officers and the applicant to a sum of £50,000.

Community Use

The lack of community facilities within the wider Pencoedtre area was a concern to Members when the issue was discussed at Planning Committee in April, particularly given the potential loss of an education (community use based) site to further residential development. This is currently the subject of further discussion with the applicant.

Notwithstanding the above, it has been agreed by Planning Committee and Cabinet, that all Planning Agreements or any unilateral Agreements include a provision or clause for the payment of a fee to the sum of 20% of the value of the relevant planning application fee upon the completion of the Agreement and prior to the release of the relevant planning permission. In this case the a fee of £2880 would be required in addition to those matters set out above.

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 ENV11 – Protection of landscape features, ENV15 – Local sites of Nature Conservation Importance, ENV16 – Protected Species, ENV27 – Design of New Developments, HOUS2 – Additional Residential Development, HOUS8 – Residential Development Criteria – Policy HOUS2 Settlements, REC 11 -Informal Public Open Space and Country Parks and TRAN 10 – Parking, the proposed scheme is considered in respect of the principle of residential development, density, layout, siting, design, material and finishes, and is considered acceptable having regard to highway considerations and impact on the amenity of existing and future occupiers.

RECOMMENDATION

Subject to the applicant entering into a Section 106 Legal Agreement to secure the necessary contributions in relation to public art, education, community funds and a commuted sum for the adoption of the area of pubic open space, which S106 Legal Agreement is also to include the standard clause requiring the payment of a fee set at 20% of the value of the planning application fee.

APPROVE subject to the following conditions;

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

   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 12 December 2006 other than where amended by plans reference 06/01771/FUL, A - H received on 29 March 2007 and plans reference 103 Rev. D and 105 Rev. D received on 10 April 2007.

   Reason:

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

3. A scheme indicating the means of protection of the Tree Preservation Order trees and the hedgerow 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 any plant or equipment being brought onto site and no development shall be commenced on site until the approved protection scheme has been implemented and the scheme of tree and hedgerow protection shall be so retained on site for the duration of development works unless otherwise agreed in writing.

   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.

4. Notwithstanding the submitted plans, no works whatsoever shall commence on site until full engineering details of the road layout including sections, levels, details of street lighting and surface water drainage have been submitted to and approved in writing by the Local Planning Authority, and the development shall thereafter be carried out strictly in accordance with the agreed details.

Reason:

In the interests of highway safety.

5. Notwithstanding the submitted details, prior to the commencement of any works on site, a further grassland survey shall be conducted during the field season (May to August) to include production of a species list for the site and identification and mapping of any areas of remnant species-rich, semi-improved grassland detected, with target notes including listed species, and shall be submitted to the Local Planning Authority for approval in writing. If the survey reveals remnants of species-rich, semi-improved grassland, the submitted report shall include as scheme detailing the translocation of turf into the areas of public open space and soft landscaping elements of the scheme, and shall include a commitment for future management of these areas.

Reason :

To ensure that any areas of improved species-rich grassland are retained within or adjacent to the development to ensure compliance with Policy ENV15 of the Unitary Development Plan.

6. Full details of a scheme for the comprehensive and integrated drainage of the site showing how foul water, surface water and land drainage will be dealt with, 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.

Reason:

To ensure effective drainage facilities are provided and that no adverse impact occurs to the environment or the existing public sewerage system, and to ensure compliance with the terms of 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.

9. Notwithstanding the submitted plans, additional plans to a scale of not less than 1:200 of the proposed, footpath, driveways and parking areas which fall within the crown spread of the protected trees and/or adjacent to the retained hedgerow, within which a 'no dig' method of construction is to be used, including a cross section of method of construction and any proposed curb edging, shall be submitted to and approved in writing by the Local Planning Authority prior to the commencement of development and shall thereafter be carried out in full accordance with the agreed scheme and thereafter at all times.

Reason:

To ensure the protection of the protected trees and hedgerow within the site and to ensure compliance with Policies ENV11 and ENV27 of the Unitary Development Plan.

10. No development shall take place on site until such time as a scheme to deal with any potential contaminated land that may be indentified during the ground works phase of site construction has been submitted to and approved in writing by the Local Planning Authority and the developement shall carried out in accordance with the approved scheme.

Reason:

In the interests of public safety, and to ensure compliance with Policy ENV7 of the Unitary Development Plan.

11. The use of dwellings shall not be approved by this consent until samples of the ridge and roof tiles, bricks, render and hard landscsping have been submitted to 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 area are safeguarded and to ensure compliance with Policy ENV27 of the Unitary Development Plan.

12. Prior to the commencement of development details of the finished levels of the site and slab levels of dwellings in relation to existing ground levels and finished ground levels shall be submitted to and approved in writing by the Local Planning Authority and the development shall be carried out in full accordance with the approved details.

Reason:

To ensure that that the visual amenities of the area are safeguarded, and to ensure the development accords with Policy ENV27 of the Unitary Development Plan.

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

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.

14. Notwithstanding the provisions of the Town and Country Planning (General Permitted Development) Order 1995 (or any Order revoking and re-enacting that Order) no building, structure or enclosure required for a purpose incidental to the enjoyment of a dwelling-house shall be constructed, erected, or placed within the curtilage of the dwellings 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.

15. Notwithstanding the provisions of the Town and Country Planning (General Permitted Development) Order 1995, or any Order revoking or re-enacting that Order, no gates, fences, walls or other means of enclosure shall be erected, constructed or placed on the application site without the prior written consent of the Local Planning Authority.

Reason:

To safeguard local visual amenities, and to ensure compliance with the terms of 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.

2006/01810/FUL Received on 19 December 2006

Mr M Robinson 87 Daffodil Court, Cwmbran
Mike Otton Professional Building Services 13 Elm Close, Llanmartin, Newport, NP18 2HT

12, Paget Road, Barry Island

Conversion and extension to provide 4 No. flats & A3 cafe/restaurant on ground floor and basement

The development/property is situated within/adjoining the Barry (Marine) Conservation Area.

The application is for demolition within the Barry (Marine) Conservation Area.

The application was advertised on 6 February 2007.

SITE DESCRIPTION

The site comprises an existing detached four storey property (including a basement level), currently vacant, but last utilised as a ground floor shop unit with residential accommodation above.

DESCRIPTION OF DEVELOPMENT

The proposal entails the refurbishment, extension and change of use of the property to provide for a ground and basement area café/restaurant with 4 No. residential units, comprising 2 No. two bed/study flats, 1 No. one bed flat, and a two bed maisonette. The existing annexe on the rear elevation will be demolished and replaced with a four storey, pitched roof extension which will project out in total approximately 11m from the main rear elevation, with a width of approximately 6m. At basement level the floor area will comprise a stairwell and cycle store, approximately 5.9m x 4.5m with the upper three floors suspended over an open void. A two storey lean-to measuring 1.6m x 1.8m will be sited on the main rear elevation alongside the proposed extension, which will include an extraction flue within a chimney stack. The external finishes will be composite slate roof, with red smooth brick to north and side east elevations contrasting bands of painted render on the side west elevation. The design of the extension will include projecting glazed balconies on the rear elevation, with new window openings inserted in the existing main building. The front elevation will be restored with the original bay window rebuilt.

Vehicular access will be from the existing rear lane via a new double gated entrance and rendered boundary wall. Parking for four cars is indicated within the rear yard area.

The application is supported by a design and sustainability statement.

PLANNING HISTORY

06/00003/FUL - Extensions and alterations to ground floor shop and residential above. Refused 9 June 2006 on the grounds that the proposal represents an overscaled and poorly designed extension, the size, form, massing and detailing of which would appear as an inappropriate, intrusive and unneighbourly feature within the context of the Old Harbour and would neither preserve nor enhance the character and appearance of this part of the Barry (Marine) Conservation Area.

06/01114/FUL - Conversion and extension to provide café and 6 No. flats. Refused 28 September 2006 on grounds of overscaled and poorly designed extension adversely affecting Conservation Area and unneighbourly overdevelopment detracting form residential amenities and highway safety.

05/00164/FUL - Adjacent site No. 11 Paget Road. Refurbishment and extension of existing building to provide 11 No. residential units with ground floor commercial. Approved subject to conditions 1 September 2005.

93/00990/FUL - Conversion of ground floor shop and basement to two flats. Approved 25 February 1994 subject to conditions including a vehicle parking area and samples of materials.

CONSULTATIONS

Barry Town Council – Comments on initial scheme – The reduction in the scale of development is welcomed. A conversion/extension of this long term vacant semi-derelict property to provide a café and residential accommodation is considered to be acceptable in principle. No objections are therefore raised subject to: 1) external design and finish; 2) would not adversely impact on visual amenities of the Barry Marine Conservation Area; 3) privacy of neighbouring occupiers would be protected; 4) level of on-site car parking.

The Town Council were notified of further amendments on 16 April 2007 and have no objections subject to the Local Planning Authority being satisfied with the level and arrangement of on-site parking.

Environment Agency Wales's floodplain maps show the property in question is not within a fluvial floodplain and we have no record or awareness of any flooding having occurred to the property. The site lies entirely within Zone B, as defined by the development advice map (dam) referred to under TAN15 Development and Flood Risk (July 2004). In this instance we would have no adverse comment to the proposed development.

Dwr Cymru/Welsh Water request that their standard conditions and advisory notes be attached to any grant of consent.

Glamorgan Gwent Archaeological Trust have no objection.

The Director of Legal and Regulatory Services (Environment Health – Pollution Section) recommended refusal on the grounds that the development of A3 to the ground and basement and flats in the same building is not conducive with protecting residential amenity. However if the Planning Department is minded to grant the application they have requested consideration of a scheme of odour and noise control/attenuation; provision of all relevant information including layout, odour risk assessment, etc; noise impact assessment; and permitted hours.

The Head of Visible Services (Highway Engineer) comments following additional information that the proposed parking does not provide the required 6m manoeuvring area and the access is below the minimum width of 4.5m, therefore amendments required to overcome an objection.

Comments on amendments – "Only four parking spaces can be provided leaving less than one space per unit. Therefore in order to overcome a highway objection the number of residential units should be reduced to four."

Further comments on amended plans – 2Parking bay P3 is below the minimum 6m manoeuvring space. Therefore an amended plan is required showing bay P3 set back to provide the minimum 6m."

Vale of Glamorgan Conservation Area Advisory Group recommend approval.

REPRESENTATIONS

The occupiers of neighbouring properties were initially notified on 16 January 2007 and renotified on 22 February and 16 April 2007. A letter of objection has been submitted by the developer of the neighbouring site No. 11 Paget Road on the grounds of loss of light, privacy and scale and design not in keeping with recent constructions. This was before viewing the amended plans. The letter is available in full on file for Committee Members inspection.

REPORT

The proposal entails the conversion and extension of an existing shop with residential above to provide for a Class A3 café/restaurant on the ground and basement level with 4 No. self contained flats above. The site is located within the Barry (Marine) Conservation Area and outside of the residential settlement boundary as defined in the Vale of Glamorgan Adopted Unitary Development Plan 1996-2011 (UDP). In addition to the relevant policy background outlined below, the planning history of the site and neighbouring property is also material.

Policy Background

Given the location outside of the settlement boundary, Policies ENV7 – Development in the Countryside, HOUS3 – Dwellings in the Countryside and HOUS7 – Replacement and Extension of Dwellings in the Countryside of the Unitary Development Plan would normally apply. However, it will be noted from the planning history that the Council has already approved new residential units in the neighbouring property No. 11 Paget Road. It is considered that a more relevant Policy is ENV6 – East Vale Coast which states that in areas of existing, or allocated development within the coastal zone, any new proposal should be developed with respect to its local context and sensitive to its coastal setting.

The Policies most relevant to the proposed development include Policy ENV20 – Development in Conservation Area, and ENV27 – Design of New Developments. Policy ENV20 of the Unitary Development Plan permits new development within Conservation Areas where they preserve or enhance the character of the Conservation Area. The Policy states:

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

(i) THE SCALE, DESIGN, LAYOUT, CHARACTER, MATERIALS AND SETTING OF THOSE BUILDINGS WHICH ESTABLISH THE CHARACTER OF THE AREA;

(ii) THE PATTERNS OF USE WHICH ESTABLISH THE CHARACTER OF THE AREA;

(iii) IMPORTANT OPEN SPACE WITHIN AND ADJOINING CONSERVATION AREAS;

(iv) IMPORTANT TREES AND HEDGEROWS; AND

(v) PONDS AND STREAMS.

Policy ENV27 is also a criteria based Policy that requires that new development must have full regard to the context of the local natural and built environment and its special features.

The Policy states:

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

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

(ii) MEETS THE COUNCIL'S APPROVED STANDARDS OF AMENITY AND OPEN SPACE, ACCESS, CAR PARKING AND SERVICING;

(iii) ENSURES ADEQUACY OR AVAILABILITY OF UTILITY SERVICES AND ADEQUATE PROVISION FOR WASTE MANAGEMENT;

(iv) MINIMISES ANY DETRIMENTAL IMPACT ON ADJACENT AREAS;

(v) ENSURES EXISTING SOFT AND HARD LANDSCAPING FEATURES ARE PROTECTED AND COMPLEMENTED BY NEW PLANTING, SURFACE OR BOUNDARY FEATURES;

(vi) ENSURES CLEAR DISTINCTION BETWEEN PUBLIC AND PRIVATE SPACES;

(vii) PROVIDES A HIGH LEVEL OF ACCESSIBILITY, PARTICULARLY FOR PUBLIC TRANSPORT, CYCLISTS, PEDESTRIANS AND PEOPLE WITH IMPAIRED MOBILITY;

(viii) HAS REGARD TO ENERGY EFFICIENCY IN DESIGN, LAYOUT, MATERIALS AND TECHNOLOGY; AND

(ix) HAS REGARD TO MEASURES TO REDUCE THE RISK AND FEAR OF CRIME.

Policy TRAN10 relates to parking and requires the provision of parking facilities in accord with the approved parking guidelines. These should 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.

In addition the Council has Supplementary Planning Guidance (SPG) including the Barry Development Guidelines, Amenity Standards and the Barry Marine Conservation Area Appraisal. National Guidance is contained within Planning Policy Wales March 2002 and TAN12 – Design.

Issues

In assessing the proposal against the above policies and guidance it is considered that the principal issue is one of design and the impact of the proposal on the character and appearance of this part of the Barry (Marine) Conservation Area. It is noted that the proposed works will primarily affect the rear elevation of the building. Notwithstanding this the reason the Barry (Marine) Conservation Area was amended to include this area was due to the setting of the Old Harbour. The rear of the properties along Paget Road are highly visible from a number of vantage points, including the nearby public car park, the approach road to the Island, and as a backdrop to the harbour when seen from the area of the Knap. As such it is considered that the proposal will have significant impact on the character and setting of the Conservation Area. It should be noted from the planning history that the Council has refused two previous applications to extend the property both of which were rejected on grounds of the proposal being overscaled and poorly designed.

In contrast to the previous applications the current scheme envisages a smaller scale extension on the rear and provides for only four apartments. The current proposal will extend out only 11m compared with the last refusal of 15.2m, with the width also reduced to 6m so that it is set more than 3m off the boundary with No. 11 Paget Road and the proportions with the main building are improved. The design has also improved with more detailing to the side west elevation. Thus it is considered that the scale and massing of the proposed extension is acceptable both in relation to the main building but also the neighbouring new build and the wider setting of the conservation area. Accordingly the proposal to restore the front elevation to Paget Road and generally restore and reuse this dilapidated building is welcomed and would meet one of the objectives of the Barry Development Guidelines SPG which is to create a themed high quality environment at Barry Island that will contribute towards a positive image for the Greater Barry area. More detail is required however in respect of finishes.

As regards issues other than design it is noted that the Council's Highway Engineer is now satisfied with the amended scheme which has reduced the number of units to four and provides four parking spaces. This is subject to the slight repositioning of bay No. 3 to ensure optimum on-site manoeuvring space is achieved.

On the issue of neighbourliness it is noted that the Council's approved Supplementary Planning Guidance on Amenity Standards contains policies on the quantity and quality of amenity space but also on matters of privacy, visual amenity, and overshadowing. Policy 3 of the Supplementary Planning Guidance states:

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

Policy 5 of the Supplementary Planning Guidance states:

"The construction of residential development should not result in an unacceptable loss of daylight or sunlight to neighbouring properties."

It is noted that no amenity space can be provided to serve the proposed development. Whilst this is not ideal, it is considered acceptable in this instance due to the location of the site within the centre of the Barry Island resort, close to the beach and associated facilities. As regards the likely impact on the occupiers of the neighbouring development at No. 11 Paget Road, whilst there will be some overshadowing of that property this has been minimised from the previous applications by a reduction in the overall height and width of the extension. In addition there are no habitable room windows overlooking that property.

Finally in respect of the change of use of the retail unit for A3 to cafe/restaurant it is noted that the Council's Environmental Health Section have objected to the proposal on the grounds that A3 use with flats in the same building is not conducive with protecting residential amenity. Such an approach is considered contrary to good planning practice and the encouragement of mixed use developments. Clearly with the appropriate mitigation measures such uses can operate in proximity to one another.

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 ENV6 - East Vale Coast, ENV20 - Development in Conservation Areas, ENV27 - Design of New Development, and TRAN10 - Parking of the Vale of Glamorgan Adopted Unitary Development Plan 1996-2011, and Supplementary Planning Guidance on Amenity Standards, Barry Development Guidelines and Barry Marine Conservation Area Appraisal, it is considered that the proposal represents an acceptable form of development that would preserve and enhance the character and appearance of the Barry (Marine) Conservation Area, and would not have a detrimental on neighbouring or general amenities of the area.

RECOMMENDATION

APPROVE subject to the following condition(s):

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

   Reason:

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

2. This consent shall relate to the originally submitted plans including the existing plans, site plan and Proposed Elevations East and South, received 19 December 2006, and the amended plans, Drawing No. 06:130:5 - Proposed Plans Ground First & Second Floors, Drawing No. 06:130:6 - Proposed Plan Basement & Section AA, received 12 April 2007; and amended plan, Drawing No. 06:130:7 - Proposed Elevations West & North, received 15 February 2007.

   Reason:

   For the avoidance of doubt as to the approved plans.

3. Notwithstanding the submitted plans, before the commencement of development further details of the external finishes, including a schedule of the repairs to the original front elevation to Paget Road, 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 visual amenity and the character of the Barry (Marine) Conservation Area in accord with Policies ENV20 - Development in Conservation Areas and ENV27 - Design of New Development of the Unitary Development Plan.

4. Notwithstanding the submitted plans further details of the proposed car parking layout, which shall show the re-siting of bay No. 3 to provide for a 6m manoeuvring space, shall be submitted to and agreed in writing with the Local Planning Authority. The approved parking area shall be laid out before the first beneficial occupation of any one of the residential units hereby permitted and shall thereafter be retained and maintained within the site for the exclusive use of the residential accommodation hereby permitted.

   Reason:

   To ensure adequate on-site car parking in the interests of highway safety in accord with Policy TRAN10 - Parking of the Vale of Glamorgan Unitary Development Plan.

5. The ground floor and basement shall be used only for the purpose of a cafe/restaurant use and for no other purpose whatsoever, including any other purpose in Class A3 of the schedule of the Town and Country Planning (Use Classes) Order 1987, or in any provision equivalent to that Class in any statutory instrument 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 Policy ENV27 of the Unitary Development Plan.

6. The cafe/restaurant use hereby permitted shall not be open to customers outside the following times 8.00 to 23.00 Monday to Saturday and 10.00 to 22.00 on Sundays.

   Reason:

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

7. Notwithstanding the submitted plans further details of the mechanical extraction of odours from the preparation of cooking and serving of food, which shall provide for an efficient odour filtration and absorption device, with appropriate noise attenuation, shall be submitted to and agreed in writing with the Local Planning Authority and implemented before the first beneficial use of the cafe/restaurant hereby permitted.

   Reason:

   To safeguard the residential amenities of neighbouring occupiers in accord with Policy ENV27 - Design of New Development of the Unitary Development Plan.

8. The proposed means of enclosure as indicated on Drawing No. 06:130:6 amended plans received 12 April 2007, shall be fully implemented before the first beneficial occupation of any one of the residential units hereby permitted, unless any variation is agreed with the Local Planning Authority.

Reason:

In the interests of visual amenity and the character of the Barry (Marine) Conservation Area in accord with Policies ENV20 - Development in Conservation Areas and ENV27 - Design of New Development of the Unitary Development Plan.

NOTE:

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

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

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

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

2006/01822/FUL Received on 20 December 2006

Newydd Housing Association , 5, Village Way, Tongwynlais, Cardiff., CF15 7NE
Boyer Planning Limited, 1b Oak Tree Court, Mulberry Drive, Cardiff Gate Business Park, Cardiff., CF23 8RS

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

Erection of 7 affordable self contained apartments

SITE DESCRIPTION

The site relates to a vacant site situated in a mixed commercial and residential street. The site occupies a corner location.

DESCRIPTION OF DEVELOPMENT

To erect 7 No. flats in a three storey development facing Vere Street reducing to two storey to the rear of the site fronting onto Harvey Street. The development will have a part pitched roof and part flat roof design. The materials of construction will include buff and red brick banding to the Vere Street elevation, changing to glazed curtain walling to the staircase as the development turns the corner from Vere Street to Harvey Street and a rendered, more contemporary detail to the Harvey Street elevation.

The ridge height of that part of the property adjacent to No. 13 Vere Street will be approximately 0.3m lower than that property and having a height of 12.2m, reducing to 10m at the corner and further reducing to approximately 6.2m to the Harvey Street elevation and at the rear of the development. A Parking Survey, Design, Sustainability and Planning Statement have been submitted.

PLANNING HISTORY

Planning consent was most recently refused in 2002 reference 02/00372/OUT for the erection of 9 No. flats for reasons that the development represented over–development of the site with inadequate amenity and car parking spaces.

1991/010981/FUL - Granted consent for a short stay hostel and shop.

CONSULTATIONS

Barry Town Council's comments are attached as Appendix D.

Glamorgan Gwent Archaeological Trust advise that the previous development on the site is likely to have destroyed any unrecorded archaeological features and therefore they have no objections.

Dwr Cymru/Welsh Water. See Appendix A.

The Director of Legal and Regulatory Services (Environmental Health Officer) has no comment.

The Head of Visible Services (Highway Development) comments:

"Further to the site visit undertaken in relation to the above, I would comment as follows:

Normally, based on the location of the development site in relation to public transport facilities, the Highway Authority would require a minimum of one parking space per apartment to be provided for the use of residents. However, due to the nature of the development proposals, (affordable residential accommodation) the Highway Authority will accept a relaxation in the proposed parking provision.

Therefore, provided that the following details are made conditional to the planning consent, the Highway Authority has no objection to the development proposals.

(1) The proposed parking facilities shall be laid out in accordance with the Council's Parking Guidelines before beneficial occupation of the development and thereafter maintained and retained at all times for the use associated with the development.

(2) The proposed vehicular crossover shall be constructed in accordance with the Vale of Glamorgan Council's standard details for adoption. The applicant is required to contact Mr. Peter Coughlan of the Highways Traffic Section before carrying out any works at the development site to agree location, specifications and for permission to work within the highway. All associated costs of undertaking the works will be at the applicant's own expense."

Environment Agency were consulted on 19 January 2007 and have no objections.

Councillor N. Moore's comments are attached as Appendix B.

REPRESENTATIONS

Neighbours were notified on 19 January 2007 and a site notice posted 30 January 2007. Comments received prior to the Planning Committee meeting of 7 March 2007 are attached as Appendix C.

REPORT

Planning Policies

The site falls within the defined residential settlement boundary for Barry as defined in the Vale of Glamorgan Adopted Unitary Development Plan 1996–2011. Policies of relevance to consideration of the scheme are:

HOUS2 – Additional Residential Development.

HOUS8 – Residential Development Criteria.

ENV27 – Design of New Developments.

TRAN10 – Parking.

The site falls within a mixed commercial and residential area and has remained a vacant/open site for a significant length of time. As a result of its vacant nature, the site has been the subject of fly tipping. The redevelopment of the site for residential purposes is not objected to in principle and would be in accordance with Policy HOUS2 of the Unitary Development Plan subject to an assessment of the details of the scheme.

The development proposes 7 No. units built by Newydd Housing Association. The construction of 'affordable housing' is welcomed however, an assessment of the scale of the development, its design and the provision of amenity space and car parking in line with the Local Planning Authority's Supplementary Planning Guidance Amenity Standards and the Car Parking Guidelines is required.

The development incorporates both traditional and more contemporary detailing and design. This results in a scheme which 'ties–in' well with its nearest neighbour on Vere Street but which also creates interest in the street scene. The scale of the development respects that of the main street elevation and contemporary design is not inappropriate.

The number of units being 7 No. enables a greater area of useable amenity space to be provided to the rear of the site than the previous residential scheme. This area extends to approximately 169 sq. mtrs. comprising a "garden" and clothes drying area. It is considered that whilst substandard in relation to the Local Planning Authority's Supplementary Planning Guidance Amenity Standards site, the area that can be provided is private and useable and the redevelopment of the derelict site for affordable housing is acceptable and welcomed.

In respect of parking, a car parking survey was submitted with the application and 3 No. car parking spaces are indicated. 5 No. stores for 10 No. bicycles are also shown. The parking survey has been assessed and the proximity to good public transport links are noted. The Highway Development Section have not objected to the scheme.

The development will result in a rear projection set approximately 8.8m off the rear boundary and between 4m and 5.6m from the side boundary with No. 13 Vere Street but these windows include frosted windows and a commercial business at ground floor level. A single window in the boundary elevation of the nearest property in Harvey Street is off–set from the windows facing it in the proposed scheme. Established properties the other side of Harvey Street also have windows facing towards the site at less than 21m distance.

The development is however, considered to be an acceptable scheme, given the character of the development established in the area subject to the provision of the amenity space, the car parking and storage and submission of brick samples.

Whilst the development is proposed by a Housing Association, a specific condition requiring the scheme to be affordable is nevertheless proposed.

The application was deferred from the Planning Committee meeting of 28 March 2007 to enable the applicants to consider a reduction in the number of units on the site. In response to the Committee's request the matter has been considered by the Applicants and their Agents. A letter has been received from Newydd Housing Association and whilst the scheme has not been amended the association have considered their lettings policy stating:

"The Association has given further consideration to the scheme with respect to our approach in letting the developed dwellings. My colleagues are currently drawing up a specific local lettings policy in consultation with the Cadoxton community to ensure that we can offer flexibility when it comes to eventually allocating these flats to applicants. The Association is therefore willing to ensure that it deals with the letting of this project in a more tailored way. We propose to offer, where necessary, particular restrictions as appropriate, and where there is evidence to suggest that we can do this, all in accordance with the subsequent lettings policy on which we are currently consulting the community. We would expect any such approach to be subject to periodic review".

Whilst this approach cannot be conditioned it is nevertheless brought to the attention of Committee.

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 HOUS2 – Additional Residential Development, HOUS8 – Residential Development Criteria, ENV27 – Design of New Developments and TRAN10 – Parking, the scale, form and design of the residential development on this vacant site is considered to be acceptable and will enhance the visual amenities of the street scheme and will not significantly affect the privacy or amenities of adjoining neighbours nor the demand for on–street parking in the area.

RECOMMENDATION

APPROVE subject to the following condition(s):

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

   Reason:

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

2. The proposed on-site car parking and bicycle storage areas as indicated on Drawings Ref: D/AL/00/002 and D/AL/01/001 shall be provided on site in accordance with the approved details prior to the first beneficial use of the development herby approved and shall thereafter be so provided at all times to serve the development hereby approved.

   Reason:

   To ensure the provision on site of parking and bicycle storage to serve the development and to meet the requirements of Policies ENV27 and TRAN10 of the Vale of Glamorgan Adopted Unitary Development Plan 1996-2011.

3. The site shall be enclosed in accordance with details, which shall have been submitted to and approved in writing by the Local Planning Authority prior to the development hereby approved being brought into beneficial use and the means of enclosure shall thereafter be so retained on site unless the Local Planning Authority gives written consent to any variation.

   Reason:

   To safeguard the visual amenities of the area and to meet the requirements of Policies ENV27 and HOUS8 of the Vale of Glamorgan Adopted Unitary Development Plan 1996-2011.

4. Samples of the proposed brick types to be used in the external finish of the development shall be submitted to and approved in writing by the Local Planning Authority prior to their use on site and the development shall thereafter be carried out in accordance with the approved details.

   Reason:

   To safeguard the visual amenities of the area and to meet the requirements of Policy ENV27 of the Vale of Glamorgan Adopted Unitary Development Plan 1996-2011.

5. The amenity area indicated on Drawing ref: D/AL/00/002 shall be laid out in accordance with details, which shall have been submitted to and approved in writing by the Local Planning Authority, prior to the development hereby approved being brought into beneficial use and shall thereafter be so maintained and made available for use by residents on the site at all times.

   Reason:

   To ensure that amenity space is provided for the occupiers of the development hereby approved and to meet the requirements of Policies ENV27 and HOUS8 of the Vale of Glamorgan Adopted Unitary Development Plan 1996-2011.

6. This consent shall only allow for the provision of affordable housing units as detailed in the supporting documents accompanying the planning application and as detailed on the approved drawings.

Reason:

To ensure the provision of affordable housing units within the scheme in accordance with Policy HOUS13 of the Vale of Glamorgan Unitary Development Plan.

NOTE:

1. **This consent does not convey any authorisation that may be required to gain access onto land not within your ownership or control.**

2. **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.**

3. **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.**

4. **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.

2007/00103/FUL Received on 25 January 2007

Mr & Mrs A. K. Hamilton 27, Heol Peartree, Rhoose Point, Rhoose, Vale of Glamorgan, CF62 3LB
Mr & Mrs A. K. Hamilton 27, Heol Peartree, Rhoose Point, Rhoose, Vale of Glamorgan, CF62 3LB

27, Heol Peartree, Rhoose Point

Minor works consisting of: extending the existing low retaining side boundary wall around the front lawn and adding railing; new matching boundary wall and railings to opposite side of property to end level with house: Driveway gates level with house

SITE DESCRIPTION

The application site comprises a relatively new property within a cul-de-sac location. The dwelling is large detached in nature with external appearance comprising red brickwork and Tudor wood cladding front façade finish, Upvc windows and doors, and a double garage and driveway, which can accommodate up to six vehicles at any one time. The property is currently of an open plan character with no enclosures surrounding the dwelling.

DESCRIPTION OF DEVELOPMENT

The application has been submitted to erect a 2 metre (maximum) high fence with a red brickwork dwarf wall to the side elevation of the property where adjacent to Nos. 28 and 26. The proposal also seeks to enclose the front garden of the property (at a lower in height with different ground floor levels), as well as incorporating double gates to provide a gateway access to the driveway area, which will be aligned to the front external wall of the dwelling house. Only the fencing immediately adjacent to the neighbouring dwellings is proposed to have privacy panel in–fills.

PLANNING HISTORY

06/00115/FUL – New Front Boundary Wall and Gates. Refused 9 October 2006.

CONSULTATIONS

The Head of Visible Services (Highway Department) was consulted on the 5 February 2007 and has no objections (see Appendix A).

REPRESENTATIONS

Nos. 26 and 28 Heol Peartree were consulted on the 5 February 2007 and the 26 February 2007. To date, 3 letters of objection have been received (see Appendices B, C and D).

In addition a copy letter sent to Members of the Planning Committee and the Leader of the Council has been received on 4 May 2007. This letter is reproduced at Appendix E.

REPORT

Members will recall that this application was deferred at the 25 April 2007 meeting of Planning Committee to allow Members to visit the application site.

Planning Policies

ENV27 – DESIGN OF NEW DEVELOPMENTS.

Issues

The application has been submitted to enclose the front and side of the property with a dwarf wall and black iron railings. Two sections of the railings are to include privacy in–fill panels to ensure privacy between Nos. 27 and 28 and fully in–filled railings, where the enclosure lies between Nos. 27 and 26.

The properties in this area of Rhoose Point, have had their 'permitted development' rights removed for enclosures. This ensures that any alterations, which may be regarded as 'permitted' development in other cases, would require planning consent prior to any works being carried out. This condition was attached in order to prevent undesirable developments from taking place, which could harm the surrounding visual amenities of the area.

The current application shows that the proposed new gates (and pillars) have been set back into the driveway and align with the external wall of the main dwelling house, thus ensuring the proposal is acceptable within its setting, and preventing a sense of separation between the dwelling and the driveway.

The proposed enclosure separating the driveway of the application site (proposed elevation 'A', as indicated on the plans), adjacent to No. 26, will comprise a brick wall up to 1.2 metres high and railings of 0.8 metres high, and not exceeding 2 metres in height, (which could be regarded 'permitted' in other cases). In order to ensure privacy between these dwellings, the railings located above the brick wall to this elevation, are proposed to comprise in–fill panels. This proposed enclosure will be attached to the existing 2 metre high shiplap fence, which encloses the existing rear garden area and follows through to the side elevation to adjoin a brick pillar, (adjacent the side wall of the extension catering for No. 26). This pillar will cater for the proposed gated driveway access way at No. 27. The gate will not comprise in–fill privacy panels and as it has been set back. In addition, the plans indicate that the gates will open inward and this will not reduce visibility when reversing out from the driveway.

The applicants have provided justification for the proposed fence (elevation A on the plan) indicating that it will obscure partially the extension which has been developed on the neighbouring dwelling, (No. 26), and will provide some additional privacy as the neighbouring dwelling has installed a window to the side elevation of the new extension, and a balcony above this extension to the front of the property. (This extension was permitted development).

An enclosure has also been proposed adjacent No. 28 (proposed elevation 'B' as indicated on the plans). The enclosure to this elevation will not exceed 1.8 metres in height. There is already an existing retaining red brick wall on-site, which acts as a dividing boundary for the two dwellings, thus the new development, will merely comprise an additional 0.8 – 1metre of railings above the retaining wall. Privacy in–fill panels will only be installed to the first 5 metres of the railings (from the point where it adjoins the fence, which also encloses the rear garden). Thus as the enclosure extends forward it will reduce in height due to uneven ground levels and given that the walls will be erected on the existing ground levels. The height of the enclosure will reduce further to about 1 metre in total, as it reaches its forward most point between the application property and No. 28. Therefore, the neighbouring dwelling will not suffer any loss of amenity.

With regards to the proposed enclosure to the front garden area, (proposed elevation 'C' as indicated on the plans), this wall and railings will not exceed 2 metres in height. However, as the wall will be erected on the existing ground floor levels, only approximately 1 metre of the railings will be seen, as the remaining wall/fence, will be obscured by the hedging and other vegetation which currently encloses the front garden area. As the front garden area will be levelled out, in order to be able to use this space and appreciate the quality of the view, the fence will also act as a safety enclosure, as the garden will be approximately 0.9 metres above the shared drive. In essence therefore the majority of the wall will be 'retaining in nature'.

As a result, the visual amenities of Nos. 26 or 28, have not been detrimentally affected. Also as the proposal will retain character of the surrounding area, due to similar proposals already existing, there are no concerns arising in terms of the visual amenities surrounding the site.

With regards to the neighbouring amenity, the development is considered to be acceptable as it is not overbearing and it is considered acceptable in terms of design and scale. In conclusion, the submitted objections do not warrant a refusal for the above application, as it does not lead to demonstrable harm of the neighbouring properties and the visual amenity of the surrounding area.

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 Policy ENV27 – Design of New Developments, it is considered that the proposal is acceptable. The extension causes no harm to the privacy or amenities of any adjoining neighbours and has no detrimental impact upon the scale of the existing property or the visual amenities of the surrounding street scene. Therefore, the proposal complies with Policy ENV27 and the Council's Supplementary Planning Guidance Amenity Standards.

RECOMMENDATION

APPROVE subject to the following condition(s):

1. Notwithstanding the submitted plans the proposed materials used for the enclosure shall match those existing and shall remain thereafter at all times.

   Reason:

   To ensure the visual appearance of the surrounding area is upheld.

2. 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.

3. Notwithstanding the submitted plans the pillar shown marked in green on the approved plans shall be erected no higher than the adjoining railings (1.5 metres).

   Reason:

   In order to ensure the design matches that shown on the approved scheme and to ensure compliance with Policy ENV27 of the Vale of Glamorgan Adopted Unitary Development Plan.

4. The gates to be fitted to the front of the parking area, shall be inward opening only.

   Reason:

   In order to ensure that no obstruction is caused to users of the private driveway and in order to ensure compliance with Policy ENV27 of the Vale of Glamorgan Adopted Unitary Development Plan.

5. Prior to their use in the development hereby approved, details shall be submitted of the proposed infill privacy panels, for approval in writing by the Local Planning Authority and the privacy panels shall thereafter only be erected in accordance with the approval details.

   Reason:

In order to ensure a satisfactory standard of design and to ensure compliance with Policy ENV27 of the Vale of Glamorgan Adopted Unitary Development Plan.

6. A landscaping scheme shall be submitted to and approved in writing by the Local Planning Authority for the land to the front of the new enclosure, which shall include indications of all existing plants 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:

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.

2007/00170/FUL Received on 6 February 2007

RWE npower plc., Aberthaw Power Station, The Leys, Aberthaw, Vale of Glamorgan, CF62 4ZW
M. R. Bailey (Consents Manager), RWE npower plc, Windmill Hill Business Park, Swindon, Wiltshire, SN5 6PB

Aberthaw Power Station, The Leys, Aberthaw

Variation of condition 11 of the deemed planning consent granted 16/06/2004 to allow a variation in construction times of operation for 24 hour working

SITE DESCRIPTION

The application relates to Aberthaw Power Station, where works are currently being carried out to install plant for flue gas desulphurisation (FGD).

DESCRIPTION OF DEVELOPMENT

The application seeks an amendment to Condition No. 11 of the deemed planning permission for the FGD works granted by the Department of Trade & Industry on 16 June 2004, to permit FGD construction works to take place on a 24 hour, 7 day week basis.

PLANNING HISTORY

There is an extensive planning history on Aberthaw Power Station but most relevant to this application are:

03/01132/OBS - Consultation by the Department of Trade & Industry (DTI) on an application under the Electricity Act 1989 for the construction of FGD plant using the seawater process. Deemed planning permission was granted by the DTI on 16 June 2004. Responsibility for the approval of the various schemes required by that permission and for dealing with applications to amend conditions etc. falls to this Council.

05/01349/FUL - Amendment to Condition No. 11 of the DTI deemed permission to permit the commencement of FGD construction work on the majority of the site at 7.00 a.m. instead of 8.00 a.m. on Mondays to Saturdays. Approved 20h October 2005.

CONSULTATIONS

St. Athan Community Council support the application.

Environment Agency Wales has no objection.

The Director of Legal and Regulatory Services (Environmental Health) note that the noise predictions supplied by the applicants are favourable and imply compliance with the current night time noise limits on the basis of the types of plant and operations proposed to be carried out. However, they note that any changes in plant or operations that may cause the specified noise levels to be exceeded must be subject to the prior approval of the Local Planning Authority. They advise that noisy activities that are not required to be carried out at night should be avoided during the night period, and that in all cases Best Practicable Means/Best Available Techniques to control noise must be employed. Compliance monitoring must be required, with a night time noise survey to be carried out within the first week following the commencement of night time working. Their memo is attached as Appendix A.

REPRESENTATIONS

Occupiers of 21 of the closest dwellings in West Aberthaw and Gileston were notified of the application on 13 February 2007 and the application was also advertised by four site notices at two locations in East Aberthaw, Gileston and at the entrance to the power station on the same date.

Four letters of objection and one in support of the proposal have been received from local residents. The only ground for objection, shared by all the objectors, is concern over potential disturbance from noise during night time operations. A typical letter is attached as Appendix B, with the remainder being retained on file for Members' inspection on request.

The letter in support, from one of the closest residents, comments that to date noise levels have been at 'sociable' levels and whilst 24 hour working could cause disturbance he is keen to see the project completed as soon as possible. His letter is attached as Appendix C.

In addition, Barry/Vale Friends of the Earth note that the existing condition was imposed 'to protect the community and nearby residents in particular, and cannot be set aside just for the convenience of the company'. FoE consider that the use of low sulphur coal would be an alternative method of meeting the deadline for compliance with emissons levels, and that the community should be offered compensation for loss of amenity and disturbance and loss of sleep. FoE also requested that the application should be deferred pending the submission of noise monitoring data. This has since been received, and FoE have made no further comment. Their letter is attached as Appendix D.

Councillor John W Thomas comments received on 16 May 2007 are as follows:

"Following the residents meeting at Aberthaw and a further meeting between representatives of the community and RWE project team in which a way forward was agreed I became aware of concerns from Cllr Jeff James regarding residents of East Aberthaw.

I have since had a list of objectors from planning and have spoken with all of these who are now happy for the application to be granted subject to the agreement made which is attached to this email.

The only other concern expressed has been the use of reverse warning Klaxons on the contractors vehicles, Mr Mike Bailey of RWE assures me that the use of contractors lorries will still be restricted to 8am-6pm, provided this is the case or it can be written in to the consent then I believe that all concerns have been addressed.

Due to the fact that this seems to be the first time that there has been a constructive dialogue between local residents and RWE then I feel that it would be beneficial for this consent to be granted ASAP under the officers delegated powers and therefore I withdraw my request for the application to go before committee, I appreciate that committee is only a week away but feel that the positive work which has taken place my be jeopardised if we don't appear to be keeping our side of the agreement.

I hope that Jeff's concerns have been addressed as both Ron Lloyd and the objector from East Aberthaw Mr Keith Neighbour have agreed to the application with the attached agreement."

A further letter has also been received from RWE Npower advising of the urgent need for the changes to the condition, this letter is attached at Appendix E.

REPORT

The deemed planning permission granted by the DTI is subject to 29 conditions.

Condition No. 11, as amended by 05/01349/FUL, restricts working on most of the FGD plant construction site to 7.00 a.m. to 6.00 p.m. on Mondays to Fridays and 7.00 a.m. to 1.00 p.m. on Saturdays, with working outside those hours or on Sundays or Bank Holidays being restricted to activities that are without impact or tonal content and do not exceed ambient background levels. An area close to the nearest dwelling ('Limpert', Gileston), remains restricted to an 8.00 a.m. start time.

Condition No. 18 requires the approval of a construction noise monitoring scheme, including maximum permitted noise levels at each of a number of noise-sensitive locations, including 'Limpert'. The scheme, approved in October 2005, requires (amongst other things) noise levels arising from the construction works outside to be below the following levels (dB Laeq):

	0800-1800	1800-0800
Limpert, Gileston:	63	53
Gileston Cottage, Gileston:	57	43
Morgan Dell, West Aberthaw:	52	40
East Aberthaw:	55	32

Noise surveys are required to be carried out at several stages of the construction programme and the results have been submitted in support of the application. The five surveys carried out to date show compliance with the 0800-1800 limits at all the monitoring locations.

Whilst construction of the plant is well advanced, RWE Npower have now requested a further amendment to the condition to allow work to continue on a 24/7 basis until the project is completed (intended for 2008). In support of the proposal, they advise that, amongst other measures:

- Much of the work will be carried out underground.
- Much of the work will be carried out in areas well-screened by the existing power station buildings.
- Overnight work using heavy plant will be kept to a minimum but will have to be carried out at times.
- Regular noise monitoring will be carried out to ensure compliance with approved levels.

Planning Policies

No Unitary Development Plan policies relate specifically to the power station but Policy ENV27 (Design of New Developments) requires new developments to have full regard to the context of the natural and built environment and to minimise any detrimental impact on adjacent areas. Also, Policy ENV29 (Protection of Environmental Quality) states that

'Development will not be permitted if it would be likely to have an unacceptable effect on either people's health and safety or the environment:

(i) By releasing pollutants into water, soil or air, either on or off site; or

(ii) From smoke, fumes, gases, dust, smell, noise, vibration, light or other polluting emissions'.

Issues

FGD construction has now advanced to a stage where the new works have to be tied in with the existing power station operational systems. Much of the tie-in work has to be co-ordinated with planned 'outages' for maintenance and overhaul of the power station, and in order to meet this programme periods of 24 hour, seven day working will be required. The major issue to be considered is whether such operations will cause unreasonable noise disturbance to local residents.

In support of the application, RWE Npower have submitted a consultant's report on acoustic modelling of the predicted impact of specified items of plant and operations that are intended to be used in the overnight period. That report, which is retained on file for Members' inspection on request, indicates that the existing permitted 1800-0800 noise levels would not be exceeded at any of the specified monitoring stations. The Council's Pollution Control officers (Appendix A) agree with that conclusion, with the proviso that any changes to the assessed list of plant and operations must be subject to prior approval and subject to strict compliance monitoring.

Whilst the concerns of local residents are appreciated, it must be noted that this application relates only to the works required for the completion of the FGD plant and does not refer to any other operations at the power station, including operations on the ash mound. Whist several individual dwellings and parts of Gileston and West Aberthaw would be very susceptible to increases in noise levels, the larger area of population at East Aberthaw will be well screened from the area of works by the intervening very large power station buildings and the ash mound.

The FGD plant forms a vital part of the development of the power station, which will deliver large reductions in pollutants whilst extending the otherwise limited life of the station. From the available information I am satisfied that the operations specified in the applicants' noise assessment can be carried out within the existing permitted noise limits, and the proposal therefore accords with the objectives of Policies ENV27 and ENV29 of the adopted Unitary Development Plan. However, as advised by the Pollution Control officers, any changes to the proposed list of plant and operations should require specific assessment and prior approval, and it is essential that an enhanced monitoring programme is put in place.

In drawing up amended conditions, account has been taken of the two previous amendments to the deemed planning permission and of various schemes that have already been approved in discharge of conditions.

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.

The Development Plan comprises the Vale of Glamorgan Adopted Unitary Development Plan 1996-2011. Having regard to Policies ENV27 (Design of New Developments) and ENV 29 (Protection of Environmental Quality) of the Unitary Development Plan and all other material considerations, it is concluded that the proposed operations will meet the objectives and criteria of those Policies in respect of noise nuisance and the character of the area, subject to monitoring conditions as discussed above.

RECOMMENDATION

APPROVE subject to the following condition(s):

Definitions

1. In these Conditions unless the context otherwise requires:

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

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

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

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

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

"the Company" means RWE Innogy plc and its assigns and successors; "the Council" means the Vale of Glamorgan Council and its successors;

"creative conservation" means the establishment of areas which are capable of sustaining indigenous species of flora and fauna;
"the development" means the retrofitting of flue gas desulphurisation plant at the Aberthaw coal-fired generating station in the Vale of Glamorgan;

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

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

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

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

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

"Permitted Preliminary Works" means;

(i) landscaping and creative conservation, providing these do not require the delivery or removal of bulk filling materials to or from the site;

(ii) installation and diversion of utility services within the site;

(iii) surveys and geotechnical surveys;

(iv) relocation of existing auxiliary plant and facilities on the site;

(v) provision of wheel cleansing facilities required pursuant to Condition (4); and

(vi) provision for temporary contractors' facilities necessary for (i) to (v) above within the site;

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

Reason:

For the avoidance of doubt.

The Site

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

Reason:

To ensure that no construction takes place beyond the boundary of the area which is the subject of this planning permission and to ensure compliance with Policy ENV27 of the Unitary Development Plan.

Suppression of Dust and Dirt

3. The scheme of wheel washing facilities for heavy commercial vehicles and any other vehicle which have an operating weight exceeding three tonnes approved by the Local Planning Authority on 21 April 2005, shall be maintained in operation throughout the period of construction of the development unless any variation has been approved by the Local Planning Authority.

Reason:

To ensure that satisfactory measures are in force so as to alleviate any impact dust and dirt may have on the local environment.

4. All heavy commercial vehicles and any other vehicle which has an operating weight exceeding three tonnes associated with the construction of the development leaving the site, other than those vehicles exclusively using tarmacadam or concrete roads, shall on each occasion, prior to leaving pass through the wheel cleansing facilities provided pursuant to Condition No. 3.

   Reason:

   To ensure that satisfactory measures are in force so as to alleviate any impact dust and dirt may have on the local environment.

5. The measures approved in the scheme of dust suppression approved on 10 October 2005 shall be employed throughout the period of construction unless any variation has been approved in writing by the Council.

Reason:

To ensure satisfactory measures are in force to alleviate any impact dust and dirt may have on the local environment and to ensure compliance with Policy ENV27 of the Unitary Development Plan.

6. All open bodied heavy commercial vehicles carrying dry loose aggregate, cement or soil into and out of the site shall be sheeted.

Reason:

To ensure satisfactory measures are in force to alleviate any impact dust and dirt may have on the local environment and to ensure compliance with Policy ENV27 of the Unitary Development Plan.

Layout and Design

7. The development shall proceed only in accordance with the scheme of design external appearance, materials and colours of buildings, of roads, parking and loading facilities, of fencing and of phasing set out in the applicant's letter ref: AFG/A24/00512/MRB dated 12 December 2005 and approved on 31 January 2006 unless otherwise agreed in writing by the Local Planning Authority.

Reason:

To enable the Council to exercise reasonable and proper control over the design and appearance of the Development and to ensure compliance with Policy ENV27.

8. Prior to the flue gas desulphurisation scheme approved under the deemed planning permission granted by the Department of Trade and Industry on 10 June 2004 being brought into beneficial use, details of any artificial lighting required during the operation of the flue gas desulphurisation plant shall be submitted in writing to and approved in writing by the Local Planning Authority.

Reason:

In the interests of local amenity and to ensure compliance with Policy ENV27.

Construction

9. All activities associated with the construction of the development shall be carried out in accordance with British Standards 5228, Parts 1 and 2 : 1997 and Part 4 1992; Noise and Vibration Control on Construction and Open Site.

Reason:

To ensure reasonable and proper control to be exercised over the methods of construction of the development and to ensure compliance with Policy ENV27 of the Unitary Development Plan.

10. (a) Except within the area hatched red on plan ref. UKP/ATB/0993/C received on 25 August 2005, no construction work associated with the development shall take place on the site at any time on any Sunday or Bank Holiday nor on any other day except between the following times:

Monday to Friday 0800 – 1800
Saturday 0800 – 1300

Unless such work

(i) Is restricted solely to the operations and items of plant listed in the report 'Acoustic Modelling of the Noise Climate associated with Construction works at Aberthaw Power Station FGD' reference SD1/AMEC/0703039R01 received on 27 March2007.

(ii) Involves other operations and other items of plant of which details and an assessment of their acoustic impact have first been submitted in writing to and approved in writing by the Local Planning Authority.

(iii) Is associated with an emergency; or

(iv) Such work is without impact or tonal content and do not cause existing ambient background levels to be exceeded.

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

Monday to Friday 0700 – 1800
Saturday 0700 – 1300

Unless such work

(i) Is restricted solely to the operations and items of plant listed in the report 'Acoustic Modelling of the Noise Climate associated with Construction works at Aberthaw Power Station FGD' reference SD1/AMEC/07030389R01 received on 27 March 2007,

(ii) Involves other operations and other items of plant of which details and an assessment of their acoustic impact have first been submitted in writing to and approved in writing by the Local Planning Authority.

(iii) Is associated with an emergency; or

(iv) Such work is without impact or tonal content and do not cause existing ambient background levels to be exceeded.

Reason:

In the interests of residential and general amenity and to comply with Policy ENV27 of the Unitary Development Plan.

11. No impact piling shall take place until a scheme for the monitoring and mitigation of the pile driving noise has been submitted to and approved in writing by the Council, and deposited with the Council.

Reason:

To ensure reasonable and proper control to be exercised over the methods of construction of the Development and to comply with Policy ENV27 of the Unitary Development Plan.

12. In any instance where a time limitation referred to in Condition No. 10 is exceeded because of an emergency the Company shall as soon as possible notify the Council and follow up the notification with a written statement detailing the nature of the emergency and the reason why the time limitation could not be observed. The Company shall also notify the residents of 'Limpert', Gileston.

Reason:

To ensure reasonable and proper control to be exercised over the methods of construction of the Development and to comply with Policy ENV27 of the Unitary Development Plan.

<u>Construction Traffic</u>

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

Monday to Friday 0800 - 1800
Saturday 0800-1300

Unless such movement

(a) is associated with an emergency; or

(b) is carried out with the prior written approval of the Council.

Reason:

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

14. The scheme for the transport of construction staff to and from the site and approved on 9 February 2006 shall be retained in full operation throughout the period of the construction of the development.

Reason:

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

15. Except in an emergency all vehicles associated with the construction of the development shall be routed via the main entrance to the Aberthaw coal-fired generating station.

Reason:

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

16. In any instance where a time limitation referred to in Condition No. 13 is exceeded or the route identified in Condition No. 15 is not adhered to because of an emergency the Company shall as soon as possible provide the Council with a written statement detailing the nature of the emergency and the reason why the time limitation or route could not be observed.

Reason:

For the safety of other road users and pedestrians and residents of Gileston and to comply with Policy ENV27 of the Unitary Development Plan.

17. (a) Except

(i) for the operations referred to in Condition No.10 (a) and 10 (b) (i) above:

(ii) as may otherwise be first approved in writing by the Local Planning Authority; or

(iii) in an emergency,

construction of the development shall take place entirely in accordance with the scheme for monitoring of construction noise, including the specified maximum noise levels at specified locations, approved on 10 October 2005 or such variation as may first be approved in writing by the Local Planning Authority.

(b) Any operations referred to in Condition s 10 (a) and 10 (b) (i) above shall take place entirely in accordance with the scheme for monitoring of construction noise, including the specified maximum noise levels at specified locations, approved on 10 October 2005, together with additional noise monitoring to be carried out at the same specified locations between the hours of 1800-0800 on at least one occasion per week during each period of such operations, and the results of the additional noise monitoring shall be forwarded in writing to the Local Planning Authority within one week of the monitoring being carried out.

Reason:

In the interests of residential and general amenity and to ensure compliance with Policy ENV27 of the Unitary Development Plan.

18. In any instance where a noise level approved pursuant to Condition No. 19 is exceeded because of an emergency the Company shall as soon as possible, and at least within two working days, provide the Council with a written statement detailing the nature of the emergency and the reason why the noise level and/or limitation could not be observed. If the emergency period is expected to be for more than twenty-four hours then the Company shall inform those residents affected by the emergency of the reasons for the emergency and the expected duration.

Reason:

To ensure the proper control of noise during the construction of the development and to comply with Policy ENV27 of the Unitary Development Plan.

Operational Noise

19. Commissioning and operation of the development shall take place in accordance with the programme for the monitoring of noise generated by the normal commercial operation of the development approved on 10 October 2005.

Reason:

To ensure the proper control of noise during the operation of the development and to comply with Policy ENV27 of the Unitary Development Plan.

20. Notwithstanding any noise measurement and noise measurement location approved by the Council pursuant to Condition No. 19 the noise generated by the normal commercial operation of the development shall not exceed the following when measured generally in accordance with BS4142 1997 at the facades of the nearest residential properties, indicated on Figure 7.1, annexed hereto:

Point 1	Leq1hr	=	42 dB (A)
Point 2	Leq1hr	=	35 dB (A)
Points	Leq1hr	=	37 dB (A)
Point 4	Leq1hr	=	29 dB (A)

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

Reason:

To ensure the proper control of noise during the operation of the development and to comply with Policy ENV27 of the Unitary Development Plan.

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

Reason:

To ensure the proper control of noise during the operation of the development and to comply with Policy ENV27 of the Unitary Development Plan.

22. The development hereby approved shall be carried out entirely in accordance with the drainage scheme approved on 23 February 2006 or any variation thereto that may be first approved in writing by the Local Planning Authority.

Reason:

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

23. Any surface water contaminated by hydrocarbons which are used during the construction of the development shall be passed through oil/grit interceptor(s) prior to being discharged to any public sewer or watercourse or to any other surface water disposal system approved by the Environment Agency.

Reason:

To ensure proper drainage of the site and that proper containment facilities are built and to comply with Policy ENV27 of the Unitary Development Plan.

24. All facilities required for the storage of hydrocarbons, process chemicals or similar liquids which are used during the construction of the development must be sited on impervious bases and surrounded by impervious bund wails. The size of the bunded compounds(s) shall be at least equivalent to the capacity of the largest tank plus 10%. All filling points, vents and sight glasses must be located within the bund and there must be no drain through the bund floor or walls.

Reason:

To ensure proper drainage of the site and that proper containment facilities are built and to comply with Policy ENV27 of the Unitary Development Plan.

25. All bunded compound(s) referred to in Condition No. 24 in which acids, alkalis or sulphides in addition to being contained in suitable facilities shall have appropriate protective lining applied to the inner walls of the bunds.

Reason:

To ensure proper drainage of the site and that proper containment facilities are built and to comply with Policy ENV27 of the Unitary Development Plan.

26. Any storage facility to which Condition Nos. 24 and 25 refer shall be completed in accordance with the requirements of those conditions before being brought into use.

Reason:

To ensure proper drainage of the site and that proper containment facilities are built and to comply with Policy ENV27 of the Unitary Development Plan.

<u>Default of Agreement</u>

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

Reason:

For the avoidance of doubt as to the process for resolving disputes.

NOTE:

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

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

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

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

2007/00309/FUL Received on 26 April 2007

Mrs. J, Rendell, Crows Nest, 48, Redbrink Crescent, Barry Island, Vale of Glamorgan
Mrs. J, Rendell, Crows Nest, 48, Redbrink Crescent, Barry Island, Vale of Glamorgan

Crows Nest, 48, Redbrink Crescent, Barry Island

Retention of extension with modifications as identified on plans i.e. cut back at first floor level and provision of light tube.

SITE DESCRIPTION

The application property is a 3 storey, mid-terraced property (converted into 3 No. self contained flats) which has previously been extended by means of an elevated balcony and flat roof dormers to the rear.

DESCRIPTION OF DEVELOPMENT

This is an application for full planning permission to retain unauthorised works including lengthening of a previously approved rear extension by 1.3 metres, to accommodate a sewer pipe, altering the roof profile, lengthening the side wall of the extension, replacing tile hanging on rear dormer with white uPVC, and in the addition of an extra rooflight and large picture window. The development also includes the provision of a light tube to the ground floor side wall in an attempt to provide natural light to the occupier of the ground floor flat. It is also proposed to reduce the length of part of the extension as constructed to 2.9 metres where it adjoins the neighbouring property No. 46 Redbrink Crescent.

The works which were originally approved on this property entailed:

(a) A large roof window in the front (roof) elevation; and

(b) Extensions to the rear which consist of a 1.9m extension to the existing mansard, tile clad dormer structure which projects from the main roof at 90°, together with a mono pitched 2 storey extension to the rear of that structure, projecting approximately 4.2 maximum to the outer wall of the existing single-storey shed/shower utility area.

PLANNING HISTORY

82/01444/FUL – Roof conversion to provide living room, kitchen and w.c. Approved 25 November 1982.

89/00664/FUL – Rear extension and second floor alterations. Refused 24 October 1989 on the grounds of out of character, over-development and neighbouring residential amenities.

90/00271/FUL – Rear extension. Refused 26 June 1990 on the grounds of over-development and residential amenity. A subsequent appeal was dismissed on 4 March 1991.

90/00272/FUL – Second floor alterations. Refused 10 May 1990 on the grounds of out of character. A subsequent appeal was dismissed on 4 March 1991.

02/00052/LAW – Lawful Development Certificate for use of property as two flats. Approved 19 April 2002.

03/01493/LAW – Lawful Development Certificate for use of the property as three flats. Approved 22 December 2003.

05/00206/FUL – For a large dormer extension to the front roof and a rear extension. Refused on 22 April 2005 for reasons based on poor design (Policy ENV25) and adverse impact on the wider character and amenities of the surrounding area.

05/01759/FUL – Extension to rear and roof window to front. Approved 21 December 2005.

06/01045/FUL – Extension to front and rear with modifications. Refused 14 December 2006.

CONSULTATIONS

Barry Town Council comments on the scheme:

"These latest amendments to the approved scheme do little to overcome this Council's Strong Objection submitted in respect of refused application ref: 2006/01045/FUL.

Continued serious concern is expressed in relation to overdevelopment, un-neighbourliness and adverse impact on local visual amenity".

REPRESENTATIONS

The occupiers of neighbouring properties – Were notified on the 8 March 2007 and again following amendments on 30 April 2007. The occupier of No. 46 Redbrink Crescent has objected to the development on the basis that the development is unneighbourly and obtrusive (Appendix A). The occupier of the ground floor flat No. 49 has also objected to the development, on the grounds of the effect of enclosing a shower room window and extractor fan within the proposed extension and the detrimental effect on the amenities of the property (Appendix B). The neighbours have also responded further by reiterating their objections (Appendix C).

Finally a letter has been received from the applicant in respect of the proposal in which it is requested that the letter itself is circulated to Members (Appendix D).

REPORT

Members will recall that this application follows the unauthorised erection of an extension at the property following the discovery of a main sewer which prevented a previous approval from being implemented. A previous application which attempted to resolve the situation was refused last December and subsequently an Enforcement Notice was served requiring the demolition of the extension as constructed. The applicant has submitted this application in an attempt to resolve the issue of the loss of light suffered by the occupier of the ground floor flat through the use of a 'light tube'. This is a steel tube with a round glass protrusion at either end which would be inserted in the exterior side wall of the extension and through the utility room wall of the neighbours property. In addition the proposal includes some further amendments including reducing the length of the first floor element of the extension back to that approved as part of the original proposals. However it is considered that the development, as built will continue to have a significant effect on the neighbouring properties.

In policy terms the adopted development plan for the area is the Vale of Glamorgan Adopted Unitary Development Plan 1996-2011, and Policy ENV27 of the Unitary Development Plan which relates to design, and is a criteria based Policy that requires new development to have full regard to the context of the local natural and built environment and its special features. In addition the Council has adopted Supplementary Planning Guidance. These include an Supplementary Planning Guidance on Amenity Standards which, along with policies relating to amenity space also requires that privacy and visual amenity is secured in any proposed development, plus the SPG Barry Development Guidelines. This last SPG identifies Barry Island as an Area of Special Identity and recognises that the residential area to the north of the railway corridor, of which the application site is part, can be viewed from large parts of the main town and docks.

National guidance is contained within Planning Policy Wales March 2002 and TAN 12 – Design. Paragraph 9.3.3 of Planning Policy Wales refers to conversion and adaptation of housing and states that it should not be allowed to damage an area's character and amenity. TAN 12 emphasises that design, the visual appearance of a proposed development and its relationship to its surroundings are material considerations.

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

There is a long planning history relating to the site, including the unauthorised conversion of the property into separate flats, which has recently been regularised with the issuing of a Lawful Development Certificate for three self contained flats on ground, first and second floors. It will also be noted from the above planning history that the same applicant has previously submitted applications to further extend the property beyond the extensions granted in 1982 and subsequently implemented. All of these applications were refused on various
grounds including concerns relating to visual impact, overdevelopment and impact on neighbouring amenities. Two appeals have also been dismissed.

The extension as constructed, encloses a rear obscure glazed window belonging to the owner of the ground floor flat. This occupier has objected strongly to the development on grounds of its effect on the property. It is considered that whilst this is not an ideal situation, the originally approved scheme did include glass block walling to allow light to the otherwise enclosed window. However in contrast, the current development has removed the large glass block element from its side wall and inserted a smaller window. This, in addition to the size of the extension further reduces the light available to the enclosed window, to the detriment of the occupiers of the flat. Finally it should be noted that the retention of an obscure glazed window internally to the neighbours flat did not meet Building Regulation requirements and this window had to be further blocked by the use internally of glass blocks (which was never part of the original scheme).

It is therefore considered that the main issues relate to the visual impact of the scheme and the affect on neighbouring amenity. The property is currently subdivided into three separate flats being one each on the ground, first and second floors. These were not granted planning permission but are now authorised by Lawful Development Certificate. Thus the existing situation is sub-standard in terms of Council's amenity space and off-street car parking requirements. It is considered that any further extensions beyond that previously approved will allow for increased accommodation, and this would only exacerbate an existing sub-standard conversion.

As regards the impact on neighbouring residential amenities it is noted from the planning history that previous applications to extend at the rear of the property were refused and dismissed on appeal due to the adverse affect on the occupiers of No. 46 Redbrink Crescent. The Appeal Inspector in the 1991 decision, ref: 90/00271/FUL, considered that the two storey extension would overshadow and have an overbearing impact on the occupiers of No. 46 and noticeably detract form their visual amenity. However, the current development will continue to project 1.3metres further than the originally approved scheme (even though a greater set-back is now proposed next to No. 46) and appear as an intrusive and overbearing feature to neighbouring occupiers, especially as the roof of the extension is actually higher than that shown on the approved plans.

In addition the proposed addition of a light tube will not over come the issues of loss of natural daylight which the occupier of the ground floor flat will continue to suffer.

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.

In conclusion, even though some amendments have been suggested, it is still considered that the proposal remains an unacceptable overdevelopment of the site that would adversely affect the character of the area and general residential amenities contrary to the above stated policies and guidance, both local and national.

In view of the above the following recommendation is made.

RECOMMENDATION (W.R.)

REFUSE

1. The proposal represents an insensitive, incongruous and inappropriate form of development that would seriously detract from the character of the area and general residential amenities contrary to Policy ENV27 of the Vale of Glamorgan Adopted Unitary Development Plan 1996 - 2011; Supplementary Planning Guidance on Amenity Standards and Barry Development Guidelines; and national guidance contained within Planning Policy Wales March 2002 and TAN 12 - Design.

2007/00393/FUL Received on 19 March 2007

Mr. A. Williams, 80, Dan y Coed Road, Cyncoed, Cardiff, CF23 6NE
Martin J. Plow MRICS, 30, Clos Llysfaen, Lisvane, Cardiff, CF14 0UP

5, Cog Road, Sully

Demolition of existing building (retail ground floor and flat to first floor) and construction of five two bedroom apartments with associated parking

SITE DESCRIPTION

The application relates to a site a the junction of Cog Road and Meadow View Court, Sully, currently occupied by a split-level two/three storey building in use as a hairdresser's at ground floor level with residential accommodation above.

DESCRIPTION OF DEVELOPMENT

A full application for the demolition of the existing building and the construction of a three-storey block of five flats. Access is to be off Meadow View Court, with nine off-street parking spaces proposed.

PLANNING HISTORY

06/01574/FUL - Demolition of existing and construction of a three storey block of nine flats. Refused.9 February 2007.

CONSULTATIONS

Sully Community Council were consulted on 26 March 2007. No comments have been received.

Environment Agency Wales has no objection. Their standard advice applies.

Hyder Consults advise that foul and surface water should be discharged separately and that land drainage runoff must not enter the public sewerage system.

The Director of Legal and Regulatory Services (Principal Environmental Health Officer) has no objection.

The Head of Visible Services (Highway Development) comments are awaited.

REPRESENTATIONS

Nos. 1, 2, 3, 4, 5, 6, 7, 8, 9, 10 & 11
Nos. 1 & 2 The Halt;
Nos. 6, 7, 8, 10 & 12 Cog Road;

were notified on 26 March 2007 and the application was advertised on site on 26 March 2007. Twelve letters of objection have been received, mainly from and on behalf of residents of Meadow View Court and Cog Road. The principal grounds of objection are:

(a) Inadequate access will aggravate existing highway safety issues at this road junction.

(b) The level of car parking proposed is inadequate to cater for residents and visitors.

(c) The loss of a retail unit is undesirable.

(d) Such high density residential development is out of character with the immediate environment and the village as a whole.

(e) Loss of light, overlooking and loss of privacy and amenity to neighbouring dwellings.

(f) Inadequate private amenity space is proposed.

(g) The design of the building is inappropriate and unsympathetic to the character of the area and is a gross overdevelopment of the site.

(h) Concerns over potential noise and pollution; and

(i) Lack of disabled access.

Three typical letters are attached as Appendices A, B and C, with the remainder being retained on file for Members' inspection on request.

REPORT

Planning Policies

The following policies of the Vale of Glamorgan adopted Unitary Development Plan 1996-2011 are relevant to the determination of the application:

ENV27 (Design of New Developments)

HOUS2 (Additional Residential Development)

HOUS8 (Residential Development Criteria)

HOUS11 (Residential Privacy and Space)

TRAN10 (Parking).

In addition, the Council's adopted Supplementary Planning Guidance: Amenity Standards and Parking Guidelines are relevant.

This application is a revised proposal following the refusal of application ref. 06/01574/FUL. That proposal, which was for nine flats, was refused for the reasons:

"1. The proposed building by virtue of its location, size and design, would constitute an unacceptably intrusive, overbearing and unneighbourly development that would fail to meet the objectives of Policy ENV27 (Design of New Developments), HOUS2 (Additional Residential Development) and HOUS8 (Residential Development Criteria) of the Vale of Glamorgan Adopted Unitary Development Plan 1996-2011 and the Council's adopted Supplementary Planning Guidance: Amenity Standards.

2. The proposed vehicular accesses and level and arrangement of car parking would be detrimental to highway safety and would fail to meet the objectives of Policy TRAN 10 (Parking) of the Vale of Glamorgan Adopted Unitary Development Plan 1996-2011 and the Council's adopted Parking Guidelines."

The current application is for a 16 x 9 metre building, comprising two flats on each of the ground and first floors and a single flat in the roof space, with an overall height of 9.3 metres and height to eaves of 5.5 metres. The building is to be finished in render with a hipped slate roof, with hipped dormers on each side roof slope. The front elevation, to Cog Road, is to have five sets of full-length French doors, with those on the upper floors having safety railings. The building will be set 5 metres behind the Cog Road boundary of the site, but the north-east elevation is to be under 1 metre from the boundary with No. 7 Cog Road, a detached bungalow.

Nine car parking spaces are to be provided to the rear, with a new access off Meadow View Court. No landscaping is shown apart from the 5 metre strip along the Cog Road frontage, and no private amenity space is provided.

Issues

The application site is in a prominent position on the north-western side of Cog Road, almost opposite the Sully Inn. The site lies within the Sully residential settlement boundary established under Policy HOUS2 of the Vale of Glamorgan Adopted Unitary Development Plan 1996-2011, where redevelopment for residential use is acceptable in principle, but any proposals must be assessed against the criteria set out in Policy HOUS8.

Of particular relevance in this case are criteria (i), (ii) and (v) of Policy HOUS8, which require the scale, form and character of the development to be sympathetic to the environs of the site (Criterion (i)), require the proposal to have 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 (Criterion (ii)), and require the provision of car parking and amenity space in accordance with the Council's approved guidelines (Criterion (v)).

Similarly, Policy ENV27 includes a list of criteria against which new development must be assessed. Criteria (i), regarding the effect on the character of the area, (ii), requiring proposals to meet the Council's approved amenity and parking standards, and (iv), which seeks to minimise any detrimental impact on adjoining areas, are particularly relevant to this case.

The application has sought to overcome the objections to the previous proposal by reducing the number of units from nine to five by deleting a rear wing, and reducing the overall height by 0.9 metre by using the roof space for the top flat. Whilst the scale and massing has been reduced from the previous proposal, the building nevertheless represents a considerable increase in height and scale over the existing building. In view of the prominent position of the site at the junction of Cog Road and Meadow View Court, it is considered that the increased massing would have a detrimental effect on the general spacious character and general appearance of the immediate area, such that the objectives of criteria (i) and (ii) of Policy HOUS8 and criteria (i) and (iv) of Policy ENV27 regarding visual intrusion would not be met.

Also, Policy HOUS11 (Residential Privacy and Space) seeks to protect existing residential areas characterised by high standards of privacy and spaciousness from overdevelopment and insensitive or inappropriate infilling. The immediate area of this site is characterised by detached or semi-detached bungalows and dwellings in relatively large plots, creating a generally open and spacious environment. Again, the size and massing of this block are considered inappropriate and contrary to the objectives of Policy HOUS11 in this context.

Importantly, the two storey part of the current building is set some 5 metres off the boundary with the bungalow to the north, whilst the proposal would introduce a 9.3 metre high building (5.5 metres to eaves) within 1 metre of the boundary, with two bathroom and one kitchen windows directly overlooking the neighbour. Whilst the overlooking issue could be dealt with by requiring obscure glazing, the mass of the building this close to the boundary would be an unacceptably overbearing structure that would cause severe overshadowing of the bungalow to a degree that would fail to meet the objectives of criterion (ii) of Policy HOUS8 and criteria (ii) and (iv) of Policy ENV27.

In addition the five sets of French doors on the front elevation would have direct views of the front elevations of dwellings on the opposite side of Cog Road, and whilst these would meet the Council's approved guidance of a minimum of 21 metres between windows of habitable rooms, the degree of perceived overlooking would result in serious loss of amenity to the occupiers of those properties.

With the size and location of the block proposed, there is very little opportunity for ameliorative landscaping and no provision is made for any private external amenity space. The Council's adopted Supplementary Planning Guidance: Amenity Standards advises that, where individual private gardens are unworkable, a private communal area of a minimum of 20 sq m per person should be provided. In this case (five two bedroom flats) a minimum of 200 sq m would be appropriate, but the only available area, the five-metre wide strip along Cog Road, has no privacy whatsoever. The proposal therefore fails to meet either the approved amenity standard or the objectives of criterion (ii) of Policy ENV27 in this respect.

CONCLUSION

Decisions on planning applications have to be 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), HOUS2 (Additional Residential Development), HOUS8 (Residential Development Criteria) and HOUS11 (Residential Privacy and Space) of the Vale of Glamorgan Adopted Unitary Development Plan 1996-2011 it is concluded that this revised proposal fails to meet the objectives of those policies and associated adopted guidance in respect of the impact of the development on the character and appearance of the area and would have a serious detrimental impact on the amenity of the occupiers of adjoining dwellings, and that the application should be refused.

RECOMMENDATION (W.R.)

REFUSE

1. The proposed building, by virtue of its location, size and design, would constitute an unacceptably intrusive, overbearing and unneighbourly development that would fail to meet the objectives of Policies ENV27 (Design of New Developments), HOUS2 (Additional Residential Development) and HOUS8 (Residential Development Criteria) of the Vale of Glamorgan adopted Unitary Development Plan 1996 - 2011 and the Council's adopted Supplementary Planning Guidance : Amenity Standards.

2007/00394/FUL Received on 20 March 2007

Mr.T. Clemo, Hillandale, Pen-y-Turnpike Road, Dinas Powys, Vale of Glamorgan
Mr. D. Lewis, 2, Allensbank Road, Heath, Cardiff, CF14 3RB

Hillandale, Pen-y-Turnpike Road, Dinas Powys

Demolition of an existing single storey building and erection on the same site of a two storey detached 4 bedroomed house

SITE DESCRIPTION

The application site comprises a dilapidated former cottage, a lawned area and a wodded area within the curtilage of an existing dwelling house at Hillandale, Pen-y-Turnpike Road, Dinas Powys, an area that lies between Springside and Ty Gwyn.

The site lies in the countryside outside the Identified Residential Settlement boundary of Dinas Powys and outside the Dinas Powys Conservation Area. The site is adjacent to but outside the Cwrt yr Ala Basin Special Landscape Area and the Green Wedge to the south and west of Llandough is situated to the front of the property on the other side of Pen-y-Turnpike Road.

DESCRIPTION OF DEVELOPMENT

Planning permission is sought to demolish the dilapidated and overgrown former cottage at the front of the site and fell some of the conifer trees on site to allow for the erection of a two-storey four-bed house at the southeast corner of the property. The L-shaped property is 18.3m wide and 17.1m deep and is 5.2m to main eaves level and 8.6m to ridge height. The hipped roof dwelling includes two flat roof dormer window elements, a pitched roof projection and an exposed chimneystack as design features. It will accommodate a double garage, study, w.c./cloakroom, pantry, utility room, kitchen, dining room, hallway, lobby and lounge at ground floor and 4 No. bedrooms (three with en-suite bathrooms), a dressing room and landing area at first floor.

The dwelling is to be constructed of white cement rendered walls with brick soldier courses, a red clay tile roof finish, white powder coated aluminium or upvc windows, rooflights and doors and copper rainwater goods. The flat roofed dormer windows are to be clad with copper sheets with double welted joints.

A new access is proposed off the shared access with Hillandale and a line of new deciduous trees are to be planted on the boundary line to separate the two properties. The dwelling will be within 11m of the boundary with Springside to the south and will be at least 30m away from Hillandale house. A car parking and manoeuvring area at the front of the site can accommodate at least three cars. There are no Tree Preservation Order trees on the site. The total gross floorspace of the house is 400m² and the site can provide approximately 1200m² of private outdoor amenity space to the rear, front and sides of the plot.

PLANNING HISTORY

None.

CONSULTATIONS

Dinas Powys Community Council was consulted on 26 March 2007. No comments have been received to date.

Michaelston Community Council was consulted on 26 March 2007. They noted that the new house would generate more traffic along Pen-y-Turnpike Road and that the plans are not consistent with the floorplans.

Environment Agency Wales were consulted on 26 March 2007. They responded wit htheir standard advice to developers.

The Head of Visible Services (Highway Development) was consulted on 26 March 2007 and comments:

"Further to the site inspection undertaken in relation to the above, I would comment as follows.

The visibility splays that are achievable from the site access are grossly substandard and do not meet the Highway Authorities requirements of 2.4m x 120.0m in both directions along the adjacent highway.

The access to the development site is not wide enough to enable two vehicles to pass side by side, which will lead to queuing along the adjacent classified highway close to a bend with limited visibility.

Therefore, the Highway Authority object to the above application as the development proposals would be detrimental to highway safety."

The Director of Legal and Regulatory Services (Environmental Health) was consulted 26 March 2007. "This department has no comment to make regarding the above application."

Dwr Cymru/Welsh Water was consulted on 26 March 2007. They responded with their standard conditions and advisory notes relating to foul and surface water discharges.

The Council's Ecologist/Biodiversity Offcier was consulted on 26 March 2007. "The building scheduled for demolition in this application may provide potential roost sites for bats.

It is recommended that a full bat survey of the building be conducted by a licensed bat surveyor prior to the granting of planning permission to ascertain presence or absence of bats/bat roosts.

It is also recommended that an assessment of any large/mature trees proposed for works/removal be conducted by a licensed bat surveyor to identify any which have may potential bat use. A full bat survey of these trees should then be conducted by the licensed surveyor prior to the granting of planning permission to ascertain presence or absence of bats/bat roosts

It is noted that several ponds lie within 500m of the application site, which is the recognised foraging range for a great crested newt. Great crested newts are found within the much of the Vale of Glamorgan. Should this pond support breeding populations, there is the possibility that great crested newts could be using the application site as terrestrial habitat.

It is recommended that the good practice guidelines be followed to minimise potential impacts on great crested newts, assuming potential presence on the application site.

The vegetation and building 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 work affecting 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."

REPRESENTATIONS

Neighbouring occupiers were notified on 26 March 2007 and the application was advertised on site and in the press as being a departure from the Development Plan on 11 April 2007. No objections were received.

REPORT

Planning Policies

The site lies outside the Identified Residential Settlement boundary of Dinas Powys and is directly adjacent to a Special Landscape Area.

The scheme can therefore be considered against Policies ENV1 – Development in the Countryside; ENV4 – Special Landscape Areas; ENV10 – Conservation of the Countryside; ENV11 – Protection of Landscape Features; ENV27 – Design of New Developments; HOUS2 – Additional Residential Development; HOUS3 - Dwellings in the Countryside; HOUS7 – Replacement and Extension of Dwellings in the Countryside and TRAN10 - Parking of the Vale of Glamorgan Adopted Unitary Development Plan 1996-2011 and advice contained within Planning Policy Wales 2002 and the Council's approved Supplementary Planning Guidance Notes on 'Amenity Standards' , 'Sustainable Development', 'Trees and Development' and 'Design in the Landscape' and the South Wales Parking Guidelines.

Paragraph 9.3.1 of Planning Policy Wales states:

“New housing developments should be well integrated with and connected to the existing pattern of settlements. The expansion of towns and villages should avoid creating ribbon development, coalescence of settlements or a fragmented development pattern. Where housing development is on a significant scale, or where a new settlement or urban village is proposed, it should be integrated with existing or new industrial, commercial and retail development and with community facilities.

Paragraph 9.3.3 of Planning Policy Wales advises that “Insensitive infilling or the cumulative effects of development or redevelopment… should not be allowed to damage an area’s character and amenity.”

Policy ENV1 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;

(ii) UTILITIES OR INFRASTRUCTURE FOR WHICH A RURAL LOCATION IS ESSENTIAL;

(iii) APPROPRIATE RECREATIONAL USE;

(iv) THE RE-USE OR ADAPTATION OF EXISTING BUILDINGS PARTICULARLY TO ASSIST THE DIVERSIFICATION OF THE RURAL ECONOMY; OR

(v) DEVELOPMENT WHICH IS APPROVED UNDER OTHER POLICIES OF THE PLAN.

Policy HOUS3 states:

SUBJECT TO THE PROVISIONS OF POLICY HOUS2 THE ERECTION OF NEW DWELLINGS IN THE COUNTRYSIDE WILL BE RESTRICTED TO THOSE THAT CAN BE JUSTIFIED IN THE INTERESTS OF AGRICULTURE AND FORESTRY

Policy HOUS7 states:

THE REPLACEMENT OR EXTENSION OF DWELLINGS IN THE COUNTRYSIDE WILL BE STRICTLY CONTROLLED. PROPOSALS WILL BE PERMITTED IF ALL OF THE FOLLOWING CRITERIA ARE MET:

(i) THE EXTENDED DWELLING IS NOT DISPROPORTIONATE IN SIZE TO THE ORIGINAL DWELLING;

(ii) ADEQUATE UTILITY AND INFRASTRUCTURE SERVICES EXIST, ARE READILY AVAILABLE OR CAN BE ECONOMICALLY PROVIDED;

(iii) THE REPLACEMENT DWELLING OR DWELLING AS EXTENDED DOES NOT REQUIRE AN UNACCEPTABLE EXTENSION OF THE EXISTING RESIDENTIAL CURTILAGE;

(iv) IN RESPECT OF REPLACEMENT DWELLINGS, PARKING AND AMENITY SPACE IS PROVIDED IN ACCORDANCE WITH THE COUNCIL'S APPROVED GUIDELINES;

(v) THE SCALE, SITING, DESIGN, MATERIALS, LANDSCAPING AND EXTERNAL APPEARANCE OF THE REPLACEMENT DWELLING OR EXTENSION IS COMPATIBLE WITH ANY EXISTING RELATED STRUCTURES AND THE SURROUNDING LANDSCAPE; AND

(vi) IN THE CASE OF REPLACEMENT DWELLINGS FOR DERELICT BUILDINGS, THE RESIDENTIAL USE OF THE BUILDING HAS NOT BEEN ABANDONED.

Issues

The main issues relate to the planning status of the existing dwelling to be replaced, the siting of a new dwelling within the countryside outside any residential settlement boundaries, the potential impact on the character and appearance of the area; the potential impact on the privacy and amenities of neighbouring occupiers and the provision of safe and usable outdoor amenity space and parking.

It is considered that the existing bungalow to be demolished on the site to make way for the new dwelling has been uninhabited for a considerable period of time and, in light of the lack of evidence to suggest that this is not the case or that the dereliction is the result of recent accidental damage to an inhabited property, it can be argued that the residential use of this property has been abandoned. Consequently it is considered that the application is contrary to Policy HOUS7 (vi).

Therefore, the development represents a new dwelling in the countryside. The site is approximately 90m away from the designated residential settlement boundary of Dinas Powys. The detached dwelling of 'Springfield' to the south of the site also separates the application site from Dinas Powys and the proposal cannot be deemed to be "rounding off" the settlement boundary.

There is a presumption against the erection of dwellings in the countryside, unless such development can be fully justified in the interests of agriculture or forestry. There is no justification in this instance as the application proposes a private dwelling on land belonging to Hillandale. Consequently, the proposal is contrary to Policies ENV1 and HOUS3 of the Unitary Development Plan. Additionally, the proposed development constitutes ribbon development, which is strongly discouraged in paragraph 9.3.1 of Planning Policy Wales.

The large dwelling will be in close proximity to the Cwrt yr Ala Basin SLA and whist a number of existing trees are to retained and it is proposed to plant further trees to try to screen the site, the dwelling will still adversely effect the landscape character, landscape features and visual amenities of the SLA and surrounding countryside, contrary to Policies ENV4 and ENV27 of the Unitary Development Plan. The proposal would encroach upon the established building line of the large detached properties along Pen-y-Turnpike Road. The proximity of the new dwelling to the road will result in a more prominent building when viewed from the road, to the detriment of the visual amenities of this rural part of Dinas Powys.

There is sufficient private outdoor amenity space to comply with the aims and objectives of Policy ENV27 of the Unitary Development Plan and the Amenity Standards Supplementary Planning Guidance. There is also sufficient space within the site to provide on-site parking provision for both the existing and proposed dwellings. However, the Highways Officer is concerned that the increased use of the sub-standard access will lead to vehicular conflicts at the junction with the road and this would be detrimental to highway safety.

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, ENV4 – Special Landscape Areas, ENV10 – Conservation of the Countryside, ENV11 – Protection of Landscape Features, ENV27 – The Design of New Developments, HOUS2 – Additional Residential Development, HOUS3 - Dwellings in the Countryside, HOUS7 – Replacement and Extension of Dwellings in the Countryside and TRAN10 - Parking of the Vale of Glamorgan Adopted Unitary Development Plan 1996-2011 and advice contained within Planning Policy Wales 2002 and the Council's approved Supplementary Planning Guidance Notes on 'Amenity Standards' , 'Sustainable Development', 'Trees and Development' and 'Design in the Landscape' and the South Wales Parking Guidelines, the proposal is considered to be an unjustified private dwelling in the open countryside that fails to preserve the landscape character and visual amenities of the rural area and the adjacent Special Landscape Area.

RECOMMENDATION (W.R.)

REFUSE

1. The proposal, by reason of its siting within the countryside adjacent to the Special Landscape Area, but outside the Dinas Powys designated residential settlement boundary, represents an unacceptable form of development, which also fails to respect the landscape character and spaciousness of the site. It therefore represents an insensitive and unjustified new development in the countryside, contrary to Policies ENV1, ENV4, ENV10, ENV27, HOUS2, HOUS3 and HOUS7 of the Vale of Glamorgan Adopted Unitary Development Plan 1996-2011 and Planning Policy Wales 2002.

2007/00517/OUT Received on 11 April 2007

Mr. & Mrs. Beynon, Chatsworth House, Pound Lane, Wenvoe, Vale of Glamorgan, CF5 6PL
Mr. & Mrs. Beynon, Chatsworth House, Pound Lane, Wenvoe, Vale of Glamorgan, CF5 6PL

Land within the curtilage of Chatsworth House, Pound Lane, Wenvoe

Erection of detached dwelling

SITE DESCRIPTION

The site is located on the northern side of Pound Lane, at the very edge of, but outside, the residential settlement boundary of Wenvoe. Pound Lane is a narrow country lane, affording access to a small number of relatively large, detached dwellings.

Although the site is described as comprising land within the curtilage of Chatsworth House, that detached dwelling was only approved in 1997 (and completed in 2001), and did not incorporate the substantial area of land to the west and north as residential curtilage.

The levels of the land rise considerably from the existing access to the west and north, with the application site currently home to a raised patio area, pond and landscaped garden.

A public footpath runs immediately to the west of the site.

DESCRIPTION OF DEVELOPMENT

The application has been submitted in outline with all matters reserved, but states that the proposal relates to a detached dwelling.

Although the plans state the area of the site to be 575 sq.m., from the Council's mapping system, it would appear to be in the approximate region of 750 sq.m.

PLANNING HISTORY

The site has the following relevant planning history:

1997/00345/FUL - Land adjoining Upper House, Walston Road, Wenvoe. Detached dwelling. Approved 25 July 1997.

1995/01133/FUL - Land adjacent to Upper House, Walston Road, Wenvoe. Detached four bedroom house and garage. Approved 24 July 1996.

1982/01162/OUT – No. 2, Upper House Cottage, Upper House, Pound Lane/Walston Road, Wenvoe. Reconstruction of dwelling. Refused 2 September 1982.

CONSULTATIONS

Wenvoe Community Council's comments are attached as Appendix A.

Environment Agency Wales. No representations have been received to date.

Dwr Cymru/Welsh Water has no comments.

The Head of Visible Services (Highway Development) offers the following comments:

"Further to the site visit undertaken in relation to the above, I would comment that the Highway Authority object to the development proposals based on the following.

Pound Lane is a narrow public highway that will not allow two vehicles to pass side by side. Therefore, any vehicles that meet along the lane will be required to reverse, possibly into the junction of Pond Lane and Walston Road.

Additionally, there are no pedestrian facilities and only a single street lighting column provided along Pound Lane. Therefore, pedestrians are required to walk within a live carriageway into on coming traffic often in darkness."

REPRESENTATIONS

Upper House Cottage; Highlands; Coed Y Ffald and Upper House were consulted on 20 April 2007, with a site notice also displayed on 24th April 2007.

The occupants of Coed y Ffald have objected to the development on grounds relating to loss of privacy, as well as technical issues relating to siting of the dwelling outside of the settlement boundary, and on highway safety because of the narrowness of the access. In addition, an objection has been received from a resident in Grange Close objecting on settlement and visual grounds, as well as expressing concerns about noise due to the need for excavations out of the rock.

The occupants of No. 7 Is-y-Coed, Wenvoe have objected to the proposal and their comments are attached at Appendix B.

REPORT

Planning Policies

National Guidance in the form of Planning Policy Wales (March 2002) (as amended by MIPPS 01/2006), advises at para. 9.3.3 that:

"Insensitive infilling or the cumulative effects of development or redevelopment, including conversion and adaptation, should not be allowed to damage an area's character and amenity."

Advice at Section 2, relating to planning for sustainability, further advises that:

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

The Development Plan for the area comprises the Vale of Glamorgan Unitary Development Plan 2005, 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
HOUS2	Additional Residential Development
HOUS3	Dwellings in the Countryside
ENV4	Special Landscape Areas
ENV27	Design of New Developments

Issues

The site lies outside of the residential settlement boundary of Wenvoe, and within the Dyffryn Basin Special Landscape Area. Accordingly, the main issues concern whether the proposal amounts to justified new development in the countryside, or otherwise an acceptable 'rounding off' of the settlement boundary. Other matters of importance relate to highway safety, visual amenity and the impact on neighbouring amenity.

Principle of Residential Development

The residential settlement boundary for Wenvoe was defined in the recently adopted Unitary Development Plan. The application site lies outside of the settlement which, peculiarly, runs through the existing dwelling. As a matter of fact, however, the proposal constitutes new development in the countryside, for which no agricultural or forestry justification has been made. It is therefore contrary to the aims of Policies ENV1 and HOUS3 of the adopted Unitary Development Plan.

The only way in which the development could be justified, therefore, is under the terms of Policy HOUS2, which allows for small-scale development which constitutes the 'rounding off' of the edge of settlement boundaries where it can be shown to be consistent with the provisions of Policy HOUS8, and particularly criterion (i), which requires that the scale and form of the proposed development is sympathetic to the environs of the site.

As a result of the gradient of Pound Lane, as well as those on the site itself, the proposed site for the dwelling is undoubtedly highly prominent, such that any new dwelling, even if cut substantially into the site, would appear unacceptably incongruous, while having little regard to the existing settlement pattern. Such visual impact is accentuated not only by the site's location in the Dyffryn Basin SLA, but also by the adjacent public footpath.

In addition to the substantial visual harm caused by the proposal, it is also considered that the nature of the narrow country lane, (that will not allow two vehicles to pass side by side), together with the lack of pedestrian facilities and the incline into the site, is such that proposed access arrangements (albeit reserved matters) would inevitably be harmful to highway safety.

While matters are reserved for subsequent approval, it is not considered likely that a new dwelling would cause material harm to the amenities of neighbouring properties to the south, although there are concerns about the manner by which such a new dwelling would be accessed via a shared access and the potential for harm as a result. Irrespective of this, however, there are substantial objections to any such development as detailed above.

For these reasons, it is firmly concluded that the proposal would clearly be at variance with the established character of the locality, failing to respect traditional form and causing harm to the rural character of this sensitive fringe site, to the severe detriment of the character and appearance of the village. It would also be harmful to highway safety. The proposed development therefore fails to accord with criterion (i) of Policy HOUS8 and, accordingly, cannot be regarded as a logical extension or rounding-off of Wenvoe, such that it would also be contrary to Policies HOUS2 and HOUS3 of the adopted Unitary Development Plan.

Other Matters

A resident has expressed concern about noise due to the need to cut into the rock. While such matters are outside of planning control, it appears to emphasise a potential difficulty in cutting any dwelling into the site, such that any visual impact would be likely to be exacerbated.

As a result of the incursion of the curtilage of Chatsworth House into the special landscape area/ countryside, it will be necessary for enforcement action to be authorised in respect of the unauthorised extension of the curtilage, which causes harm to the visual amenities of this sensitive area of countryside, which is designated for its special landscape value.

CONCLUSION

The decision to refuse 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 site lies within the countryside, outside of the defined settlement boundary according to the Vale of Glamorgan Adopted Unitary Development Plan 1996-2011. As such the site is subject to restrictive controls which act to guard against inappropriate and insensitive new development. Without any agricultural or other justification, the proposal would represent an insensitive intrusion into the countryside, which is designated for its special landscape value, while also being harmful to highway safety, contrary to Policies ENV1, ENV4, HOUS2 and HOUS3 of the adopted Unitary Development Plan.

RECOMMENDATION (W.R.)

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

(i) The cessation of the use of the land outside of authorised curtilage of Chatsworth House as garden/curtilage land, including the removal of all domestic features on the land, its restoration, and the provision of appropriate boundary enclosures to the authorised boundary of Chatsworth House.

REFUSE

1. In the opinion of the Local Planning Authority the proposal does not constitute an acceptable form of 'rounding off' of the settlement boundary of Wenvoe, and instead represents insensitive and unjustified new development in the countryside, harmful to the appearance and rural character of this edge of the village and its wider countryside setting, which is designated for its special landscape value. The proposal is therefore contrary to Policies ENV1, HOUS2, HOUS3, HOUS8, ENV4 and ENV27 of the Vale of Glamorgan Adopted Unitary Development Plan 1996-2011, and national guidance contained in Planning Policy Wales, March 2002.

2. Safe vehicular access for an additional dwelling cannot be achieved to or from Pound lane into the site, such that the proposal would be likely to create hazards, to the detriment of pedestrian and highway safety. Accordingly, the proposal would be contrary to the provisions of Policy HOUS8 and ENV27 of the Vale of Glamorgan Adopted Unitary Development Plan 1996-2011.

2007/00323/RG3 Received on 6 March 2007

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

Rhws Primary School, Fontygary Road, Rhws

Relocation of 2 no. demountable teaching units, demolition of one unit, removal of one unit from the school and also installation of one demountable teaching unit

The property is a Grade II Listed Building.

The application was advertised on 14 March 2007.

SITE DESCRIPTION

The application site is located within the grounds of an existing primary school on the south side of Fontygary Road, Rhoose. In addition to the planning history, the Rhws Primary School has recently been classified as a Grade II Listed Building.

DESCRIPTION OF DEVELOPMENT

The application seeks permission for the retention and relocation of two demountable units that accommodate two additional classrooms, the removal of one unit and the erection of another.

The existing demountable buildings are located to the east and to the rear of the main school building on its southern side. Two of the existing single storey, pitched roof units will now be relocated east of the main school building. Furthermore, an additional unit will be erected.

Two of the units will measure approximately 23m x 6.4m and be finished externally in light grey textured coating to walls with dark blue/grey profiled metal roof. The third unit will be located to the rear side of the main school building and measure 15.2m in length and 8.2m wide.

PLANNING HISTORY

99/01294/REG3 – Demountable classroom unit. Approved 5 January 2000.

00/00008/REG3 – Retention of single demountable nursery unit. Approved 23 March 2000.

00/00638/REG3 – Single storey detached classroom. Approved 26 July 2000 subject to conditions including window obscure glazing and landscaping. A subsequently amended scheme for a second classroom was agreed on 5 September 2000.

03/00438/REG3 - Installation of demountable unit. Approved 5 June 2003.

05/01866/RG3 – Initial refurbishment of an existing classroom unit and proposed soft play area. Approved 13 February 2006.

05/01708/FUL – Installation of pre-fab classroom, assorted site works and safety facing. Approved 17 October 2006.

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

06/01636/REG3 - Retention of single storey double demountable classroom. Approved 3 January 2007

CONSULTATIONS

The Head of Visible Services (Highway Development) was consulted on 14 March 2007. The highway authority are unable to sustain an objection.

The Director of Legal and Regulatory Services (Environmental Health) was consulted on 14 March 2007. No comments have been made.

REPRESENTATIONS

Nos. 1, 2, 3, 4 and 5 Halley Court;

Nos. 19, 20, 21, 22, 23, 24, 25, 26 and 27 Havant Close;

No. 33a Fontygary Road;

No. 33b Fontygary Road;

No. 33c Fontygary Road;

were all consulted on 14 March 2007. No representations have been received.

REPORT

The application site is located within the grounds of an existing primary school on the south side of Fontygary Road, Rhoose. In addition to the planning history, the Rhws Primary School has recently been classified as a Grade II Listed Building.

Committee Members will note from the planning history that there have been a considerable number of demountable classroom units erected within the school grounds in recent years. This has an impact in terms of the intensity of use of the school and available car parking provision and also a visual impact upon the area and on neighbouring occupiers. Furthermore, the temporary structures are needed until the new school extension proposed by application ref: 06/01829/REG3 can be constructed.

Planning Policies

The relevant Policies are considered to be Policies ENV27 - Design of New Developments and ENV17 - Protection of Built and Historic Environment contained in the Vale of Glamorgan adopted Unitary Development Plan 1996-2011. Policy ENV27 states that developments must be of a high standard of design, and have full regard to the context of the local natural and built environment and its special features. New development will be permitted where it:

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

(ii) MEETS THE COUNCIL'S APPROVED STANDARDS OF AMENTIY 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 N ADJACENT AREAS;

(v) ENSURES EXISTING SOFT AND HARD LANDSCAPING FEATURES ARE PROTECTED AND COMPLEMENTED BY NEW PLANTING, SURFACE OR BOUNDARY FEATURES;

(vi) ENSURES CLEAR DISTINCTION BETWEEN PUBLIC AND PRIVATE SPACES;

(vii) PROVIDES A HIGH LEVEL OF ACCESSIBILITY, PARTICULARLY FOR PUBLIC TRANSPORT, CYCLISTS, PEDESTRIANS AND PEOPLE WITH IMPAIRED MOBILITY;

(viii) HAS REGARD TO ENERGY EFFICIENCY IN DESIGN, LAYOUT, MATERIALS AND TECHNOLOGY; AND

(ix) HAS REGARD TO MEASURES TO REDUCE THE RISK AND FEAR OF CRIME.

Policy ENV17 clearly aims to protect the environmental qualities of the built and historic environment, including Listed Buildings.

Issues

The main issues relate to the design and scale of the classrooms, their siting close to residential properties and the possible impact upon the adjoining Listed Building.

The retention of the demountable units and provision of one new unit is a temporary proposal and does not complement the architecture, design and setting of the existing school building. A proliferation of these buildings is also of concern in design terms. However the classrooms will remain to the side elevation of the main school and therefore will not be prominent from the public highway. With regard to the residents on the southern and western boundaries of the school the relocated demountables will not cause any harm, because they will not be readily visible and will be a considerable distance from the properties.

However, the possible impact of the demountables upon noise and privacy of the private amenities of the residents at No. 33c Fontygary Road and No. 1 Halley Court is of concern. It is considered that there may be an element of loss of privacy and overlooking from the windows on the rear elevation of the demountable classroom nearest to the party boundary of No. 33c Fontygary Road. Consequently it is recommended that a Condition is applied to ensure that windows are obscurely glazed by applying a film over them.

In respect of potential increase in noise, it is believed that the classrooms will be relocated onto a playground area of high existing noise levels and the classrooms will not exacerbate the levels that already exist. As such, it is not proposed to condition that the windows be fixed.

In design terms it is considered that the proposal will not complement the architecture or setting of the existing Grade II Listed Building and consequently should be conditioned as a temporary structure in order to protect the context of the existing school building and having regard to the new permanent school building yet to be determined. In addition as there is no increase in the number of classrooms there will be no staff increases and as such no highway concerns.

Therefore, subject to conditions the recommendation is for approval.

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 and ENV17 the proposed relocation of the classroom is considered acceptable. The classrooms will cause no significant impact to the private amenities of the adjoining neighbours or any wider impact upon the visual amenities of the Grade II listed Building. As such, the proposals are considered to comply with Policies ENV27 - Design of New Developments and ENV17 - Protection of Built and Historic Environment contained in the Vale of Glamorgan Adopted Unitary Development Plan 1996-2011.

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. This permission shall be granted for a temporary period only, expiring three years from the date of this consent and the units shall be completely removed on or before that date unless a formal consent for their retention has been granted by the Local Planning Authority.

Reason:

In order to clarify its temporary status and to protect the character and setting of a Grade II Listed Building and to comply with Policies ENV27 and ENV17 of the Vale of Glamorgan Adopted Unitary Development Plan 1996-2011.

3. The windows in the rear elevation of the relocated demountable classroom nearest to the boundary of 33c Fontygary road shall be fitted with an obscure glazing film details of which, shall be first submitted to and agreed in writing by the Local Planning Authority at the time of the construction of the development hereby approved and shall thereafter be installed prior to the first beneficial use of the demountable classroom and shall thereafter be so maintained at all times.

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.

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.