

## Planning Committee Meeting 25<sup>th</sup> April 2007

2005/01962/FUL Received on 21 December 2005

S. W. Developments Limited, Church Farm, Clemenstone, Cowbridge, Vale of Glamorgan, CF71 7PZ

AWA Grove Architects and Planning Supervisors 8, The Paddock, Lisvane, Cardiff, CF14 0AY

### **Church Farm Barns, Church Farm, Clemenstone**

Conversion of four listed single storey pitched roof stone barns into residential accommodation to be used for holiday letting purposes only

The property is a Grade II Listed Building.

### SITE DESCRIPTION

The application site comprises a group of 4 No. single storey, redundant agricultural outbuildings which are Grade II Listed. The buildings originally formed part of the Church Farm complex located in the countryside to the north of Cowbridge.

### DESCRIPTION OF DEVELOPMENT

This is a detailed application for the conversion of the buildings to provide for 5 No. self-contained holiday let units. The proposal will provide for 3 No. three bedroom units and 2 No. one bedroom units. Vehicular access will be via a 4.5m wide entrance onto the un-adopted access track, which will lead directly onto a paved courtyard providing 10 No. car parking spaces. The remainder of the former farmyard will be landscaped with a footpath network providing direct access to each unit. Existing boundary walls will be repaired and new walls constructed where necessary to completely enclose the site.

The application is supported by a structural report, a survey for protected species, a design statement and a method statement for material/component refurbishment.

### PLANNING HISTORY

06/00069/LBC – Listed Building Consent application for conversion of buildings to holiday lets. Approved subject to conditions 14 March 2007.

00/01146/FUL – Land at Church Farm to the north of application site, change of use to dwelling-house. Approved 27 April 2001 subject to conditions including removal of permitted development rights.

### CONSULTATIONS

Wick Community Council were notified on 10 January 2006.

Environment Agency have requested the imposition of conditions relating to a scheme for foul drainage to private treatment plant and position of septic tank, plus comments for the attention of the developer.

Dwr Cymru/Welsh Water have no comment to make as the applicant intends to utilise private drainage facilities.

Glamorgan Gwent Archaeological Trust, unlikely that archaeological features would be disturbed by proposed development. However, it is their opinion that a condition be imposed requiring a programme of building recording and analysis be carried out by a specialist.

Countryside Council for Wales (CCW) – Initial comments: A holding objection pending provision of additional information about mitigation.

Further comments: Providing the works are carried out in a sensitive manner, the mitigation offered is adequate to maintain the population of bats post development. Recommend conditions be applied to any permission which ensure compliance with the commitments in the method statement. Therefore withdraw the previous objection.

The Head of Economic Development and Leisure, (Countryside and Environment (Ecologist)) – Initial comments requested the submission of a method statement detailing mitigation measures for bats.

Further comments confirming acceptability of submitted method statement but consultation with CCW required.

The Director of Legal and Regulatory Services, Environmental Health (Pollution Section) does not object to this application in principle if it is possible there should be a condition restricting its use so that it does not become a permanent residence.

The Head of Visible Services (Highway Engineer) – Initial comments: The access is required to be widened to 4.5m with a suitable scaled plan showing access and visibility.

Comments on additional plans:

Development proposals are acceptable subject to conditions relating to parking to be laid out and maintained and provision of 2.4m x 33m visibility splays.

Principal Building Control Officer – The structural report in the main covers the present condition of the structures on site. New roof structure required over all units. Barn No. 4 is partially derelict and requires extensive repair and recommends a further structural report.

## REPRESENTATIONS

The occupiers of neighbouring properties were notified on 10 January 2006. In addition, a site notice was posted on 12 January 2006. A letter of objection has been received from the occupier of "Wainui" Maes-y-Felin, Llandow and Jean Evans by e-mail. The objections relate to increased traffic through the village of Llandow. The representations are available on file for Committee Members' inspection.

## REPORT

The site is located in the countryside to the west of Llandow outside of any defined residential settlement boundary. The proposal entails the conversion and alteration of Grade II listed barns to tourism accommodation. As such, the following policy background is relevant to the assessment of the application.

### Planning Policies

Policy ENV1 of the Vale of Glamorgan Adopted Unitary Development Plan 1996–2011 (UDP) relates to Development in the Countryside. The policy limits development in the countryside to certain uses such as development essential for agriculture, along with the re-use or adaptation of existing buildings.

Policy ENV8 of the UDP relates to Small Scale Rural Conversions. This policy permits such development subject to the following criteria:

- (i) WHERE THE BUILDING IS OF ARCHITECTURAL OR HISTORIC VALUE, THE PROPOSED CONVERSION RETAINS THOSE ARCHITECTURAL OR HISTORIC FEATURES PRESENT IN THE BUILDING.
- (ii) IN THE CASE OF A CONVERSION TO BUSINESS USE THE BUILDING IN TERMS OF FORM, BULK AND GENERAL DESIGN IS IN KEEPING WITH ITS SURROUNDINGS.
- (iii) THE BUILDING IS STRUCTURALLY SOUND AND THE CONVERSION CAN BE ACHIEVED WITHOUT SUBSTANTIAL RECONSTRUCTION OF THE EXTERNAL WALLS, OR EXTENSION TO THE BUILDING. HOWEVER, EACH PROPOSAL WILL BE ASSESSED AS A MATTER OF FACT AND DEGREE, DEPENDING ON THE PARTICULAR CIRCUMSTANCES OF THE CASE.
- (iv) CONVERSION WORK CAN BE UNDERTAKEN WITHOUT UNACCEPTABLY ALTERING THE APPEARANCE AND RURAL CHARACTER OF THE BUILDING.
- (v) WHERE RESIDENTIAL USE IS CONSIDERED ACCEPTABLE, AMENITY SPACE CAN BE PROVIDED WITHIN THE CURTILAGE OF THE SITE WITHOUT UNDUE INCURSION INTO THE RURAL LANDSCAPE.
- (vi) VEHICULAR ACCESS IS AVAILABLE OR CAN BE PROVIDED FROM THE PUBLIC HIGHWAY WITHOUT ANY UNACCEPTABLE EFFECT UPON THE APPEARANCE OF THE COUNTRYSIDE.
- (vii) SATISFACTORY PARKING PROVISION CAN BE MADE WITHIN THE CURTILAGE OF THE SITE.
- (viii) IN THE CASE OF CONVERSIONS FOR SMALL SCALE COMMERCIAL, INDUSTRIAL, RECREATIONAL OR TOURISM USE THE PROPOSAL SHOULD NOT CREATE UNACCEPTABLE TRAFFIC OR OTHER ENVIRONMENTAL PROBLEMS.
- (ix) IN THE CASE OF CONVERSIONS FOR SMALL SCALE COMMERCIAL OR INDUSTRIAL USES, ANY RETAIL SALE OF PRODUCTS SHOULD BE ANCILLARY TO THE MAIN USE.

- (x) THE PROPOSAL IS NOT INCOMPATIBLE WITH ACTIVITIES CARRIED OUT ON ADJOINING LAND. APPLICANTS MAY BE REQUESTED TO ENTER INTO A LEGAL AGREEMENT TO CONTROL THE ACTIVITIES OF OTHER LAND IN THEIR OWNERSHIP.
- (xi) UTILITY AND INFRASTRUCTURE SERVICES CAN BE PROVIDED WITHOUT UNACCEPTABLE VISUAL INTRUSION AND WITHOUT DETRIMENT TO THE ENVIRONMENT.
- (xii) THE PROPOSED NEW USE WOULD PRESERVE OR ENHANCE THE SETTING OR CHARACTER OF ANY CONSERVATION AREA.
- (xiii) THE PROPOSAL WOULD PRESERVE OR ENHANCE THE ARCHITECTURAL OR HISTORIC QUALITY OF A LISTED BUILDING OR ITS SETTING.

Policy ENV16 relates to Protected Species and states:

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

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

Policy ENV17 of the UDP refers to the Protection of Built and Historic Environment and states:

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

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

WILL NOT BE PERMITTED.

Policy ENV27 – Design of New Developments 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.

Strategic Policies of the UDP include Policy 6 which favours tourism developments where they:

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

In addition, the Council has Supplementary Planning Guidance (SPG) including the SPG on the Conversion of Rural Buildings.

National guidance is contained within Planning Policy (Wales) March 2002 which recognises the importance of protecting the historic environment of Wales.

## Issues

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

The application for listed building consent for the conversion of these Grade II Listed Buildings was approved on 14 March 2007. It is considered that the conversion and re-use of the barns for tourism use is appropriate and would comply with Council policy. Permanent residential accommodation would not only have a greater adverse impact on the original character of the barns but would also be unsustainable in its location and also considered unacceptable by the Council's Environmental Health Department.

As regards the structural integrity of the buildings, it is noted that the buildings are in reasonable condition. Barn No. 4 will however require a significant amount of remediation work to secure the end use. However the proposed works will serve to re-instate the listed building to its original form, which given the listed status of the barn is a positive measure.

It is noted that the objections received relate to the volume of traffic running through Llandow. The Council's Highway Engineer has assessed the proposal however, and is satisfied with the scheme.

On the issue of wildlife protection it is noted that the initial ecology survey found evidence of bats within three of the four buildings. In order to comply with Council policy and national requirements relating to the three tests for derogation further information was requested in relation to mitigation. The additional information was submitted and it is noted that the Countryside Council for Wales has confirmed that they no longer object to the application subject to appropriate planning conditions.

Finally, in respect of infrastructure it is noted that there are no objections from Dwr Cymru/Welsh Water or the Environment Agency subject to details of drainage being agreed.

## CONCLUSION

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

Having regard to Policies ENV1 – Development in the Countryside, ENV8 – Small Scale Rural Conversions, ENV16 – Protected Species, ENV17 – Protection of Built and Historic Environment, ENV27 – Design of New Developments, Strategic Policy 6, Tourism of the Vale of Glamorgan Adopted Unitary Development Plan 1996–2011, Supplementary Planning Guidance on the Conversion of Rural Buildings and National Guidance contained in Planning Policy (Wales) March 2002, it is considered that the conversion of these Grade II Listed barns for tourism accommodation is an appropriate alternative use that will allow for the retention of their original character and their long term future as an historic grouping.

### 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 Drawing Nos. AWA/1271/45; 50 - 61 and 65 received on 10 October 2006 and the development shall be carried out strictly in accordance with these details.

Reason:

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

3. The accommodation hereby approved shall be used or occupied solely as holiday let accommodation only and not as permanent dwellings.

Reason:

The site is not suitable for permanent residential accommodation being contrary to Policies ENV8 - Small Scale Rural Conversions, ENV17 - Protection of the Built and Historic Environment and Strategic Policies 2 and 8 of the Vale of Glamorgan Adopted Unitary Development Plan 1996-2011.

4. A register, which shall include details of the guests staying at the premises hereby approved, including their home addresses, shall be retained and made available to the Local Planning Authority on request.

Reason:

To enable the Local Planning Authority to control the nature of the use in accordance with Policy ENV1 - Development in the Countryside of the Unitary Development Plan.

5. The vehicular access and on-site car parking as indicated on Drawing No. AWA/1271/45 amended plans, received 10 October 2006, shall be fully implemented before the first beneficial occupation of any one of the holiday lets hereby approved and shall thereafter be retained and maintained for the exclusive use of the holiday accommodation hereby permitted.

Reason:

In the interests of highway safety in accordance with Policies ENV8 - Small Scale Rural Conversions and ENV27 - Design of New Developments of the Unitary Development Plan.

6. The stone boundary wall on the frontage of the site with the highway, either side of the proposed vehicular access, shall be retained and repaired to a height no greater than 0.9m above the carriageway channel edge.

Reason:

In the interests of highway safety in accordance with Policies ENV8 - Small Scale Rural Conversions and ENV27 - Design of New Developments of the Unitary Development Plan.

7. The development hereby approved shall be implemented in accordance with the recommendations of the Ecology Report dated October 2006 and additional mitigation measures dated February 2007, prepared by David Clements Ecology Limited, unless otherwise agreed in writing with the Local Planning Authority.

Reason:

In the interests of wildlife protection in accordance with Policy ENV16 - Protected Species of the Unitary Development Plan.

8. Full details of a scheme for the foul drainage of the site shall be submitted to and approved in writing by the Local Planning Authority and the approved scheme shall be fully implemented in accordance with the approved details before the first beneficial occupation of any one of the holiday lets hereby permitted.

Reason:

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

9. A landscaping scheme shall be submitted to and approved in writing by the Local Planning Authority before the first beneficial occupation of any one of the holiday lets hereby permitted 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.

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

Reason:

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

11. Notwithstanding the provisions of the Town and Country Planning (General Permitted Development) Order, 1995 (or any Order revoking and re-enacting that Order) the holiday accommodation 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.

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

**NOTE:**

- 1. Where the proposal requires both Planning Permission and Listed Building Consent or Conservation Area Consent work must not be commenced until both consents have been obtained.**
- 2. Please note that this application relates to a conversion of the building(s) only and does not imply any consent for demolition or partial demolition and rebuilding of the barn(s) other than as may be shown in the approved details. Should work not outlined in the application and the structural survey be required then you should immediately contact my department. Demolition or partial demolition of the barn(s) will not comply with the consent as granted and subsequent planning consent will not normally be forthcoming for rebuilding a new dwelling.**
- 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. The applicants are advised that all necessary consents/ licences must be obtained from, the Environment Agency prior to commencing any site works.**

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

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

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

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

**2006/01322/FUL** Received on 25 September 2006

Rocketfine Limited, P.O. Box 294, Tarporley., CN6 9WQ ,  
A. T. Lloyd-Haydock 45, Preston New Road, Blackburn, Lancs., BB2 6AE

### **Land to the rear of Daniel Street, Barry**

Erection of housing development, flats and associated site works (4 flats and 16 houses, total 20 units)

#### **SITE DESCRIPTION**

The site relates to a vacant area of land situated in a residential area within Barry. The adjoining properties are a mix of single and two storey units of differing ages and design.

#### **DESCRIPTION OF DEVELOPMENT**

To erect 14 No. units, being three bedroom units with accommodation over three floors and having a floor area of approximately 100<sup>2</sup>m, and 3 No., two bed and 1 No., one bed flats. The two bed flats will have a floor area of approximately 63<sup>2</sup>m for the two bed units and 56<sup>2</sup>m for the one bed unit. Two detached 4 No. bedroom units with accommodation over 3 floors and having a floor area (internal) of approximately 130 sq. metres are also proposed.

Materials of construction have not been specified.

The site will be accessed for vehicular traffic from Robins Lane. Pedestrian and cycle access through the site will be provided from Westbury Close to Robins Lane.

An area of amenity space, measuring 12 x 22.5m maximum will be provided to the eastern part of the site.

Forty on-site parking spaces are proposed.

#### **PLANNING HISTORY**

There is a relatively long history of applications for residential development on the site. The most recent applications are:

06/00076/FUL – 32 units (six houses/twenty six flats). Refused and dismissed at appeal on 28 November 2006 for reasons that the scheme was overdevelopment and insensitive infilling that also adversely affects the privacy and amenities of neighbouring residents and would thus be overbearing and intrusive. A copy of that appeal decision is attached as Appendix A.

04/01125/OUT – Erection of 17 units. Application in outline was dismissed on appeal following an appeal against non determination for reasons that residential development at that time (January 2005) would overload the foul sewage system.

## CONSULTATIONS

Barry Town Council' comments are attached as Appendix B in relation to the scheme as originally submitted for 24 units. Comments are awaited in respect of amended plans.

The Head of Economic Development and Leisure (Ecology) reiterates comments made previously. See Appendix C.

The Director of Legal and Regulatory Services (Environmental Health Officer) has no objection but refers to possible importation of soil and the need to check that for any potential contaminants.

The Head of Visible Services (Highway Development) comments:

"Further to my email of 20 October 2006 I have now received a copy of a 'further' revised '**Proposed Site Plan Layout' Drawing. No. 100G** and to which I would make the following comments:

There are no 'highway' objections to the proposals as submitted, subject to the inclusion of the following conditions:

1. Notwithstanding the submitted plans, no works whatsoever shall commence on site until full engineering details of the road layout with sections, street-lighting and surface water drainage etc have been submitted and approved by the Council.
2. No works whatsoever shall commence on site until all necessary legalities, public consultation and necessary 'Traffic Orders' etc. are in place, together with the physical closure in a 'manner to be approved by the Council' --- of the junction of Price Avenue with Robins Lane **to vehicular access.**

Reason: In the interest of highway safety.

Further to our discussion yesterday, I have done a quick measure on site and I am reasonably confident that the proposed junction arrangement by Messrs. Rocketfine Ltd. can be accommodated within the land available between No. 37 Robins Lane and the new housing association development.

With regards to the request for 'traffic calming' along Robins Lane, I can advise you that my 'Traffic Section' confirms that data obtained, clearly indicates that there is no significant problems with speeding vehicles and the volume of traffic over 24 hours is not considered excessive. The need for any form of 'traffic calming' is therefore not considered to be necessary and any such request of the developer could not be sustained by the Council if taken to appeal. However, what the data does reveal are clear peak flows in the morning and evening with commuter traffic but this again is not considered sufficient to justify 'traffic calming'.

A traffic survey was carried out in Robins Lane in September 2005. The highest northbound traffic figures were 1827 vehicles over a 24 hour period with average speeds of traffic recorded at 30.5 mph, southbound figures were 871 vehicles and 29 mph respectively. These figures do not indicate a speed/traffic flow problem at this location.

The additional traffic volumes that will be generated by the latest proposal are relatively low and suggest that it would not be appropriate to request the applicant to fund the provision of traffic calming measures.”

Comments in respect of amended plans are awaited.

The Head of Visible Services (Engineering Design and Procurement) see Appendix D.

Glamorgan Gwent Archaeological Trust have no objection to the determination of the application.

It has been recommended by the Head of Visible Services (Parks and Grounds Maintenance) that a contribution be sought for improvements to the public open space facilities off Glebe Street.

Environment Agency see Appendix E.

Dwr Cymru/Welsh Water see Appendix F.

## REPRESENTATIONS

Representations received in respect of the scheme as originally submitted are attached as Appendix G.

Comments in respect of the amended plans are awaited.

## REPORT

Members will recall that this application was deferred at the 7 March 2007 meeting of Planning Committee to allow for the consideration of amended plans.

### Planning Policies

The site lies within the residential settlement of Barry and therefore development falls to be considered in line with the policies in the Vale of Glamorgan Adopted Unitary Development Plan 1996-2011.

Policy HOUS1(4) 'Residential Allocations' identifies the greater part of the land in question as an allocated site. Reference is made to the need to ensure greenfield run off from the site and it is noted that the site is likely to be developed by a registered social landlord. The application is not made on the basis of affordable housing. Policies HOUS2 'Additional Residential Development', HOUS8 'Residential Development Criteria' ENV27 'Design of New Developments' are also relevant as is TRAN10 'Parking'.

## Issues

The principle of residential development is accepted. The main issues to be assessed are therefore the adequacy of the access and on-site parking, the effects on the visual amenities of the surrounding area, the effects on the privacy and amenities of the adjoining occupiers and the adequacy of the amenity provisions for the proposed units.

## Access

The plans indicate that a single vehicular access will be created from Robins Lane with a pedestrian/cycle link through to Westbury Close. The access to Price Avenue from Robins Lane has been shown as being closed off. The Head of Visible Services has advised that there are no objections in principle to the development subject to full engineering details of the access and to Price Avenue being closed off.

The provision of cycle and pedestrian links through the site are welcomed as there currently exists evidence of informal footpaths through the site.

## Parking

The residential units proposed are generally small in terms of floor area and the three bed units would require two spaces per unit plus one space per five units for visitor parking given their location in relation to public transport. The one bed flat would require one space. The amended plans include 2 x 4 No. bedroom units of approximately 130 sq. metres requiring a minimum of 3 spaces. Thus to meet the standard, approximately 42 spaces would be required, 40 are shown. The amended plans include 2 No. 4 bed units of approximately 130 sq. metres requiring a minimum of 3 spaces.

## Amenity Space

To meet the Local Planning Authority's adopted standards as laid down in the Supplementary Planning Guidance 'Amenity Standards' the flats would require the provision of 220<sup>2</sup>m of amenity space. Approximately 190<sup>2</sup>m can be provided with the most private useable area being a strip 3.5 x 22.5 to the rear of the block.

The smaller dwellings would also require amenity space on the basis of 100<sup>2</sup>m per unit. Thirteen of the units would achieve approximately 40-49<sup>2</sup>m and others would have less than 20<sup>2</sup>m. The developers were advised that the scheme as originally submitted with this current application, namely for six flats and eighteen houses, had not overcome the significant objections to the scheme in terms of overdevelopment of the site and impact on neighbours. The scheme now before Committee has further reduced the number of units to 20 but still amounts to overdevelopment, which falls unacceptably short of the Supplementary Planning Guidance on amenity space provision and represents a poor layout.

### Effects on Visual Amenity

The scale of the development in terms of its visual impact has been reduced from that dismissed at appeal. The development is now generally two storeys in scale with accommodation in the roof for the dwellings. Subject to materials the dwellings could be finished acceptably.

However it should be noted that the density of development still sought will give rise to an intensity of built form not in keeping with the scale and character of development in the area generally.

### Effects on Neighbours

The omission of the three storey flats development has helped to reduce the potential adverse impacts on properties abutting the site. However the development will still result in two storey development with habitable rooms within very close proximity to rear gardens, thus relying on the rear gardens of existing dwellings to meet the generally accepted distance of 21m between habitable room windows. The four flats will lie approximately 3m from the rear gardens of properties in Westbury Close and approximately 14m from the rear elevations of those properties. The houses on the south western boundary of the site will include dwellings 5.5m from the boundaries of adjoining dwellings.

The dwellings with accommodation at 3<sup>rd</sup> floor in the roof will have roof lights facing neighbours' properties at very close quarters and even if the size of windows indicated was sufficient to meet Building Regulations for escape would result in perceived overlooking at very close quarters.

### Other Issues

The provision of foul sewer supply to the site is inadequate at present. An appeal in 2005 dismissed a scheme due to overloading of the system. However it is noted that Dwr Cymru/Welsh Water anticipate that the upgrading works would be carried out by April 2007 and as this is reasonably within the lifetime of the application if it were to be approved, refusal on this ground is therefore not justified.

### 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 considered the appeal decision in relation to the scheme as amended it is considered that the Local Planning Authority should proceed to determine the planning application, rather than decline to determine the matter as a similar scheme on a site within two years of an appeal dismissed.

The alterations to the scale of development and its layout have not overcome the objections to the development as it still represents overdevelopment of the site, which does not safeguard to a reasonable degree the privacy and amenities of adjoining occupiers in the area now provide an acceptable standard of layout and amenity for proposed occupiers.

RECOMMENDATION (W.R.)

REFUSE

1. The proposed residential development represents an insensitive overdevelopment of the site which fails to meet the Local Planning Authority's adopted standards for the provision of amenity space and on-site parking, representing an overbearing and unneighbourly development which adversely affects the privacy and amenities reasonably expected to be enjoyed by residents of adjoining properties. Accordingly the development is considered to be contrary to Policies HOUS8 'Residential Development Criteria' 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 'Amenity Standards' and Car Parking Guidelines.

**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.

## REPORT

### 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).

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 the 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 the 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.

**2006/01763/FUL** Received on 8 December 2006

Vale Clinic, C/o Agent.  
Hepher Dixon, Sophia House, 28, Cathedral Road, Cardiff., CF11 9LJ,

### **ITV Wales, Culverhouse Cross, Cardiff**

Conversion and change of use of 8300 sqft. of vacant office space to provide D1 health clinic

#### **SITE DESCRIPTION**

Vacant office space at ITV Studios, Culverhouse Cross. The site is approximately 771 sq. m. and lies between the main office block and the television studios to the west, a car park to the south and the Valegate Retail Park, St. Hilary Court and the Copthorne Hotel to the north. The site is allocated 42 No. parking spaces in the adjacent car park.

#### **DESCRIPTION OF DEVELOPMENT**

Planning permission is sought for the change of use of the 8,300 sq. ft. of vacant office space into a "high quality" Health Clinic. The proposal includes the following features:

- Consulting rooms.
- Treatment suites/rooms.
- X-ray and ultrasound facilities.
- Supporting office and administrative centre.
- 2 No. Gymsnasiums.
- Kitchens and toilet facilities.
- 2 No. Dental treatment suites.
- Management offices, records store and admin area.
- Laser facilities.
- Waiting areas.

The majority of the facilities are located at first floor level with a reception area, entrance hall, stairway, lift and toilets at ground floor level. It is also proposed to provide a mobile X-Ray/CT scan facility although the exact siting of this unit is not indicated on the plans.

The site includes 42 No. surface parking spaces within close proximity to the building.

## PLANNING HISTORY

07/00179/OUT - Land at ITV, Culverhouse Cross - Outline application for demolition of existing media studios and erection of new 3,250 sq.m. ITV Wales Headquarters (B1), 39,611 sq.m. of employment land including incubator units (B1), 212 residential units (C3), 8,840 sq.m. hotel space and an amenity building. Not registered.

06/01048/FUL - Convert Social Club into a children's day nursery. Approved 22 September 2006.

99/00569/OUT - Non-food retail use, A3 Use, public transport interchange and associated access and junction improvements. An appeal against the non-determination of the application was withdrawn before it went to an Inquiry.

98/01296/OUT - Outline application for 36231m<sup>2</sup> of non-food retail use, 9290m<sup>2</sup> of leisure use, 3499m<sup>2</sup> A3 use, transport interchange and associated access and junction improvements. Deemed Refused on 22 June 1999 as the Environmental Statement was not submitted within 3 weeks of the request.

97/00554/OUT - Outline proposal for expansion of the existing HTV site for media industry usage, and development of Media Village. Withdrawn.

93/00264/FUL - Engineering work to re-grade land and limited road works. Approved 10 May 1993.

93/00119/RES - Reserved matters application pursuant to planning consent ref: 91/01282/OUT. Approved 6 May 1993.

92/00017/OUT - Mixed development comprising 82,000 sq. ft. retail warehousing, 8,000 sq. ft. garden centre, 20,000 sq ft office dev., 6,000 sq. ft. fast food restaurant, car parking, landscaping and access. Refused 28 July 1992.

91/01282/OUT - 82,000 sq. ft. retail warehouse, 8000 sq. ft. garden centre, 20,000 sq. ft. office development, 6000 sq. ft. fast food restaurant associated car parking, landscaping and access. Not determined.

90/01217/FUL - Erection of office building with car parking. Approved 12 December 1990.

89/01433/FUL - Site adjacent to HTV Studios, Culverhouse Cross, Cardiff – Hotel Development. Approved 27 April 1990.

89/00182/OUT - Hotel and business technology park (Class B1). Approved 4 June 1990.

87/00775/FUL - Extension to existing office block - Level 3 Plant Room Level 2 Offices, Level 1 Vertical Circulation Reception and car park. Approved 29 September 1987.

Outline permission was originally granted in June 1979 for the redevelopment of the site for the erection of studios, ancillary and technical accommodation, car parking and service areas for broadcasting.

## CONSULTATIONS

Wenvoe Community Council were consulted on 4 January 2007. They resolved to support the application.

The Head of Visible Services (Highway Development) was consulted on 4 January 2007 and comments:

“The applicant has submitted a Transport Statement prepared by traffic consultants, Saville Bird Axon, in support of the proposed Change of Use from the existing 771 sq. m. of existing office space to a private health clinic.

The statement refers to the road accessing the site as St. Lythan’s Road when in fact it is called Old Port Road, this road continues on to service the landfill site at Whitehall Quarry and through a traffic calmed section with Wenvoe village. St. Lythan’s Road starts at the junction with Old Port Road and continues on to Twyn-yr-Oden and St. Lythans.

The survey purports to demonstrate that based upon the existing footprint and office use the traffic generation could be of the order of 30 vehicles in the morning and 22 in the evening peak based upon the TRICS 2006(B) database. However this assessment is a desktop study derived from homogenised data not an actual live observation. Accordingly there are some caveats that are necessary to be applied to these assumptions as they are based on idealised flows and TRICS was never designed to be used retrospectively in order to justify future demand as traffic flows on the highway are not being modelled. (Also a check needs to be made as to whether studio floor space is being utilised in this assessment as this is not defined office space in the previous consented development).

Similarly there are similar caveats to be applied to the projected traffic generation from the proposed private clinic which the survey indicates as 9 vehicles in the morning peak and a similar number in the evening. This appears a low figure for a proposal which if approved could employ up to 100 staff. There are several types of health clinic that are used in the TRICS database which may have different characteristics to that proposed in the current application.

It is often the case that consultants and other specialists are employed in private clinics on a part time basis which would invariably lead to multi-occupancies during the day of the proposed consulting rooms and a correspondingly higher traffic generation than staff who work fulltime at the clinic.

The survey states that a mobile X-Ray unit will be used at the proposed clinic however it is silent on the location of the mobile unit. These are normally housed in specially adapted articulated trailers akin to HGV's and with access ramps for disabled access and safe working area could sterilise a substantial number of car spaces. If the proposal is to site this unit in the car park then this could only be done within the 42 parking spaces allocated for this clinic leading to displaced car parking.

The daily 12 hour traffic flow generated between 07.00 – 19.00 for the "existing" use is stated to be 157 vehicles whereas the proposed new use would generate 109 vehicles according to the statement. The methodology of using TRICS data in this way is not accepted.

However notwithstanding any small potential increase in traffic flow from this particular site, it is not considered to be significant in the overall context of the previous HTV site. Nonetheless this should not be considered a precedent should other similar demands be created or made to the remaining vacant buildings. Consequently there would be no highway objection raised to this application subject to details being submitted showing how the mobile X-Ray unit is to be accommodated within the site without compromising the proposed car parking arrangements."

Public Transport have advised that due to the location and type of use, a financial contribution should be sought to improve public transport provision in the vicinity of the site. The developer has been advised that circa £100,000 is required to upgrade bus shelter/waiting facilities, enhance local bus services and provide public transport information services to users.

The Head of Economic Development was consulted on 4 January 2007. "No objection."

The Director of Legal and Regulatory Services (Environmental Health – Pollution Control) was consulted on 4 January 2007. "This department has no comment to make regarding this application."

## REPRESENTATIONS

Neighbouring occupiers were notified on 4 January 2007. No objections were received.

## REPORT

### Planning Policies

The proposal can be assessed against Strategic Policies 2 (Sustainability), 5 (Business and Industrial Sites) and 8 (Accessibility) and Policies ENV27 (Design of New Developments); ENV28 Access for Disabled People), EMP4 (Protection of Land for Employment Uses) and TRAN10 (Parking) of the Vale of Glamorgan Adopted Unitary Development Plan 1996-2011; Planning Policy Wales (March 2002); the South Wales Parking Guidelines and the approved Supplementary Planning Guidance Note on 'Sustainable Development'.

Policy EMP4 states:

ON EXISTING EMPLOYMENT SITES AND SITES IDENTIFIED IN POLICY EMP 1 DEVELOPMENT OF USES THAT ARE NOT CONTAINED IN CLASSES B1, B2 AND B8\* OF THE TOWN AND COUNTRY PLANNING (USE CLASSES) ORDER 1987 (AS AMENDED) WILL NOT BE PERMITTED.

*\* B1 Business, B2 General Industry and B8 Storage or Distribution use as defined by Town and Country Planning (Use Classes) Order 1987 (as amended)*

### Issues

The office accommodation has been vacant for some time and as ITV employs significantly fewer staff they only utilise a small proportion of the accommodation. Some of the surplus accommodation is sub-let to other media related uses but the majority of the office space has been marketed since April 2006. Despite a reasonable attempt to let this space (advertising boards, an advert on a Property Link website, mail drops to over 300 companies and adverts in journals and the national press) the interest in the building has been limited.

The applicant (Vale Clinic) began their search for premises in September, 2006 and sought a site with approximately 7,000 – 11,000 sq. ft. of office space. Three separate sites were identified within the Culverhouse Cross area as being in a suitable location for the enterprise due to their proximity to the primary road network, ability to link with public transport, sufficient on-site parking provision and the fact that the office accommodation can be easily converted for their specialist needs. Potential sites were considered in Barry but they were not considered to be accessible enough and not of a sufficient size to accommodate the range of facilities in the proposed Health Clinic.

Despite the loss of B1 office accommodation that is generally contrary to Policy EMP4, the office block has been vacant since April 2006 and since there has been no interest in the site during that time, probably due to the size of the accommodation, it is likely that the site will remain vacant for a continued period of time unless it is occupied by another use. The business will employ approximately 100 staff which is akin to the number of office workers potentially accommodated on the site and as such, the Health Clinic would limit the impact of the loss of an employment use on this site. The members of staff will range from full time medical professional and consultant staff, administration and management staff to temporary staff and casual workers.

Access to the building is gained via a ramp that links the building to the car park. An existing lift and stairway provides full access to the first floor area. 42 No. parking spaces are allocated to the accommodation on a pro-rata basis. The projected traffic flows included in the Transport Statement are unrealistically low considering the proposed number of staff to be employed on the site and that consultants and other specialists are regularly employed in private clinics on a part time basis which would lead to multi-occupancies during the day and a higher level of traffic generation. However, the amount of traffic generated as a result of this use is not considered to be significant in the overall context of the original operation of the HTV studios site.

The application indicates that a mobile x-ray machine will be accommodated on the site although no details of the size and exact location of the unit have been included with the submission. Therefore, further details of the mobile unit are required to ensure that it can be accommodated within the site without compromising the proposed car parking arrangements.

No external alterations to the building are proposed as part of the scheme and any signage will be the subject of separate applications for advertisement consent.

## 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 2 (Sustainability), 5 (Business and Industrial Sites) and 8 (Accessibility) and Policies ENV27 (Design of New Developments); ENV28 Access for Disabled People), EMP4 (Protection of Land for Employment Uses) and TRAN10 (Parking) of the Vale of Glamorgan Adopted Unitary Development Plan 1996-2011; Planning Policy Wales (March 2002); the South Wales Parking Guidelines and the approved Supplementary Planning Guidance Note on 'Sustainable Development', the proposal can be justified in terms of the loss of an employment site and there is sufficient on-site parking provision to serve the proposed Health Clinic, subject to financial contributions being sought to improve public transport services for the site.

## RECOMMENDATION

That the application be approved subject to the interested parties first entering into a binding Section 106 Legal Agreement with the Council to secure financial contributions for public transport improvements in accordance with this report, which S106 Agreement is also to include the standard clause requiring the payment of a fee set at the minimum charge of £150.

### 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 Health Clinic shall be used only for the purpose(s) specified in the application and for no other purpose whatsoever, including any other purpose in Class D1 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.

3. No part of the development hereby approved shall be brought into beneficial use until such time as the parking areas, including all associated access and turning areas, have been laid out in full accordance with the details shown on Drawing. No 5 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.

4. Details of the exact nature, hours of operation and location of the proposed mobile X-Ray unit shall be submitted to and agreed in writing with the Local Planning Authority prior to the Health Clinic hereby approved being brought into beneficial use.

Reason:

In the interests of parking provision and to ensure compliance with Policy ENV27 of the Unitary Development Plan.

5. Prior to the beneficial occupation of the development hereby approved, a site specific travel plan shall be submitted for the approval of the Local Planning Authority to promote sustainable travel. The Travel Plan shall thereafter be implemented in accordance with the approved scheme.

Reason:

To promote sustainable transport in accordance with the Unitary Development Plan Policy 2 and Planning Policy Wales and TAN 8 (Transport).

**NOTE:**

1. Before work is commenced the applicant must ensure that, where necessary, the appropriate Building Regulation consent has been obtained.
2. 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.

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

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.

## Policy

The planning policy framework comprises national planning policy guidance as contained with Planning Policy Wales (March 2002) and local planning policies 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 Policies

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 Policies) and Part 2 policies contained the Vale of Glamorgan Adopted Unitary Development Plan 1996–2011.

### Part 1 Strategic Policies

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

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 and a commuted sum for the adoption of the area of public 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 condition(s):

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

Reason:

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

2. This consent shall relate to the plans registered on 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 identified during the ground works phase of site construction has been submitted to and approved in writing by the Local Planning Authority and the development shall be 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 landscaping 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.**

**2006/01802/FUL** Received on 18 December 2006

Tadcross Hotels (Barry) Ltd., C/o Agent  
Custom Design, 124, High Street, Barry, Vale of Glamorgan., CF62 7DT

### **The Royal Hotel, Barry Road, Barry**

Conversion and extension of former Hotel to 18 no. 1 bedroom Residential Units

#### SITE DESCRIPTION

The site comprises an existing three storey, traditional hotel and public house located at the junction of Barry Road and Main Street. The property is currently vacant, and some clearance of the site has been undertaken with demolition of an outbuilding within the enclosed yard.

#### DESCRIPTION OF DEVELOPMENT

This is an application for full planning permission for the conversion and extension of the existing building to provide for 18 No. one bed residential units. The proposal includes the following works:

- (a) Demolition of a number of outbuildings on the rear elevation of the building.
- (b) Construction of a first and second floor extension over the existing ground floor located on the Barry Road, northwest side of the building. The extension will follow the footprint of the existing ground floor and be designed to match the pitched roof and gables to front and rear of the original three storey element of the building.
- (c) A three storey, pitched roof, stairwell extension on the gable side elevation of the new extension referred to above, measuring approximately 1.3m x 3.35m.
- (d) A second floor, hipped roof extension over the existing two storey rear annexe following the footprint of the original and designed to match.
- (e) Provision of a new splayed vehicular access 4.5m wide onto Main Street, with 18 No. car parking spaces laid out within the rear yard.
- (f) Provision of hard and soft landscaping within the existing yard area, including bin store and drying area.

The application is supported by a Sustainability Statement.

#### PLANNING HISTORY

93/01035/ADV - Various signs. Approved 3 December 1993.

## CONSULTATIONS

Barry Town Council initial comments: "Whilst no objections in principle would wish to be assured that adequate provision can be made for (1) On-site car parking particularly in this heavily parked area; (2) Suitable amenity facilities; and (3) That the Highway Authority is fully satisfied with the safety of the vehicular access onto Main Street.

Further comments - The amendments have been noted and generally welcomed. There is however some concern at the loss of two previously proposed on-site parking spaces in view of local on-street parking situation."

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

Dwr Cymru/Welsh Water have requested their standard conditions and advisory notes be attached to any consent.

The Director of Legal and Regulatory Services (Environmental Health (Pollution Section)) no objection subject to requirements relating to acoustic insulation in a number of the flats.

Community Services (Private Sector Housing) have no adverse comments.

The Head of Visible Services (Highway Engineer), initial comments:

Requirements relating to the widening of the access and reduction in height of boundary wall; removal of proposed gates; and re-arrangement of car parking layout.

Comments on revised scheme – Revised access acceptable but further rearrangement of parking layout required.

Comments on further revision – No objection subject to completion of the alterations to the crossover prior to the beneficial occupation of the development.

## REPRESENTATIONS

The occupiers of neighbouring properties were consulted on 9 January 2007. In addition the application was advertised on site and in the press on 16 January 2007. Letters of objection have been received from the occupiers of No. 6A Church Road, No. 189 Barry Road, No. 56 Churchfields and No. 93 Main Street. Whilst all the representations are available on file for the Committee members inspection a copy of the letter from the owner of No. 7 Barry Road is reproduced at Appendix A as being generally indicative of the points raised. In summary however, the objections raised relate to further dense development of one bed units and adverse impact on the area; lack of parking; unsafe access; and lack of amenity space. In addition a petition against the development signed by a total of 26 No. traders and residents has been received. The petition objects to the clientele that would be attracted to live in such a conversion which would be detrimental to the area with the character of Cadoxton downgraded again. A copy of the petition is attached at Appendix B.

## REPORT

The site comprises an existing, vacant hotel and public house located within the settlement boundary for Barry as defined in the Vale of Glamorgan Adopted Unitary Development Plan 1996-2011 (UDP). The proposal entails the conversion and extension of the building to provide for 18 No. one bedroom residential units. As such the following policy background is relevant to the assessment of the development.

### Planning Policies

Policy HOUS2 of the Unitary Development Plan allows for housing infill, small-scale development and redevelopment within the settlement of Barry subject to the residential development criteria outlined in HOUS8. These include criterion (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 from noise, traffic congestion, exacerbation of parking problems or visual intrusion; and (v) the provision of car parking and amenity space is in accordance with the Council's approved guidelines.

Policy ENV17 of the UDP relates to Protection of the Built and Historic Environment where development that has a detrimental effect on the special character appearance or setting of certain buildings or sites, such as a building of architectural or historic interests, including listed buildings, or historic parks.

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

The Council also has Supplementary Planning Guidance (SPG) including SPG's on Sustainable Development, Public Art, Amenity Standards and the Barry Development Guidelines. The Amenity Standards SPG contains policies not only in relation to the level and quality of amenity space but also issues of privacy, overshadowing and visual amenity. The Barry Development Guidelines identifies the property as a landmark building within the Cadoxton Area of Special Identity and states:

“In particular, a number of fine late Victorian public houses survive on important corner sites. These should be retained and new uses sought that can secure their viable re-use.”

National guidance is contained in Planning Policy Wales March 2002. Paragraph 9.3.4 states:

“In determining applications for new housing, local planning authorities should ensure that the proposed development does not damage an area’s character and amenity. Increases in density help to conserve land resources, and good design can overcome adverse effects, but where high densities are proposed the amenity of the scheme and surrounding property should be carefully considered. High quality design and landscaping standards are particularly important to enable high density developments to fit into existing residential areas.”

### Issues

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

One of the main points of objection raised by local residents and traders relates to the potential occupiers of the proposed flats and the assumption that these will be “transient” persons that will detract from the area. Whilst it is valid to be concerned about the proposed density of a development, as indicated by the guidance in Planning Policy Wales, it is less reasonable to assume that all potential occupiers of one bed apartments will be economically and socially challenged. Indeed it is considered that the proposal will provide for a quality of design in both the new extensions and in the renovation of the existing building.

It is noted that one of the objectives of the Barry Development Guidelines SPG is to sustain existing commercial and residential uses and encourage mixed use development. It is recognised that the proposal will result in the loss of a community facility and introduce a significant number of new residential units into the locality, and whilst this is not entirely inappropriate, nevertheless it is considered that, in line with Council policy, the developer should provide a contribution towards public transport and public art. The validity of seeking such a contribution is further supported by the fact that the proposed development provides only limited on-site car parking spaces, i.e. one space for each unit, and has limited amenity areas. A contribution towards public transport and public art could allow for enhancement of the nearby Victoria Gardens, which itself can offset the shortfall in on-site amenity space, with improvements to the existing bus shelters, for example. The submitted plans indicate the provision of specially commissioned railings as a possible contribution towards public art.

Another objection raised in the representations received relates to unsafe access and lack of parking. It is noted that the Council’s Highway Engineer is satisfied with the amended vehicular access arrangements, which show splayed new boundary walls and the omission of the originally proposed gates. The Council’s Highway Engineer is also satisfied with the level of on-site car parking bearing in mind the site’s location in relation to both bus and rail transport.

As regards any impact on neighbouring occupiers it is considered that the proposal, including the new extensions, should have little, if any, adverse affect on issues of privacy or overshadowing. Indeed with the physical repair of the building, the landscaping, and the likely reduction in late night noise and disturbance, it is likely that the proposal will serve to enhance residential amenities.

Finally it is noted that there are no objections from either Welsh Water or the Environment Agency, and the concerns of the Environmental Health Department in relation to acoustic insulation is controlled by other legislation.

Thus it is considered that the proposal is an acceptable reuse of an important landmark building within the Cadoxton Area of Special Identity as defined in the Barry Development Guidelines and will allow for a viable long term future for the building.

## 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, ENV17 - Protection of Built and Historic Environment, ENV27 - Design of New Developments of the Vale of Glamorgan Adopted Unitary Development Plan 1996-2011, and Supplementary Planning Guidance Amenity Standards, Public Art and the Barry Development Guidelines, it is considered that the proposal is an appropriate re-use of an important landmark building that is also acceptable in terms of both highways and residential amenity.

## RECOMMENDATION

That the application be approved subject to the applicant first entering into a Section 106 Legal Agreement with the Council to provide a contribution toward public transport and public art, which S106 Legal Agreement to also 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 condition(s):

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

Reason:

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

2. This consent shall relate to the plans initially registered on 18 December 2006 and the amended plans, Drawing No. 623/05, received on 5 March 2007 and Drawing. No. 623/01 received on 26 March 2007.

Reason:

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

3. The new vehicular access and on-site car parking, as indicated on Drawing No. 623/01, amended plan received 26 March 2007, shall be fully implemented before the first beneficial occupation of any one of the residential units hereby permitted, and shall thereafter be maintained and retained within the site for use exclusively in connection with the development hereby permitted.

Reason:

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

4. Notwithstanding the submitted plans further details showing cycle parking or bicycle storage space within the development shall be submitted to and approved in writing with the Local Planning Authority, with the agreed scheme being fully implemented upon the beneficial occupation of the first nine units of accommodation and thereafter being so retained at all times to serve the development hereby approved.

Reason:

In the interests of encouraging sustainable green transport in accord with Strategic Policy 7 of the Unitary Development Plan.

5. Samples of the external finishes shall be submitted to and agreed in writing with the Local Planning Authority before commencement of work on the new build element of the development hereby permitted. The development shall be implemented thereafter in accordance with the agreed details.

Reason:

In the interests of visual amenity in accord with Policy ENV27 - Design of New Development of the Unitary Development Plan.

6. Further details of the new boundary to Main Street shall be submitted to and agreed in writing with the Local Planning Authority and the development shall be implemented thereafter in accordance with the approved scheme before the first beneficial occupation of any one of the units hereby permitted.

Reason:

In the interests of visual amenity and highway safety in accord with Policy ENV27 - Design of New Developments of the Unitary Development Plan.

7. Details of the landscaping of the site shall be submitted to and agreed in writing with the Local Planning Authority before the first beneficial occupation of any one of the units hereby permitted, and the approved scheme shall be implemented during the first planting season following the completion of the development and thereafter any failures shall be replaced by specimens of a similar size and species for a period of five years.

Reason:

In the interests of visual amenity in accord with Policy ENV27 - Design of New Developments of the Unitary Development Plan.

**NOTE:**

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

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

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

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

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

**2007/00031/FUL** Received on 10 January 2007

Mr. Hunter-Jarvie, C/o Agent  
Andrew Parker Architect, Studio One, The Great Barn, Bonvilston, Vale of Glamorgan., CF5 6TR

**The Armoury, 46, Eastgate, Cowbridge**

Proposed garage with 1 bedroom accommodation over

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

The application was advertised on 6 February 2007.

**SITE DESCRIPTION**

Parking area/rear of plot at The Armoury, No. 46, Eastgate with access via Aubrey Terrace.

The site lies within the residential settlement boundary of Cowbridge with Llanblethian and the Cowbridge with Llanblethian Conservation Area and No. 46, Westgate is a Grade II Listed Building. The size of the curtilage of the property is approximately 600 sq. m. whilst the footprint of the proposed outbuilding is approximately 54 sq. m.

**DESCRIPTION OF DEVELOPMENT**

Planning permission is sought to erect a pitched roof detached outbuilding with a double garage and garden store at ground floor level and residential floorspace (with one bedroom, a bathroom and an open plan kitchen, living and dining area) above. The building is 8.9m wide and 6m deep and is set approximately 5m into the site (from the front boundary wall and gate). It is 3.6m to eaves and 6.5m to ridge height and includes two pitched roof dormer windows to the front roof slope (south-west) and a pitched roof dormer window and a velux rooflight to the rear (north-east) roof slope. It will be constructed of rendered blockwork walls, a slate roof, stained timber windows and doors and black plastic rainwater goods. The pedestrian and vehicular gates at boundary wall fronting Aubrey Terrace are to be retained. The building will be approximately 19m away from the property on the opposite side of the lane (No. 1, Borough Close) and approximately 18m away from the Grade II Listed Building (The Armoury, No. 46, Eastgate).

Listed Building Consent is not required as the building is not in contact with the main Listed Building.

## PLANNING HISTORY

98/00175/FUL - Proposed garage with ancillary accommodation over. Refused 16 April 1998.

96/00962/FUL - Proposed garage with ancillary accommodation over including alterations to rear boundary wall to improve visibility. Approved 30 January 1997. The application was implemented as the alterations to the rear boundary wall were carried out although they did not commence building works.

86/01189/FUL - Erection of one detached dwelling. Refused 17 February 1987.

86/00321/FUL - One No. detached dwelling. Refused 1 July 1986.

85/00840/FUL - Proposed development to consist of two flats. Refused 5 November 1985.

84/00800/FUL - Single building to comprise of 1 - 1 bedroom bachelor flat 2 - 1 bedroom bachelor maisonettes. Refused 16 October 1984.

## CONSULTATIONS

Cowbridge with Llanblethian Town Council were consulted on 19 January 2007 and re-consulted on amended plans on 27 March 2007.

“The Committee considers this to be an inappropriate development in the Conservation Area.”

The Head of Visible Services (Highway Development) was consulted on 19 January 2007 and re-consulted on amended plans on 27 March 2007. No comments have been received to date.

Dwr Cymru/Welsh Water was consulted on 19 January 2007. They confirm that the development site is crossed by a public sewer main and state that no part of the building will be permitted within 3m either side of the centreline of the public sewer. They also included their standard advice and guidance on foul water, surface water and land drainage run-off.

Environment Agency were consulted on 19 January 2007. They responded with a copy of their standard advice and guidance for developers.

The Director of Legal and Regulatory Services (Environmental Health (Pollution Control)) was consulted on 19 January 2007. “This department has no comment to make regarding the application.”

Glamorgan Gwent Archaeological Trust were consulted on 19 January 2007 and comment: “The application area is located in the eastern suburb of Cowbridge, which is thought to have been laid out in the 14<sup>th</sup> Century. The landholdings in this area of the town are the traditional rectangular medieval burgage plots with narrow ends of the street frontage.

There have been no archaeological investigations in this part of Cowbridge and therefore it is extremely difficult to predict what form the archaeological resource will take in each individual plot. You will recall our letter of 6 April 1998 in response to a previous application for development at this site (Our ref: VOG0396/JBHD, Planning Application No. 98/0176/FUL), where we recommended the attachment of a condition for a programme of archaeological work to this application, following the advice given in Welsh Office Circular 60/96, Section 23. There have been no material changes to the archaeological resource in that time and therefore our advice remains the same.

We recommend that the condition should be worded in a manner similar to the model given in Welsh Office Circular 60/96, Section 23:

*“No development shall take place until the applicant, or their agents or successors in title, has secured the implementation of a programme of archaeological work in accordance with a written scheme of investigation which has been submitted by the applicant and approved in writing by the Local Planning Authority.”*

*Reason: To identify and record any features of archaeological interest discovered during the works, in order to mitigate the impact of the works on the archaeological resource.”*

## REPRESENTATIONS

Neighbouring occupiers were notified on 18 January 2007 and re-notified of amended plans on 27 March 2007 and as the development is situated within the Cowbridge with Llanblethian Conservation Area and lies within the curtilage of a Grade II Listed Building, the application was advertised on site and in the press on the 6 February 2007 and 20 February 2007.

The occupiers of East Villa (No. 48, Eastgate) and Heath House have objected to the proposal on the following grounds:

- The additional accommodation above the garage is not required as the Armoury is a sizeable house with more than an adequate number of rooms.
- The accommodation is only needed for commercial reasons i.e. to let.
- The building would dominate the street and is out of line with the remainder of the outbuildings along the lane.
- The 1<sup>st</sup> floor accommodation would overlook the rear of the adjoining properties.

The letters of objection are attached as Appendix A to this report.

## REPORT

### Planning Policies

The scheme can be assessed against Policies ENV17 – Protection of Built and Historic Environment, ENV19 – Preservation of Archaeological Remains, ENV20 – Development in Conservation Areas, ENV27 – Design of New Developments, HOUS2 – Additional Residential Development and HOUS8 – Residential Development Criteria and TRAN10 – Parking of the Vale of Glamorgan Council Adopted Unitary Development Plan 1996-2011; the Cowbridge with Llanblethian Conservation Area Appraisal; the Council's parking guidelines and the adopted Supplementary Planning Guidance Amenity Standards.

### Issues

The main considerations are its impact on the character and appearance of the Conservation Area, the future use of the self-contained residential unit, its effect on the amenities and privacy of neighbouring occupiers and the provision/retention of on-site parking and outdoor amenity space. Other material considerations include the planning history on this site.

The scheme has been amended to reduce the height of the ridge and eaves heights from 6.8m and 3.7m to 6.5m and 3.6m respectively and to omit the cat-slide porch element at the front of the building. These changes should reduce the overall size, bulk and impact of the building. The building has also been re-sited approximately 1500mm closer to the front boundary wall to take it further away from the Grade II Listed Building and to bring it more in line with the garage building recently approved on the adjoining site at No. 48, Eastgate. In addition, the pitched roof dormer windows are now positioned more centrally within the front and rear roof slopes.

The original approval for a garage with ancillary accommodation over was 11m wide and 6m deep and set on a perpendicular axis to the lane on the boundary with No. 48, Eastgate. Whilst the new proposal is parallel to the lane, the building is smaller in terms of its footprint and is more in keeping with the garage building approved on the adjacent site.

Conditions requesting details of the materials to be used in the construction of the outbuilding and details of the design specifications of the proposed garage door and velux rooflight will be attached to the consent to control the appearance of the building.

It is considered that these changes, as well as the use of conditions, will preserve the character and appearance of the Cowbridge with Llanblethian Conservation Area.

Whilst the site is located within the Residential Settlement Boundary of Cowbridge and Llanblethian, it is considered that the use of the self-contained residential accommodation as an independent unit will prejudice the amenities and privacy of the existing occupiers of The Armoury and the future occupiers of the unit. A condition was attached to the previous approval for a garage with accommodation above (Application No. 96/00962/FUL) stipulating that “the development hereby approved shall solely be used or occupied on an ancillary basis to the dwelling known as 'The Armoury' and not as independent living accommodation nor for any trade or business purpose.” A similar condition will be applied to this application to prevent the use of the building as an independent dwelling.

The side elevation window overlooking No. 48, Eastgate is for the internal staircase but should be obscurely glazed to preserve the amenities and privacy of adjoining occupiers. The bedroom and lounge pitched roof dormer windows will be approximately 20m from the front of the houses on the opposite side of the lane and the rear kitchen window will be approximately 23m away from the first floor bedroom window to the rear of No. 46, Eastgate. There are no side elevation windows proposed for the south western pine end elevation. Therefore, it is considered that the scheme will not prejudice the privacy or amenities of adjoining properties.

The proposed 3 No. on-site parking spaces are sufficient to serve the dwelling and ancillary accommodation and a sufficient amount of the rear garden is retained between the proposed building and the main dwelling to serve the residential occupiers of the site.

## CONCLUSION

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

Having regard to Policies ENV17 – Protection of Built and Historic Environment, ENV19 – Preservation of Archaeological Remains, ENV20 – Development in Conservation Areas, ENV27 – Design of New Developments, HOUS2 – Additional Residential Development and HOUS8 – Residential Development Criteria and TRAN10 – Parking of the Vale of Glamorgan Adopted Unitary Development Plan 1996-2011; the Cowbridge with Llanblethian Conservation Area Appraisal; the Council’s parking guidelines and the adopted Supplementary Planning Guidance note on ‘Amenity Standards’ (1999), the application is acceptable as it preserves the character and appearance of the Conservation Area and is not detrimental to the amenities and privacy of the adjoining occupiers or safety on the adjoining highway.

## 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 326/P/12 A received on 20 March 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. The window in the north-west end elevation shall be fitted with obscure glazing at the time of the construction of the development hereby approved and prior to the first beneficial use of ancillary accommodation 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.

4. 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 plan reference 326/P/12 A 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.

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

Reason:

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

6. The self-contained residential unit hereby permitted shall not be occupied at any time other than for purposes ancillary to the residential use of the dwelling known as The Armoury, No. 46, Eastgate and not as independent living accommodation nor for any trade or business purpose.

Reason:

To avoid the creation of a separate unit of residential accommodation, and to ensure compliance with the terms of Policies ENV27 and HOUS11 of the Unitary Development Plan.

7. Notwithstanding the terms of the Town and Country Planning (General Permitted Development) Order 1995 or any Order amending, revoking or re-enacting that Order, the garage hereby approved shall not be physically altered or used for any other purpose and shall be maintained at all times for the parking of private vehicles exclusively in connection with the development hereby permitted.

Reason:

To retain adequate off-street parking to serve the extended dwelling and to meet Policies ENV27 and TRAN10 of the Unitary Development Plan.

8. Details of the finished floor levels of the development in relation to existing and proposed ground levels shall be submitted to and agreed in writing by the Local Planning Authority prior to the commencement of any development on site.

Reason:

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

9. Details of the materials and colour of the external finishes of the proposed garage block and the design of the proposed garage door and velux rooflight shall be submitted to and agreed in writing with the Local Planning Authority prior to the commencement of development.

Reason:

In the interests of local visual amenities and to ensure compliance with the terms of Policies ENV20 and ENV27 of the Unitary Development Plan.

10. 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.

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

Reason:

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

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

Reason:

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

**NOTE:**

1. **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.**
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.**

**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.**

**2007/00048/FUL** Received on 12 January 2007

Kevin Hobbs and Sallie Heeley, 5, Station Road, Dinas Powys, Vale of Glamorgan., CF64 4DE  
Holder Mathias Architects - Terry Morley, The Bonded Warehouse, Atlantic Wharf, Cardiff., CF10 4HF

### **5, Station Road, Dinas Powys**

Demolition of existing conservatory, construction of new two storey extension and associated works

The property is situated within the Dinas Powys Conservation Area.

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

The application was advertised on 6 February 2007.

### **SITE DESCRIPTION**

The proposal site relates to a dwellinghouse to the rear of a shopping parade in Dinas Powys Conservation Area. The dwelling is accessed through a recessed walkway to the middle of two shops where a number of flats including the dwelling are located. There is an existing courtyard style communal area with parking provision.

### **DESCRIPTION OF DEVELOPMENT**

The development relates to the demolition of a conservatory and the development of a two-storey extension to the rear of the property and a pitched roofed side dormer on the existing roof plane. The two-storey extension measures 5.9m length x 7.9m wide and 6.25m high.

The dormer extension is of dimensions 5m wide x 4m depth by 3.2m high. The elevations will be finished in stained timber and the roof will have a slate roof to match the existing.

### **PLANNING HISTORY**

06/00332/FUL - Demolition of existing conservatory, construction of new two storey extension and associated works. Refused 26 May 2006.

97/01159/ADV - Barber shop sign pole with light inside. Approved 9 January 1998.

89/00440/FUL - Two Lock up shops and two one bedroom flats. Approved 6 June 1989.

88/00763/OUT - Small commercial and residential development, 2- Lock up shops, 2 one bedroom flats. Approved 6 December 1988.

## CONSULTATIONS

Dinas Powys Community Council were consulted on 24 January 2007. "We support neighbours Objections that this is an unneighbourly development and an overdevelopment of the site."

The Head of Visible Services (Highway Development) was consulted on 24 January 2007 and comments as follows:

"Further to the recent site visit undertaken in relation to the above application, I would comment that the development proposals will require the provision of three parking spaces to be provided within the boundary of the site. Under the above application, two parking spaces are proposed, which will leave the development deficient in parking by one vehicle space.

However, due to the location of the development site, close to public transport facilities, the Highway Authority are unable to sustain an objection, provided that the details listed below are made conditional to the planning consent and are submitted for approval prior to commencement of works at the site.

- (1) The proposed 2 No. parking spaces shall be provided before beneficial occupation and thereafter maintained and retained at all times for the purpose associated with the development site.
- (2) An area is required to be provided within the boundary of the development site to enable vehicles to manoeuvre and enter/exit the site in forward gear."

## REPRESENTATIONS

Nos. 3, 5, 5a, 5b, 5c and 5d Station Road were consulted on 24 January 2007.

Nos. 1, 2, 4, 6 and 8 Elmgrove Road were consulted on 24 January 2007.

The Post Office and Village Stores were consulted on 24 January 2007.

Neighbours at No. 3 Station Road and the flats at Nos. 5a and 5c Station Road have commented on the application. The concerns relate to the proposal being an overdevelopment and unneighbourly and causing harm to light. Concerns are also raised relating to the wider issue of parking along Station Road. Letters are attached at Appendix A.

## REPORT

Members will recall that this application was deferred at the 28 March meeting of Planning Committee to allow a site visit to be undertaken. The site and proposal is located to the rear of a shopping parade in the Dinas Powys Conservation Area, in an open courtyard area with access to flats at first floor and the existing dwelling at ground floor.

The relevant history to the site relates specifically to the previous 2006 refusal. The 2006 proposal was of a significant scale and height and as a consequence caused significant harm to the amenities of the adjoining neighbours. As a consequence of informal discussions following the refusal, the scheme was significantly altered in order to reduce the concerns raised by the previous refusal. Therefore, the proposed extensions have been reduced in depth and height and set off the adjoining party boundary in an attempt to lessen the impact upon the adjoining neighbours.

### Planning Policies

The assessment of the application relates specifically to Policies ENV27 - Design of New Developments, ENV17 - Protection of the Built and Historic Environment and ENV20 - Development in Conservation Areas of the Vale of Glamorgan Adopted Unitary Development Plan 1996-2011 and the Councils 'Amenity Standards' Supplementary Planning Guidance.

Policy ENV27 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 ENV20 indicates that 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.

### Issues

It should be noted that the location of the development to the rear of the buildings fronting Station Road means that the extension to the property would not be located in a prominent position. As such, it is being considered that the main issues do not relate to the wider implications of the extension's impact upon the character of the Dinas Powys Conservation Area but mainly to the effect it will have upon the adjoining neighbouring properties. Due to its secondary location, away from primary road frontage it is considered that the design is appropriate and will have no direct impact upon the visual amenities of the Dinas Powys Conservation Area.

The proposed development will extend marginally beyond the existing ground floor footprint of the property as previously extended by the addition of a conservatory. The length at two storey will be increased by 5.9m whilst the height will be a maximum of 6.25m and the extension will be set off the party boundary by 3.2m. This is a significant reduction in the scale of the extension since the previous refusal as the applicant has reduced the length of the two storey extension from 7.2m to approximately 5.9m and has lowered the height from 7.5m to 6.25m as well as setting the extension off the part boundary by 3.2m. It is considered that the changes made will significantly minimize the impact of the proposed development on the living accommodation to the rear of the Post Office.

Furthermore, in the previous refusal the enlarged dwelling was considered to result in an overdevelopment of the site and impacted severely on what was considered a restricted site. The changes made considerably reduce the overall scale and bulk of the extensions to a level where it is considered that there is sufficient amenity space remaining to serve the enlarged dwelling.

The proposal will still retain the large dormer to the roof plane, which will have some degree of impact upon the existing flat that adjoins the site and is accessed from a spiral external staircase. The dormer will be around 3.5m from the front door and window that serves a kitchen. It is considered that the dormer will have some impact upon the windows serving the flat and therefore it has been agreed a condition will be included to obscure and fix the lower level windows serving the dormer development. As a result, subject to the condition, it is considered that the impact of the dormer upon the adjoining flats is not significant enough to warrant a refusal of planning permission.

The Highways Authority is content with allowing two spaces within the curtilage of the site in order to serve the enlarged dwelling as a consequence of the good local public transport facilities. As such, a condition will be included with the consent in order to get a detailed parking layout to serve the dwelling

Therefore, 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, ENV20 and ENV17 the proposal is considered to be acceptable. The extensions are considered to appropriately scaled and design and have no significant impact upon the adjoining residential amenities or the wider Dinas Powys Conservation Area. Therefore, the proposal complies with Policies ENV27 - Design of New Developments, ENV17 - Protection of the Built and Historic Environment and ENV20 - Development in Conservation Areas of the Vale of Glamorgan Adopted Unitary Development Plan 1996-2011 and the Councils 'Amenity Standards' Supplementary Planning Guidance.

## RECOMMENDATION

APPROVE subject to the following condition(s):

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

Reason:

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

2. The two lower level windows in the proposed dormer shall be fitted with obscure glazing at the time of the construction of the development hereby approved and prior to the first beneficial use of the bedroom accommodation 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.

3. The construction of the two lower level windows in the dormer development shall be installed as a non-opening window at the time of construction and shall 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.

4. Notwithstanding the submitted drawings details of a parking scheme to serve the development including two parking spaces and all associated turning areas, shall be submitted to and approved in writing by the Local Planning Authority; the approved scheme of parking shall be laid out in accordance with the approved details prior to the first beneficial use of No. 5, Station Road and shall thereafter be so retained at all times to serve the development hereby approved.

Reason:

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

**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.**

**2007/00103/FUL** Received on 25 January 2007

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

### REPORT

#### 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 – 1 metre 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.**

**2007/00157/FUL** Received on 5 February 2007

Mrs J. Osborne, 11, Greenlawns, Barry, Vale of Glamorgan, CF62 9DX  
Mrs J. Osborne, 11, Greenlawns, Barry, Vale of Glamorgan, CF62 9DX

### **8, Long Meadow Drive, Barry**

Change of use from domestic dwelling (private) to small registered care home for 2 persons

#### SITE DESCRIPTION

Two bed bungalow at No. 8, Long Meadow Drive, Barry. The site lies within the residential settlement boundary of Barry.

#### DESCRIPTION OF DEVELOPMENT

The application seeks planning permission to convert the residential dwelling into a small registered care home for two young disabled adults with learning difficulties. There will be a maximum of three staff on site at any one time.

#### PLANNING HISTORY

None.

#### Relevant Planning History

05/01326/FUL – No. 27 Sycamore Crescent. Change of use to small residential home. Approved October, 2005.

#### CONSULTATIONS

Barry Town Council was consulted on 13 February, 2007 and have no objection.

The Head of Visible Services (Highways and Engineering Design) was consulted on 13 February, 2007 and comments as follows:

“Further to the recent site inspection and the supporting information it is considered that the above development proposals are acceptable in principal subject to the following condition being imposed on the planning consent.

1. The proposed 3 No. parking spaces within the boundary of the development site shall be provided and laid out in accordance with the Highway Authorities Parking Guidelines and be thereafter maintained and retained at all times for the purpose associated with the development.”

The Director of Legal and Regulatory Services (Environmental Health (Pollution)) was consulted on 13 February, 2006. “This department has no comment to make regarding the above application.”

## REPRESENTATIONS

Neighbouring occupiers were notified on 13 February 2007 and 23 February, 2007. The occupiers/owners of Nos. 5 and 36, Sycamore Crescent, Nos. 1, 2, 4 and 6, Longmeadow Drive; Nos. 16, 20 and 21, Green Lawns and Nos. 2, 11, 11a, 17, 27 and 28, Laburnam Close have objected to the application on the following grounds:

- Lack of notification to residents.
- There is already a Residential Home situated on the corner of Sycamore Crescent and Longmeadow Drive.
- The lack of parking provision and the large volume of cars being parked on the road.
- The increased noise and general disturbance in the residential area.
- The character of the area will change from a residential area into an institutional environment.
- The proposal will affect the amenity, privacy and setting of the adjoining properties.
- There are only four bungalows remaining in the road with two businesses already established.
- There are two schools nearby which cause traffic congestion.
- Loss of property value.
- The loss of suitable housing stock for elderly persons.

A forty five name petition has been submitted objecting to the proposal and Councillor Richard Bertin has requested that this application be referred to Planning Committee.

Three letters that are generally indicative of the points raised are attached as Appendix A to this report. All other letters are retained on file for inspection by Members of the Planning Committee.

Two further letters of objection have been received from the owners/occupiers of No. 4 Longmeadow Drive and No. 8 Laburnum Close, and these are retained on file for inspection by Members.

## REPORT

Members will be aware that the application was deferred at the Planning Committee of 28 March 2007 to allow a site visit to be undertaken.

## Planning Policies

The proposal can be assessed against Strategic Policy 14 – Community and Utility Services, Policies HOUS10 – Nursing Homes, TRAN10 - Parking and ENV27 – Design of New Developments of the Vale of Glamorgan Adopted Unitary Development Plan 1996-2011; the Council's adopted Supplementary Planning Guidance Note on Amenity Standards (1999); the Council's approved parking guidelines, the Barry Development Guidelines and Planning Policy Wales (March 2002).

Policy HOUS10 of the Unitary Development Plan states:

PROPOSALS FOR THE ERECTION OF OR EXTENSION TO, RESIDENTIAL CARE AND NURSING HOMES WITHIN CLASS C2\* OF THE TOWN AND COUNTRY PLANNING (USE CLASSES) ORDER 1987, (AS AMENDED) AND FOR CONVERSION OF PRIVATE RESIDENCES, HOTELS AND GUEST HOUSES AND OTHER BUILDINGS TO SUCH USES WILL ONLY BE PERMITTED IF ALL OF THE FOLLOWING CRITERIA ARE MET:

- (i) THERE ARE NO UNACCEPTABLE EFFECTS ON THE AMENITY OR CHARACTER OF THE AREA BY REASON OF TRAFFIC GENERATION OR LOSS OF PRIVACY TO ADJOINING PROPERTIES;
- (ii) THE PROPOSAL DOES NOT CREATE UNACCEPTABLE DANGERS AND NUISANCE CAUSED BY THE VOLUME AND PROXIMITY OF TRAFFIC ON ADJACENT ROADS;
- (iii) THE SCALE, LAYOUT AND APPEARANCE OF THE PROPOSAL REFLECTS THE CHARACTER OF THE LOCALITY;
- (iv) THE DENSITY OF OCCUPATION, THAT IS THE NUMBER OF RESIDENTS, IS COMPATIBLE WITH SURROUNDING LAND USES;
- (v) THE PROPOSAL PROVIDES FOR PEDESTRIAN ACCESS WITHIN THE SITE AND FROM THE STREET;
- (vi) OPEN SPACE IS PROVIDED IN ACCORDANCE WITH THE COUNCIL'S APPROVED STANDARDS;
- (vii) CAR PARKING AND AMENITY SPACE PROVISION IS IN ACCORDANCE WITH THE COUNCIL'S APPROVED GUIDELINES;
- (viii) ACCESS ARRANGEMENTS ALLOW THE SAFE MANOEUVRING OF CARS, AMBULANCES AND VANS;
- (ix) THE PROPOSAL IS IN CLOSE PROXIMITY TO LOCAL SERVICES SUCH AS SHOPS AND BUS STOPS;
- (x) ADEQUATE COMMUNITY, INFRASTRUCTURE AND UTILITY SERVICES EXIST, ARE REASONABLY ACCESSIBLE OR CAN BE READILY AND ECONOMICALLY PROVIDED;
- (xi) ADEQUATE FACILITIES ARE AVAILABLE FOR THE SATISFACTORY DISPOSAL OF CLINICAL WASTE.

*\*C2 - Residential Institutions as defined by the Town and Country Planning (Use Classes) Order 1987*

## Issues

Members will recall that this application was deferred at the 28<sup>th</sup> March, 2007 meeting of Planning Committee to enable a site visit to be undertaken on 25<sup>th</sup> April, 2007.

The main issues to consider include the change of use, the on-site parking provision and the impact on neighbouring residential occupiers and highway safety in the area. No external alterations or extensions are proposed as part of the scheme.

There is no objection to the principle of this development in this area as Strategic Policy 14 permits developments associated with community services provided that there is no unacceptable impact on the interests of agriculture, conservation, listed buildings, archaeological features, areas of ecological, wildlife and landscape importance and residential amenity.

The care home will only serve two residents with a maximum of three staff at any one time and the site is in close proximity to community facilities, public transport and shops. It is noted that a similar care home is already in existence at No. 27, Sycamore Crescent (adjacent to the application site). However, the Highways Officer has no objection to the proposal provided that the three driveway parking spaces are maintained and retained at all times for the care home. The Environmental Health Officer has not raised an objection on noise grounds.

Accordingly it is considered that there shall be no detrimental impact on the occupiers of neighbouring properties as the use will remain largely residential in character.

## CONCLUSION

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

Having regard to Strategic Policy 14 – Community and Utility Services, Policies HOUS10 – Nursing Homes, TRAN10 - Parking and ENV27 – Design of New Developments of the Vale of Glamorgan Adopted Unitary Development Plan 1996-2011; the Council's adopted Supplementary Planning Guidance Note on Amenity Standards (1999); the Council's approved parking guidelines, the Barry Development Guidelines and Planning Policy Wales (March 2002), the proposal is considered acceptable in terms of its potential future impact on neighbouring occupiers and highway safety and parking provision.

## 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 residential care home shall serve a maximum of two residents and shall be used only for the purpose(s) specified in the application and for no other purpose whatsoever, including any other purpose in Class C2 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.

3. The three parking spaces shall be retained within the curtilage of the site at all times to serve the care home hereby approved.

Reason:

In the interests of highway safety.

**NOTE:**

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

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

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

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

**2007/00160/FUL** Received on 5 February 2007

Mr. A. Franks, 16, Milton Road, Penarth, Vale of Glamorgan, CF64 2SW  
Mr. A. Franks, 16, Milton Road, Penarth, Vale of Glamorgan, CF64 2SW

### **25, Mountjoy Place, Penarth**

Demolition of existing attached single storey garage and rear annexe.  
Construction of single storey rear extension and double storey side extension

#### **SITE DESCRIPTION**

The application site relates to an existing semi detached hipped roof dwelling with attached flat roof garage on Mountjoy Place, Penarth. The house comprises of brown concrete interlocking roof tiles, with rendered and painted elevations and a small section of brickwork on the lower level of the front square bay. The existing dwelling is served by a driveway to the front of the dwelling.

#### **DESCRIPTION OF DEVELOPMENT**

This is a full application for the demolition of the existing attached garage and rear annex and the construction of a two storey side extension and single storey rear extension.

The scheme proposes a side extension which will measure 8 metres in length by a maximum width of 2.6 metres. The roofline has now been amended from a gable to a hipped roof, with eaves height matching the existing dwelling, 5.4 metres in height and a ridge height of 8.5 metres, to match that of the main roof. The single storey extension to the rear of the house will be 8 metres at its widest by a depth of 3.9 metres, with a lean-to roof 2.3 metres to eaves and 3.7 metres at its highest point where it abuts the main dwelling.

The extension is shown to be finished with roughcast render to be painted cream, facing brickwork (on the lower front elevation) and centre roof tiles, all to match the existing dwelling. It is proposed to construct the side elevation with cream coloured facing brickwork with flush joints to match the painted render (due to restricted access and for future maintenance).

#### **PLANNING HISTORY**

None.

#### **CONSULTATIONS**

Penarth Town Council were consulted on the original and amended plans. On the original plans they stated that the application should be approved subject to consideration of the following issues :

1. The roof design being hipped in the interests of the appearance of the pair of semis.

2. The need for an obscured non-opening window in the high level window on the side elevation, in the interests of privacy of the occupiers of No. 88 Wordsworth Avenue.
3. The suitability of the proposed painted brick finish having regard to the visual appearance of the property within the street scene.

On the amended plans (which propose a hipped roof) they advise that the application should be approved subject to account being taken of the previous comments made.

## REPRESENTATIONS

Adjacent occupiers were notified on the original plans and letters of representations were received from the occupiers of Nos. 86 and 88 Wordsworth Avenue, a copy of the objection from No. 88 is attached as Appendix A. The concerns raised in these letters are summarised below :

1. Loss of privacy and overlooking from the window on side elevation of the extension.
2. Overbearing impact as a result of the extension being built on the boundary.
3. The gable roof being out of character with the areas.

The amended scheme now proposes a hipped roof and the applicant has stated in writing that the side window will be obscure glazed. Based on the amended plans, the above occupiers have continued to raise an objection, primarily on the basis that the extension will be out of character with the area and will be constructed adjacent to the boundary.

## REPORT

### Planning Policies

The relevant policies and guidance in assessing this application are those contained in the Vale of Glamorgan Adopted Unitary Development Plan 1996 – 2011, in relation to the following policies:

ENV27 - Design of New Developments

TRAN 10 - Parking

Also of relevance are the Amenity Standards Supplementary Planning Guidance, Planning Policy Wales March 2000 and TAN12 on Design.

## Issues

The two storey element of the extension would be visible from Mountjoy Place. The original scheme proposed a gabled roof which when viewed with the adjoining semi-detached dwelling, would appear out of keeping and an incongruous feature in the street scene. Following discussions with the applicant the scheme has now been revised and a hip roof is now proposed in place of the gable roof. The introduction of a hipped roof also reduces the scale and massing of the extension when viewed from the street scene. Whilst the ridge height matches that of the existing dwelling, due to the limited width of the extension (2.5 metres), the overall scale of the extension is not considered to unbalance the adjoining dwelling or appear incongruous in the street scene.

With regard to materials and finishes, these will match the existing dwelling and therefore are considered acceptable. It should be noted that the side elevation of the extension is proposed to be constructed in a cream facing brick with flush joints (to match the colour of the existing dwelling), given restricted access for future maintenance. Whilst the construction of this gable end which would be partly visible from the street scene and the occupiers of Nos. 86 and 88 Wordsworth Avenue, it not considered that this choice of finish is unacceptable.

With regards to the impact on the amenity and privacy of adjacent occupiers, the extension will be sited some 15 metres from the rear elevations of the properties of Nos. 86 and 88 Wordsworth Avenue. Whilst it is constructed adjacent to they boundary, the hipped roof two storey extension is not considered to have an overbearing impact on the occupiers of these dwellings. With regard to the impact on the adjoining semi-detached dwelling (No. 23), the lean-to single storey extension on the rear elevation will adjoin the extension of the adjacent occupier and as will not have any impact.

In relation to issues of overlooking, the first floor of the side elevation is shown to be served by a high level window which would serve a bedroom. Whilst the window is shown with a high cill level which would restrict overlooking. Given that the window would be sited on the boundary, there may be an opportunity of overlooking over the adjacent private gardens. Therefore for the avoidance of doubt and at the request of the Council, the applicant has confirmed in writing that the window will be fitted with a fixed frame window fitted with frosted glass, which would prevent any overlooking.

In terms of parking the proposed garage is of a limited internal width, which may limit the use of the garage. However, the dwelling is already served by an existing garage in this position of the same internal measurements and there will be no change in the level of parking provision at the site. Whilst the proposed extension will result in an additional bedroom, creating a four bedroom dwelling, there is no requirement under the parking guidelines to provide additional off street parking. Notwithstanding this, there is also some availability on street, should further parking be required.

The extended dwelling will be served by adequate private and usable amenity space in line with the Council's standards.

## CONCLUSION

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

Having regard to Policies ENV27 – Design of New Developments and TRAN 10 – Parking, the proposed extension is considered acceptable in terms of its impact on the existing dwelling, the street scene and is not considered to result in a loss of privacy or result in an overbearing form of development on adjacent occupiers.

## RECOMMENDATION

APPROVE subject to the following condition(s):

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

Reason:

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

2. This consent shall relate to the plans registered on 5 February 2007 other than where amended by plans reference 02 A received on 12 March 2007.

Reason:

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

3. The window at first floor level in the side elevation of the extension shall be fitted with a non opening and obscurely glazed pane at the time of the construction and prior to the first beneficial use of extension hereby approved 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.

4. Notwithstanding the provisions of the Town and Country Planning (General Permitted Development) Order, 1995 (or any Order revoking, amending or re-enacting that Order) no additional windows shall be inserted in the north facing (side) elevation of the extension hereby permitted without the prior written consent of the Local Planning Authority.

Reason:

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

**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.**

**2007/00263/RG3** Received on 23 February 2007

Director of Learning & Development, Vale of Glamorgan Council, Civic Office,  
Holton Road, Barry, Vale of Glamorgan, CF63 4RU  
Property Division, Vale of Glamorgan Council, Civic Office, Holton Road, Barry,  
Vale of Glamorgan, CF63 4RU

### **Llangan Primary School, Llangan**

Retention of existing demountable (nursery) unit to accommodate the play group

#### **SITE DESCRIPTION**

The application site comprises part of the existing Llangan primary school located in the countryside on the main highway from the Pentre Meyrick junction.

#### **DESCRIPTION OF DEVELOPMENT**

This is an application submitted under Regulation 3 of the Town and Country Planning General Regulations 1992 (Minute No. 1979 May 2002 refers) for the retention of an existing demountable nursery unit to accommodate a play group. The unit was approved for temporary relocation as part of the scheme for a major, permanent extension to the existing school building. The single storey unit, measuring approximately 9.2m x 8.7m, will sit within its own railed enclosure 13.8m x 13.9m.

#### **PLANNING HISTORY**

00/00006/REG3 – Retention of demountable nursery unit. Approved 23 March 2000.

05/01348/FUL – New access driveway and car parking area. Refused 12 January 2006 on the grounds of unacceptable and unjustified encroachment into the countryside with loss of an important hedgerow.

06/00015/REG3 – Major extension to school. Approved 10 March 2006 subject to conditions including provision of car parking; a method statement detailing access; landscaping; drainage and wildlife protection.

#### **CONSULTATIONS**

Llangan Community Council were notified on 2 March 2007. No comment has been received to date.

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

Dwr Cymru/Welsh Water were notified on 2 March 2007. No comments received to date.

The Head of Economic Development and Leisure (Countryside and Environment (Ecology) has no comments.

The Head of Visible Services (Highway Engineer) has no objection subject to condition relating to:

- Hours of opening and closing of the School, Play Group and Nursery to be staggered to prevent any overlap of children arriving and departing from the site.

## REPRESENTATIONS

The occupiers of neighbouring properties were notified on 2 March 2007. In addition a site notice was posted on 6 March 2007. The occupier of Cherry Acre has lodged an objection on the grounds that as the new building was meant to incorporate the play group the retention of the existing is totally unacceptable. It is bad enough that the existing new build is nothing like the old school building and is not in keeping with the original drawings. So an objection is raised to the retention of the prefab.

## REPORT

The site comprises existing primary school premises that are located within the countryside. The proposal seeks the retention of a demountable unit that was originally intended to be sited for a temporary period before the use would be incorporated within the new build extension. The following policy background is relevant to the assessment of the application.

### Planning Policies

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

WITHIN THE DELINEATED COUNTRYSIDE PERMISSION WILL ONLY BE GRANTED FOR:

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

Policy ENV27 refers to the Design of New Development and states:

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

- (i) COMPLEMENTS OR ENHANCES THE LOCAL CHARACTER OF BUILDINGS AND OPEN SPACES.
- (ii) MEETS THE COUNCIL'S APPROVED STANDARDS OF AMENITY AND OPEN SPACE, ACCESS, CAR PARKING AND SERVICING.

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

Policy COMM5 of the UDP relates to community facilities and seeks the retention of community facilities in rural settlements and villages.

### Issues

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

The application seeks the retention of a demountable unit to accommodate the play group. Its temporary relocation during the construction of the new build extension was agreed under that permission, reference 06/00015/REG3.

It is noted that an objection has been lodged by a nearby residential occupier at Cherry Acre on the grounds that the new build extension should have accommodated the play group and should have therefore facilitated the removal of the demountable units. This viewpoint is understandable as the construction of a permanent new build extension should have been planned to accommodate the school needs and result in the removal of the demountable units which, due to their “temporary” nature can appear unsightly in the landscape. Notwithstanding this, clearly the current requirements of the school in order to provide a community service is to retain the demountable. It is noted that even with the retention of the unit there will still be an overall reduction in demountables on the site. The unit is screened by existing hedgerow and is sited such that it will be viewed as a whole with the remainder of the school buildings. It is considered therefore that any visual impact is outweighed by the community benefit.

On the issues of highways it is noted that the Council’s Highway Engineer has no objections subject to a condition relating to operating times. Concerns over the potential intensification of the use of the school would be overcome by the imposition of a condition requiring staggered opening and closing times for the general school use, the nursery and the play group.

## CONCLUSION

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

Having regard to Policies ENV1 - Development in the Countryside, ENV27 - Design of New Development and COMM5 - Retention of Community Facilities of the Vale of Glamorgan Adopted Unitary Development Plan 1996 - 2011 it is considered that the adverse visual impact from the retention of the demountable unit would not be so significant as to outweigh the benefit to the community from the provision of services to serve the rural community.

## RECOMMENDATION

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

1. The building hereby approved for retention shall be utilised for the purposes of the pre-school play group only, with the opening and closing times not to coincide with either the operation of the main primary and/or nursery school, unless otherwise agreed in writing with the Local Planning Authority.

Reason:

To ensure adequate kerbside capacity will be retained for the drop off/pick up of children in the interests of highway safety in accord with Policy 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.**