

Planning Committee Meeting 28th March 2007

2006/00875/FUL Received on 16 June 2006

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Millands Farm, Llanmaes

Conversion of redundant agricultural buildings into dwelling

SITE DESCRIPTION

The application site relates to a "T" shaped stone and concrete block built barn complex on land adjacent to Millands Farm, Llanmaes. The buildings are currently used for general and small stock storage but were originally used as stables or a cowshed.

The site lies to the south-west of Millands Caravan Park and to the south-east of the village of Llanmaes within the open countryside but outside any residential settlement boundaries.

DESCRIPTION OF DEVELOPMENT

The application seeks planning permission to demolish more recent block built extensions to the original stone barn structure and convert the barn into an individual residential unit with three bedrooms, a lounge/dining room and a kitchen. The barn complex is single storey with a pitched roof. Other alterations to the fabric and appearance of the building are kept to a minimum with the existing garage door opening to the east end elevation being replaced by a new window, the blocking up of four of the existing barn doors to form windows, the replacement of the corrugated roof with a natural slate roof and a pitched roof feature over the main entrance into the converted barn.

Externally it is proposed to demolish and reduce in height a small section of the front boundary wall and hedgerow to allow a new 3.2m wide access driveway into the site and to improve visibility along the country lane. The entrance is adjacent to the access to Millands Farm and will provide access to three on-site parking spaces and a turning area to the western end of the barn. The remainder of the site will be used as private outdoor amenity space for future occupiers of the converted barn. The existing mature hedgerow to the north of Millands Farm is to be retained to provide a degree of privacy for both the new and existing properties.

PLANNING HISTORY

05/01805/FUL - Implement and agricultural machinery shed (amendment to application 05/01249/FUL). Approved January 2006.

05/01249/FUL - Erection of implement and agricultural machinery shed. Approved October 2005.

02/00686/FUL - Conversion of existing redundant farm buildings into dwelling. Refused 21 November 2002 for the following reasons:

1. The proposal represents development in the countryside contrary to the local and national policy for development in such areas and fails to meet the criteria of Policy ENV7 relating to 'small scale rural conversions' with particular reference to criteria (i), (iv) and (vi). The development therefore would also fail to meet Policies ENV1, HOUS3 and ENV25 of the Vale of Glamorgan Unitary Development Plan Deposit Draft (as amended) 1998 and Policy H10 of the South Glamorgan Structure Plan (proposal for Alteration No. 1).
2. The applicant has failed to provide a structural survey in support of the application and therefore the Local Planning Authority is unable to fully assess the application which is considered to be contrary to Policy ENV7 criterion iv of the Vale of Glamorgan Unitary Development Plan Deposit Draft (as amended) 1998.

94/00421/FUL - Proposed conversion of existing stables into three bedroom single storey dwelling. Refused July 1994.

83/00485/OUT - Byres and sheds, north east of Millands Farm, Llanmaes - Conversion of byres and sheds into domestic dwelling. Refused July 1983.

CONSULTATIONS

Llanmaes Community Council were consulted on 30 June, 2006 and re-consulted on amended plans on 15 November, 2006. "The Community Council have concerns regarding the proposed entrance into the dwelling as it enter and exit into a narrow part of the lane."

Environment Agency were consulted on 3 June 2006. They responded with their standard advice to developers.

The Director of Legal and Regulatory Services (Environmental Health) was consulted on 30 June 2006. "There have been noise complaints from residents in the caravan park due to loud music etc. from the public house across the field to the south east of the above premises. The above premises are about the same distance away from the public house, albeit to the west of the public house. Therefore, although the Department does not object in principle mitigation measures to reduce any noise intrusion into the bedrooms should be installed."

The Head of Visible Services (Highways and Engineering Design) was consulted on 30 June 2006 and re-consulted on amended plans on 15 November 2006.

"The proposed garage is required to be increased in length to 5.0m to enable a car to parking within the garage.

The width of the access road into the development site from the adopted highway is required to be provided at a width of 6.0m for the first 10.0m into the site.

The proposed gates at the access to the development site are required to be set back from the adopted highway by a distance of 10.0m.

The "x" distance in relation to the proposed visibility splay is required to be increased from 2.0m to 2.5m.

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

"Further to receiving amended plans in relation to the above application, I would comment that the Highway Authority have no objection to the development proposals provided that the following details are made conditional to the planning consent.

Visibility splays from the proposed site access shall be provided at 2.4m x 70.0m in both directions along the adjacent highway. Within the visibility envelope(s), no obstructions e.g. boundary walls, fencing shall be greater than 900 mm in height above the carriageway channel edge and any planting will be located at the rear of the visibility envelop and shall not be greater than 600 mm in height.

The access to the development site from the adopted highway shall be constructed from a bound material for the first 5.0m into the site.

The proposed gates at the access to the development site shall be set back by 6.0m from the adopted highway and shall open inwards to the site.

The proposed parking provision (3 vehicle spaces) and maneuvering area shall be laid out in accordance with the Highway Authorities Parking Guidelines and shall be provided before beneficial occupation, and thereafter maintained and retained at all times for the purpose associated with the development."

The Head of Leisure and Economic Development (Biodiversity/Ecologist Officer) was consulted on 30 June 2006 and re-consulted on amended plans on 15 November 2006.

"It is noted that there is requirement for a visibility splay of 2.0m x 70m in both directions from the proposed new entrance to the application site. This would appear to result in loss of 50 + metres of the highway hedgerow in a westerly direction and approximately 20 metres of hedgerow in an easterly direction from the proposed new access.

The hedgerow at this location is well established with at least four woody species present. Although it is not considered that this hedgerow would qualify as "Important" under the Hedgerow Regulations 1997, if this hedgerow were to be removed there would be a temporary ecological impact before new planting along the line of the visibility becomes established.

The building(s) which are the subject of this application may provide potential roost sites for bats.

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

The building(s) which are the subject of this application may potentially be used by barn owls, which have been found breeding in all months of the year.

It is recommended that a barn owl survey be conducted prior to the granting of planning permission to ascertain presence or absence of barn owls in the building. (This survey could be combined with the bat survey). In the event that the survey detects the presence of barn owls, further advice should be sought from the Countryside Council for Wales (CCW). Appropriate mitigation measures as informed by the results of the survey should be conditioned into any consent. The building(s) and any vegetation on this application site may be used by other nesting birds.

It is recommended that to comply with the law, a condition be included in any consent which states that work affecting the buildings / any vegetation clearance (including any hedgerow works/removal) 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.”

Following receipt of the wildlife survey:

“The bat survey found no evidence to suggest that any species of bat was using the barn at the time of the survey. However, it did recognise the potential for opportunities for single bat roosting at other times of the year.

- It is therefore recommended that the recommendations made in section 12 of the bat survey be included as a condition in any consent.

It would appear from the amended plans that the new visibility splay proposals will require a reduction in the length of hedgerow required for removal, which is welcomed. Comments made in the previous consultation response relating to the hedgerow and requirements for new hedgerow planting still apply.”

Dwr Cymru/Welsh Water were consulted on 30 June 2006 and re-consulted on amended plans on 15 November 2006. “As the applicant intended utilizing private drainage facilities we as Network Development Consultants on behalf of Dwr Cymru/Welsh Water have no comment to make on the above planning application. However, should circumstances change and a connection to the public sewerage system/public sewage treatment works is preferred we must be re-consulted on this application.”

REPRESENTATIONS

Neighbouring occupiers were notified on 30 June 2006 and re-notified on amended plans on 15 November 2006 and 19 January 2007. The occupier of Millands Farm (House) has objected to the application on the following grounds:

- “Breach of privacy currently enjoyed, leading to a substantial decrease in in the property value.
- Possible noise issues due to the close proximity of the proposed residence.
- Probable aspect/light issues resulting either from the proposed residence and/or the large boundary fence/wall that would need to be erected in order to preserve a modicum of privacy.
- Clashes in entry/exit from thie driveway as the access to the proposed residence is at right angles to existing Millands Farm house entrance, approximately 1 foot away in distance.”

REPORT

Planning Policies

As the site lies within the open countryside the proposal can be assessed against the criteria set out in Policies ENV1 – Development in the Countryside, ENV8 – Conversion of Rural Buildings, ENV27 – Design of New Developments and TRAN10 - Parking of the Vale of Glamorgan Adopted Unitary Development Plan 1996 - 2011; the adopted “Conversion of Rural Buildings” and “Amenity Standards” Supplementary Planning Guidance Notes and Planning Policy Wales (March 2002).

Issues

It is accepted that the stone built element of the barns are structurally sound and are suitable for conversion. The proposal includes for the removal of modern blockwork built additions to the original barn structure and effectively reduces the building to a single storey rectangular block. The structural survey concludes “the section of the structure which it is proposed to convert into a dwelling is presently in a significantly better structural condition than the remainder of the range of buildings which are either poorly constructed or badly deteriorated by water penetration. Removal of the defective parts of the structure will reveal a pleasantly honest farm building which was well constructed about 100 years ago but lost its original slate roof at some time in the past.”

The barn complex is sufficiently separate from the main farmhouse (approximately 20m to the south-east of the site). The proposal is therefore unlikely to have an adverse impact on the privacy of the adjoining property.

It is also in close proximity (approximately 600m) to the village of Llanmaes that can be accessed via the country lane directly abutting the site. Therefore, it is considered that the proposal for the conversion of the agricultural building into residential use is not in an isolated and unsustainable location and it should not

have a detrimental effect on the rural character of the landscape, in accordance with Policy ENV8, the adopted Conversion of Rural Buildings Supplementary Planning Guidance and national planning guidance.

The scheme has been amended by relocating the access from the originally proposed new access and driveway to the west of the site to an altered access at the eastern end of the site close to where the existing gateway is at present. This improves the visibility along the adjacent highway provided that no obstructions above 600mm are located close to the access and the first 5m of the driveway is constructed of a bound material. This also significantly reduces the amount of important highway hedgerow lost as a result of the requirement for a visibility splay.

The amount of accommodation in the converted barn has been reduced by removing the more recent block built extension to the west of the barn/cowshed and by utilising the garage/workshop space as a bedroom and bathroom. The existing openings are retained and natural materials (slate and stone walls) together with smooth white render infill panels are used to preserve the character of the barn as a former agricultural building.

The more recent barn additions are to be demolished to provide suitable access to the western end of the site for three on-site parking spaces, a turning space and additional outdoor amenity space for the future occupiers of the unit. Therefore, it is considered that the criteria as set out in Policy ENV8 – Small Scale Rural Conversions of the Vale of Glamorgan Adopted Unitary Development Plan 1996 - 2011 have been satisfied.

Members will note that a previous application of this site was refused permission in 2002, however, the policy situation has now changed following the adoption of the UDP and the removal of the previous reference to buildings forming part of a significant group of residential properties. In addition the current proposals only involve the use of the barn and includes the removal of all the unauthorised later additions.

A wildlife survey has indicated that there is no evidence of owls nesting on the site and no evidence was found to suggest that multiple-animal activity is occurring (e.g. bat roosts). However, there are numerous opportunities for single bat roosting and it is not unlikely that such might occur at other times of the year. The bat surveyor recommended that any work should ideally be carried out in the winter months when bats are least likely to be present and all contractors should be warned of the possible presence of roosting bats and their protected status.

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 – Conversion of Rural Buildings, ENV27 – Design of New Developments and TRAN10 - Parking of the Vale of Glamorgan Adopted Unitary Development Plan 1996-2011; the adopted “Conversion of Rural Buildings” and “Amenity Standards” Supplementary Planning Guidance Notes and Planning Policy Wales (March 2002), it is considered that the proposed conversion of the original stone built agricultural building is sympathetic to the visual amenities of the area, the proposed access is acceptable in highway terms, the scheme will not be detrimental to the amenities or privacy of the adjoining occupier and the site is in a suitable and sustainable location.

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 site plan, floorplans and elevations received on 13 November 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 converted agricultural building shall not be brought into beneficial use until the approved access has been constructed in accordance with the approved plans and the access shall thereafter be so retained to serve the development hereby approved.

Reason:

In the interest of highway safety and to ensure a satisfactory form of access to serve the development, 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 the site plan 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. Prior to the commencement of development full details of a scheme for foul and surface water drainage shall be submitted to and approved in writing by the Local Planning Authority and the approved scheme shall be fully implemented in accordance with the approved details prior to the beneficial occupation of the converted barn and thereafter so maintained at all times.

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. 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.

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.

8. The existing barn extension shown as to be removed on the site plan shall be demolished and all resulting material shall be removed from the site prior to the first beneficial occupation of the development hereby approved.

Reason:

To ensure that sufficient space is provided for on-site parking and outdoor amenity space and to ensure compliance with Policies ENV8 and ENV27 of the Unitary Development Plan.

9. The proposed works shall be carried out strictly in accordance with the recommendations made by the wildlife surveyor.

Reason:

The barns may be used by European Protected Species.

NOTE:

1. **Please note that this application relates to a conversion of the building(s) only and does not imply any consent for demolition or partial demolition and rebuilding of the barn(s) other than as may be shown in the approved details. Should work not outlined in the application and the structural survey be required then you should immediately contact my department. Demolition or partial demolition of the barn(s) will not comply with the consent as granted and subsequent planning consent will not normally be forthcoming for rebuilding a new dwelling.**
2. **Where the work involves the creation of, or alteration to, an access to a highway the applicant must ensure that all works comply with the appropriate standards of the Council as Highway Authority. For details of the relevant standards contact the Visible Services Division, The Vale of Glamorgan Council, The Alps, Wenvoe, Nr. Cardiff. CF5 6AA. Telephone 02920 673051.**

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

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

The commencement of development without firstly meeting in full the terms of any conditions that require the submission of details prior to the commencement of development will constitute unauthorised development.

This will necessitate the submission of a further application to retain the unauthorised development and may render you liable to formal enforcement action.

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

2006/00991/FUL Received on 13 July 2006

Mrs. June Rosier, Seven Oaks Fish Farm, Talygarn, Nr. Pontyclun., CF72 9JU
Mrs. June Rosier, Seven Oaks Fish Farm, Talygarn, Nr. Pontyclun., CF72 9JU

Seven Oaks Fish Farm, Talygarn

Renewal of application 03/00791/FUL - Retain use of existing building for a mixed use comprising office and residential accommodation in association with Seven Oaks Fishery

SITE DESCRIPTION

This application relates to a 10 acre site known as 'Seven Oaks Fishery', which is located to the north of the village of Ystradowen.

The site has been largely concerned since its approval in the early 1990s as a trout fishery, although recent planning history relates to its transition to ornamental fish breeding. The site is presently occupied by a number of ponds, together with the application building (approved as a fishing/drying lodge).

DESCRIPTION OF DEVELOPMENT

This application relates to the renewal of application ref: 03/00791/FUL to retain the use of an existing building as a mixed use comprising office and residential accommodation in association with the Seven Oaks Fishery site.

The approved floor plans from ref: 03/00791/FUL illustrate a lobby, 'lounge and office', kitchen, cloaks and w.c, bathroom, and 2 bedrooms within the building.

The application was originally accompanied by accounts and a business plan, with the latter updated by the applicants' advisors following input from the Council's appointed agricultural consultant, who expressed concerns about the original level of detail.

PLANNING HISTORY

An Enforcement Notice was served on 10 April 2002 alleging that the fishing/drying lodge was being occupied in residential use in excess of the two year temporary period granted under planning permission ref. 98/00581. It was considered expedient to serve the Notice for the following reason:

"The retention of the residential use would be tantamount to the creation of a new dwelling in the countryside where no agricultural, fishery or forestry justification has been made. The development is therefore contrary to Policies ENV1 and HOUS5 of the Vale of Glamorgan Unitary Development Plan Deposit Draft 1998 (as amended) and Policies H10 and EV3 of the South Glamorgan Structure Plan Alteration No. 1 (1989)."

A subsequent appeal was withdrawn following the approval of permission ref. 03/00791/FUL, which approved in March 2004. A temporary consent for retention of the use, subject to conditions requiring submissions of accounts and a

subsequent application to demonstrate that the relevant functional and financial test were sufficiently met.

Other than the above recent history, the application site has a detailed planning history, dating back to the late 1980s, as listed below:

98/00581/FUL - Temporary change of use of lodge drying room to sleeping area and 6 breeding ponds. Planning permission granted on 24 September 1998 subject to conditions, including:

6. The occupation of the 'drying room' shall be limited to a person solely employed as a full-time worker at the fishery or a dependant of such a person residing with him or her; and
7. The occupation of the 'drying room' for residential purposes shall be limited to a period of two years from the date of this consent after which time it shall revert to its previously-approved use as a drying room.

96/00269/FUL - Replace existing caravan with a permanent building with disabled facilities for existing fishing operation.

The approved building was illustrated as comprising an office, store/kitchen, WC, disabled WC and drying / equipment room. Planning permission was granted on 5 August 1996, subject to conditions, and a Section 106 Legal Agreement requiring:

- (i) that the building is not severed in ownership from the existing fishery; and
- (ii) that the use of the building be restricted to the approved fishery purposes and exclude any use for residential accommodation of any description.

94/00458/FUL - Retention of caravan to permit established business to continue to operate. Planning permission was granted on 19 July 1994 subject to conditions including that the caravan shall be used solely as administrative accommodation ancillary to the fish breeding and fishing use of the site.

94/00151/FUL - Change of use of caravan from administrative to temporary residential accommodation. Planning permission was refused on 5 May 1994 with subsequent appeal dismissed 15 September 1994.

92/00846/FUL - One dwelling for the purposes of trout fishery. Planning permission was refused on 26 January 1993.

91/00988/FUL - One house for the purpose of trout fishing lake already near completion on site. Planning permission was refused 10 December 1991.

89/01393/FUL - Create a pond for fishing and fish breeding, site a caravan for administrative purposes and layout small car park. Planning permission was granted on 27 February 1990.

89/00841/FUL - Create a pond for fishing and fish breeding, siting of caravan for administrative purposes and car parking area. Planning permission was refused on 5 September 1989.

CONSULTATIONS

Penllyn Community Council were consulted on 12 February 2007, and have offered no objections.

REPRESENTATIONS

A site notice was displayed on 19 August 2006. No representations have been received.

REPORT

Planning Policies

As new development within the countryside, the proposal is to be assessed against the following Policies in the adopted Unitary Development Plan.

Policy ENV1 (Development in the Countryside): States, inter alia, that "Development in the countryside 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.

Policy HOUS3 (Dwellings in the Countryside): Subject to the provisions of Policy HOUS2 the erection of new dwellings in the countryside will be restricted to those that can be justified in the interests of agriculture and forestry.

Policy HOUS5 (Agricultural or Forestry Dwellings): States that "The development of new dwellings beyond the identified settlement boundaries designated by Policy HOUS2 in association with agriculture or forestry will be permitted if: (1) an essential need, based on a functional and where appropriate financial necessity is clearly demonstrated; (2) the scale, siting, design, landscape and external appearance of the proposed new dwelling is compatible with any existing related structures and the surrounding landscape; and (3) an acceptable access to the dwelling can be provided.

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

Issues

The application site is located within the open countryside, well outside of any recognised settlement, wherein restrictive planning policies apply to proposals for new development, and particularly residential development.

Although the existing use of the site is largely recreational/ leisure based fishing, the lawful use of the site is for fishing and fish breeding, the latter of which is considered to fall within the definition of agriculture according to Section 336 of the Town and Country Planning Act 1990. In this respect, any proposal for

residential accommodation on the site is to be assessed initially against Policy HOUS5 of the adopted Unitary Development Plan in respect of agricultural or forestry dwellings. Provided the proposals meet the tests of Policy HOUS5, then that Policy overrides the normally restrictive countryside policies listed above.

At the time of the grant of planning permission for a temporary two year occupation of the drying room for residential purposes (ref. 98/00581/FUL), the need for the presence of a full time worker was **entirely** dependent upon the new fish breeding enterprise and was **not** justified by the existing fishing lakes.

The continued occupation of the building for residential purposes after the expiry of the two year temporary consent was the subject of formal enforcement action, given that there was an absence of sufficient activities on the site connected to the Cyprinid ornamental fish breeding to demonstrate any commitment to the business, and therefore to justify the permanent retention of a residential property on the unit.

As part of the appeal proceedings, however, it became evident that there remained a firm intention to develop the proposed business, with submissions indicating that the ill health of the applicant had affected the ability to proceed with the plan. As a result, negotiations were held which resulted in the approval of a further temporary consent, the aim being to provide sufficient information to actively demonstrate the applicants' commitment to establishing the proposed Cyprinid ornamental fishery unit on the site, and thus justifying residential accommodation on the site.

The current application is to retain the use in question on a permanent basis. As well as the supporting business plan and financial information, the applicant has asked that the application be considered on the combined agricultural and recreational aspects of the business, stating that this would enable them to clearly demonstrate both sustainability and viability. The applicants recent supporting letter is attached as appendix A to this report for members' information.

Assessment by Agricultural Consultant

In response to the applicants' submissions (which are available for inspection in the application file), the Council's agricultural consultant has responded as follows:

In terms of the functional test, he states that "due to the high level of artificial support for the proper welfare of the ornamental stock, in our opinion it would be essential, over and above the security aspect, to require a worker to be in close proximity most of the time to ensure full protection of the welfare of the ornamental livestock"

In terms of sustainability of the enterprise, he has commented that, from a careful examination of the submitted accounts and predictions, that he is "not convinced", and that, despite having had many years to establish this element of the business as sustainable and capable of supporting a farm worker, this has not materialised.

In conclusion, he has stated as follows:

“This is a difficult case. Traditionally, a three year period is sufficient to give a good indication of the viability of any business (supported by TAN 6(2000) and PPG Wales (March 2002) and in 2004 the applicant requested a temporary retention of the residential element on that basis. We now have figures for three years.

That consent was granted and the period has now expired and although the enterprise continues to develop and is moving in the right direction, the accounts have been examined with an unusual level of scrutiny, showing that the previous predictions were not to be borne out by the actual performance and the latest predictions are not convincing, leaving the sustainable business having not materialised.

However, the application is constrained with the requirement for the relevant need to be within the definition of agriculture. The second business (the fishing), undoubtedly also a rural enterprise does not fall within that definition, but does combine with the agricultural business to form a viable unit. It cannot be however be considered under the test.

In addition, although the predictions are not convincing, it does seem likely that the agricultural business will eventually be sustainable, but not perhaps in the near future. Essentially, the progress is slow, but there is certainly progress.

The conclusion on the tests is simple enough. It fails on the financial test. Whether there is nonetheless scope for a further temporary period is quite another matter.”

The temporary consent was granted on the basis that it was reasonably likely to materialise. Although again the predictions could come true, the fact remains that the previous predictions on which the consent was given did not and this latest evidence is no more reliable. The actual accounts are far from convincing too and we have to therefore conclude that we can not accept that a sustainable enterprise that can support a farm worker is reasonably likely to materialise.

The application therefore fails the financial test. “

Assessment of Current Situation

As a starting point, it is considered that the general conclusions on the merits of the application remain essentially as they were back in 1998, these being that the only justification for *any* residential accommodation on the site relates *solely* to the needs of the ornamental fish breeding (agricultural). The use of the whole of the building for this use, however, is not considered to be either justified or appropriate, hence the need to ensure that the building is used for a mixed commercial/ residential use.

In terms of the current submissions, the Council's agricultural consultant remains concerned that the 'agricultural' business has not developed sufficiently, although he also acknowledges that it does seem likely that it will eventually be sustainable, albeit not perhaps in the near future. This seems clear, and yet it is

also acknowledged that the applicant has made strides towards achieving a financially sustainable business.

Looking solely at the fish breeding business alone, therefore, it remains the case that the applicant has failed to satisfy the financial test. In this respect, considering the agricultural element alone then it is not considered appropriate to grant a permanent planning permission for the retention of the existing mixed office/ residential use at the site. While a further temporary consent would usually not be appropriate, in this instance it is considered to be appropriate to allow a further 5-year temporary period, during which the business would clearly have every opportunity to grow to the point where it would meet the financial test.

I am mindful of the applicant's request that the application consider the needs of the overall enterprise, including the recreational fishing at the site. Such an approach is not, to date, supported by National Policy guidance. It is understood, however, that such a policy may change in the next few years and that the same functional and financial tests could be applied to rural businesses. In this respect, it is notable that the functional test can only be satisfied by the agricultural element of the business, combining the recreational aspect of the business with the agricultural business would be sufficient to form a viable unit.

In light of the circumstances of this particular site, and the history of consents on the site, it is concluded that the agricultural business is close to meeting the financial tests and that a further substantial period of five years would be warranted. This should also allow the applicant the confidence to continue to develop the business further in accordance with her business plan. Given that the building already exists on site, it is further considered that reaching such a conclusion in these circumstances would not prejudice the protection of the countryside, or act as an unacceptable precedent on other sites.

Finally, a legal obligation was entered into at the time of the previous temporary consent which sought to ensure that the building is not severed in ownership from the existing fishery, and shall exist and be used solely for the benefit of the fishery. The Legal department have confirmed that there would not be a further need for a Section 106 Legal Agreement, and that the covenants in the previous agreement would continue to subsist.

In light of the above, the following recommendation is made.

CONCLUSION

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

Having regard to Policies ENV1, HOUS3 AND HOUS5 of the adopted Unitary Development Plan, it is considered that the needs of the agricultural business would best be met by the approval of a further five year temporary consent for the

mixed use of the building in question. Accordingly, the proposal accords generally with the aims of the above policies of the Unitary Development Plan.

RECOMMENDATION

APPROVE subject to the following condition(s):

1. The occupation of the building in question for residential purposes shall be limited to a period of time expiring on 31 March 2012, on or before which time all residential use shall cease, and the use of the building shall revert to its previously approved use as an office, store/kitchen, toilet and drying/equipment room, unless otherwise approved in writing by the Local Planning Authority.

Reason:

To enable the Local Planning Authority to review the use of the building for residential purposes at the end of the period.

2. The residential occupation of the property hereby approved shall be limited to a person solely or mainly working, or last working, in the locality in agriculture or in forestry, or a widow or widower of such a person, and to any resident dependants.

Reason:

Since permission for the development would not normally be granted other than on the basis of a demonstrated agricultural need, as required by Policies ENV1 and HOUS 5 of the Unitary Development Plan.

3. The use hereby permitted shall relate solely to a mixed commercial/residential use comprising office and residential accommodation, in full accordance with the floor plans attached to this Notice.

Reason:

Since the building is required for commercial purposes, and cannot be solely justified for residential purposes on the basis of the existing agricultural needs of the business, as required by Policies ENV1 and HOUS 5 of the Unitary Development Plan..

4. The curtilage of the building in question shall be restricted to that area defined in green on the plan appended to this notice.

Reason:

In order to protect the visual amenities of the locality, as required by Policy HOUS 5 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.

2006/01158/FUL Received on 11 August 2006

Mr. & Mrs. M. Thomas, New Parc Bungalow, St. Donats, Vale of Glamorgan.,
CF61 1ZB

Mr. & Mrs. M. Thomas, New Parc Bungalow, St. Donats, Vale of Glamorgan.,
CF61 1ZB

The Elms, St. Donats

New dwelling and garage

SITE DESCRIPTION

The site comprises a field within the village of St. Donats. St. Donats is not a designated residential rural settlement and the site lies within the countryside between Orchard House to the north-west and Buttercup and Bluebell Barns to the south-east. Access to the site is gained via an existing agricultural track off Dimlands Road.

DESCRIPTION OF DEVELOPMENT

This is a full planning application seeking to construct a dwelling and detached garage on the site.

The dwelling would comprise a two-storey property with a lounge, dining room, kitchen, hall, utility room, cloakroom, sun lounge and study to the ground floor and four bedrooms (one with an en-suite) and a bathroom to the first floor. The property would have a pitched roof structure with a maximum height of 7.65m to ridge level. It would have a total length of approximately 16m and an overall width of 10.25m. The property would be finished in natural slate to the roof, brown terracotta ridge tiles, oak effect upvc doors and windows, cream coloured smooth rendered walls and stone detailing.

The proposed garage building would be sited to the rear of the proposed house. It would provide a double garage with an up and over door. The garage is a pitched roof structure with a maximum height of 4.9m to the ridge. A new tarmac drive is proposed and the existing agricultural access is to be improved. A 5m deep by 4.85m wide pitched roof conservatory is proposed to the rear of the property. The site can accommodate at least 4 No. parking spaces and sufficient amenity space to serve the new dwelling.

PLANNING HISTORY

04/00848/OUT - Outline planning application for a dwelling on the site was withdrawn in July 2004.

04/01526/OUT – An outline planning application to erect a dwelling on the site was refused in December 2004 but a subsequent appeal was allowed in September 2005.

CONSULTATIONS

St. Donats Community Council were consulted on 24 August 2006 and re-consulted on amended plans on 2 February 2007. "St. Donats' Community Council would raise no objections to this Application."

Environment Agency were consulted on 24 August 2006 and has no objection to the proposal.

The Head of Visible Services (Highway Development) was consulted on 24 August 2006 and re-consulted on amended plans on 2 February 2007.

"Further to receiving amended plans in relation to the above, I would comment that the Highway Authority are unable to sustain an objection to the development proposals provided that the following details are made conditional to the planning consent.

- 1 The existing gated access located along the north eastern boundary of the development site as shown on Drawing No. 7. Rev A, shall only be used in association with the proposed dwelling and for no other purpose.
- 2 The proposed parking and manoeuvring area as shown on the submitted plans (Drawing No. 7. Rev A) shall be provided and set out in accordance with the Highway Authorities parking guidelines and thereafter maintained and retained at all times for the propose associated with the development.
- 3 Any gates to the development site shall be set back a minimum distance of 6.0m from the boundary of the adopted highway.
- 4 The access road from the adopted highway shall be constructed from a bound material for the first 6.0m."

Glamorgan Gwent Archaeological Trust were consulted on 24 August 2006. The site is close to the location of a former chapel though no remains are now visible. It is therefore possible that some archaeological features associated with the former chapel and/or medieval settlement may be exposed during the proposed development. Therefore, they recommend that a condition be attached requiring a programme of archaeological work.

Dwr Cymru/Welsh Water were consulted on 24 August 2006. "As the applicant intends utilizing private drainage facilities we as network development consultants on behalf of Dwr Cymru/Welsh Water have no comment to make on the above Planning Authority."

REPRESENTATIONS

Neighbouring occupiers have been consulted. The occupiers of Bluebell Barn have stated that the windows and fascias should be in keeping with the Gatehouse, the stone features should be in keeping with the barns next door and the trees should be replanted.

REPORT

Planning Policies

The development plan comprises the Vale of Glamorgan Adopted Unitary Development Plan 1996 - 2011.

The site is situated within St. Donats, which is not identified by Policy HOUS2 'Additional Residential Development' of the Unitary Development Plan as a settlement considered suitable for accommodating further housing. However, the appeal relating to the previous application was allowed, and so the principle of constructing a dwelling on the site has now been established.

The application therefore falls to be considered against the criteria of Policies HOUS8 'Residential Development Criteria'; Policy HOUS2 'Settlements'; and ENV27 'Design of New Developments', of the Unitary Development Plan and the Council's Supplementary Planning Guidance on Amenity Standards 1999, the Council's approved Parking Guidelines and Planning Policy Wales 2002.

Issues

The main issues are considered to be the impact of the proposed development on the character of the surrounding area, impact upon the amenities of neighbouring residents, the level of amenity space and parking provision and the highway implications of the proposed access arrangements.

The proposed dwelling would be relatively substantial in size but this would not be particularly out of character with existing properties surrounding the site. Further to requests, the application was amended so that the dwelling would be sited more centrally on the site. The proposed dwelling is considered acceptable in terms of its visual impact on the area and impact upon the amenities of neighbouring occupiers.

Further to requests, the garage has also been revised, omitting a dormer window to the front elevation and reducing the height of the garage from 7.7 metres to 4.9 metres to ridge level (effectively omitting the first floor workshop). The garage is also sited to the rear of the site and is to be constructed to match the main dwelling.

The plot is of a size to provide sufficient private outdoor amenity space (approximately 900m²) and car parking (at least 4 No. on-site spaces) to accord with the UDP and the Amenity Standards SPG and the parking guidelines. The dwelling will be at least 45m to the south-east of Orchard House and at least 40m to the north-west of Buttercup and Bluebell Barns.

There is an additional strip of land at the eastern end of the site compared to the previous consent, which includes the existing access to the farm yard to the east which would form the new access to the dwelling. Highways have raised no objection. The existing agricultural field access from the site into the adjoining field and track to the east is to be retained to allow occasional access for a tanker to empty the proposed cesspit /bio tank.

CONCLUSION

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

Having regard to Policies HOUS2 'Additional Residential Development'; HOUS8 'Residential Development Criteria'; Policy HOUS2 'Settlements'; and ENV27 'Design of New Developments' of the Vale of Glamorgan Adopted Unitary Development Plan 1996 – 2011, the Council's Amenity Standards, the planning history of the site and all other material considerations, the proposal is considered acceptable in terms of its principle, design, impact on neighbours and highway implications.

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. Prior to the commencement of development details of the finished levels of the site 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 the visual amenities of the area are safeguarded, and to ensure the development accords with Policy ENV27 of the Unitary Development Plan.

3. This consent shall only relate to the amended plans reference 1A, 2A, 3A, 4A, 5A, 6A, 7A and 8C received on 9 January 2007 and 15 February 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.

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

Reason:

To ensure an orderly form of development, and to ensure compliance with the terms of Policy ENV27 of the Unitary Development Plan.

5. No part of the development hereby approved shall be brought into beneficial use until such time as the parking areas, including all associated access and turning areas, have been laid out in full accordance with the details shown on Drawing No. 7A and the parking, access and turning areas shall thereafter be so retained at all times to serve the development hereby approved.

Reason:

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

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

Reason:

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

7. 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.

8. A landscaping scheme shall be submitted to and approved in writing by the Local Planning Authority prior to the commencement of development which shall include indications of all existing trees and hedgerows on the land and

details of any to be retained, together with measures for their protection in the course of development.

Reason:

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

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

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.

2006/01799/FUL Received on 18 December 2006

Mr. J. Mills, 3, Ashby Road, Sully, Vale of Glamorgan., CF64 5JH
Mr. J. Mills, 3, Ashby Road, Sully, Vale of Glamorgan., CF64 5JH

Land adjacent to 3, Ashby Road, Sully

Proposed detached dwelling for farm manager accommodation

SITE DESCRIPTION

The application site relates to the side garden of a private dwelling which is indicated as being within the ownership of the applicant which forms one of several pairs of semi-detached dwellings located in Ashby Road Sully.

The application site relates to a small parcel of land to the north east of the existing curtilage of the dwelling and is some 0.04 hectares in area and forms part of the curtilage of the dwelling and part of the adjacent agricultural field.

DESCRIPTION OF DEVELOPMENT

This is a full application for the construction of detached dwelling for a farm manager (agricultural dwelling). The dwelling measures 10.1 metres in width by a depth of 13.2 metres with an eaves height of 5.2 metres and ridge height of 9 metres. The rear elevation of the dwelling is set back at first floor level by 2 metres.

The accommodation will provide a dining room, kitchen, lounge and games room at ground floor level and three bedrooms, lounge and bathroom at first floor level.

The dwelling will have a pitched roof with pitched eaves detail over the widows on the front elevation. The dwelling is shown to be constructed with buff facing brickwork with dark brown quoins and detailing and a blue/black simulated slate roof with terracotta ridge tiles. Doors and windows are to be brown UPVC.

PLANNING HISTORY

1998/00631/FUL – Single storey extension. Approved 12 August 1998.

CONSULTATIONS

Sully Community Council comment: "Intrusion into the countryside and an overdevelopment of the site and therefore objects to the application."

Environment Agency advised that their records indicate that the the development is located near to land used for the depositing of waste material (Cogmoors House, Barry) and therefore advises that the Environmental Health and Building Control Departments of the Council should be consulted.

Hyder Consults have no objections subject to conditions.

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

REPRESENTATIONS

Adjacent occupiers were notified and to date one letter of objection has been received from the occupiers of No. 9 Ashby Road who have raised a number of objections to the proposal, attached as Appendix A.

REPORT

Planning Policies

The application site falls outside of the residential settlement boundary of Sully, and is therefore located within the countryside. As such the proposal must be judged against national guidance concerning the erection of new agricultural dwellings in the countryside. Planning Policy Wales (March 2002) states in paragraph 9.3.7 that the following matters, in particular, should be considered when determining planning applications for agricultural and forestry dwellings:

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

Furthermore, the following paragraphs are also of relevance:

(Para 9.3.8) It is important to establish that stated intentions to engage in agriculture or forestry are genuine, are reasonably likely to materialise and are capable of being sustained for a reasonable period. If it is considered that a new dwelling will be essential to support a new farming activity, whether on a newly-created agricultural unit or an established one, but the case is not completely proven, the dwelling should normally for the first three years be a caravan, or a wooden structure which can be easily dismantled, or other temporary accommodation. Temporary agricultural dwellings should satisfy normal planning requirements, for example on site and access, and will have to be removed at the end of the period for which the permission was granted.

Local Planning Authorities should not grant temporary planning permissions in locations where they would not permit a permanent dwelling.

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

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

In terms of the Vale of Glamorgan Adopted Unitary Development Plan 1996 – 2011, the relevant Policy is HOUS5 (Agricultural or Forestry Dwellings), which states that the development of new dwellings beyond the identified settlement boundaries designated by Policy HOUS2 in association with agriculture or forestry, will be permitted if :

- (1) An essential need, based on a functional and where appropriate financial necessity is clearly demonstrated.
- (2) The scale, siting, design, landscape and external appearance of the proposed new dwelling is compatible with any existing related structures and the surrounding landscape; and
- (3) An acceptable access to the dwelling can be provided.

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

Also relevant are the following Policies :

ENV27 – Design of New Developments

TRAN10 - Parking

Also relevant is the adopted Amenity Standards Supplementary Planning Guidance.

Issues

The principal consideration in assessing this application is to ensure that there is an essential need for the agricultural dwelling, which is demonstrated by the applicant through the submission of supporting information. Such information is required to consider whether there is an essential need for the proposal, based on a functional and where appropriate financial test.

The application was submitted without any agricultural justification and following a site inspection and discussion with the applicant, the officer was advised that the applicant is employed in agriculture and that the proposed new dwelling will be used by the applicant to vacate the existing dwelling thereby allowing the applicants' dependents to take up residence. The applicant was nevertheless advised in writing on 22 January 2007 outlining the need for justification for the proposal in line with Policy HOUS5 above and that in the absence of any such justification the proposal would be considered as the construction of an unjustified dwelling in the countryside, which would be considered to be contrary to both national and local planning policies. Furthermore, such details would usually include full indications of the size of the holding and the tenancy of same.

To date no response has been received and accordingly it must be concluded that it is not the applicant's intention to provide a justification for the proposal and consideration of the application must therefore be made in the absence of any justification.

In terms of the agricultural enterprise, it is not disputed that the applicant is employed in agriculture, although no evidence has been submitted to support this. The site chosen for the proposed new dwelling is located immediately adjacent to the applicants existing dwelling and accordingly, the proposed new dwelling would not provide any improvement in terms of serving any agricultural holding, than that of the existing dwelling. Accordingly there is no functional requirement for the proposed agricultural dwelling in the location proposed.

Given that the proposal is not considered justified under the terms of Policy HOUS5, the proposal therefore relates to the construction of a new dwelling in the countryside where there is no proven agricultural justification. Accordingly Policy ENV1 is relevant as contained within the above referenced adopted Unitary Development Plan. This Policy relates to development within the countryside and states that 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 HOUS3 relates more specifically to dwellings in the countryside and states:

Subject to the provisions of Policy HOUS2 the erection of new dwellings in the countryside will be restricted to those that can be justified in the interests of agriculture and forestry.

It should be noted that Policy HOUS2 identifies urban and rural settlements within which infill, small-scale development and redevelopment will be permitted, or small-scale rounding off considered. However the application site falls outside any such defined settlement.

Consideration should also be given to Paragraph 9.3.2 of which states "Sensitive infilling of small gaps within small groups of houses, or minor extensions to groups, may be acceptable, though much will depend upon the character of the surroundings and the number of such groups in the area..."

Whilst the above guidance does support the principle of sensitive infilling of small gaps within small groups of houses, or minor extensions to groups, located within the countryside, this depends upon the character of the surroundings and the number of such groups in the area. It is considered that the existing development on Ashby Road relates to no more than several pairs of semi detached dwellings,

with some 100 metres between pairs of dwellings. Accordingly the character of this road is distinctly rural and does not relate to the settlement of Sully to the south or constitute the extension to a small group of house or the infilling of a small gap between houses. As such the proposal would be considered contrary to the guidance contained within Planning Policy Wales (2002).

Criterion (ii) of Policy HOUS5 above relates to the scale, siting, design, landscape and external appearance of the proposed new dwelling being compatible with any existing related structures and the surrounding landscape. The dwelling would be sited in a relatively prominent location, to the rear of the building line of the semi detached houses found along this road and the proposed dwelling would be larger in scale to the adjacent dwelling would result in significant harm to the rural and landscape character of the surrounding area and would be visible from the nearby public footpath.

In relation to access and highway considerations, the proposed dwelling is shown to be served by the existing access, which serves the existing dwelling. Whilst no details of the provision for on-site parking have been submitted, these details have not been requested given that there is no justification for the principle of development.

In terms of impact on the privacy of any future occupiers of No. 3 Ashby Road, a detailed site layout plan has not been submitted for consideration, although it is likely that the habitable windows on the front elevation of the dwelling would overlook the remaining part of the rear garden of No. 3 Ashby Road and the new dwelling would be some 15 metres to the existing dwelling (at its closest) which may impact on the privacy on any future occupiers of both the existing and proposed dwelling.

CONCLUSION

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

RECOMMENDATION (W.R.)

REFUSE

1. The applicant has failed to submit supporting evidence to demonstrate an essential need for the proposed agricultural dwelling and therefore in the absence of any justification the proposal relates to unjustified residential development in the countryside. The proposal would also cause harm due to its prominence from the public footpath. As such the proposed development is considered contrary to Policies ENV1 (Development in the Countryside), HOUS3 (Dwellings in the Countryside) and HOUS5 (Agricultural or Forestry Dwellings) of the Vale of Glamorgan Adopted Unitary Development Plan 1996-2011 and the advice given in Planning Policy Wales (March 2002).

2006/01822/FUL Received on 20 December 2006

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

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

Erection of 7 affordable self contained apartments

SITE DESCRIPTION

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

DESCRIPTION OF DEVELOPMENT

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

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

PLANNING HISTORY

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

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

CONSULTATIONS

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

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

Dwr Cymru/Welsh Water. See Appendix A.

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

The Head of Visible Services (Highway Development) comments:

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

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

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

- (1) The proposed parking facilities shall be laid out in accordance with the Council’s Parking Guidelines before beneficial occupation of the development and thereafter maintained and retained at all times for the use associated with the development.
- (2) The proposed vehicular crossover shall be constructed in accordance with the Vale of Glamorgan Council’s standard details for adoption. The applicant is required to contact Mr. Peter Coughlan of the Highways Traffic Section before carrying out any works at the development site to agree location, specifications and for permission to work within the highway. All associated costs of undertaking the works will be at the applicant’s own expense.”

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

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

REPRESENTATIONS

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

REPORT

Planning Policies

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

HOUS2 – Additional Residential Development.

HOUS8 – Residential Development Criteria.

ENV27 – Design of New Developments.

TRAN10 – Parking.

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

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

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

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

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

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

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

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

Members will be aware that the application was deferred at the Planning Committee of 7 March 2007 to enable a site visit to take place. It is anticipated that this will be undertaken on 28 March 2007.

CONCLUSION

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

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

RECOMMENDATION

APPROVE subject to the following condition(s):

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

Reason:

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

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

Reason:

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

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

Reason:

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

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

Reason:

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

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

Reason:

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

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

Reason:

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

NOTE:

1. **This consent does not convey any authorisation that may be required to gain access onto land not within your ownership or control.**
2. **The attention of the applicant is drawn to the fact that a public sewer runs through the site and may be affected by the development.**
3. **Where the work involves the creation of, or alteration to, an access to a highway the applicant must ensure that all works comply with the appropriate standards of the Council as Highway Authority. For details of the relevant standards contact the Visible Services Division,**

The Vale of Glamorgan Council, The Alps, Wenvoe, Nr. Cardiff. CF5 6AA. Telephone 02920 673051.

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

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

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

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

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

2007/00006/FUL Received on 2 January 2007

Mr S J Richardson Amberley House, Llantwit Road, Wick, Vale of Glamorgan
Jenkins Gould Partnership, Union Offices, Quarella Road, Bridgend., CF31 1JW

Land adjacent to Lyndhurst and Amberley houses Llantwit Road, Wick

New house within the residential curtilage in accordance with the permission for development dated November 1985 ref 85/0975(OGWR)

SITE DESCRIPTION

The application relates to a parcel of land approximately 40 x 15 metres in area on the eastern edge of Wick. It adjoins a recently constructed dwelling to the north west, agricultural land to the south and south east and the B4265 road to the north east.

DESCRIPTION OF DEVELOPMENT

A full application for the construction of a single dwelling with an attached single garage and new access on to the B4265. This is a resubmission of application ref. 05/01664/FUL which was refused on 12 January 2006.

PLANNING HISTORY

85/00975/OGWR - Extension to existing dwelling and extension of garden curtilage. Approved 7 November 1985.

88/00361/OGWR - Residential development for ten units. Refused 5 May 1988.

90/01413/OGWR - Residential development of seven units. Refused 10 January 1991.

03/00950/FUL - (Land adjoining current site) new dwelling. Approved 19 September 2003.

05/01664/FUL - New dwelling and garage. Refused 12 January 2006.

Members should also note that the site has previously been the subject of an Enforcement Notice in 1998 which sought to prevent the use of this land by a welding company.

CONSULTATIONS

Wick Community Council drew attention to the refusal of application ref. 05/01664/FUL and comment that "there are already two new developments on the site and the Community Council feel that this is more than enough development in a small area".

Environment Agency' standard advice applies.

Dwr Cymru/Welsh Water comments are awaited.

REPRESENTATIONS

The application was advertised by a site notice on 16 January 2007 and has been advertised as a departure from the Development Plan. No comments have been received.

REPORT

The proposal is for a two storey dwelling with attached single garage, with a residential floor space of approximately 180 square metres. The dwelling is to be finished in render with stone panels and a slate roof. A new access with 2.4 x 90 metre visibility splays is to be created to the B4265. The only difference from the proposal refused in 2006 is that drainage is now to be to the main foul drain rather than to a sewage treatment plant.

Planning Policies

The site lies in the countryside outside the settlement boundary of Wick as defined in the Vale of Glamorgan Adopted Unitary Development Plan 1996-2011 (UDP). Policies ENV1 (Development in the Countryside) and HOUS3 (Dwellings in the Countryside) of the UDP therefore apply to this site. Policies HOUS2 (Additional Residential Development), HOUS8 (Residential Development Criteria – Policy HOUS2 Settlements) and ENV27 (Design of New Developments) are also relevant.

Issues

Policy ENV1 states that within the delineated countryside permission will only be granted for development that is essential for agriculture or a small range of other activities. The development now proposed does not meet the criteria specified in the policy and no justification has been put forward for a departure from that policy.

The policy seeks to protect the quality of the rural landscape and it is considered that, the extension of built development outside the defined boundary of Wick by the construction of a prominent two storey dwelling would diminish the quality of the rural landscape, create a ribbon form of development on the approaches to the village and create a visual intrusion into the rural approach to Wick from the east.

At the time of the Inquiry into the now adopted UDP the Inspector, in considering the inclusion of an area of land including the current application site within the Wick settlement boundary held that ‘the open environs of the area allies the area more to the definition of countryside rather than of settlement’. (page 4.133, para. C36.1.2).

In conclusion the Inspector held that:

“...development of the objection site would not constitute acceptable small scale rounding off of the settlement boundary. Moreover it would lead to the unacceptable creation and consolidation of a ribbon development along Llantwit Road between the defined settlement boundary and the barn conversion development at Brooklands Farm.” (Page 4.133, para. C36.1.4).

Policy HOUS3 similarly restricts new dwellings outside settlement boundaries to those that can be justified in the interests of agriculture or forestry. No such justification has been put forward in this case.

Whilst Policy HOUS2 defines settlement boundaries around settlements, it also indicates that 'favourable consideration will be given, other than within areas identified as green wedges, to small scale development which constitutes the rounding off of the edge of settlement boundaries where it can be shown to be consistent with the provisions of Policy HOUS8 and particularly criterion (i)'. In this case it is considered that the development would be an extension of the ribbon development on the eastern side of Wick and would neither constitute 'rounding off' nor be 'sympathetic to the environs of the site' (criterion (i) of Policy HOUS8).

In addition, Planning Policy Wales (2002) advises that "new housing developments should be well integrated with and connected to the existing pattern of settlements. The expansion of towns and villages should avoid creating ribbon development, coalescence of settlements or a fragmented development pattern". (P.103, para. 9.3.1).

The site is in a prominent position where the new dwelling and access would be clearly visible from the highway and adjoining public footpath. The development would significantly alter the character of this rural area on the approach to Wick, including the removal of a hedgerow and the creation of an uncharacteristic residential entrance. The development is therefore considered to be contrary to the objectives of the policies of the Vale of Glamorgan Adopted Unitary Development Plan 1996-2011 as demonstrable harm would be caused to the countryside.

CONCLUSION

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

Having regard to Policies ENV1 (Development in the Countryside), HOUS2 (Additional Residential Development), HOUS3 (Dwellings in the Countryside), HOUS8 (Residential Development Criteria), HOUS2 (Settlements) and ENV27 (Design of New Developments) it is considered that the proposal would constitute an unacceptable extension of residential development into the open countryside that would cause harm to the character and visual amenity of the area.

RECOMMENDATION (W.R.)

REFUSE

1. The proposal represents an unacceptable form of ribbon development into the rural area adjoining Wick and as a consequence would cause harm to the character and visual amenities of the area. It would therefore also fail to amount to an appropriate 'rounding off' of the settlement. The proposal is therefore contrary to Policies ENV1 (Development in the Countryside), HOUS2 (Additional Residential Development) and HOUS3 (Dwellings in the Countryside) of the Vale of Glamorgan Adopted Unitary Development Plan 1996-2011 and to advice contained in Planning Policy Wales 2002.

2007/00019/FUL Received on 5 January 2007

Mrs K Smith Holmesdale, Cross Common Road, Sully, CF64 4TP
B. G. Long 56, Carisbrooke Way, Cardiff, CF23 9HW

Holmesdale, Cross Common Road, Sully

Two storey extension providing double garage with bed sit facilities above

SITE DESCRIPTION

A detached dormer bungalow and extensive grounds at Holmesdale, Cross Common Road, Dinas Powys. The property lies outside the residential settlement boundary of Dinas Powys and outside the Green Wedge between Dinas Powys and Penarth.

DESCRIPTION OF DEVELOPMENT

Planning permission is sought to demolish a single-storey lean-to extension to the rear of the dwelling and erect a two storey extension to the northern corner of the property. The extension has a double garage at ground floor and a bedsit for visiting family and friends only above. The unit will share the kitchen facilities of the main dwelling but will include a bedroom/living area and a shower/toilet.

The extension has a pitched roof with a front and rear dormer window. It will be constructed of white rendered walls, a brick plinth, a slate roof to match the main dwelling and hanging slate to the sides of the dormer windows to match the roof. An up and over garage door and a front door are proposed to the front elevation of the extension together with a high level side window to light the proposed shower/toilet room.

The building 6.6m deep and 6.65m wide and is 5.75m to ridge height (700mm below the ridge of the main dwelling) and 3.15m to eaves level. The extension is set approximately 6.3m back from the front building line of the main dwelling and there is sufficient space on the drive to accommodate at least five cars.

PLANNING HISTORY

1999/00730/FUL – Loft conversion to main dwelling. Approved 20 August 1999.

CONSULTATIONS

Dinas Powys Community Council were consulted on 9 February, 2007 and re-consulted on amended plans on 1 March, 2007. "No objection but feel that a Section 106 agreement be entered into by owners of 'Holmesdale'."

Environment Agency were consulted on 16 January, 2007. They responded with their standard advice to developers.

The Head of Visible Services (Highway Development) was consulted on 16 January, 2007 and has no objection provided that the annex remains part of the existing dwelling, four parking spaces are available on site and that no gates are positioned within 6m of the adopted highway.

Dwr Cymru/Welsh Water were consulted on 16 January, 2007. No comments have been received to date.

The Director of Legal and Regulatory Services (Environmental Health (Private Sector Housing)) was consulted on 6 February, 2007. "I have no adverse comments to make with regard to the above planning application."

REPRESENTATIONS

Neighbouring occupiers were notified on 16 January, 2007 and re-notified of amended plans on 1 March, 2007. No objections were received.

REPORT

Planning Policies

The application can be assessed against Policies ENV27 – Design of New Developments and HOUS7 – Replacement and Extension of Dwellings in the Countryside of the Vale of Glamorgan Adopted Unitary Development Plan 1996-2011; the South Wales Parking Guidelines; Planning Policy Wales 2002 and the Council's adopted Supplementary Planning Guidance Note on 'Amenity Standards' (1999).

Policy HOUS7 states:

THE REPLACEMENT OR EXTENSION OF DWELLINGS IN THE COUNTRYSIDE WILL BE STRICTLY CONTROLLED. PROPOSALS WILL BE PERMITTED IF ALL OF THE FOLLOWING CRITERIA ARE MET:

- i. THE EXTENDED DWELLING IS NOT DISPROPORTIONATE IN SIZE TO THE ORIGINAL DWELLING;
- ii. ADEQUATE UTILITY AND INFRASTRUCTURE SERVICES EXIST, ARE READILY AVAILABLE OR CAN BE ECONOMICALLY PROVIDED;
- iii. THE REPLACEMENT DWELLING OR DWELLING AS EXTENDED DOES NOT REQUIRE AN UNACCEPTABLE EXTENSION OF THE EXISTING RESIDENTIAL CURTILAGE;
- iv. IN RESPECT OF REPLACEMENT DWELLINGS, PARKING AND AMENITY SPACE IS PROVIDED IN ACCORDANCE WITH THE COUNCIL'S APPROVED GUIDELINES;
- v. THE SCALE, SITING, DESIGN, MATERIALS, LANDSCAPING AND EXTERNAL APPEARANCE OF THE REPLACEMENT DWELLING OR EXTENSION IS COMPATIBLE WITH ANY EXISTING RELATED STRUCTURES AND THE SURROUNDING LANDSCAPE; AND
- vi. IN THE CASE OF REPLACEMENT DWELLINGS FOR DERELICT BUILDINGS, THE RESIDENTIAL USE OF THE BUILDING HAS NOT BEEN ABANDONED.

Issues

The proposed extension with ancillary accommodation is located to the side of the property and is set back into the site. Amendments were sought during the application process to reduce the height and bulk of the extension. The resultant two-storey extension is consistent with the main dormer bungalow and it is subservient to the main part of the dwelling. The use of matching materials is sympathetic to the design of the existing dwelling, in accordance with advice contained in Policy HOUS7 of the Unitary Development Plan. There is adequate on-site parking provision at the front of the property to serve the extended dwelling and there is more than sufficient private amenity space to the rear. The scheme should not have a detrimental impact on the visual amenities of the surrounding countryside.

The extension and bedsit is physically linked to the main dwelling and the bedsit will share facilities with the main house. Therefore, as the unit is not self-contained, it cannot be considered to be a new dwelling in the countryside. The future use of the extra accommodation will be controlled by condition.

CONCLUSION

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

Having regard to Policies ENV27 – Design of New Developments and HOUS7 – Replacement and Extension of Dwellings in the Countryside of the Vale of Glamorgan Adopted Unitary Development Plan 1996-2011; the South Wales Parking Guidelines; Planning Policy Wales 2002 and the Council's adopted Supplementary Planning Guidance Note on 'Amenity Standards' (1999), the scheme is considered to be acceptable in policy and design terms.

RECOMMENDATION

APPROVE subject to the following condition(s):

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

Reason:

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

2. This consent shall only relate to the amended plans reference PL1 Rev. B and PL2 Rev. B received on 28 February 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 bedsit and garage hereby permitted shall not be occupied at any time other than for purposes ancillary to the residential use of the dwelling known as `Holmesdale`.

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.

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.

2007/00048/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

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.

2007/00157/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. 1, 2, 4 and 6, Longmeadow Drive; No. 20, Green Lawns and Nos. 2, 11a, 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.

REPORT

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 MANEUVERING 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

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.

2007/00159/RG3 Received on 5 February 2007

Vale of Glamorgan Council, Finance ICT and Property, Vale of Glamorgan Council, Civic Offices- Holton Road, Barry, Vale of Glamorgan., CF63 4RU, Finance, ICT & Property, Vale of Glamorgan Borough Council, Civic Offices, Holton Road, Barry., CF63 4RU

Barry Leisure Centre, Greenwood Street, Barry

Conversion of unallocated space in Leisure Centre into Call Centre for the Vale of Glamorgan Council

SITE DESCRIPTION

The application site comprises part of the existing Barry Leisure Centre building located on the northern side of Dock View Road.

DESCRIPTION OF DEVELOPMENT

This is an application under Regulation 3 of the Town and Country Planning General Regulations 1992 for the change of use, with alterations and extension, of part of the leisure centre to provide for a Local Authority Call Centre. The proposed works include the following:

- (a) Change of use of the first floor of an existing annexe on the eastern side of the building, last used as a temporary library, for a Call Centre with internal partitions to provide for training room, managers office and toilet facilities.
- (b) A two storey, flat roofed extension on the south eastern elevation of the existing annexe, measuring approximately 6.46m x 4.83m, to a height of 7m, to accommodate a new lift and staircase.
- (c) Alterations to the external elevations, including the introduction of new window openings at first floor on all three existing elevations.

PLANNING HISTORY

There is a considerable history of applications at the site, including:

99/00542/REG3 - Change of use from internal bowls rink to temporary library. Approved 14 July 1999.

02/00609/REG3 - Enclosure of open ground floor below first floor building to provide storage space. Approved 24 July 2002.

03/00058/REG3 - Renewal of temporary consent for library. Approved 3 April 2003.

CONSULTATIONS

Barry Town Council were notified on 26 February 2007. Their comments are awaited.

Dwr Cymru/Welsh Water were notified on 26 February 2007. Their comments are awaited.

The Head of Visible Services (Highway Engineer) comments that there is no requirement to provide additional parking in relation to the development therefore the Highway Authority are unable to sustain an objection.

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

REPRESENTATIONS

A site notice was posted on 6 March 2007. No representations have been received to date.

REPORT

The site comprises part of an existing leisure centre located within the residential settlement of Barry as defined in the Vale of Glamorgan Adopted Unitary Development Plan 1996-2011 (UDP). The proposal entails the use of a former indoor bowls rink as a Local Authority Call Centre. As such the following policy background is relevant.

Planning Policies

Strategic Policy 14 of the Unitary Development Plan refers to Community and Utility Services and allows for such development subject to no unacceptable impact on interests that include residential amenity.

Policy REC1 - Protection of Existing Recreational Facilities permits the loss of existing facilities subject to criteria, including the provision of alternative or equivalent community benefit; where there is an excess in an area; and the facilities are not important to the character of a Conservation Area or the setting of a town or village.

TRAN9 - Cycling Development of the UDP seeks to protect land and make provision for cycle routes and includes a requirement to seek the provision of cycle parking facilities.

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

Issues

The provision of the Call Centre comprises part of the One Vale initiative which is an objective of the Council's Corporate Plan. Its aim is to enhance the level of service to the people of the Vale. As such the proposal will have a community benefit that would offset the loss of any recreational use. It is noted however that the floor space has not been used for recreational purposes for a number of years, and was even redundant as a bowls rink when first granted temporary consent for use as a library. It is considered therefore that the proposal is an acceptable and sustainable use of existing, currently vacant, floor space.

As regards the proposed extension and external alterations, the two storey, flat roof design of the staircase and lift is in keeping with the existing building. The introduction of new window openings will serve to give interest to currently bland, blank walls. The position and orientation of the building is such that the new windows should have no adverse impact on any neighbouring properties.

The Council's Highway Engineer has no objections to the development. Whilst there is some facility for cycle parking to the front of the leisure centre, nevertheless it is considered that there should be some separate, additional provision for staff working within the Call Centre.

CONCLUSION

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

Having regard to Strategic Policy 14 - Community and Utility Services, and Policies REC1 - Protection of Existing Recreational Facilities and TRAN9 - Cycling Development of the Vale of Glamorgan Adopted Unitary Development Plan 1996-2011, it is considered that the proposal represents a sustainable and acceptable use of redundant floor space that meets the Council's Corporate objective of improving customer service.

RECOMMENDATION

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

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

Reason:

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

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

Reason:

To ensure that satisfactory parking for cycles is provided on site to serve the development, and to ensure compliance with the terms of Policy TRAN9 - Cycling 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.

2007/00172/RG3 Received on 8 February 2007

Vale of Glamorgan Council, D.E.E.R., Docks Office, Barry, Vale of Glamorgan, CF63 4RT
Mark H. White, Project Management Unit, D.E.E.R., Docks Office, Barry, Vale of Glamorgan, CF63 4RT

Site W3, The Waterfront, Barry Docks

Outline planning application for the site to be used for an education facility

SITE DESCRIPTION

The application site comprises 1ha of undeveloped land located on the western side of No.1 Dock, Barry. The site comprises part of the comprehensive redevelopment area known as "The Waterfront".

DESCRIPTION OF DEVELOPMENT

This is an application under Regulation 3 of the Town and Country Planning General Regulations 1992 (Minute No. 1975 refers), seeking outline planning permission for the construction of an education facility. All matters are reserved for subsequent approval.

The supporting information indicates that the Council's Learning and Development Department envisage a high quality purpose built learning centre providing new learning pathways for 14 to 19 year olds. It is anticipated that the proposed building would be approximately 2000 sq m floor space providing a range of vocational and academic courses to address specific areas of need identified by local employers, plus training for skills related to the Defence Training Academy at St. Athan. The site is located next to the Vale's Innovation Quarter and the aim would be to integrate the proposed facility with the mixed uses of that area.

The application has been submitted at this time to comply with the requirements of the S106 Legal Agreement attached to the original outline consent for the comprehensive redevelopment of the No. 1 Dock. The agreement required the transfer of 1 ha of land identified at Site W3 to be transferred to the Council at no cost to be used for the provision by the Council of an education facility. In the event that no proposal being forthcoming from the Council in the form of an application for outline consent within 10 years of the granting of outline consent the land be transferred back to the developer.

The application is supported by a Sustainability Statement.

PLANNING HISTORY

There is a considerable history of applications relating to Barry No. 1 Dock. Of particular relevance to the current application are:

94/00144/OUT – Comprehensive redevelopment of No. 1 Dock. Approved 29 May 1997 subject to a Section 106 Legal Agreement and twenty-one conditions.

00/00265/FUL – Variation of Condition No. 3 of planning permission 94/00144/OUT to extend time period for approval of reserved matters from three to seven years. Approved 28 April 2000.

01/00132/REG3 - Extension of Skills Training Centre/Workshop. Approved subject to conditions 1 November 2001.

01/01573/REG3 - Proposed Entrepreneurship Centre. Approved subject to conditions 28 February 2002.

CONSULTATIONS

Barry Town Council were notified on 21 February 2007. Comments are awaited.

Environment Agency were notified on 21 February 2007. Comments are awaited.

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

Sewerage

Conditions

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

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

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

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

Land drainage run-off shall not be permitted to discharge, either directly or indirectly, into the public sewerage system.

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

The proposed development site is crossed by a public sewer and rising main with the approximate position being marked on the attached Statutory Public Sewer Record. Under the Water Industry Act 1991 Dwr Cymru Welsh Water has rights of access to its apparatus at all times. No part of the building will be permitted within 3 metres either side of the centreline of the public sewer and 4 metres either side of the centreline of the rising main.

Reason: To protect the integrity of the public sewer and avoid damage thereto.

Visible Services-Highway Engineer were notified on 21 February 2007.
Comments awaited.

Director of Legal and Regulatory Services (Environmental Health (Pollution Control)) has no objection in principle subject to conditions relating to possible land contamination. A copy of their observations is reproduced at Appendix A.

REPRESENTATIONS

The application was advertised on site and in the press on 20 February 2007.

Associated British Ports (ABP) have indicated that they do not wish to raise any representations at this stage.

REPORT

The site is located within the Barry Waterfront Comprehensive Redevelopment Area and was identified in the outline permission as a site for an education facility. The proposal seeks outline consent for such a facility and as such the following policy background is relevant.

Planning Policies

Policy COMM 3 of the Vale of Glamorgan Adopted Unitary Development Plan 1996-2011 (UDP), refers to the Provision of Schools and the site is identified as an area reserved for such development.

Policy ENV25 of the UDP refers to the Regeneration of Urban Areas with particular attention to the regeneration of the former dockland of Barry and Penarth.

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

Strategic Policy 2 of the UDP favours proposals that encourage sustainable practices, whilst Policy 8 favours development in locations highly accessible by means of transport other than the private car and that minimise traffic levels and associated unacceptable effects. Strategic Policy 14 permits developments associated with community and utility services subject to no unacceptable impact on interests such as landscape and residential amenity.

In addition to the above policies the Council has adopted Supplementary Planning Guidance including Supplementary Planning Guidance on Sustainable Development and Public Art and the Barry Development Guidelines. The Barry Development Guidelines identifies the Waterfront as an Area of Special Identity. It outlines development and design objectives one of which aims to provide a high quality environment which will contribute toward improving Barry's image.

National guidance is contained within Planning Policy Wales March 2002.

Issues

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

The application is submitted in outline with all matters reserved for subsequent detailed approval. As such it is only the principle of the development of the site for an education facility that is being considered at this stage.

It is noted that the application has been submitted at this stage in order to comply with the stated deadlines for the submission of an outline application as indicated in the S106 Legal Agreement that accompanied the original outline permission, reference 94/00144/OUT.

The submitted Sustainability Statement, in addition to highlighting a number of sustainable objectives in relation to renewable energy sources, water conservation and drainage, also points out that the aim of the proposal will be to integrate the site with the Innovation Quarter, the vision for which is to establish an integrated critical mass of mixed uses such as education, business, tourism and community uses that would have a common synergy. This mixed use approach accords with Planning Policy Wales which states:

“Integration of different uses in accessible locations can increase social inclusion, reduce the need to travel and make towns safer for people both day and night.”

The statement also goes on to indicate that the proposed education facility will be designed in line with the aims and objectives of the existing master plan for the Innovation Quarter.

As regards the observations received to date it is noted that no objections have been raised. The Council's Pollution Officer has requested conditions in relation to possible land contamination and Dwr Cymru/Welsh Water have referred to the line of an existing public sewer and rising main.

CONCLUSION

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

In conclusion it is considered that the proposal will meet the requirements of the S106 Legal Agreement as well as the aims and objectives of Policies COMM3 - Provision of Schools, ENV25 - Regeneration of Urban Areas, ENV27 – Design of New Developments, and Strategic Policies 2 - The Environment, 8 - Transportation and 14 - Community and Utility Services of the Vale of Glamorgan Adopted Unitary Development Plan 1996-2011; Supplementary Planning Guidance on Sustainable Development, Public Art and Barry Development Guidelines, and national guidance contained in Planning Policy Wales March 2002.

RECOMMENDATION

APPROVE subject to the following conditions(s):

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

Reason:

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

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

Reason:

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

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

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

Reason:

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

4. No development shall commence until a contaminated land assessment and associated remedial strategy have been submitted to and approved in writing by the Local Planning Authority. The assessment shall follow the guidance contained in `Contaminated Land a Guide for Developers and shall include:-

- a) A Phase 1 Preliminary Risk Assessment (Desk Study) which shall detail the history of the siteuses and identify and evaluate all potential sources and impacts of land and/or groundwater contamination.
- b) Where the preliminary risk assessment identifies potentially unacceptable risks at the site, a suitably qualified and accredited person shall carry out a site investigation, the requirements of

which shall be agreed with the Local Planning Authority in writing before any site surveys are commenced.

- c) A site investigation report detailing all investigative works and sampling on site.

Any approved remediation works shall be carried out in full on site under a quality assurance scheme to demonstrate compliance with the proposed methodology and best practice guidance. If during the works additional unidentified contamination is encountered this shall be fully assessed and an appropriate remediation scheme agreed in writing with the Local Planning Authority. Upon completion of the works a verification report shall be submitted to and agreed in writing with the Local Planning Authority.

Reason:

In the interests of public health and safety in accord with Policy ENV27 - Design of New Developments of the Unitary Development Plan.

- 5. Any soils or materials to be imported onto the site shall be assessed for chemical and other potential contaminants in accordance with a scheme of investigation to be submitted to and approved in writing with the Local Planning Authority prior to the soils being imported. The development shall be implemented thereafter in accordance with the agreed scheme.

Reason:

In the interests of public health and safety in accord with Policy ENV27 - Design of New Developments of the Unitary Development Plan.

- 6. The submitted reserved matter details shall be in line with the aims and objectives of the Statement of Sustainability submitted in support of the application.

Reason:

To ensure a sustainable form of development in accordance with the Supplementary Planning Guidance on Sustainable Development.

- 7. The reserved matters details shall provided for a public artwork feature on the site, details of which shall be agreed in writing with the Local Planning Authority.

Reason:

In the interests of quality design and enhancement of public places in accordance with the Supplementary Planning Guidance on Public Art.

- 8. All means of enclosure associated with the development hereby approved shall be in accordance with a scheme to be submitted to and agreed in writing by the Local Planning Authority prior to the commencement of development, and the means of enclosure shall be implemented in

accordance with the approved details prior to the development being put into beneficial use.

Reason:

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

9. Plans and particulars of the reserved matters referred to in condition 1 above, relating to the siting, design and external appearance of any buildings to be erected, the means of access to the site and the landscaping of the site, shall be submitted in writing to the Local Planning Authority and shall be carried out as approved.

Reason:

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

NOTE:

1. **The proposed development site is crossed by a public sewer and rising main. No development (including the raising or lowering of ground levels) will be permitted within the safety zone which is measured either side of the centre line. For details of the safety zone please contact Dwr Cymru Welsh Water's Network Development Consultants on 01443 331155.**
2. **Where the work involves the creation of, or alteration to, an access to a highway the applicant must ensure that all works comply with the appropriate standards of the Council as Highway Authority. For details of the relevant standards contact the Visible Services Division, The Vale of Glamorgan Council, The Alps, Wenvoe, Nr. Cardiff. CF5 6AA. Telephone 02920 673051.**

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.