

03/00889/CAC

Received on 23rd June, 2003

Chichester Nunns Partnership, Rawden House, 65, Cowbridge Road East,
Cardiff. CF11 9AE
(Chichester Nunns Partnership, Rawden House, 65, Cowbridge Road East,
Cardiff. CF11 9AE)

LAND TO THE REAR OF BANK HOUSE, EAST STREET, LLANTWIT MAJOR

Proposed construction of a detached house and associated parking/amenity facilities, demolition of all existing buildings

The development is situated within the Llantwit Major Conservation Area.

The application is for demolition within the Llantwit Major Conservation Area.

The application was advertised on 8th July, 2003.

SITE DESCRIPTION

The application site relates to what is now a vacant two storey Victorian warehouse building formerly used for double glazing manufacturing constructed from red brick with a slate roof and a small detached single storey building. The building covers approximately half of the application site, where the whole site is some 200 square metres. The application site is situated in the heart of the town on Durrell Street within the Llantwit Major Conservation Area.

DESCRIPTION OF DEVELOPMENT

This application seeks Conservation Area Consent for the demolition of the existing buildings on the site.

PLANNING HISTORY

The site has been subject to the following application.

03/00864/FUL – Demolition of all existing buildings and construction of a No. 3 bed detached house. Approved 28th July, 2005 subject to conditions.

CONSULTATIONS

Llantwit Major Town Council – Were consulted on the original scheme (which related to two dwellings on the site) and have raised no objection in principle, however they have stated that insufficient detail has been given in that the properties are very bland and not in keeping with the Conservation Area.

Glamorgan Gwent Archaeological Trust – Were consulted on the application and have advised that there is no archaeological restraint to the positive determination of this application.

REPRESENTATIONS

Adjacent occupiers were notified on the original scheme and to date no letters of representation have been received. However, in relation to the associated full application, a letter of representation was received from the adjacent occupiers of Stag Cottage and The Old Dairy. Whilst the letter does not object to the scheme it raises concerns over safety implications regarding the demolition of the existing building, safety issues and environmental implications during construction works and concerns regarding the layout and design of the dwellings and potential loss of privacy.

REPORT

Members of Planning Committee will recall that planning permission ref. 03/00964/FUL was granted for the redevelopment of the site for the construction of a single detached dwelling at Planning Committee on 28th July, 2005, subject to conditions.

This application seeks Conservation Area Consent for the demolition of the existing buildings on site in connection with the proposed redevelopment of the site falling within the Llantwit Major Conservation Area.

The most relevant policy for assessing this application is Policy 19 – Demolition in Conservation Areas, contained in the adopted Vale of Glamorgan Unitary Development Plan 2005.

This policy states that the demolition of buildings in Conservation Areas will be strictly controlled, including boundary walls, fences, railings and gates where they make an important visual contribution to the quality of the street scene. In particular:

- (i) Listed building consent for the demolition of a listed building or building/structure within its curtilage will only be given in exceptional circumstances.
- (ii) The demolition of an unlisted building or structure within a Conservation Area will be permitted where full planning permission has been granted for the proposed new use or development; and
- (iii) Proposals for the demolition of a building in a Conservation Area should be accompanied by proposals for the appropriate re-use of local indigenous materials which reflect the character of the Conservation Area.

The existing buildings on the site relate to the former two storey brick warehouse building and a small secondary single storey store building. The buildings themselves, whilst reflecting the historic commercial use at the site, are nevertheless considered to have little architectural or historic merit to warrant their retention. Furthermore, and as stated in the above referenced policy, planning permission has already been approved for the redevelopment of the site where an assessment had previously been made as to whether or not there was any merit for the retention of buildings on the site.

It is noted that the building adjoins an existing dwelling and is in close proximity to other residential dwellings. Furthermore, it was also requested by Members at Planning Committee on 28th July, 2005, that consideration should be given to the imposition of conditions to ensure that any demolition is carried out in a carefully phased and safe manner. It is also considered that any consent should be limited in terms of the hours of demolition and transportation of waste, in order to protect the amenity of nearby occupiers.

The following recommendation is therefore made.

04065

RECOMMENDATION

APPROVE subject to the following condition(s):

1. The works hereby permitted shall be begun before the expiration of five years from the date of this permission.
2. Prior to the commencement of development on-site, a phasing programme indicating the sequence of works on site, including demolition, excavation, loading and transportation of all waste material and the means to ensure all works are carried out safely, shall be submitted to and approved in writing by the Local Planning Authority prior to commencement of development and the development shall thereafter be carried out in full accordance with the agreed phasing programme unless otherwise agreed in writing with the Local Planning Authority.
3. The hours of demolition, excavation, loading and transportation of all waste material shall be restricted such that they will only take place between the hours of 0800 and 1800 on weekdays and between the hours of 0800 and 1200 on Saturdays and not at any time on Sundays or Bank Holidays, unless otherwise agreed in writing with the Local Planning Authority.

Reason(s):

1. To comply with the requirements of Section 74 of the Planning (Listed Buildings and Conservation Areas) Act 1990.
2. To ensure satisfactory phasing of the development and to ensure demolition works are undertaken in order to minimise impact on amenities of adjoining residential occupiers.
3. In order to protect the amenity of nearby residential occupiers.

NOTE:

1. 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.

Fourgreen Development Ltd, Lyte Buildings, Wern Industrial Estate, Rogerstone, Newport. NP10 9YL
(Boyes Rees Architects, Palace House, Stow Hill, Newport. NP20 4EA)

LAND ADJACENT TO PROPOSED RHOOSE STATION, RHOOSE

3 storey commercial and residential mixed use development retail at ground floor with flats at first and second floor

SITE DESCRIPTION

The application site is located in the north-western corner of the Rhose Point re-development area. The site is bounded to the north by the Vale of Glamorgan Railway line and Torbay Terrace beyond, to the west by the recently opened Transport Interchange and to the east by residential development. The southern frontage of the site fronts the main spine road through Rhose Point.

The application site measures an area of 0.34 hectares and is currently vacant, although the land in question has been previously used as a temporary site for storage of materials in connection with the construction of the adjacent transport interchange.

DESCRIPTION OF DEVELOPMENT

This is a full application and the scheme as amended relates to the construction of a three storey building comprising commercial (retail) use at ground floor with flats above at first and second floor.

The building is of a modern and contemporary design and measures 45 metres long by a maximum width of 22 metres and will have a modern shallow inverted-pitched roof with an eaves height of 11.5 metres. The building will also have a feature "tower" which will accommodate the stairwell which will have a higher eaves level of 12.5 metres.

The proposed plans indicate that the ground floor will comprise of a unit of 344 square metres of net retail floorspace with a second unit comprising of 215 square metres, with an option to subdivide this unit. The retail units will be served by an enclosed compound on the rear elevation. Further accommodation on the ground floor at the base of the stairwell will provide a lobby area and store in connection with the use of the residential flats above.

Car and service access for the retail units is via a new access from the main spine road to the south of the site with a total of 24 car parking spaces for public parking in connection with the retail units. A service area for the retail units is proposed to the rear of the development via a gated access and unloading will take place adjacent to a covered compound area with the service area separate from neighbouring residential development by an existing perimeter brick wall and new landscaping. The service area will also accommodate 4 staff parking spaces.

Pedestrian and cycle-way routes are included from the main road and the adjoining housing development and cycle stands are located adjacent to the retail units.

The residential accommodation will comprise of a total of 14 No. two-bedroom flats over the first and second floors, where the flats fronting the southern (front) elevation will be served by small balconies. The front elevation of the building will accommodate the shop fronts although the specific details have not been submitted as part of this application. The entrance to the residential element will be via the existing access into the interchange site to the rear of the building through a gated parking area comprising of 25 car parking spaces, two of which are indicated as being disabled spaces.

The building will be finished at ground floor level with clay facing brickwork (Broadmoor, Oakdean Red) and finished at first and second floor levels with off-white render. Cedar horizontal ship lap cladding is proposed between eaves and second floor windows. The proposed roof is shown to be constructed in Kalzip sheets in standard natural stucco finish with standing seam. Eaves soffits are profiled coloured aluminium sheets.

Windows and patio doors are shown to be UPVC white and downpipes will be polyester powder coated.

PLANNING HISTORY

93/01186/OUT – Outline planning permission was granted for 500 dwellings, employment (B1/B2/B8), shop(s), pub/hotel/restaurant, environmental centre, 9 hole golf course, club house, open space, playing fields, new access road, etc. Approved on 27th March, 1996, subject to conditions.

02/01515/FUL – Full planning permission was granted for a new district centre including a mixed retail unit, car parking, bus stop and shelters and a public car park on 23rd October, 2003.

CONSULTATIONS

Cardiff International Airport – “The proposed development has been examined from an aerodrome safeguarding aspect and does not conflict with safeguarding criteria. Accordingly, this department has no safeguarding objection to the proposal.”

Network Rail – Were consulted and have stated that they have no objections to the proposed development. However, given that the application will have a significant effect on a level crossing they have stated that Planning Authorities have a duty to consult not only Network Rail as adjacent landowner, but the Health and Safety Executive (HMRI) on behalf of the Secretary of State for Transport.

Health and Safety Executive (Railway Inspectorate) – Were consulted and have no comments to make.

Glamorgan Gwent Archaeological Trust – Were consulted and have stated that there are no recorded archaeological features within the area of the proposed development.

South Wales Police (Crime Prevention Department) - Were consulted and have made the following observations:

Crime Analysis

The risk assessment for crime in the Rhoose and specifically the Rhoose Point area is low, the main offences being Theft From Motor Vehicles and Criminal Damage to Motor Vehicles. There is a youth annoyance problem at the nearby shops and there are also problems locally with skateboarding youths. The development at Rhoose Point is continuing to grow and the retail facilities provided by this development will undoubtedly attract local youths which could lead to similar types of anti-social behaviour. In view of this I would ask that the following recommendations be considered.

Public Car Park

Car parks should be well lit after dark and be subject to good natural surveillance. Planting adjacent to car parking bays should have a thorn content. Traffic calming measures may be employed across the main entrance to the car park. Consideration should also be given to the type of surfacing to be used in the car park or rumble strips at intervals through the car park to discourage use by skateboarders.

Landscaping

All shrubs and plants should have a maximum growth height of 1m, whilst all trees should be pruned to a minimum height of 2m, thereby maintaining a clear field of vision within the site. Trees should not mask lighting columns nor become climbing aids. All hard landscaping and street furniture should be securely fixed down in order to prevent removal, vandalism and/or use as potential ammunition.

Street Lighting

Street lighting to the car park area and movement routes should comply with BS 5489. It should be carefully designed to cover all vulnerable areas and must not create shadows. Well-positioned lighting will deter and reveal potential offenders.

Drainpipes

Rainwater pipes must be either flush fitting or concealed to prevent them being used as a climbing aid to the first floor balconies.

Cycle Path

Public footpaths and cycle-ways are important in facilitating pedestrian and cycle movements within a proposed development and connecting with the rest of the built-up area. They should be provided where they are likely to be well used thereby providing fewer opportunities for crime and generating an increased sense of safety, which in turn increases their use. Wherever possible, footpaths should be wide, clear of hiding places, well lit and should follow a direct route. If they are not well used, they can provide opportunities for crimes against users, as well as unobserved access to the rear of buildings and as a means of escape for offenders.

The linking of the adjacent residential area to this site by means of a cycle/footpath will provide easy access to the area and means of escape for burglars, and will create opportunities for crimes against people.

The Head of Visible Services (Highway Development) – The proposed development site is located to the west of the Rhoose Point Development, adjacent to the proposed park and ride facility for the station and is currently accessed by the unfinished road layout which serves Rhoose Point from the sole point of access off Porthkerry Road.

In the interests of highway/public safety and to ensure an uninterrupted access to the Rhoose Point Development as a whole, which includes housing, employment and recreation areas identified within the Vale of Glamorgan Council's Unitary Development Plan, the Highway Authority requires an additional (secondary) safe means of vehicular/pedestrian access open to the public 365 days of the year to ensure that an alternative means of access is available, as recommended on pages 21 and 22 of "Design Bulletin 32, Second Edition" published by the Department of the Environment and Transport.

The Highway Authority would also advise that both the initial TIA produced by Ove Arup for Blue Circle Properties Limited and the subsequent TIA produced by Mason Richards Engineering for Cofton Land & Property Projects Limited identifies the use of the existing level crossing at Station Road as a secondary vehicular, pedestrian and cyclist access i.e. a Public Highway.

The Highway Authority require confirmation in writing from all of the affected parties i.e. HSE (HRMI) and Network Rail that all parties are agreeable in principle to utilise the said crossing as a secondary means of access to the development as a Public Highway subject to all necessary upgrading of the crossing in accordance with the Rail Regulatory Procedures/Specifications.

There are no highway objections to the retail element of the proposed development subject to the above requirement being satisfied prior to commencement on site unless specified otherwise, and the following requirements being fully satisfied:

1. Access to be a minimum width of 6.0m and surfaced in a bound material for a minimum distance of 10.0m from the back edge of the footway.
2. Notwithstanding the submitted plans, full details of the vehicular access shall be submitted to and approved in writing by the Local Planning Authority prior to the development commencing. These details shall ensure that the access will maintain a 4.5m x 90.0m vision splay in both directions at the junction with the distributor road, and the access shall be constructed fully in accordance with the details as agreed.
3. Parking layout including service area and vehicular turning areas to be designed in accordance with the Council's design criteria and the FTA "Designing for Deliveries", and laid out and approved by the Local Planning Authority prior to beneficial use of the development.
4. Parking provision including commercial vehicle unloading areas to be in accordance with the requirements of the South Wales Parking Guidelines.
5. Pedestrian and cycle-way routes to link into the network serving the Rhoose Point Development.

There are highway objections to the residential element of this proposed development as in the interests of highway and pedestrian safety it is not acceptable to access the private residential parking area via the public car park.

The Director of Legal and Regulatory Services (Environmental Health : Pollution) - Has advised that to avoid noise complaints from nearby residents in the future, the applicant should carefully consider siting and use of the latest and quietest chillers/coolers. Moreover all fittings should be isolated from the walls and fitted into the fabric of the building, so that they are also attenuated.

As you are aware the previous use of the site could have lead to contamination. Thus although remedial work has been completed, it is essential that any ground works do not establish a new source/pathway/receptor linkage. For that reason I would like a condition requiring that during such works if any suspicious material is encountered then:

- (i) Works must be halted.
- (ii) The Authority must be informed.
- (iii) Written agreement with this Authority must be obtained before work is recommenced.

REPRESENTATIONS

Adjoining occupiers were consulted in addition to occupiers on Torbay Terrace. To date a total of 21 letters of objection have been received although several of the letters relate to representations from the same occupiers. A petition of 193 names and 54 names has also been received. A copy of one of the letters of objection is attached as Appendix A. In summary the representations received are summarised below:

- The height and scale of the building is out of keeping with surrounding dwellings.
- Loss of view.
- The development will result in overlooking and overshadowing and loss of light.
- Noise and disturbance.
- The increase in the scale of development over and above the original scheme which related to a single retail unit.
- The building is out of character with the rest of the development.
- Insufficient parking to serve the development.

Letters of representation have also been received from Ward Members Councillor Gordon Kemp and Councillor Jeffrey James (letters attached as Appendix B). The letters relate to representations that have been made with regard to the dominance of the development on the skyline, loss of privacy and undermining the visual amenity of Torbay Terrace.

REPORT

Committee Members will be aware that a planning application for the construction of a transport interchange and new district retail centre, including car parking, was approved on 23rd October, 2003 (planning application 02/01515/FUL refers). The previously approved retail unit comprised of a single storey building of some 400 square metres located to the western side of the site.

The current application therefore seeks to increase the level of retail floorspace by an additional 160 square metres and provide flatted development above. The principle of retail development on the site has previously been accepted under application ref. 02/01515/FUL and prior to that under the original outline consent for the site under 93/01186/OUT as set out in the approved master plan for Rhose Point. However an assessment should be made with regard to satisfactory access, parking provision and considerations with regard to impact on the amenity of the adjacent residential occupiers as the retail unit will be sited closer to residential dwellings than the previously approved scheme.

With regards to the additional provision of residential accommodation, the application site falls within the residential settlement boundary of Rhose, where Policy HOUS9 contained in the adopted Vale of Glamorgan Unitary Development 2005 permits the principle of residential development within settlement boundaries subject to the following relevant criteria:

- The scale and form of the proposed development is in keeping with surrounding uses.
- The proposal has no unacceptable effect on the amenity and character of existing or neighbouring environments of noise, traffic congestion, exacerbation of parking problems or visual intrusion.
- Open space is provided in accordance with the council's approved standards.
- The provision of car parking and amenity space is in accordance with the council's approved guidelines.
- Adequate community and utility services exist, are reasonably accessible or can be readily and economically provided.

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

In terms of the scale of the development, following several meetings with the applicants, amendments have been submitted reducing the level of the building on the site and the re-siting of the building some 3 metres westwards from its original siting. Furthermore windows which were originally shown in the eastern side elevation overlooking the dwellings in Lon Lindys, have also been omitted.

As such it is considered that the amended scheme will not impact on the amenity of occupiers of nearby residential dwellings, where the building would be 25 metres from the nearest dwelling to the east (No. 14 Llon Lindys) and would be 53 metres from the terraced dwellings on Torbay Terrace. Furthermore it should be noted that the submitted cross-sections indicate that the building will be sited some 3.5 metres below the level of the dwellings at Torbay Terrace. Accordingly, whilst the proposed development is three storey the occupiers of Torbay Terrace would view it as a building of lesser height, given the differences in ground level. Furthermore given the inverted roof form of the building the height of the building would be below that of a normal pitched roof dwelling.

Notwithstanding the above comments, it is accepted that the scale and form of the building will result in a prominent building, when viewed from within the Rhoose Point development. However there is no objection in principle to this being a landmark building. With regard to the design, materials and finishes, the building is of a contemporary style characteristic of modern waterfront developments. Whilst the majority of the Rhoose point development relates to “vernacular style” dwellings, the materials proposed will echo those used in the dwellings.

In terms of impact on residential amenity, the scheme does propose an access, turning and service area adjacent to the residential dwellings to the east of the site. Following discussions with the applicant the building was moved some 3 metres westwards which has moved the access further away from the residential units with a strengthened landscaped buffer. However it is considered that the amenity of the occupiers could at times be impacted upon during delivery and servicing of the retail units. Accordingly it is considered that if planning permission is granted, such a consent should be limited so that deliveries and servicing only take place during the daytime (7.00 a.m. to 11.00 p.m. Mondays to Saturdays), to protect both amenities of the existing adjacent occupiers and the future occupiers of the flats above the retail units.

In terms of the nature of the proposed retail use, the applicant has not clarified an end user for the units of type of the retail use. However given the planning history and the location of the development in a predominantly residential development, the use of the units should be restricted to uses falling with Class A1 of the Use Classes Order (1987).

With regard to amenity space, the Council's Amenity Standards Supplementary Planning Guidance require flatted development to be served by 20 metres square of amenity space per person. The proposed scheme provides little private amenity space although it does provide necessary bin store areas and provision for cycle parking. However, the Rhoose Point development benefits from considerable areas of informal public open space which is considered to override the deficiency in on-site amenity space.

With regards to highway considerations the proposed development is to be served by two separate access points, a new direct access from the main spine road and the second access via the existing access road serving the interchange. The highway engineer has not raised an objection to the access arrangements into the retail site, subject to conditions. However the engineer has raised a highway objection to the access to the residential element as in the interests of highway safety and pedestrian safety it is not acceptable to access the private residential parking area via a public car park. Whilst the engineers comments are noted, the interchange car park is a Council implemented scheme and the access is only via the access road to the car park not through the car park itself. Accordingly, it is not considered that the highway objection could be sustained.

One of the main issues considered in the assessment of the previous proposal was the access route to and from the proposed development, via the second access point over the level crossing. At that time, there was a large degree of legal uncertainty as to the precise status of the level crossing and the necessary procedural route whereby full public use of the crossing could be achieved. However, this matter has now been resolved as the Office of Rail Regulation and the Department for Transport has sanctioned the dedication of the level crossing for public vehicular use by an order under the Level Crossing Act 1983.

It should also be noted that the proposed mixed use development on the site will have considerable benefits for the adjacent transport interchange in that the development will provide a high level of surveillance over the transport interchange particularly from the residential flats. The introduction of what would be a 24 hour use of the site will contribute to making a safer environment reducing both the fear of crime and opportunity for crimes to be committed.

In conclusion, and taking all considerations into account, it is considered that the provision of a retail facility will serve the residential population of Rhoose Point and support the village of Rhoose and will support the adjacent interchange and park and ride facility. Furthermore the proposed retail facility and residential units are sited in a sustainable location, adjacent to the new Rhoose Cardiff International Airport Station serving the recently re-opened Vale of Glamorgan Railway Line providing a direct link from Bridgend to Cardiff.

Consideration of this application was deferred at the previous Committee Meeting to enable Committee Members to inspect the site. It is currently anticipated that the site inspection will take place on 28th September, 2005.

04025

RECOMMENDATION

APPROVE subject to the following condition(s):

1. The development hereby permitted shall be begun before the expiration of five years from the date of this permission.
2. The permission hereby granted shall relate to the amended plans, reference 3088/PLK(90)01 Rev. E and 02 C, received by the Local Planning Authority on 29th June, 2005.

3. The proposed levels of the building, parking areas and servicing areas shall be constructed as detailed on the proposed cross section drawing, reference 3008/PL(99)08, received by the Local Planning Authority on 21st February, 2005.
4. The access, turning areas, car parking spaces, bin store and cycle parking areas, shown on drawing number 3008/PL(90)01, shall be fully laid out prior to the development hereby approved being brought into beneficial use and shall thereafter be maintained at all times to serve the residential flats and retail development hereby approved.
5. Samples of standing-seam roofing, soffit cladding, brick and a sample panel of the proposed coloured render to be used, shall be submitted to and approved in writing by the Local Planning Authority prior to the commencement of development and shall thereafter be carried out in accordance with the agreed samples and thereafter maintained at all times.
6. The hours of delivery, loading and unloading shall not take place between the hours of 23:00 and 07:00 on Mondays to Saturdays and not at any time on Sundays or Bank Holidays.
7. No materials, equipment or plant shall be stored outside the building hereby approved without the prior written consent of the Local Planning Authority.
8. The consent hereby granted shall only relate to the ground floor use as a retail unit falling within Use Class A1 as defined in the Town and Country Planning Use Classes Order 1987.
9. Prior to the occupation of any of the retail units, where the units require the installation of any extraction equipment/air conditioning units or chiller units, a scheme detailing the specification of this equipment, its means of installation and isolation from the main structure of the building shall be submitted to and approved in writing by the Local Planning Authority, and the agreed equipment shall be installed and thereafter maintained in full accordance with the agreed details.
10. Notwithstanding the submitted plans, prior to the commencement of development a landscaping scheme, which shall have particular regard to appropriate species given the exposed coastal location of the site, shall be submitted to and approved in writing by the Local Planning Authority.
11. All planting, seeding or turfing comprised in the approved details of landscaping shall be carried out in the first planting and seeding seasons following the occupation of the buildings or the completion of the development, whichever is the sooner; and any trees or plants which within a period of five years from the completion of the development die, are removed or become seriously damaged or diseased shall be replaced in the next planting season with others of similar size and species, unless the Local Planning Authority gives written consent to any variation.

12. During the course of any excavation or groundworks on site, should any contaminated material be discovered, all works shall cease immediately and the Environmental Health Department notified and works shall thereafter only recommence following written notification from the Environmental Health Department.
13. The hours of opening of the retail store hereby approved shall be confined to between the hours of 07:00 and 20:00 on any day.

Reason(s):

1. To comply with the requirements of Section 91 of the Town and Country Planning Act 1990.
2. For the avoidance of doubt.
3. To ensure a satisfactory form of development.
4. To ensure satisfactory provision of on-site parking and amenity facilities to serve the development hereby approved.
5. In the interests of visual amenity.
6. In order to protect the amenity of nearby residential occupiers.
7. To safeguard local amenities.
8. In order to control the use of the ground floor of the development hereby approved in order to protect the residential amenities of adjoining properties.
9. In order to ensure that residential amenities of the occupiers are fully protected.
10. In the interests of visual amenities.
11. To ensure satisfactory maintenance of the landscaped area.
12. In order that any groundworks do not establish a new source/pathway/receptor linkage.
13. In order to protect the amenity of nearby residential occupiers.

NOTE:

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

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

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

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

Mr and Mrs D. Gore, c/o Agent.

(Tony King Architect, 1A, Augusta Road, Penarth, Vale of Glamorgan. CF64 5RH)

OLD RAILWAY STATION, GILESTON

Change of use of existing to provide three bedroom house and staff welfare, plus increased secure parking area

SITE DESCRIPTION

The application site relates to a former railway goods yard, which is currently in a mixed use as a secure airport car park and a commercial coal yard. The site is located to the south of St. Athan, within the Heritage Coast.

The existing station building is used for the storage of packed coal being a secondary business being operated from the site. The building is single storey and constructed from red facing brick with buff brick quoins and heads. The existing roof is of a profiled metal sheeting. The adjacent building is smaller in scale and has a pent roof.

DESCRIPTION OF DEVELOPMENT

This application relates to two main elements, mainly the conversion of the former station building and attached building into a dwelling to provide permanent staff welfare accommodation, and an increase in the size of the existing secure car park.

The former station building will be converted to provide a study, living/dining area, kitchen and hall at ground floor and 3 bedrooms and a bathroom within the first floor roof void. The attached building will be converted and linked internally to the main house to provide a staff welfare/ rest area served by a kitchen, WC and separate bedroom with en-suite.

The conversion works will result in replacement of and provision of new windows within the existing openings, replacement of the existing roof with man-made slates with roof lights on the front and rear roof planes. The flat roof over the attached store will be removed and replaced with a pitched roof where the eaves height will be 3 metres and ridge height of 5.5 metres. Works to the existing store building include the modification of existing openings and the provision of new windows.

The proposed dwelling will be served by a small garden to the front of the dwelling on part of the existing yard and the attached welfare accommodation will also have a small enclosed front garden served by a separate entrance.

The second element of the application relates to an extension to the existing car park used as a secure car park for airport related parking. The existing car park will result in the removal of the static caravan on the site and coal storage bays and the parking areas as a whole will measure a total length of some 120 metres by an average width of 20 metres. The extended compound will be enclosed by the repositioned existing security fence and gate.

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

PLANNING HISTORY

The site has been subject to the following planning applications:

95/00348/FUL - Change of use to secure car park. Refused 16th June, 1995.

95/00839/FUL - Change of use to secure car park. Refused 12th March, 1996.

96/00392/FUL - Change of use to secure car park. Approved 20th June, 1996, subject to conditions (temporary 3 year consent).

99/00848/FUL – Change of use to secure car park. Approved 17th September, 1999, subject conditions.

99/01042/FUL – Temporary siting of static caravan for residential accommodation. Refused 29th October, 1999.

00/00242/FUL – To site caravan to be used as a reception /rest area. Approved 9th June, 2000, subject to conditions (temporary 2 year consent).

02/01399/FUL – Retention of caravan to be used as reception /rest area. Approved 28th March, 2003, subject to conditions (temporary 2 year consent).

05/00343/FUL- Renewal application ref. 02/01399/FUL. Application not yet determined, pending outcome of application ref. 05/00005/FUL.

CONSULTATIONS

St. Athan Community Council - Were consulted on 13th January, 2005 and support the application.

Welsh Water – Were consulted and have stated that as the applicant intends to use private drainage facilities they have no comment to make.

At the request of the Council's Bio Diversity Officer, a bat and barn owl survey has been undertaken by a licensed survey of all buildings on site as the existing building could provide potential roost sites for bats and barn owls. The submitted report states that there is no evidence of bat use within the buildings and the surveyors are confident that there is no potential for any bat use. There is also no known owl interests in the building.

The Director of Legal and Regulatory Services (Environmental Health : Pollution Control) – Was consulted and whilst they have no objection to the application in principle, have stated that the previous use of the site may have lead to potential contamination of the ground beneath the site and therefore this department insists on the following conditions:

1. Site investigation works to determine the nature and extent of possible ground contamination, within the residential area, are undertaken.

2. Potential risks to human health and the environment are quantitatively assessed where the site investigation reveals the presence of potential contamination on site.
3. Suitable remediation works are undertaken to reduce possible risk to human health and the environment where these have been identified by the quantitative risk assessment.
4. All proposal and works are to be agreed with this authority.

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

The Head of Visible Services (Highways) - Was consulted and has raised no objection in principle subject to the applicant satisfying the following conditions:

"A turning facility and parking provision (including visitor parking) in accordance with the South Wales Counties Parking Guidelines shall be provided within the curtilage of the site/for each unit, and retained thereafter. Vehicles must be able to enter and exit the site in forward gear. These turning/parking facilities should be provided and maintained for both the residential and business use and should be separate. The main access should be a minimum of 6 metres wide."

REPRESENTATIONS

Neighbouring residential properties were consulted on 13th January, 2005 and to date no letters of representation have been received.

REPORT

The existing site currently has two main uses, the secure car park and as a coal distribution depot. However subject to the approval of this application, the coal operation will cease from the site and the site will be used as a secure car park.

In planning policy terms the site falls within the open countryside, where Policy ENV1 – Development in the Countryside contained in the adopted Vale of Glamorgan Unitary Development Plan 2005, states that development will only be permitted in the interest of agriculture and forestry. However, for the purposes of this policy, 'countryside' is defined as being:

"that area of land lying outside settlement boundaries of the main towns and villages, identified in Policy HOUS 2, which has not been developed for employment use or allocated in the Plan for development purposes."

Furthermore, Employment Use is defined as those uses which fall within Classes B1 Business, B2 General Industrial and B8 Storage and Distribution of the Town and Country Planning (Use Classes) Order 1987 (as amended).

In terms of the uses at the site the existing secure car park is considered to fall within a Sui Generis Use and the remaining part of the yard and buildings which are used for the storage and distribution for coal would fall with a B8 (storage) use. Therefore, the remaining element of the former area of the coalyard, whilst being located in a rural location is not considered as “countryside” under the strict definition of the above referenced policy as the land has been used for a B8 storage use.

In addition, the site falls with the Glamorgan Heritage Coast, where Policy ENV4 of the above referenced plan states that the special environmental qualities of the undeveloped character of the Glamorgan Heritage Coast will be conserved and enhanced.

However notwithstanding the above, consideration of the conversion of what is a rural building into residential use, should nevertheless be made with regard to aims and objectives of Policy ENV7 which relates to Small Scale Rural Conversions contained in the adopted Vale of Glamorgan Unitary Development Plan 2005. This policy states that proposals which involve small scale rural development including conversions of rural buildings to new uses will be permitted if they comply with relevant criteria. In the case of the conversion of a rural building to residential use, the following criteria contained within the above policy are applicable:

- (iii) the building is structurally sound and the conversion can be achieved without substantial reconstruction of the external walls, or extension to the building. However, each proposal will be assessed as a matter of fact and degree, depending on the particular circumstances of the case;
- (iv) conversion work can be undertaken without unacceptably altering the appearance and rural character of the building;
- (v) where residential use is considered acceptable, amenity space can be provided within the curtilage of the site without undue incursion into the rural landscape;
- (vi) vehicular access is available or can be provided from the public highway without any unacceptable effect upon the appearance of the countryside;
- (vii) satisfactory parking provision can be made within the curtilage of the site;
- (x) the proposal is not incompatible with activities carried out on adjoining land. Applicants may be requested to enter into a legal agreement to control the activities of other land in their ownership; and
- (xi) utility and infrastructure services can be provided without unacceptable visual intrusion and without detriment to the environment.

In terms of the principle of such a residential conversion and provision of staff welfare accommodation, from the planning history at the site the applicant has demonstrated a clear need for such staff accommodation, through the submission of several planning applications for the retention of a static caravan for use as a reception / rest area for staff to provide 24 hour security and access to the secure car park. Furthermore, the applicants have previously been advised that they should seek to maximise the use of the existing buildings on the site and that a permanent form of staff accommodation could be accommodated within the station building.

Whilst the character of the existing building is not rural i.e. a former agricultural stone barn, the existing building is nevertheless of sufficient scale and size, and structurally sound to be appropriate for such a conversion. The building being a small station building does not have any rural architectural merit although it is typical of a Victorian building constructed of red engineering bricks, buff brick quoins and heads, circular feature windows in the side gables and ornamental chimneys.

The conversion of the station building will generally retain the character of the building and the removal of unsightly later additions such as the coal loading chute and large steel doors and will restore the character of the original building. The replacement of the existing profiled steel roof with a synthetic slate roof will be in keeping with the rural character of the area. The conversion of the attached flat roof storage building for a staff welfare room, will require a larger degree of alteration, notably the replacement of the existing pent roof with a pitched roof, however the basic footprint will not change. The proposed pitched roof will be lower than the main roof of the former station building and will appear as a secondary wing to the main converted station building.

The conversion will not relate to the creation of a private residential dwelling, but a form of accommodation which will be ancillary to the operation of the business at the site and conditioned accordingly. The dwelling is served by a small curtilage which will enclose part of the existing yard and will therefore not result in any incursion into the rural landscape. The site itself is well enclosed, being bounded by the railway line to the north and as such the conversion works will not impact on the rural character of the area.

The proposed extension of the secure car park will double the capacity of the existing facility. However, given that the expansion will result in the clearance of the site and the loss of the coal related business, there is no objection in principle to an extension of the secure parking area, which will still be contained within the old station yard. Furthermore the Head of Visible Services, (Highways) has not objected to the application, subject to the necessary provisions of a turning facility and parking provision (including visitor parking) in accordance with the South Wales Counties Parking Guidelines in addition to alterations to the main access. Given the availability of turning area the necessary staff and residential parking can be submitted by way of planning conditions.

The comments received from the Environmental Health Officer (Pollution Control) are noted in respect of the potential contamination of the ground given the former use of the site as a coal yard. It is therefore considered that any consent should require by way of condition a site investigation prior to any development onsite, to determine the nature and extent of possible ground contamination and any necessary remediation works.

In conclusion the expansion of the existing secure parking onto land previously used for storage and distribution of coal is considered consistent with the above referenced policies and the loss of the coal business will improve the environmental quality of the area. The conversion of the former station building and attached building into a dwelling and welfare rest area which would support the main use at the site is also considered consistent with the above referenced policies.

For the above reasons, the following recommendation is therefore made.

04055

RECOMMENDATION

APPROVE subject to the following condition(s):

1. The development hereby permitted shall be begun before the expiration of five years from the date of this permission.
2. The dwelling hereby approved and ancillary attached staff welfare accommodation shall only be occupied by persons employed, operating or managing the secure parking facility and for no other business, commercial or private residential use whatsoever.
3. Notwithstanding the submitted plans, prior to the commencement of development full details in respect of the proposed access, vehicle turning area, full layout of secure parking area and provision for on-site parking for staff and residents to a scale of 1:200 which shall incorporate all of the following requirements shall be submitted to and agreed in writing by the Local Planning Authority and shall be fully laid out prior to the beneficial use of the site and thereafter maintained.
 - (a) Access to be a minimum width of 6m and surfaced in a bound material for a length of 10m from the adopted highway.
 - (b) A minimum of 6 No. staff parking spaces and 3 No. residents parking spaces to be provided within the site.
 - (c) A suitable turning area to be provided to ensure all vehicles can enter and leave via the access in forward gear.
4. Samples of all materials to be used in the conversion of the former station and attached building shall be submitted to and approved in writing by the Local Planning Authority prior to the commencement of development and shall thereafter be carried out in accordance with the agreed samples and thereafter maintained at all times.
5. Notwithstanding the submitted details, further details of the means of enclosure of the front gardens of the dwelling and staff welfare accommodation shall be submitted to and approved in writing by the Local Planning Authority prior to commencement of development and shall be constructed in full accordance with the details as agreed and thereafter maintained at all times.

6. No development shall take place until a report detailing the result for the investigation and recording of any ground contamination within the site indicated as being used in connection with the dwelling and staff welfare accommodation, is submitted to and agreed in writing by the Local Planning Authority.
7. Subject to the findings of the contaminant survey results submitted in respect of Condition No. 6, the applicant shall submit a method statement prepared by a suitably qualified consultant detailing and setting out the necessary remediation works at the site, in line with best practice for the removal, containment or otherwise rendering harmless such contamination, which shall be submitted to and agreed in writing by the Local Planning Authority and the remediation scheme shall thereafter be carried out in full prior to the beneficial occupation of the residential accommodation hereby approved.
8. Notwithstanding the provisions of the Town and Country Planning (General Permitted Development) Order 1995 (or any Order revoking and re-enacting that Order) the dwelling hereby approved shall not be extended or altered in any way without the prior written consent of the Local Planning Authority.
9. Notwithstanding the provisions of the Town and Country Planning (General Permitted Development) Order 1995 (or any Order revoking and re-enacting that Order) no building, structure or enclosure required for a purpose incidental to the enjoyment of a dwelling-house shall be constructed, erected, or placed within the curtilage of the dwelling hereby approved without the prior written consent of the Local Planning Authority.

Reason(s):

1. To comply with the requirements of Section 91 of the Town and Country Planning Act 1990.
2. To enable the Local Planning Authority to maintain control over the use of the dwelling.
3. In the interests of highway safety.
4. In the interests of visual amenities.
5. In the interests of visual amenities.
6. In order to ascertain the extent of any contamination at the site to reduce possible risk to human health.
7. In order to ensure that the necessary remediation works are carried out at the site.
8. To enable the Local Planning Authority to control the scale of development.
9. To enable the Local Planning Authority to control the scale of development.

NOTE:

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

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

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

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

Mr & Mrs G May, Westcliffe, Barry Road, Dinas Powys, Vale of GLamorgan, CF64 4TS.

(Mr & Mrs G May, Westcliffe, Barry Road, Dinas Powys, Vale of GLamorgan, CF64 4TS.)

LAND AT WESTCLIFFE, BARRY ROAD, DINAS POWYS

Proposed development of two dwellings

SITE DESCRIPTION

The application site comprises part of the garden curtilage to an existing dwellinghouse "Westcliffe", which is set back, and accessed off, Barry Road. The site area measures approximately 1618m², forming the major part of the southern garden area.

DESCRIPTION OF DEVELOPMENT

This is an outline application for the erection of two dwellings with all matters other than siting and access reserved for subsequent detailed approval. The submitted details show a 4m wide new vehicular access onto Croffta with an internal driveway widening to 4.8m turning west to a 6m x 17.8m turning head beyond which 2 No. car parking spaces for each of the proposed dwellings is provided. The siting details for the dwellings shows a footprint for each of 11m x 9m with both Plot A and B being positioned approximately 13.8m from the boundary with existing houses on Drylla. The proposed dwelling on Plot B is shown positioned approximately 3.5m from the rear boundaries of the houses on Croffta.

Whilst landscaping has been reserved for subsequent approval a tree survey has been submitted at this stage to indicate trees that will be removed as a result of the proposed siting and access arrangement.

PLANNING HISTORY

83/0027 – Outline application for 3 No. dwellings (one pair of semi-detached houses and one bungalow). Approved 26th April, 1983. Subject to the following conditions:

1. Details relating to the siting, design and external appearance of the proposed building(s), the means of access thereto, proposals for car parking and the landscaping of the site shall be submitted to and approved by the Council before any development is commenced.
2. Application for approval of the reserved matters herein before referred to must be made not later than the expiration of (three) () years beginning with the date of this permission.
3. The development to which this permission relates must be begun not later than whichever is the later of the following dates:
 - (a) The expiration of (five) () years from the date of this permission.

- (b) The expiration of (two) () years from the date of the final approval of the reserved matters or, in the case of approval on different dates the final approval of the last such matters to be approved.
4. There shall be no pedestrian or vehicular access from the proposed properties, direct to Barry Road.
 5. None of the windows of any habitable room shall overlook the windows of habitable rooms of any other properties at a distance of less than 70ft.
 6. None of the existing trees or hedgerows on site shall be felled, lopped, or damaged without the prior written consent of the Local Planning Authority.
 7. The means of enclosing the plots shall be agreed in writing with the Local Planning Authority prior to the commencement of any works on site.
 8. Details of surface water drainage shall show the drainage of drive and paved areas to surface water drains.

Tree preservation Order No. 5 2005 – Blue Atlas Cedar. Confirmed 4th April, 2005.

CONSULTATIONS

Dinas Powys Community Council – Comments on original scheme for three dwellings:

“Objection - Garden Development. We are also concerned about possible flooding and drainage problems. Planning consent under application 83/0027 now out of time”.

Comments on amended plans for two dwellings – “Objection – Garden Development”.

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

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

Sewerage

Conditions

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

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

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

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

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

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

Advisory Notes

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

The Director of Legal and Regulatory Services (Environmental Health) - "No comments".

The Head of Visible Services (Highway Development) – Has no objection in principle.

REPRESENTATIONS

The occupiers of neighbouring properties were notified of the original application on 11th February, 2005 and renotified of amended plans on 19th May and 21 July, 2005. In addition a site notice was posted on 15th February, 2005.

Letters of objection to the original application for three dwellings have been submitted by the occupiers of Nos. 13, 14, 16, 18, 19, 21, 22, 23, 24 and 25 Croffta.

Following notification of the amended scheme for two dwellings further objections have been submitted by the occupiers of No. 50 Drylla and Nos. 14, 19, 21, 22, 23 and 25 Croffta.

Following notification of further amendments letters of objection have again been submitted by the occupiers of Nos.19, 21, 23, and 25 Croffta.

In summary the main points of concern raised by objectors relate to adverse impact on character of area; trees and ecology; increased traffic and parking congestion, privacy and overshadowing; drainage and devaluation of property.

Whilst all the representations are available on file for Committee Members inspection, a copy of letters received from the occupiers of Nos. 19, 21 and 25 Croffta are reproduced at Appendix A as being generally indicative of the representations received at the various stages of the application.

The applicant has submitted letters in support of the application. A copy of the most recent letter is reproduced at Appendix B for Committee Members inspection.

REPORT

The application has been submitted in outline with details of siting and means of access for consideration at this stage. The proposal was originally for the development of three dwellings but has been amended to two dwellings. The application site comprises part of the garden curtilage to an existing dwelling "Westcliffe" which is located within the settlement of Dinas Powys. As such the following policy background is relevant to the determination of the application.

The adopted development plan for the area is the Vale of Glamorgan Unitary Development Plan 2005. The Plan identifies the site as being within the defined residential settlement boundary for Dinas Powys, where Policy HOUS2 allows for additional residential development subject to the residential development criteria outlined in Policy HOUS9, i.e.:

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

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

In addition, the Council has Supplementary Planning Guidance on Amenity Standards which, in addition to policies relating to the quantity and quality of amenity space provision in a development, also has policies relating to privacy, overshadowing and visual amenity.

National Guidance contained in Planning Policy Wales (March 2002) requires that new housing should be well integrated with and connected to the existing pattern of settlements and recognises that the sensitive infilling of small gaps may be acceptable dependant on the character of the surroundings.

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

A number of the objections relate to increased traffic and parking congestion. It is noted, however, that the Council's Highway Engineer has confirmed that the amended layout meets the highway requirements and there are no objections to the development.

The submitted details clearly show that in addition to a satisfactory vehicular entrance from Croffta, the development will also provide for on-site turning facilities and car parking.

The Council's Tree Officer expressed initial concerns over the original plans both in terms of loss of planting and tree cover with the development of three dwellings, and more specifically to the likely damage that would be caused to an existing Blue Atlas Cedar from the access construction. It was considered that this tree was sufficiently important to warrant statutory protection and a Tree Preservation Order has subsequently been confirmed. The Tree Officer has confirmed that there are no objections to the amended layout subject to a suitable scheme of protection during construction. As regards the overall landscaping of the site this is a matter that has been reserved for subsequent approval.

It is noted that a number of neighbours whose rear boundaries abut the site have maintained their objections throughout. Their primary concern is that the proximity of the proposed siting of the dwellings will adversely affect their residential amenities. The positioning of the proposed dwellings is such that the rear of the buildings will be minimum of 13m from the boundary with existing houses on Drylla. This will allow for the provision of windows in these elevations that will meet the Council's privacy standards for window to window distances. The siting of the side elevation of Plot B from Croffta is approximately 3.5m and clearly windows in this elevation would directly overlook the neighbouring properties and adversely affect privacy. Similarly the height of the proposed building at this point would also affect the level of daylight/sunlight to those properties. Thus the neighbours concerns are justified, however, these are matters that have not been put forward for consideration at this stage. A further reserved matters application indicating the design and external appearance of the proposed dwellings will be required and can therefore be considered and, if unacceptable, could be rejected at that stage.

As regards the drainage objections it is noted that neither Welsh Water nor the Environment Agency have any objections to the application.

In conclusion, it is considered that the details of siting and access are acceptable and should allow for the development of two dwellings sympathetic to the character of the area and without a significant adverse impact on neighbouring residential amenities.

In view of the above the following recommendation is made.

Consideration of this application was deferred at the previous Committee meeting to enable Committee Members to inspect the site. It is anticipated that the site inspection will take place on 28th September, 2005.

04024

RECOMMENDATION

APPROVE subject to the following condition(s):

1. Approval of the details of design and external appearance of the buildings and the landscaping of the site (hereinafter called "the reserved matters") shall be submitted to and approved by the Local Planning Authority before any development is commenced.
2. Application for approval of the reserved matters hereinbefore referred to must be made not later than the expiration of three years beginning with the date of this permission.
3. The development to which this permission relates must be begun not later than whichever is the later of the following dates:
 - (a) The expiration of five years from the date of this permission.
 - (b) The expiration of two years from the date of the final approval of the reserved matters or, in the case of approval on different dates the final approval of the last such matters to be approved.
4. The permission hereby granted shall relate to the amended plans, reference 05/00148/OUT'B' received by the Local Planning Authority on 14th June, 2005.
5. The vehicular access and on-site turning facilities indicated on the amended plans received 14th June, 2005 shall be fully implemented before the first beneficial occupation of any one of the dwellings hereby approved, and this shall subsequently be the sole means of pedestrian and vehicular access to the two dwellings hereby permitted with no access from the properties direct to Barry Road.
6. The detail plans shall provide parking facilities to meet the standards of the Local Planning Authority
7. Details of the proposed finished floor levels in relation to the existing ground levels and the finished levels of the site, including cross-sections, shall be submitted to and agreed in writing with the Local Planning Authority before development commences. The proposed details shall pay particular regard to the residential amenities of neighbouring occupiers and the cross sections shall clearly show the context and relationship of the development with the surrounding area, including sensitivity to design and height of the dwelling on Plot B in relation to its proximity to the dwellings on Crofta.
8. The proposed dwelling(s) shall be designed so that no main windows of habitable rooms shall directly overlook the main windows of habitable rooms of other dwellings at a distance of less than 21.3 metres.
9. A scheme providing for the fencing of the trees to be retained and showing details of all excavations, site works, trenches, channels, pipes, services and areas of deposit of soil or waste shall be submitted to and agreed in writing with the Local Planning Authority prior to the commencement of development. No development shall be commenced on site until the approved protection scheme has been implemented.

10. All means of enclosure associated with the development hereby approved shall be in accordance with a scheme to be submitted to and agreed in writing with the Local Planning Authority prior to the commencement of development, and the means of enclosure shall be implemented in accordance with the approved details prior to the development being put into beneficial use.
11. Before the commencement of the development hereby permitted, a scheme showing the means by which foul sewage and surface water run-off are to be catered for shall be submitted to and approved in writing by the Local Planning Authority. No part of the development hereby permitted shall be put to beneficial use until the drainage works have been completed in full accordance with the approved details.
12. Plans and particulars of the reserved matters referred to in Condition No. 1 above, relating to the siting, design and external appearance of any building 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(s):

1. To comply with the requirements of Section 92 of the Town and Country Planning Act 1990.
2. To comply with the requirements of Section 92 of the Town and Country Planning Act 1990.
3. To comply with the requirements of Section 92 of the Town and Country Planning Act 1990.
4. For the avoidance of doubt.
5. In the interests of highway safety.
6. To ensure adequate on-site car parking facilities are provided in connection with the proposed development.
7. To safeguard the amenities of neighbouring occupiers and ensure the development is sensitive to the surrounding area.
8. To safeguard the privacy of adjoining occupiers.
9. In order to avoid damage to trees on or adjoining the site which are of amenity value to the area.
10. To safeguard local visual amenities.
11. In the interests of visual amenity.
12. The application was made for outline planning permission.

NOTE:

- 1. Please note that the site is subject to a Tree Preservation Order and therefore if at any time you wish to undertake development which constitutes Permitted Development under the Town and Country Planning (General Permitted Development) Order 1995 (as amended) you should contact the Directorate of Environmental and Economic Regeneration. Works constituting Permitted Development affecting trees covered by a Tree Preservation Order, whether branches, roots or its trunk require consent under Tree Preservation Order legislation. Similarly consent is required for works to Tree Preservation Order trees in general including lopping, topping and felling.**
- 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.

Robert Smith Cars Ltd, Lower Garage, 88, Windsor Road, Penarth. CF64 1JL
(Robert Smith Cars Ltd, Lower Garage, 88, Windsor Road, Penarth. CF64 1JL)

THE PENSIONERS HALL, COGAN HILL, PENARTH

Residential Flats

" The application was advertised on 18th March, 2005.

SITE DESCRIPTION

The application site comprises a parcel of land situated between Cogan Hill and the Cogan Railway Station. The site is currently occupied by a vacant hall.

DESCRIPTION OF DEVELOPMENT

This is an outline planning application to construct flats at the site. The application form states that siting is included for approval now with all other matters reserved for subsequent determination. However, no details of siting have been included.

The applicant in a supporting letter has stated that he cannot clarify how many flats are proposed but indicates a scope of between 25 and 65 units.

PLANNING HISTORY

90/00831/OUT – Outline planning application was refused in October 1990 for a housing development comprising 6 No. linked 2 bed units and 2 No. 3 bed detached units on land that comprises part of the current application site. The reasons for refusal were as follows:

1. The proposal would prejudice the aims and objectives of the Cardiff Bay Development Corporation in achieving a comprehensive land reclamation and redevelopment scheme for the former Penarth Dock which requires an improved road access to Windsor Road/Cogan Hill.
2. This proposal will increase traffic generation onto an existing undesirable tandem access arrangement shared with the railway station car park onto Cogan Hill.
3. The application does not demonstrate an adoptable access road to connect with the highway network.

99/01031/FUL – A planning application to change the use of land to private hire services and the siting of a temporary mobile office at part of the site was refused on 29th October, 1999 for the following reason:

"The proposal will introduce additional vehicular and turning movements into an area which suffers from poor physical geometry, to the detriment of highway safety."

02/00934/FUL – Full planning permission was granted in September 2002 for a 22.5m monopole and associated telecommunication equipment at the site.

Enforcement action has been authorised by Planning Committee in December 2004 to secure the cessation of the unauthorised use of part of the site as a waste transfer station.

CONSULTATIONS

Penarth Town Council - Has stated that given the sensitive position of the site at the gateway to the town, and the nature of the surrounding area, the Council should prepare a planning brief for the site. This application should be refused for the following reasons:

“The proposal is premature and would lead to an unacceptable form of development providing a low quality environment for future occupiers. The proposal would have an adverse impact on the surrounding highway network, having regard to the problems associated with the current access arrangements for Andrew Road and Cogan Park and Ride as well as the volume of traffic using Windsor Road.”

The Head of Visible Services (Highways) - Has objected to the application due to concerns regarding the traffic implications of the proposals at this busy location.

Environment Agency - Has no objection.

Welsh Water - Has stated that a public sewer crosses the site.

The Director of Legal and Regulatory Services (Environmental Health) - Has objected to the application on the grounds that the site would provide a poor quality living environment for future residents due to poor air quality from traffic emissions and traffic noise.

REPRESENTATIONS

Neighbouring occupiers have been consulted. Network Rail have objected to the application, stating that part of the site is actually owned by Network Rail.

REPORT

The development plan for the site comprises the adopted Vale of Glamorgan Unitary Development Plan 2005 (UDP). The site is situated within the settlement boundary of Penarth. The application has been assessed with regard to the following policies:

Policy HOUS2 of the UDP states that housing infill and small scale development will be permitted within Penarth subject to the criteria stated in Policy HOUS9. These criteria include the character of the development, impact on neighbouring environments, car parking and amenity space provision.

Policy ENV25 of the UDP requires that development meets the Council's approved standards of amenity and open space, access, car parking and servicing.

Policy ENV27 of the UDP states that development will not be permitted if it would be liable to have an unacceptable effect on either people's health and safety or the environment:

- (i) By releasing pollutants into water, soil or air, either on or off site; or
- (ii) From smoke, fumes, gases, dust, smell, noise, vibration, light or other polluting emissions.

Network Rail have disputed ownership of the site. If this is the case, as the applicant failed to serve Notice on Network Rail that the application was being submitted, this is likely to mean that the application is technically invalid. This matter has been raised with the applicant but no comment has been received. It has been decided to proceed to assess and determine the application on the assumption that the applicant does indeed own all the site.

No details of means of access or siting have been submitted. The Highways Engineer has objected to the application, expressing concerns that the proposals would introduce traffic at this location, which together with traffic associated with the railway station, may adversely impact upon highway safety in this area.

The application site would not allow for connection to the adopted highway via the existing junction serving Cogan Railway Station and so it is unclear how the site would be accessed. However, on the assumption that the site would share use of the existing junction with the railway station, there would be concern that the proposals would increase traffic generation onto an existing undesirable tandem access arrangement shared with the railway station car park onto Cogan Hill.

Details of siting and means of access have been requested from the applicant to allow a fuller assessment of the impact of the proposed development on the surrounding highway network, but these details have not been forthcoming.

Serious concerns have been raised by Environmental Health on the grounds of air pollution from traffic in the locality, particularly during rush hour, and the impact that this may have on the health of future residents of the site. Traffic noise is also considered to be a problem. Objections have been raised by Environmental Health to the application as it stands and it is suggested that any future applications should contain more details as to what is being proposed. The application is therefore considered to be contrary to the aims of Policy ENV27 of the Unitary Development Plan.

04049

RECOMMENDATION (W.R.)

REFUSE

Reason(s):

1. Insufficient information has been submitted to demonstrate that adequate means of access can be provided to allow the site to be developed for residential use. It is therefore considered that the proposal has the potential to have an adverse impact in terms of traffic generation on the surrounding roads to the detriment of highway safety. In this regard, the application fails to accord with the objectives of Policies HOUS9 and ENV25 of the adopted Vale of Glamorgan Unitary Development Plan 2005.
2. The site, by virtue of its proximity to a major thoroughfare, is likely to provide a poor living environment for future residents which is liable to have an unacceptable effect on people's health. In this regard, the proposal is considered to be contrary to the aims and objectives of Policy ENV27 of the adopted Vale of Glamorgan Unitary Development Plan 2005.

Mr. J. Edmunds, Greenyard Farm, Coldbrook Road East, Argae Lane, Barry.
CF63 1BC
(Osborne V Webb Partnership, 19, Castle Street, Cardiff, CF1 2BT)

GREENYARD FARM, COLDBROOK ROAD EAST, ARGAE LANE, BARRY

Proposed 10 No. two person one bedroom self-catering holiday accommodation units

SITE DESCRIPTION

The site is occupied by existing redundant farm buildings which comprise part of a farmhouse and yard located in the countryside to the north east of Barry.

DESCRIPTION OF DEVELOPMENT

The proposal entails the demolition of the existing buildings and its replacement with new build holiday accommodation. The proposed new building will be constructed over a similar footprint to the existing and be of similar scale and form, although slightly smaller, with the two storey element being approximately 0.5m lower than the existing ridgeline. The new building will be finished externally in Bradstone masonry block with fibre cement slates and white painted timber casement windows. The proposed new building will accommodate 10 No. separate units all on a similar level apart from Unit Nos. 3 and 4 which offer ground floor kitchen/dining and living room with first floor bedroom and bathroom. The majority of the units indicate two bed spaces whilst unit No. 6 allows for three bed spaces. Twelve car-parking bays are shown to the front of the building. Vehicular access will be via the existing entrance off Argae Lane. This will be revised to provide improved visibility splays entailing the removal of an existing hedgerow, approximately 85m in length, and the planting of a new hedgerow.

The application is supported by a survey for wildlife.

PLANNING HISTORY

92/00329/FUL – Land adjoining site. Change of use to nine-hole golf course. Approved subject to conditions 21st July, 1992.

92/01256/FUL – Clubhouse to adjacent golf course. Approved subject to conditions 23rd February, 1993.

96/00339/FUL – Conversion of out-buildings to four dwellings. Refused 11th July, 1996 on grounds of being contrary to barn conversion policy and new dwellings in the countryside.

96/00994/FUL – Conversion of outbuildings to 2 No. dwellings. Refused 10 January, 1997 for the following reason:

1. The proposed development fails to meet the criterion of the Council's Policy for the Conversion of Rural Buildings and Policy ENV17 of the Vale of Glamorgan Local Plan (Deposit Draft) as amended 1995 and therefore falls to be considered as residential development in the open countryside. The development is considered to be contrary to local and national policies for the protection of the countryside including Policy H10 of the adopted County of South Glamorgan Structure Plan, Policy H1 of the approved East Vale Local Plan and Policy HOUS4 of the Vale of Glamorgan Local Plan (Deposit Draft) as amended, 1995.

A subsequent appeal was dismissed on 14th August, 1997. A copy of the appeal decision is reproduced at Appendix A.

96/01184/FUL - Stewards accommodation in Clubhouse. Approved subject to conditions 14th February, 1997.

99/00766/FUL – Extension to clubhouse. New driving range and extend golf course to 18 holes. Approved subject to conditions 21st October, 1999.

01/00319/FUL – Renewal of 96/01184/FUL for stewards accommodation. Approved subject to conditions 27th April, 2001.

CONSULTATIONS

Dinas Powys Community Council – Comments on initial submission:

“No objection in principle but would express our concern with regards to access and egress along a narrow country road and lack of vision splay. Any permission granted should be conditional upon no further development of farm buildings on site. We also note that a structural report on proposed conversion is still awaited.”

Comments on revised scheme - “No objection in principle subject to materials used being in keeping with existing buildings.”

Environment Agency – Thank you for referring the above application which was received on 16th March, 2005. The Agency has no objection to the proposed development but wishes to make the following comments:

According to our records there is a closed landfill site within the vicinity of the proposed development site. The developer should contact the Local Authority, who may have further information with regard to this matter.

Any waste excavation material or building waste generated in the course of the development must be disposed of satisfactorily and in accordance with Section 34 of the Environmental Protection Act 1990.

Welsh Water – “We would request that if your 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

The proposed development would overload the existing public sewerage system. Improvements are planned which would enable a connection to be made 1st April, 2007.

We consider any development prior to this date to be premature and therefore OBJECT to the proposals unless appropriate Conditions can be attached to prevent occupation prior to the completion of these essential works. We offer the following conditions:

“None of the buildings hereby approved shall be occupied until essential improvements to the public sewerage system have been completed by Dwr Cymru Welsh Water, and the Local Planning Authority have been informed in writing of its completion. This work is scheduled for completion by 31st March, 2007.”

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.

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

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

There are no foul/surface water sewers in the immediate vicinity. It is therefore likely that off-site sewers will be required to connect to the public sewerage system.

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

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

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

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

Advisory Notes

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

Water Supply

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

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

Glamorgan Gwent Archaeological Trust – "Thank you for sending us details of this application for planning permission for the conversion of this building into residential use.

The building that is the subject of this application is part of the Greenyard (or "Greenad") complex. This set of buildings appears to date from the late 18th Century, (appearing on the Wenvoe Estate maps of 1763 and 1798), with the surrounding ancillary outbuildings, stone barn, and cottage all being of a similar date. The timber-clad construction is very unusual in South Wales, which is essentially a 'stone' area, with its nearest typological parallels being those found at East Hendred, Berkshire and at Clywedog in Montgomeryshire. The buildings, therefore, can be classed as a derivative and its uniqueness is deserving of preservation and conservation.

As the archaeological advisors to your Members it is our opinion that these buildings and the other features of the complex should not be altered until they have been fully recorded by qualified experts and their full development understood. Furthermore, internal alterations will clearly be required for the conversion to residential use. These may possibly obscure the original functions of the building and will prevent future investigations into the development of the complex and the type and use of the earlier structures incorporated into the present buildings. Consequently, whilst we do not object to the conversion of the structure it is our opinion that a full record of these buildings should be made prior to the commencement of the conversion work. Therefore we recommend that a condition ensuring that the buildings are fully recorded be attached to any consent granted by your Members.

It is suggested that this condition should be based on the model provided by the association of Local Government Archaeological Officers in their document Analysis and recording for the Conservation and Control of Works to Historic Buildings.

It is worded:

No site works shall be undertaken until the implementation of an appropriate programme of building recording and analysis has been agreed with the Local Planning Authority, -to be carried out by a specialist acceptable to the Local Planning Authority and in accordance with an agreed written brief and specification.

The justification for the imposition of the condition would therefore be: -

Reason – As the building is of architectural and cultural significance the specified records are required to mitigate impact.

If you have any question or require further advice on the matters contained in this letter please do not hesitate to contact us.”

REPRESENTATIONS

The occupiers of Gilbert House were notified on 20th May, 2005. In addition the application was advertised on site and in the press on 22nd March, 2005. The occupiers of “Gilbert House” have submitted a letter of objection which is reproduced at Appendix B. The concerns relate to the precedent set for new housing and increased traffic.

The applicant’s agent has submitted letters in support of the application. These include a business plan for the proposal and supporting letters. Copies of this information is produced at Appendix C for Committee Members inspection.

REPORT

The application was initially submitted as a proposal to convert the existing buildings but following confirmation that structurally this could not be achieved the proposal is now amended to new build holiday accommodation within the countryside to the northeast of Barry. As such the following policy background is relevant.

Policy ENV1 of the adopted Vale of Glamorgan Unitary Development Plan 2005 relates to development in the countryside and states:

WITHIN THE DELINEATED COUNTRYSIDE PERMISSION WILL ONLY BE GRANTED FOR:

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

Policy ENV9 relates to conservation of the countryside and states:

MEASURES TO MAINTAIN AND IMPROVE THE COUNTRYSIDE, ITS FEATURES AND RESOURCES WILL BE FAVOURED, PARTICULARLY IN THE GLAMORGAN HERITAGE COAST, AREAS OF HIGH QUALITY LANDSCAPE, AND AREAS SUBJECT TO DEVELOPMENT PRESSURE AND/OR CONFLICT SUCH AS THE URBAN FRINGE.

In addition Policy ENV10 refers to the protection of landscape features and states:

DEVELOPMENT WILL BE PERMITTED IF IT DOES NOT UNACCEPTABLY AFFECT FEATURES OF IMPORTANCE TO LANDSCAPE OR NATURE CONSERVATION INCLUDING: TREES, WOODLAND, HEDGEROWS, RIVER CORRIDORS, PONDS, STONE WALLS AND SPECIES RICH GRASSLANDS.

Policy HOUS3 of the Unitary Development Plan relates to dwellings in the countryside which are restricted to those that can be justified in the interests of agriculture and forestry.

Policy TOUR4 refers to caravan, chalet and tent sites and states:

FURTHER DEVELOPMENT OR EXPANSION OF STATIC AND TOURING CARAVAN SITES, CHALET AND TENT SITES IN THE COASTAL ZONE WILL NOT BE PERMITTED.

PROPOSALS FOR ADDITIONAL SITES OUTSIDE THE BOUNDARY OF THE GLAMORGAN HERITAGE COAST AND OTHER PARTS OF THE COASTAL ZONE WILL BE PERMITTED IF:

- (i) THE SCALE OF THE PROPOSAL OR ANY PROPOSED EXTENSION IS IN KEEPING WITH SURROUNDING USES;
- (ii) THE PROPOSAL DOES NOT UNACCEPTABLY AFFECT THE INTERESTS OF AGRICULTURE, CONSERVATION, AREAS OF ECOLOGICAL, WILDLIFE, LANDSCAPE OR ARCHAEOLOGICAL IMPORTANCE;
- (iii) THE PROPOSAL DOES NOT HAVE AN UNACCEPTABLE EFFECT UPON THE AMENITY AND CHARACTER OF THE EXISTING OR NEIGHBOURING ENVIRONMENTS BY VIRTUE OF NOISE, TRAFFIC CONGESTION, EXACERBATION OF PARKING PROBLEMS, OR VISUAL INTRUSION;
- (iv) THE PROPOSAL MEETS HIGH STANDARDS OF LAYOUT, LANDSCAPING AND DESIGN AND HAS SAFE VEHICULAR ACCESS,
- (v) ADEQUATE UTILITY AND INFRASTRUCTURE SERVICES EXIST, ARE REASONABLY ACCESSIBLE, OR CAN BE READILY AND ECONOMICALLY PROVIDED;
- (vi) SUITABLE ACCESS IS PROVIDED FOR DISABLED PERSONS AND THOSE WITH IMPAIRED MOVEMENT;
- (vii) PARKING IS PROVIDED IN ACCORDANCE WITH THE COUNCIL'S APPROVED GUIDELINES: AND
- (viii) THE SITE IS NOT IN AN AREA WHERE THERE IS A RISK OF FLOODING.

IN THE CASE OF STATIC SITES ALL CARAVANS AND CHALETS MUST BE FINISHED IN SUITABLE COUNTRYSIDE COLOURS TO BE AGREED WITH THE LOCAL PLANNING AUTHORITY PRIOR TO THE COMMENCEMENT OF DEVELOPMENT. (THE BRITISH STANDARDS INSTITUTION DOCUMENT, REFERENCE PP6491 1980, SETS OUT THE PREFERRED RANGE OF BODY AND TRIM COLOURS FOR PERMANENT RESIDENTIAL AND HOLIDAY CARAVANS).

National guidance is contained in Planning Policy Wales March 2002. In addition to recognising the importance of the National Heritage of Wales there is also guidance in relation to existing rural buildings. Paragraph 7.6.11 states:

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

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

The proposal entails the complete demolition of the existing buildings and the construction of a new build structure similar in size and scale to the existing agricultural outbuildings. The proposal will provide for 10 No. units of residential holiday accommodation, within a substantial structure far in excess of the size and scale of the existing dwelling house on the site. Whilst the application was initially submitted for the conversion of the existing structure the proposal was subsequently amended to new build and it is clear from the evidence submitted in 1997 that the buildings are not capable of conversion to residential use. (See Appeal Decision at Appendix A). National guidance indicates, therefore that the restrictive controls over new house building in the countryside should apply in such cases.

The applicant's agent has submitted supporting information which seeks to justify the proposal in terms of tourism accommodation related to the neighbouring golf course. However Policy TOUR4 of the Unitary Development Plan relates to caravan, chalet and tent sites and it is considered that the new build development proposed does not conform to the type of "temporary" accommodation envisaged by the policy i.e. the proposed building cannot be described as a caravan, chalet or tent. Instead, it amounts to a significant 'new build' development in the countryside, which would have a distinctly domestic appearance. It would also generate a significant degree of activity, including parking and other domestic activities, which would unacceptably impact upon the countryside in this location. On that basis it is considered that the proposal is tantamount to the construction of new residential development in the countryside contrary to Policies HOUS3 and ENV1. Even assuming that the proposal could be said to comply with the type of accommodation referred to in Policy TOUR4 it is considered the supporting information submitted provides no evidence as to the long term viability of the venture or the need for such accommodation in this locality. Without such high improvements, use of the existing access is unacceptable.

As regards further consideration of the likely impact of the proposal on the surrounding countryside it is noted that the Council's Highway Engineer has no highway objections to the proposal subject to the provision of the improved visibility splay to the south. It is noted however, that the creation of this improved access will result in the removal of over 85m of existing hedgerow. Both the Council's Biodiversity Officer and Tree Officer have objected to this element of the scheme on the grounds that the hedge contains a diverse woody species mix and is set on a bank with a substantial verge and a diverse ground flora mix. It is a well-established hedgerow that is likely to be a pre-enclosure and worthy of a hedgerow retention notice under the Hedgerow Regulations 1997. Without such highway "improvements", use of the existing access is unacceptable.

On the issue of existing infrastructure it is noted that Welsh Water have objected to the application on the grounds of prematurity. Improvements to the public sewerage system are not planned until 1st April, 2007 and any development prior to that date would overload the existing system.

Finally it is noted that Glamorgan Gwent Archaeological Trust in commenting on the initial scheme for conversion, have indicated that the timber-clad construction is very unusual in South Wales. The building can be classed as a derivative and its uniqueness is deserving of preservation and conservation. To date they have not commented on the revised new build scheme. It is noted that the building is not listed and neither is it located within a Conservation Area.

In conclusion it is considered that the proposal amounts to new build residential development in the countryside that is not justified by any policies within the Unitary Development Plan. The proposal will have a significant adverse impact on the rural character of the surrounding landscape and the following recommendation is made.

04043

RECOMMENDATION (W.R.)

REFUSE

Reason(s):

1. In the opinion of the Local Planning Authority the proposal amounts to unjustified new build residential development in the countryside that would adversely affect the rural character of the surrounding countryside contrary to Policies ENV1, ENV9, ENV10, HOUS3 and TOUR4 of the Vale of Glamorgan Unitary Development Plan 2005, and national guidance contained within Planning Policy Wales March 2002.
2. The improvements required to accommodate the necessary visibility splays of 2.4m x 90m would result in the removal of a significant amount of roadside hedgerow, the loss of which would cause significant harm to the character and appearance of the countryside. The proposal is therefore contrary to Policy ENV10 of the adopted Vale of Glamorgan Unitary Development Plan 2005.

Mr. S. Whitehead, Tregof, Ystradowen, Vale of Glamorgan. CF71 7SY
(Civic Planning Associates, 35, Marine Drive, Barry, Vale of Glamorgan. CF62
6QP)

TREGOF, YSTRADOWEN

Dwelling on part of garden

SITE DESCRIPTION

The application site comprises part of the garden curtilage to an existing detached dwellinghouse "Tregof". It forms the northern end of the residential curtilage and includes the existing vehicular access and detached double garage.

DESCRIPTION OF DEVELOPMENT

This is an outline application for the construction of a detached dwelling. The application was initially submitted with all matters other than means of access reserved for subsequent detailed approval, but following a formal request under Article 3(2) of the Town and Country Planning (General Development Procedure) Order 1995 details of siting have also now been provided. The submitted details indicate the proposed dwelling to be sited centrally on the plot approximately 15m from the back edge of the carriageway and orientated at right angles to the existing dwelling Tregof. Vehicular access will be via the existing entrance to Tregof. This shared access will provide a new driveway with a turning head and parking within the reduced curtilage to serve Tregof, and the existing garage and hardstand area will be retained to serve the proposed new dwelling.

PLANNING HISTORY

89/00956/OUT – Six dwellings. Refused 21st November, 1989.

90/00647/OUT – One dwelling. Refused 4th December, 1990.

90/00906/OUT – Three dwellings. Land on opposite site of road now developed as Ash Park. Refused 4th December, 1990. A subsequent appeal was allowed on 23rd July, 1991.

91/01078/OUT – Residential development (maximum of two dwellings). Refused 4th February, 1992 on grounds of unjustified dwellings in the countryside and inadequate approach roads. A subsequent appeal was dismissed on 6th April, 1993. A copy of the appeal decision is attached at Appendix A.

99/00661/OUT – Single storey dwelling. Refused 29th July, 1999 for the following reasons:

1. In the opinion of the Local Planning Authority the proposal is considered to be contrary to Policies H10 and H9 of the Approved South Glamorgan Structure Plan. The proposal is considered to represent the erection of a dwelling within the open countryside which is neither justified in the interests of agriculture or forestry nor represents appropriate infilling or rounding off.

2. Notwithstanding reason for refusal 1 above the proposal, in the opinion of the Local Planning Authority, is contrary to Policy HOUS2 of the Deposit Draft Unitary Development Plan (1998) which seeks to resist the erection of dwellings within the open countryside and Policy HOUS8 which seeks to resist the further extension of the urban area of Ystradowen.

CONSULTATIONS

Penllyn Community Council – Comments on initial scheme:

“Strong Objection. Members note that there have been three previous outline applications in respect of this site, all of which have been refused; and also a ‘Welsh Office’ Appeal which was dismissed.

This proposed development would be on rising ground at the north of the village, and would dominate the local skyline.

Further, in the opinion of Members, such a development would be contrary to Policy ‘HOUS12’. (Existing area characterised by high standards of privacy and spaciousness will be protected against over development and insensitive or inappropriate infilling.) Members believe that the outline application is for a property which does not meet the required standards under ‘Policy HOUS12’. At present the houses in this part of the village include the ‘Ash Park’ development which consists of three large executive type houses sited in large gardens, and ‘Tregof’ itself which stands in a spacious garden and has tennis courts etc. beyond the point of the proposed development. This development is likely to overlook the rear gardens of the Ash Park properties leading to some loss of privacy.

This development would also ‘cut off’ the land belonging to ‘Tregof’, beyond the settlement boundary which includes a tennis court and disrupt the present sensible interconnection of the present house and its land.

New access points to ‘Tregof’ and to the land further up the lane would have to be created, with entrances off the lane. These access points are not indication on the outline plan. No indication of size or placement of the dwelling proposed on the application site is given.

Should you require any further information, I shall be pleased to supply it.”

Comments on additional information:

“Strong Objection. The comments of this Council which were set out in my letter of 29th April, 2005 stand.

The additional information now provided confirm Members earlier stated concerns that the proposed development will almost certainly overlook, and therefore intrude upon the privacy of the nearby dwelling in Ash Park.

Further, the angle at which the proposed dwelling is set within the proposed development site exacerbates this loss of privacy.

Members also feel that the size of the proposed dwelling in relation to its associated garden and driveway (which will be shared with the existing dwelling – ‘Tregof’) also confirms the view previously stated that the proposed dwelling will lack the spaciousness of existing adjacent properties. The proposal looks “cramped and contrived”, and Members feel that this application should be refused, as was an earlier similar proposal for a single dwelling on this site.

Should you require any further information, I shall be pleased to supply it.”

The Community Council were notified of amended plans on 22nd August, 2005.

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

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

Sewerage

Conditions

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

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

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

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

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

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

Advisory Notes

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

REPRESENTATIONS

The occupiers of neighbouring properties were notified initially on 12th April, 2005 and renotified on 7th June and 22nd August, 2005. In addition a site notice was posted on 12th April, 2005.

Letters of Objection have been submitted by the occupier of Tudor House. These are reproduced in full for Committee Members inspection at Appendix B. In summary, the main points of concern relate to intrusion into the countryside, privacy, need for more access points, cramped and contrived development with need for future garaging to Tregof and drainage.

The applicant's agent has submitted letters in support of the proposal which are reproduced at Appendix C.

REPORT

The application site forms part of the residential curtilage to an existing dwelling Tregof and lies entirely within the settlement boundary for Ystradowen as defined in the recently adopted Vale of Glamorgan Unitary Development Plan 2005. As such the following Policies are relevant to the consideration of the application.

Policy HOUS2 of the Unitary Development Plan allows for additional residential development within the settlement of Ystradowen along with development that constitutes the "rounding off" of the edge of settlement where it is consistent with the criteria outlined in Policy HOUS9. These include:

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

Policy HOUS12 requires that existing residential areas characterised by high standards of privacy and spaciousness will be protected against over development and insensitive or inappropriate infilling.

Policy ENV25 relates to the design of new development and is a criteria based policy that requires new development to have full regard to the context of the local natural and built environment and its special features.

The Council also has adopted parking guidelines and Supplementary Planning Guidance on Amenity Standards. These require that a minimum level of on-site car parking and garden space be provided for new developments. In addition the Supplementary Planning Guidance on Amenity Standards also contains Policies on the quality of amenity space and issues of privacy and visual amenity.

National guidance is contained within Planning Policy Wales (March 2002). Chapter 9 refers to housing and recognises that new housing developments should be well integrated with and connected to the existing pattern of settlements. Sensitive infilling or minor extensions to groups of houses may be acceptable, though much will depend upon the character of the surroundings and the number of such groups in the area. "In determining applications for new housing, Local Planning Authorities should ensure that the proposed development does not damage an area's character and amenity."

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

Penllyn Community Council, along with the occupier of nearby Tudor House, have objected to the proposal, with reference made to the planning history of the site. This is certainly a material consideration in the determination of the application. All of the previous applications for the residential development of the land to the north of Tregof have been refused, with an appeal dismissed in 1993. The appeal Inspector noted that the proposed site was clearly beyond the existing village limits, projecting significantly beyond those limits and, in conjunction with the relative elevation of the site, the dwelling would be prominent on the skyline and appear as an intrusion of building into the open rural setting of the village. The Inspector also noted that a significant length of the mature western boundary hedge would need to be removed for road safety reasons and the loss of the hedge, the presence of the new houses and extensive new access required to serve three properties would destroy the quiet rural character of the lane.

It is considered, however, that since that appeal decision and the last refusal in 1999 there has been a material change in policy. There are also a number of differences in the latest application compared with the previous refusals.

In policy terms it is noted that the application site is now entirely included within the residential settlement boundary as revised in the adopted Unitary Development Plan. The application site is considerably smaller than the earlier refusals and, as it is utilising the existing vehicular access without any alteration, would not require the removal of the hedgerow or extensive engineering works. The Council's Highway Engineer has confirmed that no alteration to the existing access or creation of a new access is required, and that there are no objections in principle subject to on-site parking and turning facilities which can be achieved as indicated on the submitted layout plan.

On the question of the size of the plot and an assessment against Policy HOUS12, whilst the area is smaller than the immediate neighbours, nevertheless it still compares favourably with other properties in the vicinity, including those at Ash Grove and the opposite side of the A4222. The garden space remaining to serve the existing house is more than sufficient. It is considered that a new house could be designed which would not appear cramped or contrived.

The objector at Tudor House has also raised concerns over the loss of privacy. It is considered however that the proposed siting of the new dwelling should allow for a design that will meet the Council's guidelines for privacy as outlined in the Supplementary Planning Guidance on Amenity Standards. In addition, it is noted that the applicant's agent has indicated that a "chalet bungalow" style dwelling could be developed to alleviate concerns regarding the height in relation to nearby residential development.

Another issue of concern raised by the Community Council relates to the existing tennis court which lies to the north of Tregof and is included within the same ownership. The applicant was requested to provide clarification as to the current status of the tennis court and intentions for future use. The applicant's agent has confirmed that his client would be prepared to enter into a legal agreement with the Planning Authority to turn the tennis court into a paddock. It is considered that there would be a benefit in planning terms if the tennis court were to be removed and the land restored to pasture/agricultural use. Whilst the existing tennis court is not prominent in the landscape, nevertheless its removal would serve to reduce urban development in the locality and provide more certainty as to the planning status of the land. This however does not require a legal agreement, as given that the land is within the same ownership as the application site, a grampian condition can be imposed requiring the removal of the tennis court and the reinstatement of the land.

In conclusion it is considered that the information provided indicates that a suitably designed dwelling could be provided on the site which would meet the Council's Policies and Guidelines and, in conjunction with the removal of the existing tennis court, should not have an adverse impact on the rural setting of the village and the character and appearance of the area in general.

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

04042

RECOMMENDATION

APPROVE subject to the following condition(s):

1. Approval of (hereinafter called "the reserved matters") shall be submitted to and approved by the Local Planning Authority before any development is commenced.
2. Application for approval of the reserved matters hereinbefore referred to must be made not later than the expiration of three years beginning with the date of this permission.
3. The development to which this permission relates must be begun not later than whichever is the later of the following dates:
 - (a) The expiration of five years from the date of this permission.
 - (b) The expiration of two years from the date of the final approval of the reserved matters or, in the case of approval on different dates the final approval of the last such matters to be approved.
4. The permission hereby granted shall relate to the amended plans, reference received by the Local Planning Authority on
5. The on-site turning facilities and car parking bays for both the proposed dwelling and existing Tregof, as indicated on the approved 1:200 layout plan received on 11th August, 2005, shall be fully implemented before the first beneficial occupation of the dwelling hereby permitted.

6. The detail plans shall provide parking facilities to meet the standards of the Local Planning Authority for both the proposed dwelling and the existing Tregof, including details of surface finishes.
7. Details of the proposed finished floor levels in relation to the existing ground levels and the finished levels of the site, including cross sections, shall be submitted to and agreed in writing with the Local Planning Authority before development commences. The proposed details shall pay particular regard to the general amenities and the rural setting of this edge of village location, and the cross sections shall clearly show the context and relationship of the development with the surrounding area, including sensitivity to the design and overall height of the proposed dwelling.
8. The proposed dwelling(s) shall be designed so that no main windows of habitable rooms shall directly overlook the main windows of habitable rooms of other dwellings at a distance of less than 21.3 metres.
9. All means of enclosure associated with the development hereby approved shall be in accordance with a scheme to be submitted to and agreed in writing with the Local Planning Authority prior to the commencement of development, and the means of enclosure shall be implemented in accordance with the approved details prior to the development being put into beneficial use.
10. Prior to the commencement of development, a detailed scheme shall be submitted to and approved in writing by the Local Planning Authority for the removal of the existing tennis court on the site and its restoration to pasture and/or agricultural use. Such a scheme as may be agreed shall be fully implemented in accordance with the approved details prior to the first beneficial occupation of the dwelling hereby approved.

Reason(s):

1. To comply with the requirements of Section 92 of the Town and Country Planning Act 1990.
2. To comply with the requirements of Section 92 of the Town and Country Planning Act 1990.
3. To comply with the requirements of Section 92 of the Town and Country Planning Act 1990.
4. For the avoidance of doubt.
5. In the interests of highway safety.
6. To ensure adequate on-site car parking facilities are provided in connection with the proposed development.
7. To safeguard the character of the area and the amenities of neighbouring occupiers.
8. To safeguard the privacy of adjoining occupiers.

9. To safeguard local visual amenities.
10. To safeguard the character and visual amenities of the surrounding area.

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.

Charles Church Homes (Wales) Persimmon House, Llantrisant Business Park,
Llantrisant. CF72 8YD
(Gareth Davies, Stride Treglown Davies, Ocean House, Ocean Way, Cardiff.
CF24 5PE)

JACKSONS QUAY, SITE E7, THE WATERFRONT, BARRY

78, unit residential proposal for 1 to 2 bedroom apartments and 3 to 4 bedroom townhouses, accommodated within 4 no. buildings rising from 3 to a maximum of 7 storeys

SITE DESCRIPTION

The application site comprises approximately 0.5ha of reclaimed land located north of No.1 Dock and south of Ffordd-y- Mileniwm. To the immediate east of the site is the existing residential development of Ty-Camlas and Glan-y-Dwr. The site comprises part of the comprehensive redevelopment area known as "The Waterfront".

DESCRIPTION OF DEVELOPMENT

This is an application for full planning permission for the construction of 78 No. residential units, with 15 No. units being affordable housing provision, constructed within four separate blocks. The accommodation will comprise the following: -

- (i) Two separate blocks of town houses will be constructed on the southern frontage of the site with Y Rhodfa. The blocks, varying in height between three and four storeys, will be positioned on either side of the new vehicular access. Each block will comprise 5 No. units all with ground floor garaging accessed at the rear onto an internal driveway. Each five unit block will include 3 No. three bed and 2 No. four bed houses.
- (ii) Building A will be sited in the south western corner of the plot. It will be four storeys high and comprise 8 No. two bed apartments.
- (iii) Block B will be predominately a five storey high building which rises to seven storeys at its north western corner. The building will be sited along the northern boundary of the site with Ffordd Y Mileniwm. It will include ground floor car parking, cycle storage, refuse storage and other services, and comprise 39 No. two bedroom apartments, 13 No. one bed apartments (including one penthouse) and 8 No. studio apartments.

Vehicular access will be off Y Rhodfa via a new entrance constructed to the west of the existing. A controlled pedestrian footpath link will be provided on the western boundary.

A total of 95 No. parking spaces will be provided on site, including garaging within the town houses. An additional 5 No. Parking bays will be created off-site within an extension to the public parking on Y Rhodfa fronting the dock. Within Building B storage for 34 No. cycle spaces will be provided.

Soft and hard landscaping details have been provided which includes provision for a public art feature set within a landscaped courtyard on the western side of the site.

The application is supported by a planning/design statement which outlines the design philosophy of the scheme. This states:

“Our goal for Jacksons Quay is the provision of a contemporary scheme of high quality, which will be dynamic, exciting and make a positive contribution to the redevelopment of the Waterside.”

A full copy of the statement is available on file for Committee Members inspection. In summary the scheme proposes a very modern design of flat roof buildings varying in height from three to four storeys and including unique features to the Waterfront, such as the circular “cylinder” form of the western elevations of Buildings A and B and the wrap over of the party walls on each of the four storey town house roofs. Other features include balconies and terraces with the external finishes being predominantly through coloured render, with contrasting colour for the cylinder forms, and composite timber panels.

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 29th 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 28th April, 2000.

00/00677/FUL – Adjacent site E8 apartment development comprising 92 No. units. Approved subject to conditions 8th September, 2000.

CONSULTATIONS

Barry Town Council – Comments on initial submission:

“This unashamedly contemporary, urban scheme with its interesting and unusual features would make a very bold statement on a key Waterfront site. The height and massing of the buildings would reflect the scale of the No. 1 Dock and its large body of water. It would also act as a counterbalance to the Westbury development further east.

The positioning of the main apartment block on the higher ground alongside Fford-y-Mileniwm would act as a transition between the large retail units to the north and the domestic scale town houses on the dockside. This arrangement would also maximise views across the water for a good proportion of future occupants. This is considered to be particularly important in view of the restricted provisions for private amenity space.

The tall structure on the visually prominent north west corner of the site, with its considerable height and curved facades, would form a significant landmark feature.

Whilst wishing to support a scheme, which it is felt would make a positive and dynamic contribution to the Waterfront Redevelopment Area, the Town Council is very mindful that the density of the development proposed is well in excess of that allowed for in the Development Brief. It is only too well aware that any such scheme can only be successful with the provision of adequate levels of on-site car parking, space for the internal manoeuvring of vehicles and provisions for amenity uses. These issues should therefore be given a high priority during the determination process.

If planning consent is to be granted this Council would also wish to be assured that:

1. At least 20% of the residential units would fall within the “affordable” category.
2. The development would be constructed in high quality materials and that the external finishes would be able to withstand the maritime microclimate.
3. The colouring of the render to the feature elevations would relate well to other developments in the Waterfront.
4. The landscaping and planting would effectively soften the very urban built form and would provide attractive green amenity areas for the enjoyment of future residents.”

The Town Council - Were notified of the amended scheme on 9th September, 2005. Their comments are awaited.

Environment Agency – Initial Comments:

“ The application site is identified, in accordance with criteria set out in TAN15 Development and Flood Risk (July 2004) as within Zone B. To meet the requirements of Figure 1 (Section 4) and Table 9 of TAN15 your Authority should require the applicant submit a Site Level Survey to ordnance datum. This should be supported by relevant cross-sections relating the site to the watercourse, a block layout plan and a plan showing all water features (watercourse, ditch, pond, spring etc) within 200 metres of the application site.

The information should be forwarded to the Local Planning Authority and the Agency for appraisal and dependent upon this the Agency will then advise the Local Planning Authority whether:

- i. Determination of the application can proceed, or
- ii. Further additional information is necessary i.e. a Flood Consequences Assessment.

In consideration of the above, the Environment Agency would request that determination of the application be DEFERRED. If however, you Authority is unable to defer consideration then in the absence of this information, Environment Agency Wales would recommend that the application be refused.

Applicant's should note that TAN15 Development and Flood Risk (July 2004) may be viewed on the National Assembly for Wales website: <http://222.wales.gov.uk>."

Subsequent comments following additional information from the applicant: -

" I refer to previous correspondence in respect of the above and in particular a letter (with attachments) received from Stride Treglown Davies dated 16th June, 2005 a copy of which was forwarded to your Council. I would now advise as follows:

The site level survey confirms the development to be above the 0.1 % flood level and it establishes that the risk of flooding to the site is minimal.

Activities carried out at this site in the past may have caused contamination of soils, subsoil's and groundwater (water in both unsaturated and saturated zones) however the Agency has no record regarding this. Therefore, it may be prudent that any planning permission granted requires the applicant to carry out a site investigation to the satisfaction of the Planning authority, to determine the nature and extent of any such contamination. In the event that contamination of the site is confirmed the developer should liaise with the agency on measures required to protect surface water and groundwater interests. We would advise that you discuss the above with your own Environmental Health Department.

The developers should adopt all appropriate pollution control measures, both underground and on the surface, to ensure that the integrity of the aquatic environment, both ground water and surface water, is assured."

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

Sewerage

Conditions

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

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

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

Reason: To prevent hydraulic overloading of the public sewerage system, to discharge into the public sewerage system.

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

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

No development shall commence until the Developer has prepared a scheme for the comprehensive and integrated drainage of the site showing how foul water, surface water and land drainage will be dealt with and this has been agreed in writing by the Local Planning Authority in liaison with Dwr Cymru Welsh Water's Network Development Consultant.

Reason: To ensure that effective drainage facilities are provided for the proposed development, and that no adverse impact occurs to the environment or the existing public sewerage system.

The proposed development site is crossed by a public sewer 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.

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

Advisory Notes

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

The developer is advised to contact the Network Development Consultants to discuss this matter prior to the commencement of any site work the appropriate contact number being Tel: 01443 331155.

Water Supply

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

The proposed development is crossed by a trunk/distribution watermain, the approximate position being shown on the attached plan. Under the Water Industry Act 1991 Dwr Cymru Welsh Water has rights of access to its apparatus at all times. I enclose our Conditions for Development near Watermains. It may be possible for this watermain to be diverted under Section 185 of the Water Industry Act 1991, the cost of which will be re-charged to the Developer.

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

Design Commission for Wales – The Design Review Panel held a meeting on 1 June, 2005 to examine the initial scheme and have produced a Design Review Report which is reproduced at Appendix A for Committee Members inspection.

Housing and Community Safety – “ I would anticipate that the Council's Supplementary Planning Guidance on affordable housing will apply to this site and form the basis of negotiation on percentage and type of affordable housing to be provided.”

The Director of Legal and Regulatory Services (Environmental Health) – The Environmental Health Section were notified on 22 April, 2005. Their final comments in respect of additional information from the applicant are awaited.

REPRESENTATIONS

The occupiers of neighbouring properties on the adjacent residential site were notified of the initial scheme on 22nd April, 2005 and re-notified of amended plans on 9th September, 2005.

In addition the application was advertised on site and in the press on 26th April, 2005.

The owner of 1 Ty Camlas submitted the following letter of objection to the initial scheme: -

"I have received a letter from you outlining the proposed development at Jacksons Quay, Site E7, The Waterfront, Barry. I own the above apartment on the Barrett site and am most concerned that a seven-story building would block light from my property and also turn what is supposed to be a select development into a concrete monstrosity. I have no objection to town houses and apartments of 3 to 4 storeys.

This site is in a prime position and I think the Council should think carefully how this would affect the whole ambience of the Waterfront development."

The following letter from ABP has been submitted in general support of the scheme:

"I confirm that we have reviewed the proposals by Charles Church for the development on the Jacksons Quay, Site E7 and considered them to be compliant with the agreed Development Brief. Therefore in accordance with the terms of the Agreement for Sale approval was confirmed for Charles Church to submit the planning application.

However it was noted that the drawings gave limited information on external materials e.g. render colour and timber composite panelling and we have asked for further information in this respect. We have also asked to see the planting plan prior to its submission with a view to commenting on the compatibility and integration with the existing landscaping.

Subject to clarification of these details it is pleasing to note that the original high quality architectural concepts have been carried through into the detailed design and we would support early approval of the scheme by the Council."

The applicant's agent has submitted letters in support of the scheme, including a sustainability statement. These are reproduced at Appendix B.

REPORT

The policy background to the consideration of the application is as follows.

The adopted development plan for the area is the Vale of Glamorgan Unitary Development Plan 2005. Policy HOUS1 identifies Barry Waterfront as an allocated residential site.

Policy HOUS13 refers to affordable housing and states:

THE COUNCIL WILL WHERE THERE IS A DEMONSTRABLE NEED, SEEK TO NEGOTIATE WITH DEVELOPERS FOR THE INCLUSION OF A REASONABLE ELEMENT OF AFFORDABLE HOUSING IN SUBSTANTIAL DEVELOPMENT SCHEMES. CLEAR AND ADEQUATE ARRANGEMENTS SHOULD BE MADE TO ENSURE THAT THE BENEFITS OF SUCH HOUSING ARE SECURED FOR INITIAL AND SUBSEQUENT OCCUPANTS.

Policy ENV25 seeks to achieve good quality design in new developments and states: -

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

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

Policy TRAN9 relates to parking and states:

THE PROVISION OF PARKING FACILITIES WILL BE IN ACCORDANCE WITH THE APPROVED PARKING GUIDELINES, AND WILL BE RELATED TO: THE TYPE OF LAND USE, ITS DENSITY AND LOCATION; ACCESSIBILITY TO EXISTING AND POTENTIAL PUBLIC TRANSPORT FACILITIES; AND THE CAPACITY OF HIGHWAY NETWORK.

In addition to the above policies the Council has adopted Supplementary Planning Guidance including Supplementary Planning Guidance on Amenity Standards and the Barry Development Guidelines. The Amenity Standards Supplementary Planning Guidance contain policies not only relating to the quantity of amenity space but also the quality, as well as guidance on privacy, overshadowing and visual amenities. 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 and TAN12 – Design.

Finally, as regards the policies and guidance relevant to the assessment of the application, considerable weight must also be given to the adopted development brief for the site. It has been prepared with due regard for the various policies and guidance outlined above, and bearing in mind the requirements of the original outline consent, even though it has now expired, and the approved Section 106 Legal Agreement, including the agreed Public Realm Design Guide. The development brief encourages good design and seeks a “step-up” in design quality for the area. A copy of the development brief is available on file for Committee Members inspection.

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

The recent development brief seeks a high quality residential development of flats and apartments for both the private sector and affordable accommodation. The brief seeks a minimum of 20% of affordable units and it is considered that the provision of 15 No. units, i.e. 19.2% is acceptable.

It is noted that the development of the site is at a higher density than suggested by the brief, nevertheless the brief recognises that the density is dictated by the design and layout balanced with the requirements of parking and amenity space. Another element of the design that is not entirely in keeping with the brief relates to the height of the buildings. The brief suggests predominately four storeys with a higher building (maximum of 6 storeys) on the prestige north west corner. However the developers design philosophy for a very contemporary and unique flat roof development on the Waterfront supports the proposed density and massing and provides a quality of design with a strong sense of enclosure on a prominent location within the Waterfront area. In terms of the design it is noted that whilst they have made some suggestions for improvements, the Design Commission for Wales is very supportive of the scheme and views it as “a unique step forward in the quality of residential design in Barry Waterfront as a whole.”

On the issue of highways it is noted that the Council's Highway Engineer had some concerns in relation to the initial scheme. These related to such matters as the level of car parking provision, the construction of a pedestrian bridge to Ffordd Y Mileniwm, the lack of a pedestrian link to the north west, and the detail of the new vehicular access. The applicants have submitted amended plans to meet these concerns. These include the omission of the pedestrian footbridge link to Ffordd y Mileniwm plus the provision of a controlled pedestrian footpath link to the western boundary. The Council's Highway Engineer has noted that the amended parking provision is still substandard but confirms that he will not maintain a highway objection. It is considered that some shortfall in the car parking provision on the site is acceptable, particularly for visitors, bearing in mind the adjacent public car parking spaces on Y Rhodfa and the provision of an additional 5 No. spaces at the developers cost. An additional material consideration is the sustainable location of the site in terms of access to public transport (both buses and rail links). These links can also be improved with the Council seeking a contribution from the developer towards certain improvements, such as bus shelters, through an appropriate Section 106 Legal Agreement. The Highway Engineer has also confirmed that a “gated” development is acceptable but boundary treatment to restrict public access will be important and the proposed pedestrian barriers on the north/west corner should be located at the boundary or just within its curtilage.

The development brief also calls for consideration of Public Art and whilst the policy seeks to negotiate a minimum of one percent of the capital works of development for public art, it is considered that in this instance, bearing in mind the exceptional design quality and higher costs entailed, it would be more appropriate to seek the provision of a specific feature within the site, particularly as such works are currently lacking within the overall Waterfront development.

The development brief also refers to landscaping and the issue of sustainability. On the landscaping it is noted that the Council's Senior Landscape Architect was satisfied with the initial scheme although he has yet to comment on the amended plans. As regards sustainability it is noted that a sustainability statement has been provided which highlights three areas including energy saving systems, recyclable materials and energy saving facilities.

On the issue of amenity space and neighbourliness it is noted that the scheme provides a high quality landscaped internal courtyard and paved strip containing trees and seating areas. Compared with other housing developments in the Waterfront it is considered that this provides for a much more practical and useable amenity area that serves also to provide a landscaped setting for the buildings. Other requirements of the Council's Supplementary Planning Guidance on Amenity Standards also provide guidance on privacy. It is noted that the eastern elevation of Block B has been positioned and designed to comply with the minimum distances between directly overlooking main habitable room windows. Although it should be pointed out that the windows in the side elevation of the nearest apartment block on the neighbouring Barretts development are secondary windows to living rooms, with the main window being French doors onto south facing balconies. To date no objection has been received from the owner of 1 Ty Camlas on the grounds of loss of light and design. There is no doubt that the existing residential amenities enjoyed by the neighbouring occupants will be affected by the development. However these occupiers should have always been aware that the neighbouring site would be developed and the views, privacy and spaciousness they have enjoyed in recent years would be temporary. Thus it is considered that the proposed development is set a sufficient distance away from the existing buildings to allow for acceptable levels of privacy and light. Indeed the development brief recognises the use of balconies and a dense urban form on the Waterfront, with buildings overlooking other apartment blocks, parking areas and other public spaces thereby providing in-built surveillance.

Finally, as an area of reclaimed land the site has previously been passed for commercial use under the discharge of conditions on the outline consent reference 04/00144/OUT for remediation works. As the proposed use of the site is now for residential purposes the Council's Environmental Health Officer has required additional details regarding the nature of the potential contaminants. The applicants have submitted this additional information directly to Environmental Health and their final comments are awaited.

In conclusion it is considered that the proposal meets the aspirations of the development brief and is in compliance with the aims and objectives of the above policies and guidance. Furthermore it is considered that the scheme represents a significant enhancement in design quality at the Waterfront and the following recommendations are therefore made.

RECOMMENDATION

Subject to the applicant first entering into a Section 106 Legal Agreement to :

- (a) Secure the provision of 15 No. affordable housing units on the site.
- (b) Secure the provision of a public art work feature as indicated on the Approved Drawing No. 7425-P (0) 110 A in agreement with the Local Planning Authority, and
- (c) Make a financial contribution to the improvement of public transport links to/from The Waterfront; and subject to the following conditions:

Subject to the following condition(s):

- 1. The development hereby permitted shall be begun before the expiration of five years from the date of this permission.
- 2. The permission hereby granted shall relate to the amended plans, reference 05/00570/FUL'A', received by the Local Planning Authority on 6th September, 2005 and the amended site location plan reference 05/00570/FUL'B', received on 13th September, 2005.
- 3. A full schedule of the external finishes of the residential units hereby permitted, including the colours of the render and balcony details, shall be submitted to and approved in writing with the Local Planning Authority before the commencement of any elevational works on the buildings. The development shall be implemented thereafter in accordance with the agreed details.
- 4. All planting, seeding or turfing comprised in the approved details of landscaping shall be carried out in the first planting and seeding seasons following the occupation of the buildings or the completion of the development, whichever is the sooner; and any trees or plants which within a period of five years from the completion of the development die, are removed or become seriously damaged or diseased shall be replaced in the next planting season with others of similar size and species, unless the Local Planning Authority gives written consent to any variation.
- 5. All means of enclosure associated with the development hereby approved shall be in accordance with a scheme to be submitted to and agreed in writing with the Local Planning Authority prior to the commencement of development, and the means of enclosure shall be implemented in accordance with the approved details prior to the development being put into beneficial use.
- 6. Details of proposed finished floor levels in relation to the existing ground levels and the finished levels of the site, including cross sections, shall be submitted to and agreed in writing, with the Local Planning Authority before development commences.

7. The car parking provision as indicated on the amended plan, Drawing No. 7425-P (0) 110 'A', received on 6th September, 2005 shall be fully implemented before the first beneficial occupation of the particular dwelling unit to which it relates and shall thereafter be retained and maintained for the exclusive use of the development hereby permitted.
8. The garages hereby approved shall not be physically altered or converted to any other domestic purpose without first obtaining the formal consent of the Local Planning Authority. The garage(s) shall be available at all times for the parking of private motor vehicles associated with the dwellings.
9. Before the commencement of the development hereby permitted, a scheme showing the means by which foul sewage and surface water run-off are to be catered for shall be submitted to and approved in writing by the Local Planning Authority. No part of the development hereby permitted shall be put to beneficial use until the drainage works have been completed in full accordance with the approved details.
10. Notwithstanding the submitted plans, full engineering details of the new vehicular/pedestrian access to the site, incorporating the turning facility and vision splays, and including sections, street lighting and surface water drainage, shall be submitted to and approved in writing by the Local Planning Authority before the commencement of development. The development shall be implemented thereafter in accordance with the agreed details.
11. No development shall take place until full details of the proposed additional five public car parking bays on Y Rhodfa, as indicated on Drawing No. 7425-P(0)110B, have been submitted to and agreed in writing by the Local Planning Authority. The parking bays shall be provided in accordance with the approved details before the first beneficial occupation of any one of the residential units hereby permitted.

Reason(s):

1. To comply with the requirements of Section 91 of the Town and Country Planning Act 1990.
2. For the avoidance of doubt.
3. In the interests of visual amenity.
4. To ensure satisfactory maintenance of the landscaped area.
5. To safeguard local visual amenities.
6. To ensure a satisfactory form of development.
7. To ensure the provision and maintenance of an adequate level of car parking in the interests of highway safety.
8. To ensure that adequate off-street parking and garaging facilities are retained for the dwellings.

9. To ensure satisfactory drainage of the site.
10. In the interests of highway safety.
11. To ensure an adequate level of car parking provision in the interests of highway safety.

NOTE:

1. Please note that a legal agreement/planning obligation has been entered into in respect of the site referred to in this planning consent. Should you require clarification of any particular aspect of the legal agreement/planning obligation please do not hesitate to contact the Local Planning Authority.
2. Part of this development is on adopted highway and therefore a formal Highway Extinguishment will be required before work can commence. This can be pursued via Section 247 of the Town and Country Planning Act 1990 (as amended). For further details please contact the Highways Department, Vale of Glamorgan Council, The Alps, Wenvoe, Cardiff. CF5 6AA. Telephone No. 02920 673071.
3. The attention of the applicant is drawn to the fact that a public sewer runs through the site and may be affected by the development.

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.

Dwr Cymru - Welsh Water, Pentwyn Road, Nelson, Treharris, Mid Glamorgan.
CF46 6LY
(Guto Gwynedd for MWH, Willow Court, The Orchards, Ilex Close, Llanishen,
Cardiff. CF14 5DZ)

LAND ADJACENT TO DANIEL STREET, BARRY

Control building, raising ground level, highway access & change of use as part of proposals relating to drainage development

SITE DESCRIPTION

The application site is an open green area within a residential area. It is a sloping area, with outdoor playing equipment at the top end of the field and residential properties surrounding the area. It has many trees and hedgerows surrounding the site. The site currently occupies a control building with access being from Daniel Street.

DESCRIPTION OF DEVELOPMENT

The application seeks consent to construct a Control Building, raising ground level, highway access and change of use as part of proposals relating to drainage development.

The Control Building will be located towards the east of the site and will measure 3.3 metres in width, 2.3 metres in depth and 2.8 metres in height. Its purpose is to house the electricity connection, motor control and switchgear for the four pumps, Rotamat screen and control equipment. It will be of mild steel and dark green in colour. A new wall will be built on the garden boundary of neighbouring properties, in the interest of security.

A new road constructed with grasscrete will be constructed on site, from the proposed double access gate adjoining Daniel Street.

Attached at Appendix A is a copy of a letter received from MWH, with a description of the development supporting the need for the development.

PLANNING HISTORY

There have been no previous planning applications on this site.

CONSULTATIONS

Barry Town Council - Was consulted on the 4th May, 2005 and re-consulted on the amended plans on the 17th June, 2005. Representation was received on the amended plans on the 30th June, 2005, indicating that they have no objection subject to the Local Planning Authority being satisfied:

1. That there would be no noise or odour nuisance to local residents as a result of the proposed development.

2. With the proposals for landscaping and planting particularly the selected species and density of the planting along with the arrangement for the replacement of any failures.

Environment Agency - Was consulted on the 7th June, 2005. Representation was received on the 1st July, 2005 indicating that the application should be deferred. They were re-consulted on the amended plans on the 17th June, 2005 and a representation was received on the 28th July, 2005 indicating that they raise no objection on flood risk grounds.

The Council's Tree Officer was consulted and re-consulted on the amended plans. First representation was received on the 12th May, 2005 indicating the request of a detailed landscaping plan. A second representation was received on the 4th July, 2005 indicating that the submitted details are insufficient and that a landscaping scheme, including tree planting, should be required by condition.

The Director of Finance, Property & ICT (Estates) - Were consulted on the 26th April, 2005, but no representation has been received to date.

The Head of Visible Services (Operational Manager Parks and Grounds Maintenance) - Was consulted on the 13th May, 2005 and re-consulted on the amended plans on the 17th June, 2005. Representation was received on the 23rd June 2005, indicating that the Division has been working closely with Dwr Cymru regarding this application. He also requested that a Section 106 Legal Agreement be entered into with Dwr Cymru to provide additional playground equipment at this site to offset the loss of usable open space.

The Head of Visible Services (Highway Development) - Was consulted on the 10th May, 2005 and re-consulted on the 17th June, 2005. First representation was received on the 31st May, 2005 indicating that there was no objection in principle, subject to the pedestrian access being reconfigured to avoid pedestrian conflict. Second representation was received on the 3rd July, 2005 indicating that the conflict with pedestrian access is still present and that the footpath should be re-configured to remove this.

The Director of Legal and Regulatory Services (Environmental Health) - Was consulted on the 28th April, 2005. Representation was received on the 3rd May, 2005, indicating that they have no objection to the application, subject to a condition on soils or similar materials to be imported to be approved in writing by the Local Planning Authority.

REPRESENTATIONS

Numbers 48 and 49 Daniel Street, Nos. 1 and 2 Heol y Nant, Nos. 30, 31, 32 and 33 Field View Road and Nos. 27, 29, 31 and 33 Willow Crescent were consulted on the 4th May, 2005 and re-consulted on the amended plans on the 17th June, 2005.

Representation was received from the following:

29 Willow Crescent
67 Daniel Street
69 Daniel Street
48 Daniel Street

32 Field View Road
31 Filed View Road
1 Heol y Nant
2 Heol y Nant
and 'The Moorings', 1 Cold Knap

All representations relate to objections to the application and the majority are concerned with the following:

- Concerns regarding the felling of trees.
- Concerns regarding the control kiosk and the attention it would have from youngsters, who are currently causing problems around the area.
- Traffic generation and the work traffic during construction.
- Health issues regarding noise and odours.

A copy sample of two letters, Appendix B and C, are attached.

Two site notices were displayed on site.

REPORT

This application involves works which are required to control the drainage and water levels within the vicinity. Due to objections from neighbouring properties, a public meeting was held in the area on the 24th May, 2005 by the applicant and agent, in which they were able to address concerns raised by local residents regarding the application. Following this meeting and discussions with the Council, amended plans were received by the agent, which plans were subject to reconsultation. Appendix A briefly describes the works to be undertaken on site.

In relation to neighbouring amenity, objections were received from neighbours in close proximity to the new Control Building. Concerns were raised regarding problems with youngsters misusing the existing kiosk through vandalism. The applicant/agent has decided to build a new boundary wall with new thorn shrubs for security between the residential properties and the control building in the field.

The applicants have stated that there will be no odour from the site, with a pre- and post-odour survey being carried out on site.

Due to the presence of both an existing pedestrian and vehicular access to the field, it is not considered that it is necessary to re-configure the footpath, as suggested by the Head of Visible Services.

A significant concern in relation to this application is the felling of mature trees within the application site. Sufficient details of landscaping have still not been submitted, and as a result a condition has been imposed for these details to be submitted and approved prior to the commencement of works on the site.

The Operational Manager Parks and Grounds Maintenance, has been consulted, and has requested a Section 106 Legal Agreement to provide play equipment as a consequence of the loss of open green space within a residential area in Barry. In response, a letter was received from Colin Jones, Programme Manager, AMEC, on the 12th September, 2005, indicating that they propose to enter a unilateral undertaking to contribute circa £2,000 in this regard.

Due to the land being enclosed by trees and hedgerows, and the development being located in the lower end of the field, the proposed development will not be a highly prominent feature. The new road will be of grasscrete and the only evident development will be the Control Building to the east of the site.

In conclusion, it is not considered that the development, as amended, will adversely affect the character of the area or the amenity of neighbouring properties. Although it will cause possible disruption during construction, it is not considered to adversely affect the amenity of neighbouring properties in the long-term. The works are essential for the area, and accordingly the application is recommended for approval.

04064

RECOMMENDATION

Subject to the applicant first entering into a unilateral obligation pursuant to S. 106 of the Town and Country Planning Act 1990 for the payment of a sum of £2,000 for the provision of additional and/or improved play equipment to offset the loss of usable open space, planning permission be granted subject to the following conditions.

Subject to the following condition(s):

1. The development hereby permitted shall be begun before the expiration of five years from the date of this permission.
2. The development hereby approved shall be carried out entirely in accordance with the approved plans and specifications.
3. No development shall take place until there has been submitted to and approved in writing by the Local Planning Authority a scheme of landscaping, which shall include indications of all existing trees and hedgerows on the land and details of any to be retained, together with measures for their protection in the course of development.
4. All planting, seeding or turfing comprised in the approved details of landscaping shall be carried out in the first planting and seeding seasons following the occupation of the buildings or the completion of the development, whichever is the sooner; and any trees or plants which within a period of five years from the completion of the development die, are removed or become seriously damaged or diseased shall be replaced in the next planting season with others of similar size and species, unless the Local Planning Authority gives written consent to any variation.

5. The permission hereby granted shall relate to the amended plans, reference A and B received by the Local Planning Authority on 7th June, 2005.
6. Any soils or similar material to be imported shall be assessed for chemical or other potential containments in accordance with a scheme of investigation to be submitted to and approved in writing by the Local Planning Authority in advance of its importation. Only materials approved by the Local Planning Authority shall be imported. All measures specified in the approved scheme shall be undertaken in accordance with the relevant Code of Practice and Guidance Notes.
7. The hours of working during the construction of the development hereby approved, including the operation of all construction plant and equipment, shall be restricted to between the hours of 08:00 and 18:00 on weekdays and no construction or operations shall be carried out whatsoever on Sundays or Bank Holidays.
8. Prior to the commencement of development, wheel washing facilities for all construction vehicles, plant and equipment shall be installed on site in accordance with a scheme which shall be submitted to and approved in writing by the Local Planning Authority and such facilities shall be fully utilised during the full duration of construction works on the site.

Reason(s):

1. To comply with the requirements of Section 91 of the Town and Country Planning Act 1990.
2. To ensure the satisfactory implementation of the development.
3. To safeguard local visual amenities.
4. To ensure satisfactory maintenance of the landscaped area.
5. For the avoidance of doubt.
6. To ensure that the safety of future occupiers is not prejudiced.
7. In the interests of local residential amenities.
8. In the interests of residential amenity and 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.

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

QUORN, CRAIG YR EOS ROAD, OGMORE BY SEA

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

SITE DESCRIPTION

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

DESCRIPTION OF DEVELOPMENT

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

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

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

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

All external materials will match the existing.

PLANNING HISTORY

There have been no previous planning applications on this site.

CONSULTATIONS

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

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

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

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

REPRESENTATIONS

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

St. Keverne, Windrush, The Darren, Sunray, Brynsirial, Lyncroft and Rockleigh were re-consulted on 1st September, 2005. No representation has been received to date.

REPORT

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

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

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

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

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

03991

RECOMMENDATIONS

APPROVE subject to the following condition(s):

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

Reason(s):

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

NOTE:

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

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

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

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

05/00785/FUL

Received on 16th May, 2005

Newydd Housing Association, 5, Village Way, Tongwynlais, Cardiff. CF15 7NE
(Cadarn Architecture, 5, Village Way, Tongwynlais, Cardiff. CF15 7NE)

LAND AT ROBINS LANE, BARRY

Residential development in the form of four blocks of two storey buildings with associated parking and access arrangements

SITE DESCRIPTION

The application site relates to an existing parcel of land broadly rectangular in shape measuring 1853 square metres in area located at the junction of Robins Lane and O'Donnell Road, Cadoxton, Barry. The site slopes gently to the north, although generally level in section. It has an open boundary at the front and north side and a 7-8 metre conifer hedge to the rear. The southern boundary is occupied by overgrown trees and shrubs beyond which is a narrow un-made track which provides access to the rear of the dwellings on Robins Lane.

The site was formerly occupied by three blocks of Council flats which were demolished several years ago. The site has remained vacant since that time.

The surrounding area is characterised by a mix of terraced and semi-detached housing. The site backs onto the semi-detached dwellings on O'Donnell Road and Cae Glas. No. 1 O'Donnell Road shares its side boundary with the site and this comprises of a 2 metre high chainlink fence.

Members should note that development has commenced on site to implement planning permission ref. 04/01327/FUL for the construction of four 2 storey blocks with associated parking and access arrangements.

DESCRIPTION OF DEVELOPMENT

This application has been submitted following the commencement of development on site under the previously approved planning permission ref. 04/01327/FUL, where conditions attached to that consent were not discharged prior to the commencement of development on site. Accordingly in view of the Council's stance on "condition precedent", the applicant was advised to cease all works and submit a new planning application to include all outstanding matters as previously required by condition.

The application is therefore identical to that previously submitted by Newydd Housing Association (1974) Ltd. for the construction of residential development in the form of four 2 storey blocks consisting of two house types and flats with associated parking and access arrangements.

- Block A will provide three two bedroom flats in the form of a two storey building with undercroft parking.

- Blocks B and C are the same design and consist of blocks of three houses, comprising of two 3 bedroom houses and a 2 bed dwelling.
- Block D consists of a pair of semi-detached 3 bedroom houses.

Each of the blocks will be of a similar design with an eaves height of 4.6 metres and ridge height of 8.3 metres.

The dwellings will be served by gated driveways, where the 3 bedroom dwellings will be served by two off-street spaces and the 2 bedroom dwellings served by one off street parking space.

The agent has submitted a planning statement in support of the application.

PLANNING HISTORY

The site has been subject to the following relevant planning applications:

04/01327/FUL - Construction of four 2 storey blocks of two house types and flats with associated parking and access arrangements. Approved 27th January, 2005, subject to conditions.

98/00725/PN - Demolition of flats. Approved 17th July, 2003.

CONSULTATIONS

Barry Town Council - Were consulted 3rd June, 2005, and have made reference to their previous comments as stated below:

"No objection to the application, subject to the Local Planning Authority being satisfied with:

- (i) The level and arrangement of the on-site car parking spaces.
- (ii) The levels of amenity space provision particularly for the occupants of the three flats in Block A.
- (iii) The elevational detailing, choice and colouring of the external finishes.
- (iv) Proposals for landscaping, planting and site enclosure."

The Head of Visible Services (Highways) - Comments in respect of the previous application is as follows:

1. The off-street parking for Plot No. 11 being increased from one to two spaces.
2. The access to the parking for Plot No. 11 and the existing garages being down-graded to a standard 'vehicular crossover'.
3. A 3 metre wide combined footway/cycleway being provided adjacent to the southern boundary of Plot No. 11 which will eventually connect to Robins Lane with the proposed development to the rear of Daniel Street. This is to be constructed to adoption standard with appropriate street-lighting.

Welsh Water - Were consulted and have stated that the proposed development would overload the existing public sewerage system and that improvements are planned which would enable a connection to be made after 1st January, 2006 and that no development shall take place before this date. They have therefore raised an objection to the application. The letter is attached in full as Appendix A.

REPRESENTATIONS

Adjoining occupiers were consulted on 3rd June, 2005. To date seven letters of representation have been received. A copy of one of the letters of objection is attached as Appendix B.

REPORT

Members will note that planning permission for the original scheme (ref. 04/01327/FUL) was approved at Planning Committee on 27th January, 2005. This application is identical to the approved scheme with the addition of further information submitted in Discharge of Conditions attached to the original scheme, which related to samples of materials, levels, and landscaping. There are no material changes in circumstance in the nature of the scheme or the relevant policies and as such the only matters for consideration relate to the two additional details in respect of levels, materials and landscaping. The original report is summarised below and amended where necessary with regard to the additional details received.

The site, in addition to the adjoining vacant site to the north, was subject to a Development Brief which was prepared in order to provide information and guidance on how the Council would wish to see the two vacant sites on Robins Lane developed. The Brief was been reported to the 26th March, 2003 Cabinet and the Planning Committee of 2nd April, 2003 and is therefore adopted for development control purposes. The Brief sets out the aims and objectives for the site including acceptable uses and the layout, scale and form of development and relevant planning policy.

In terms of the principle of the use, the Brief required the future use to be compatible with the residential character and amenities of the area and that uses which would generate undue amounts of noise, smell or other disturbance would be resisted in accordance with the criteria of Policy ENV25 – Design of New Developments as set out in the adopted Vale of Glamorgan Unitary Development Plan 2005. Furthermore, it also stated that the potential for intensification of any new uses would be a key issue and a balance will need to be struck between maximising the use of the land whilst maintaining the existing levels of residential amenity.

The Brief sets out a number of land uses which it believes may be appropriate for the site. The Brief supports the principle of residential development as the site lies within the defined residential settlement boundary for Barry.

Parking and Access

In terms of access, the Highway Engineer has not raised an objection to the proposed access and the indicated provision of off-street parking, subject to compliance with a number of conditions.

Layout

In terms of the layout of the site, the Brief acknowledges that the site is visually prominent due to the sloping topography and in architectural terms the site marks the transition between 19th Century Cadoxton and the 20th Century housing of Gibbonsdown to the north. The Brief requires that the site should reflect the building grain of the 19th Century buildings of Cadoxton. It adds that the fine grain building pattern will help to create more 'rhythm' on new buildings, and when used in conjunction with roof details and boundary treatments, will help to accentuate the sloping topography of the site. New buildings on the site are required to present a frontage to Robbins Lane to reinforce its position in the hierarchy of the local road layout.

The layout of the submitted scheme is one which does follow the historic grain and building form of 19th Century dwellings and echoes the layout of the existing dwellings opposite, where the main frontage of the proposed dwellings front onto Robbins Lane. The primary frontage is further reinforced by the use of the low walls with railings, which further echoes the front boundary enclosures of the existing houses opposite.

Levels

The levels submitted in the application follow the existing gradient of Robbins Lane. It is noted that Block A appears higher in relation to the adjacent blocks and this matter has been raised in the several letters of objection. However consideration must be given to the fact this block which comprises of three flats has vehicular access via O'Donnell Road to an undercoft parking area. O'Donnell Road rises up from Robbins Lane and in order to achieve a level vehicular cross over Block A had to be constructed at this level. However the Block will be screened by a facing brick boundary wall with bowtop railing and it is not considered that the level of that block would be incongruous in the street scene.

Therefore the levels of the site are considered acceptable.

Scale

In terms of the scale of the dwellings, the Brief requires two-storey dwellings to complement the scale of neighbouring houses to reinforce the area's sense of place. In particular the Brief seeks a strong vertical emphasis to reinforce the site's topography.

The dwellings proposed are all two-storey and the proposed blocks of flats have been designed as far as possible to replicate the scale and character of the existing nearby dwellings. The window proportions, building heights and use of gables has resulted in a strong vertical emphasis of each of the main blocks in accordance with the requirements of the Brief.

Design and Materials

The Brief requires the design of the buildings to reinforce the areas sense of place, given the visual prominence of the site. It seeks buildings to employ vertical emphasis in windows, doors and in the handling of the roof shape and details. It also adds that the facing terrace has a stepped roofline to enhance the sloping position of the site and provide a design cue for the redevelopment of this site. It adds that boundary treatments will be required to provide for the delineation of private space and to reinforce the sense of rhythm and continuity that is achieved with the nearby 19th Century boundary walls. The use of brick and stone is encouraged to generate visual interest and link to the prevailing building materials of the nearby Cadoxton Conservation Area.

The design whilst modern, nevertheless includes design cues from the historic fabric of the area, including gabled roofs at the end of each block. The forecourt and road frontage treatment also reinforces the street frontage and reintroduce rhythm back into Robins Lane with the use of enclosed front gardens reminiscent of the 19th Century terraced dwellings opposite. The materials and finishes are a mix of brick render and artificial slate which will reflect the materials of the surrounding properties. The submitted samples of Ibstock Crowborough multi stock brick for the main elevations, a red facing brick plinth brick and a sample of buff artificial stone for use in the cills and window heads are considered acceptable and are as previously specified in the original plans.

Amenity Space

In terms of the provision of amenity space, the Amenity Standards Supplementary Planning Guidance requires a minimum of 1 square metre of amenity space per 1 square metre of gross floor area for dwellings, where 70% of the amenity space should be accommodated in the rear gardens, which shall also be private and of a usable shape. For flatted development the size of any communal garden should relate to the number of people who have access to the space and are likely to use it. In flatted developments, developers should aim to provide a minimum of 20m² amenity space per person. The amount of space required will be calculated on the basis of the maximum amount of people which can be accommodated.

The level of private amenity space in the rear gardens is limited and averages some 55 square metres per dwelling, where the floor space of the two-bedroom house type is 87 square metres and 105 square metres for the three-bedroom dwelling. However the dwellings are served by relatively large front gardens, which are enclosed and offer further amenity space. Furthermore the driveways between the dwellings add further to the spaciousness of the layout and distance between dwellings. It is considered that the overall level of amenity space provision is acceptable given the constraints and limitations on the site.

The proposed dwellings have been sited a distance in excess of 21 metres from opposing neighbouring dwellings, on both Robins Lane and the dwellings on Cae Glas to the rear. Accordingly the proposed scheme is not considered to have any impact on the amenity and privacy of existing adjacent occupiers. It is noted that the current application has resulted in a number of letters of representation being received from the opposing dwelling on Robbins Lane. However it is not considered that the site layout, levels and gradients proposed are acceptable and will not unduly impact on the street scene or the amenity of the nearby occupiers.

Landscaping

The submitted landscaping scheme indicates specific trees located in the front gardens of the proposed dwellings adjacent to Robbins Lane. Having considered the species proposed, *Carpinus betulas* "Fastigiata" (hornbeam), given its rate of growth is not considered suitable for a small scale domestic garden, particularly given the limited size of the front garden, and the proximity of the position of the trees to the highway and driveways. However subject to the substitution of this species with a mix of the other species specified, the proposed landscaping scheme is considered acceptable.

To conclude there are no reasons to refuse this application as this scheme is identical to that previously approved. Furthermore, the additional details required by condition which have been submitted as part of this application are also considered acceptable. Therefore the following recommendation for approval is made.

04059

RECOMMENDATION

APPROVE subject to the following condition(s):

1. The permission hereby granted shall relate to the amended plans, Reference (99) 002, Rev. D received by the Local Planning Authority on 1st July, 2005.
2. None of the residential units hereby permitted shall be occupied until essential improvement works to the public sewerage system have been completed by Dwr Cymru Welsh Water (scheduled for completion by 31st December, 2005) and the Local Planning Authority have been informed in writing on the completion of said works.
3. Notwithstanding the submitted landscaping scheme as set out on plan Reference (99) 002, Rev. D a revised landscaping scheme which shall substitute *Carpinus betulas* "Fastigiata", for another more appropriate species as specified in the submitted landscaping schedule, shall be submitted to and agreed in writing, with the Local Planning Authority.
4. All planting, seeding or turfing comprised in the approved details of landscaping shall be carried out in the first planting and seeding seasons following the occupation of the buildings or the completion of the development, whichever is the sooner; and any trees or plants which within a period of five years from the completion of the development die, are removed or become seriously damaged or diseased shall be replaced in the next planting season with others of similar size and species, unless the Local Planning Authority gives written consent to any variation.
5. The proposed driveways and parking areas shall be laid out and surfaced in accordance with the submitted details, before the development hereby approved is brought into beneficial use and shall thereafter be retained and maintained at all times for the sole benefit of the occupiers of the dwellings/flats.

6. Notwithstanding the provisions of the Town and Country Planning (General Permitted Development) Order 1995, or any Order revoking or re-enacting that Order, no additional windows, doors or any other openings shall be inserted into any elevation of the dwelling hereby permitted, without the prior written consent of the Local Planning Authority.
7. Notwithstanding the provisions of the Town and Country Planning (General Permitted Development) Order 1995 (or any Order revoking and re-enacting that Order) the dwelling(s) hereby approved shall not be extended or altered in any way without the prior written consent of the Local Planning Authority.
8. Notwithstanding the provisions of the Town and Country Planning (General Permitted Development) Order 1995 (or any Order revoking and re-enacting that Order) no building, structure or enclosure required for a purpose incidental to the enjoyment of a dwelling-house shall be constructed, erected, or placed within the curtilage of the dwelling(s) hereby approved without the prior written consent of the Local Planning Authority.

Reason(s):

1. For the avoidance of doubt.
2. 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.
3. To safeguard local visual amenities.
4. To ensure satisfactory maintenance of the landscaped area.
5. In the interests of highway safety.
6. To safeguard the privacy of adjoining occupiers.
7. To enable the Local Planning Authority to control the scale of development.
8. To enable the Local Planning Authority to control the scale of development.

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.

Environment Agency Wales, Cambria House, 29, Newport Road, Cardiff. CF24 0TP
(Atkins Consultants Limited, West Glamorgan House, 12, Orchard Street, Swansea. SA1 5AD)

**THE FLOOD PLAIN OF THE RIVER THAW, UPSTREAM OF COWBRIDGE,
AND ADJACENT TO MOUNT PLEASANT FARM, COWBRIDGE**

Flood Alleviation Scheme

SITE DESCRIPTION

The application site is located within an area of open countryside and agricultural land to the north of the A48 Cowbridge bypass and to the west of main Cowbridge Comprehensive School site. The nearest property is Mount Pleasant Farm and the River Thaw runs through the site edged in red. The main service/access connection to the highway is shown to be off Aberthin Road, just to the north of the school site. The land directly affected by the scheme is generally low-lying, flat grazing land traversed by field hedges and some trees.

DESCRIPTION OF DEVELOPMENT

The flood alleviation works will comprise the construction of a flood retaining earthwork structure within the flood plain area upstream of the A48 Cowbridge bypass, compete with flow control structure and associated works within the River Thaw. The flow control structure will limit flow through Cowbridge and Llanblethian at times of peak flow within the River Thaw, impounding excess flows in the upstream flood plain area.

The structure will comprise a low-profile earth embankment constructed from imported fill and will be grass seeded. The downstream face of the embankment will be reinforced with geo-textile or grass-crete, to prevent scour during overtopping. The height of the structure will be such that at least 500 year flood events will be impounded. The structure will be subject to the requirements of the Reservoirs Act 1975 and as such will undergo regular inspections by a panel engineer.

The structure will be 400m long and will have a maximum height of 3.0m. Side slopes will be 1 in 10 (in places reduced to 1 in 5) with a crest width of 4m. The slope has been reduced on the upstream side to minimise the channel length affected and to reduce the amount of fill required. At its highest point the structure will have a width of 47m. There will be fencing placed around and on the structure in line with the findings of the public safety risk assessment.

The flow control structure will be a 1.5m high by 2.5m wide opening located within a headwall structure. A penstock will be placed on the upstream face to allow fine tuning of the 'carry on' flow. This will restrict flows to the requisite level for flood protection of Cowbridge and Llanblethian. Consideration has been given to ensure that migratory fish can traverse the channel through the control structure.

The construction access will be off Aberthin Road adjacent to Cowbridge School. This will also be the access route for the future maintenance operations. There will be no attempt to access the works via Middlegate Court either during construction or for future maintenance. The storage of materials at the site during construction operations will not exceed a height of 2m above existing ground levels.

An Environmental Statement has been prepared to consider all of the relevant environmental issues and constraints.

PLANNING HISTORY

None.

CONSULTATIONS

Cowbridge Town Council – “No objection”.

The Director of Legal and Regulatory Services (Environmental Health) – “This department has no adverse comments to make regarding the above application”.

Countryside Council for Wales - “We welcome the mitigation and enhancement measures set out in Appendix 5 of the EIA which accompanied the application. Provided that these measures are fully implemented CCW has no objection in principle to this application.

We do, however, wish to make the following comments. We are concerned at the lack of detail relating to the post-construction management of the bund itself. We note and welcome the undertaking to reinstate existing topsoil on the bund and also to sow the bund with an appropriate seed mix (we would suggest the use of green hay from a nearby grassland site of high biodiversity value). It is unclear, however, how the grassland across the bund will be managed in the future and this in turn will affect the value of the habitat in biodiversity terms.

We would also appreciate clarification regarding the claim that improved grassland alongside the Thaw will revert to semi-improved wet grassland. How will this be achieved? What mechanisms will be put in place to achieve this outcome? In order to revert this grassland effectively an agreement will need to be in place which precludes excessive applications of fertiliser etc by the landowner”.

Council Ecologist – “I can confirm that the Environmental Statement has addressed all the potential ecological issues raised at the pre-planning stage and I have no further comments to make”.

Glamorgan Gwent Archaeological Trust – Comments as follows:

“The Thaw Valley to the north of Cowbridge is becoming one of the most important archaeological areas in Wales. Chance finds and more systematic surveys using metal detectors have located numerous artefacts of Bronze Age and Early Medieval date; whilst the study of aerial photographs, along with field surveys, have suggested that a palimpsest of landscapes survive in the valley. These archaeological implications have been considered in the Environmental Statement for this project and a programme of archaeological investigation for the area of the proposed bund, both prior to and during its’ construction, is currently being formulated.

In order not to cause a delay to the construction of the proposed flood defences the submission of this programme of investigation and its implementation can be secured by attachment of a suitable condition to any planning consent granted by your Members. Consequently we have no objection to the positive determination of the current application subject to the attachment of a condition worded in a manner similar to the model given in Welsh Office Circular 60/96, Section 23:

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

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

The Head of Visible Services (Highway Development) - “There are no highway objections to this proposal subject to the following Highway requirements with regard to the proposed construction/maintenance access, being fully satisfied:-

- (1) Access only to be via the A4222 for construction and maintenance purposes. No access will be allowed via Middlegate Court in the interests of highway/pedestrian safety.
- (2) Access road to be a minimum width of 6.0m for a distance of at least 10.0m from the adopted highway A4222, and this length to be surfaced in a bound material. Entry radius on Cowbridge side to be minimum of 10.0m. Passing bays to be provided at appropriate spacings along the access road to the site.
- (3) Provision and maintenance of a visibility splay of minimum dimensions 3.0m x 90.0m in both directions at junction with A4222. Within the splay no structures e.g. boundary walls/fences or hedges shall be greater than 900mm in height above the road channel level and no vegetation shall be greater than 600mm in height.
- (4) Applicant to provide details of a traffic signing scheme for the approval of the Traffic Engineer and to enter into a legal agreement (S106) with the Authority for the provision and erection of the traffic signs. All works in the adopted highway to be carried out by a contractor on the Authority’s approved list.
- (5) Haul route to be approved by the Highway Authority.

- (6) Delivery times of materials to the site to be restricted to avoid confrontation with school traffic at school opening and closing times.
- (7) Wheel washing and sweeping facilities to be provided to avoid mud and debris being dragged onto the adopted highway to the detriment of highway safety.
- (8) Prior to any construction works in the adopted highway for the alteration of the vehicular access and crossover, the applicant is to contract Mr. Peter Coughlan of the Council's Traffic Group at the Alps Depot in order to obtain the appropriate opening-up notice and crossover specification.
- (9) Any damage caused to the existing adopted highway to be reinstated to the complete satisfaction of the Highway Authority.

Most of the above requirements are all in accordance with the Environmental Statement that accompanied the Planning Application."

Welsh Assembly Government - "Thank you for your letter of 28th June, 2005 addressed to the First Minister enclosing documentation in respect of the above application.

It would not be appropriate for Planning Division to comment on the merits or otherwise of the proposed development. To do so would prejudice the Assembly's position in the event of that application being referred to it under the "departure" procedure or in the event of refusal of planning permission, on appeal."

National Assembly Agricultural Department – No comments received to date.

Welsh Water – Full comments attached at Appendix A.

REPRESENTATIONS

The application has been advertised in the local press on the basis that an environmental statement has been submitted with the proposals, and 3 site notices were posted (near the main access, in Cowbridge Town Centre and near the secondary 'works' access at the top end of the Town Hall Car Park). Cowbridge Comprehensive School and Mount Pleasant Farm were also directly notified. However, to date, no letters of representation have been received in relation to this proposal.

REPORT

The background to this planning application is that the communities of Cowbridge and Llanblethian are at risk of flooding from the River Thaw. The current threshold of flooding in Cowbridge is an event with an annual probability of occurrence of 0.09 (exceeded on average once every 11 years) and 0.33 in Llanblethian (exceeded on average once every 3 years). The Environment Agency is promoting the flood alleviation scheme to increase the standard of flood defence in these communities to an event with an annual probability of occurrence of 0.01, exceeded on average once every 100 years, in accordance with national indicative standards.

As described above, the scheme comprises the construction of an earth embankment across the flood plain upstream of Cowbridge and a flow control structure in the river to attenuate flood flows. During flood events, floodwater will be stored temporarily on the flood plain upstream of the proposed embankment, whilst the control structure will limit the continuation flow to that which can be safely conveyed through Cowbridge and Llanblethian without causing flooding.

The earth embankment will have a shallow downstream slope to reduce its visual impact and will be seeded with an appropriate grass seed similar to the existing vegetation. The control structure will comprise a reinforced concrete channel along the course of the river and a penstock control gate.

In terms of the policy context, the relevant development plan in the adopted Vale of Glamorgan Unitary Development Plan 2005. The most relevant Policies are considered to be as follows:

POLICY ENV 1 – DEVELOPMENT IN THE COUNTRYSIDE

WITHIN THE DELINEATED COUNTRYSIDE PERMISSION WILL ONLY BE GRANTED FOR:

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

It will be noted from the above Policy that criterion (i) refers to “utilities or infrastructure for which a rural location is essential”. It is considered that this particular requirement is satisfied by the very nature of this proposal.

Furthermore, criterion (iv) of the above Policy is also considered to be satisfied given the wording of Policy ENV6 of the Unitary Development Plan, which states as follows:

POLICY ENV 6 – WATER RESOURCES

RIVER, OTHER INLAND WATERS AND UNDERGROUND WATER RESOURCES WILL BE SAFEGUARDED. DEVELOPMENTS WHICH IMPROVE THE WATER ENVIRONMENT OR HELP TO PREVENT FLOODING WILL BE FAVOURED. DEVELOPMENT WILL BE PERMITTED WHERE IT WOULD NOT:

- (i) HAVE AN UNACCEPTABLE EFFECT ON THE QUALITY OR QUANTITY OF WATER RESOURCES OR ON FISHERIES, NATURE OR HERITAGE CONSERVATION, RECREATION OR OTHER AMENITY INTERESTS RELATED TO SUCH WATER; AND
- (ii) BE POTENTIALLY AT RISK FROM FLOODING, OR INCREASE THE RISK OF FLOODING LOCALLY OR ELSEWHERE TO AN UNACCEPTABLE LEVEL.

It is quite obvious that the sole intention of the proposal is to pond back water at times of flood risk so as to prevent events of flooding in Cowbridge and Llanblethian. The clear intention of Policy ENV6 is to favour such flood prevention schemes.

Policy ENV XXX 'Special Landscape Areas' is also relevant as the site is located within the Upper Thaw Valley. This Policy states that:

"NEW DEVELOPMENT WITHIN OR CLOSELY RELATED TO THE FOLLOWING SPECIAL LANDSCAPE AREAS WILL BE PERMITTED WHERE IT CAN BE DEMONSTRATED THAT IT WOULD NOT ADVERSELY AFFECT THE LANDSCAPE CHARACTER, LANDSCAPE FEATURES OR VISUAL AMENITIES OF THE SPECIAL LANDSCAPE AREA".

Other Unitary Development Plan Policies of relevance include ENV2 (Agricultural Land), ENV9 (Conservation in the Countryside) and ENV10 (Protection of Landscape Features). Also of relevance is Strategic Policy No. 14 of the Unitary Development Plan which states as follows:

POLICY 14

DEVELOPMENTS ASSOCIATED WITH COMMUNITY AND UTILITY SERVICES WILL BE PERMITTED IF 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.

Taking into account all the above Policies, it is considered that the principle of this proposal is acceptable. The main issues to be assessed, however, relate to the potential impact of the proposal on landscape features (especially as the site is located within a SLA), agriculture and on the ecological/nature conservation context of the area. The impact on residential amenity is considered to be minimal, given the location of the proposed scheme. Traffic impacts, both during and after construction, also need to be assessed.

The detailed Environmental Statement (ES) submitted with the application deals with all the above issues. For example, in relation to the visual impact on the landscape, a detailed assessment concludes that whilst there will be a significant local impact during and after construction, these would not be significant in terms of the wider landscape or to distant views. Moreover, after a 10 year period, once all mitigation measures and landscaping has been successfully planted and established, the ES concludes that the overall impact of the proposals on the landscape will be low. The following is an extract from paragraph 4.5.3.2 on the impact on the landscape character of the completed scheme after a 10 year period.

"The assessment of the long term effects assumes that the mitigation measures have been implemented and that planting is successfully established. The structure would form an unusual, large mounded form in a semi-rural landscape which is flat or very gently sloping. However, re-grading of the side slopes where possible and the establishment of a grass sward of similar colour and texture to the adjacent fields would help to integrate the structure. Use of reasonably inconspicuous railings and a resin-bonded gravel-wearing course over tarmac would also help to reduce the intrusion of the structure. The highest point of the structure would be around 2.9m, which would extend beyond the height of existing hedgerows, however, the majority of it would be lower than these, again helping to reduce its intrusion.

New planting including the gapping up of hedgerows, increasing the total length of hedgerows and additional planting of trees along hedgerows will compensate for the loss of vegetation and contribute positively to the existing landscape. These features will also provide a more vegetated context within which the structure will be sited and help to break up its continuous form.

The magnitude of change locally would be low assuming the successful implementation of the mitigation measures. The significance of the impact would therefore be Moderate at a level local to this part of the valley. There are likely to be benefits to the wider landscape with additional planting to the existing structure of clipped hedgerows and mature hedgerow trees."

The ES examines various 'visual receptor groups' (VRG's) in the wider area e.g. views from Mount Pleasant Farm, Newton Farm, the Comprehensive School, drivers on the A48 etc and concludes as follows:

"In summary, the structure would occupy a relatively small part of the valley scene, with only one permanent visual receptor (Mount Pleasant Farm) located where there may be clear views of parts of the structure in the long-term. Other prominent visual receptors such as walkers on local footpaths and drivers on the A48 would have temporary views. These views are important, however, when considering people's perception of the rural Vale. There are likely to be a limited number of other visual receptors, most of whom have fairly broad views of the valley and surrounding slopes; with the structure forming a fairly minor component of these views. The structure would be unlikely to create any significant curtailment or hindrance of existing views for any of the visual receptors."

On the basis of the above analysis, the proposed is not considered to conflict with the location of the site within the Upper Thaw Valley SLA (Policy ENV XXX).

Similarly, a detailed analysis has been carried out in the ES of the likely impacts of the proposal on biodiversity (protected species of plants, animals, birds and fish etc). There are no officially designated sites for nature conservation within, or in the vicinity of, the study area, and it will be noted from the consultation responses alone that the Countryside Council for Wales and the Council's Ecologist have both raised no objections to the proposal. In terms of agricultural land quality, the site is low-lying and marshy in places, and can support grazing only. The agricultural land quality is therefore relatively low.

With regard to the highway aspects of the proposal, it will be noted that the Head of Visible Services (Highway Development) has raised no objection to the proposal, subject to conditions. The ES indicates that in terms of construction traffic 1,500 movements of a 16-20 tonne wagon to import the necessary fill plus other ancillary deliveries will be required over a construction period of approximately 23 weeks. This equates to 13 wagon movements per day throughout the construction period. This is a worst-case scenario as detailed design will aim to reach an acceptable balance between reducing the amount of fill required and achieving a minimum impact on landscape character and visual amenity.

In order to minimise disruption all heavy site traffic will utilise the Aberthin Road which is suitable for heavy vehicles and a track on a disused railway. Working methods to prevent impact include:

- Signage and speed limits, as agreed with the Vale of Glamorgan Highways Authority.
- Wheel washers or regular sweeping of the road to prevent build up of mud.
- Hours of working will include delivery of materials to the site. Where possible the deliveries should be timed outside of the school drop-off and pick-up times.
- All access routes will be reinstated following construction to the same or better condition than before the works.

The ES concludes that, in relation to transport and traffic issues, there will be a long-term benefit to the traffic and transport in Cowbridge and Llanblethian as the roads will be protected from flooding to a greater level than that prior to the flood alleviation scheme being operational. After construction, only occasional service vehicles will be required to enter the site.

In conclusion, therefore, it is considered that this scheme will be extremely beneficial to the communities of Cowbridge and Llanblethian through the future prevention of damage and stress associated with flooding. It is also clear from the ES that possible adverse environmental impacts can be satisfactorily mitigated. Accordingly, the application is recommended for approval subject to the conditions set out below.

04051

RECOMMENDATION

APPROVE subject to the following condition(s):

1. The development hereby permitted shall be begun before the expiration of five years from the date of this permission.
2. Vehicular access to the site of the alleviation scheme hereby approved shall only be via the A4222 and no access shall be permitted via Middlegate Court.
3. Full details of the access road to the site shall be submitted to and approved in writing by the Local Planning Authority prior to the commencement of development. This scheme shall ensure that the access road to the site from the A4222 (Aberthin Road) shall have a minimum width of 6m for a distance of 10m from the adopted highway, and this length shall be surfaced in a bound material, with passing bays to be provided at agreed distances along the access road. The scheme as approved shall be fully implemented prior to the commencement of construction works on the alleviation bund.

4. A detailed scheme shall also be submitted regarding the provision and maintenance of a visibility splay of minimum dimensions 3.0m x 90.0m in both directions at the junction with A4222. Within the splay no structures e.g. boundary walls/fences or hedges shall be greater than 900mm in height above the road channel level and no vegetation shall be greater than 600mm in height. This scheme shall be submitted to and approved in writing by the Local Planning Authority prior to development commencing, and the agreed scheme shall be fully implemented prior to any construction works taking place on the alleviation bund.
5. No development shall commence on site until a detailed traffic management scheme has been submitted to and agreed in writing by the Local Planning Authority to cover the following matters:
 - (a) Full details of a haul route through the site for the movement of construction traffic,
 - (b) Delivery times for all materials to the site,
 - (c) A traffic signage scheme for the provision and erection of highway traffic signs before and during construction works and for any permanent signs thereafter,
 - (d) Wheel-washing and sweeping facilities to avoid mud and debris being deposited and dragged along the public highway.

The details as may be agreed in the above traffic management scheme shall be fully implemented in accordance with the agreed scheme prior to the commencement of construction works.

6. No development shall take place until the applicant, or their agents or successors in title, has secured the implementation of a programme of archaeological work in accordance with a written scheme of investigation which has been submitted by the applicant and approved in writing by the Local Planning Authority.
7. Notwithstanding the general landscaping details submitted on drawing No. 5002189/WA/PA03, a fully detailed landscaping scheme shall be submitted to and approved in writing by the Local Planning Authority prior to the commencement of development and the approved scheme shall be implemented during the first planting season following the completion of the development and thereafter any failures shall be replaced by specimens of a similar size and species for a period of five years.

Reason(s):

1. To comply with the requirements of Section 91 of the Town and Country Planning Act 1990.
2. In the interests of highway and pedestrian safety.
3. In the interests of public and highway safety.
4. In the interests of public highway safety.

5. In the interests of public and highway safety.
6. To identify and record any features of archaeological interest discovered during the works, in order to mitigate the impact of the works on the archaeological resource.
7. In the interests and visual amenity.

NOTE:

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

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.

Tirion Imogen Wordley, 2, Bradford Place, Penarth, Vale of Glamorgan, CF64 1AG.

(Nigel Arnold Architect, 1, The Washington, Stanwell Road, Penarth, Vale of Glamorgan, CF64 2AD.)

LAND AT REAR OF 5, ROSEBERRY PLACE, PENARTH

Demolition of existing one and a half storey detached garage building.
Construction of detached coach house dwelling with integral garage, driveway and walled garden.

The application site lies within the Penarth Conservation Area.

The application was advertised on 29th June, 2005.

SITE DESCRIPTION.

The application site is located near the junction of Roseberry Place, Victoria Square and Salisbury Avenue and lies within the Penarth Conservation Area. The application site occupies the bottom part of the garden of No. 5 Roseberry Place and is bounded by Salisbury Avenue, the gardens of Nos. 4 and 5 Roseberry Place and a rear lane.

The application site measures approximately 14m wide x 17m in depth and at present contains a detached garage of size 8m x 5.5m x 5m in height. It is proposed to demolish the existing garage as part of this application.

DESCRIPTION OF DEVELOPMENT

The application proposes a single detached dwelling within what is currently the rear garden of No. 5 Roseberry Place. The dwelling is proposed within its own walled garden and spans the width of the application site. The two pine ends of the dwelling are therefore proposed directly adjacent to Salisbury Place and the rear garden of No. 4 Roseberry Place.

The dwelling measures approx. 9m in depth x 14m in width at ground floor level and 6.5m x 14m at first floor with two dormer features on the rear elevation facing the rear lane. It is proposed to finish the dwelling in red brick with a slate roof and timber windows. The garden wall is proposed in render and the new brick wall adjacent to Salisbury Place and the rear lane is proposed in red brick.

The proposed dwelling is comprised of two bedrooms with en-suite bathrooms, a kitchen and living area. The site provides for two off street parking spaces within the attached garage and enclosed driveway, accessed from Salisbury Avenue. The walled garden to the rear of the house measures approximately 6m x 14m and a secondary area of amenity space is provided through the small yard adjacent to the driveway.

The principal bedrooms windows are proposed on the elevations facing the rear lane and Salisbury Avenue and two small obscurely glazed windows to serve the en-suite bathrooms are proposed on the elevation facing the garden of No. 5 Roseberry Place.

PLANNING HISTORY

05/00435/FUL - Rooflights and replacement windows to No. 5 Roseberry Place, Penarth. Approved 22nd April, 2005.

CONSULTATIONS

Penarth Town Council - Was consulted on the 17th June, 2005 and raised no objection to the application.

Welsh Water - Were consulted and have requested conditions and advisory notes relating to the drainage of the site to be imposed should the application be approved.

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

The Head of Visible Services (Highways Department) – Has raised an objection to the application on the grounds that the proposal would result in the loss of off-street parking to serve No. 5 Roseberry Place, creating a parking deficiency of 3 spaces in an area which is subject to high demand for on street parking.

REPRESENTATIONS

The neighbouring properties of Nos. 21 and 22a Victoria Square, 4 Roseberry Place and 8, 10, 12 and 14 Archer Road were consulted on the 27th June, 2005 and a site notice was erected. Thirteen letters of objection have been received from neighbouring properties. These objections are attached as Appendix A however the grounds are summarised as follows:

- The dwelling would fail to respect and would be harmful to the character of the Conservation Area.
- Insufficient amenity space to serve the dwelling.
- The loss of off street parking to serve No. 5 Roseberry Place.
- Overlooking of neighbouring properties.
- The dwelling would set a precedent for further similar proposals.
- The proposal represents overdevelopment of the site.
- The dwelling would be overbearing to neighbouring properties.
- The description of the dwelling as 1½ storeys is inaccurate and full dimensions are not provided on the plans.
- Additional noise and disturbance.
- The potential loss of the tree on the pavement directly outside the site.

REPORT

In assessing this application, consideration has been given to the following policies of the adopted Vale of Glamorgan Unitary Development Plan 2005 (UDP):

- ENV 15 - Protection of the built and historic environment.
- ENV 18 - Development in Conservation Areas.
- ENV 25 - Design of new developments.
- HOUS 9 - Residential development within settlement boundaries.
- HOUS 12 - Residential privacy and space.

Consideration has also been given to the Penarth Conservation Area Appraisal and Supplementary Planning Guidance on the Penarth Conservation Area.

The Design of the Dwelling, Parking and Amenity Space

The dwelling has been proposed in red brick with a slate roof and timber windows. Whilst the dwelling does not replicate the architectural style of the Victorian properties that comprise the immediate street scene, it is considered that in isolation, the design of the dwelling and materials proposed would not necessarily appear out of keeping with the character of the Conservation Area.

The proposed scheme would provide approximately 100m² of amenity space to serve the dwelling through a combination of the walled garden and the yard. The Council's Supplementary Planning Guidance- Amenity Standards requires a minimum of 1m² of amenity space to be provided to 1m² of gross floor space of the dwelling. The dwelling has a gross floor space of approximately 165m², resulting in a deficit when assessed against this standard. It is, however, not considered that this deficit would alone warrant the refusal of the application.

In parking terms, the proposal would result in the loss of off street parking to serve No. 5 Roseberry Place and whilst two spaces are proposed to serve the new dwelling, the proposal would therefore result in a net deficit of three spaces. Whilst there is some on street parking provision, an objection has been raised by the Highways Engineer due to the existing high pressure for on street parking in this area.

Impact on the Character of the Conservation Area

Policy ENV25 of the Unitary Development Plan - The Design of New Developments requires that new development be of a high standard of design and has regard to the context of the environment within which it is proposed. Policies ENV15 - Protection of the Built and Historic Environment and ENV18 - Development in Conservation Areas relate specifically to development in Conservation Areas and require that proposals pay close attention to the special character of the Conservation Area and the buildings, layout and open spaces that form that character.

This section of the Penarth Conservation Area is characterised by rows of two and three storey Victorian dwellings that benefit from large, mature gardens to the rear. In particular it is the sense of openness created by these rear gardens that is central to the pleasant and spacious layout that characterises this part of the Conservation Area.

The Penarth Conservation Area Appraisal makes special reference to such locations and how the existing gardens form an essential context to the wider environment. The Appraisal further notes that the loss of such spaces may subsequently cause damage to the character of the Conservation Area.

Policy HOUS9 of the Unitary Development Plan requires new residential development within settlement boundaries to pay regard to the scale and form of surrounding uses and Policy HOUS12 states that existing residential areas characterised by high standards of privacy and spaciousness will be protected against overdevelopment and insensitive or inappropriate infilling.

It is considered in this case that the dwelling fails to respect the context and built environment within which it is proposed and would adversely affect the spacious nature and character of the Conservation Area. It is considered that the rear gardens of the dwellings along Roseberry Place, Victoria Square and Archer Road are of central importance in retaining the special character of this part of the Conservation Area.

Furthermore, whilst it is accepted that any subsequent planning application must be considered on its own merits, it is considered that permitting a dwelling at this particular location would weaken the Council's ability to resist further dwellings within the immediate locality that would further serve to erode the character of the Conservation Area.

Impact on Neighbouring Properties

The gable ends of the proposed dwelling would lie directly adjacent to Salisbury Avenue and the rear garden of No. 4 Roseberry Place and the dwelling measures 6.1m in height to the ridge where it lies adjacent to the neighbour. There is an existing garage within the application site adjacent to the rear lane, which measures 5m in height to the ridge. However the orientation of the roof is such that the eaves lie adjacent to the neighbour's boundary and the structure is at the far end of the garden. As a result, the existing structure has little impact on the amenities of the neighbouring occupiers.

It is considered that the proposed gable end, which would lie in closer proximity to the neighbours dwelling than the existing garage, constitutes an overbearing and unneighbourly form of development that would unacceptably impact upon the residential amenities of the occupiers of No. 4 Roseberry Place. Whilst the applicants have indicated that they own No. 5 Roseberry Place, it is also considered that the location and scale of the proposed dwelling would cause harm to the amenities of future occupiers of No. 5 Roseberry Place.

Objections have been raised in relation to the loss of privacy that would result from the proposal however the only fenestration directly adjacent to a boundary with a neighbouring property are two small obscurely glazed windows to serve the en-suite bathrooms. The bedroom windows are proposed overlooking the rear lane and Salisbury Avenue and it is therefore not considered that the proposal would adversely affect the amenities of the neighbouring properties in this respect.

In conclusion, it is considered that the proposed dwelling is contrary to Policies ENV15, ENV18, ENV25, HOUS9 and HOUS12 of the Unitary Development Plan in that it would cause harm to the open nature and character of the Penarth Conservation Area and would adversely effect the amenities of neighbouring properties.

03980

RECOMMENDATION (W.R.)

REFUSE

Reason(s):

1. The proposed dwelling at this location constitutes an insensitive form of development, which would impinge upon the spacious nature of the local built environment and would detrimentally affect the character and pleasant openness of this part of the Penarth Conservation Area. The proposal is therefore contrary to Policies ENV15, ENV18, ENV25, HOUS9 and HOUS12 of the adopted Vale of Glamorgan Unitary Development Plan 2005 and the Council's Supplementary Planning Guidance on Amenity Standards.
2. By virtue of its scale, form and its immediate proximity to the neighbouring properties of No. 5 and No. 4 Roseberry Place, the proposed dwelling would constitute an overbearing and unneighbourly form of development, which would adversely affect their residential amenities. The proposal is therefore contrary to Policies ENV25 and HOUS9 of the adopted Vale of Glamorgan Unitary Development Plan 2005 and the Council's Supplementary Planning Guidance on Amenity Standards.

Mrs N Bosworth, C/O Agent.

(Phillip Wynne Architect, 51, Eastgate, Cowbridge, Vale of Glamorgan, CF71 7EL.
)

143, PONTYPRIDD ROAD, BARRY

Demolition of an existing bungalow and erection of 4 No. flats

SITE DESCRIPTION

The application site relates to a detached dormer bungalow at No. 143, Pontypridd Road, Barry. The site is approximately 764m² and lies within the designated residential settlement boundary of Barry.

DESCRIPTION OF DEVELOPMENT

The application seeks planning permission to demolish the existing bungalow and erect a two-storey block of flats. The rectangular building would have a hipped roof and would be 17m wide by 13.5m deep and 4.9m to eaves level and 8.8m to ridge height. It is to be constructed of rendered concrete walls with a fibre cement slate roof. Other features include two bay windows at ground floor level on the front elevation and a hipped roof open porch over the entrance doors to the side of the building.

The building will accommodate four No. flats (two flats per floor) and each flat will include two bedrooms, an en-suite, bathroom, a sitting/dining room, kitchen and study. It is also proposed to demolish an existing dwarf wall at the front of the property to allow for 8 No. parking spaces at the front of the building. The existing crossover is to be retained.

PLANNING HISTORY

90/01381/FUL - Construct double garage attached to existing house. Approved 25th January, 1991.

87/01111/FUL – Rear of No. 143, Pontypridd Road, Construction of 1 No. 5 bedroom house and garage. Detached double garage and garden store. Refused 24th November, 1987.

86/01162/FUL - Landscape and surface existing waste ground fronting property. Approved 27th January, 1987.

CONSULTATIONS

Barry Town Council - Were consulted on 27th June, 2005 and re-consulted on the amended site plan on 24th August, 2005. "Strong objection:

1. This proposal represents an inappropriate and insensitive form of infill development. Any consent would set an undesirable precedent, which could be followed locally. The cumulative effects of such development would seriously damage the character of this spacious high quality residential area of Barry. This proposal is therefore considered to be contrary to Policies HOUS9 and HOUS12 of the adopted Vale of Glamorgan Unitary Development Plan 2005.
2. The design of the block of flats is bland and unimaginative contrary to the aims of Policy ENV25 of the Unitary Development Plan.
3. The development is considered to be unneighbourly because of the proximity of the block to the boundary shared with No. 13, St. James Crescent and the positioning of the principal windows in the rear elevation overlooking the gardens."

The Head of Visible Services (Highway Development) - Was consulted on 27th June, 2005 and re-consulted on the amended site plan on 24th August, 2005. "The Highway Authority would raise an objection to the proposals based on the following:

The proposed development will require the provision of 10 No. parking spaces to be provided in accordance with the South Wales Parking Guidelines. However, only 8 No. parking spaces are proposed, which will have a deficiency of 2 No. parking spaces.

Access to the development site is proposed via an elongated, 18.0m wide vehicle crossover as shown on drawing PL201. Vehicles will enter and exit the site on to Pontypridd Road from the front of the development, located immediately adjacent to St. James Crescent, which is likely to cause conflicts for vehicles entering and exiting both the proposed development site and St. James Crescent.

Therefore, I would object to the above proposal as the development does not accord with the 1993 South Wales Parking Guidelines and in the interest of highway safety."

Dwr Cymru/Welsh Water - Were consulted on 27th June, 2005 and have responded with their standard advice and guidance on foul water, surface water and land drainage run-off.

Environment Agency - Were consulted on 27th June, 2005. They responded with a copy of their standard advice and guidance for developers.

REPRESENTATIONS

Neighbouring occupiers were notified on 27th June, 2005, 21st July, 2005 and 24th August, 2005.

The occupiers of Trewern, Nos. 86, 86a, 86d, 88, 90, 92, 94, 96, 98, 100, 104, 114, 133, 135, 137, 139, 145, 147, 149, 151, 153, 171, Pontypridd Road and No. 1, 2, 3, 5, 6, 7, 9, 10, 12, 13 St. James Crescent have objected to the proposal on the following grounds:

- The lack of parking provision for visitors and the exacerbation of parking problems in the area to the detriment of highway and pedestrian safety close to the junction with St. James Crescent.
- The lack of a suitable turning area to allow access to and egress from the site in forward gear.
- The overdevelopment of the site and the shortage of outdoor amenity space for future occupiers of the flats.
- The impact of overlooking windows on the privacy of neighbouring occupiers.
- The design and scale of the development is out of keeping with the area and the established character of the houses and bungalows in the area.
- The setting of a precedent.
- The negative effect on property prices in the area.
- The building is overbearing and unneighbourly.
- The proposed parking area at the front of the property will detract from the visual amenity of the street.
- The application site includes an area at the front of the property that is not within the ownership of the applicant (this has been clarified and the agent has served notice on the Council as landowner).

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 the inspection of Members.

REPORT

The application seeks consent to demolish the detached dormer bungalow and erect a two-storey block of flats. The site lies within the identified Residential Settlement Boundary of Barry.

The proposal can be assessed against Policies HOUS2 – Additional Residential Development, HOUS9 – Residential Development Criteria, HOUS12 – Residential Privacy and Space and ENV25 – Design of New Developments of the adopted Vale of Glamorgan Unitary Development Plan 2005; the Council's adopted Supplementary Planning Guidance Note on Amenity Standards (1999); the Council's approved parking guidelines and Planning Policy Wales (March 2002).

The main issues relate to the acceptability of replacing a single dormer bungalow with a block of four two bedroom flats in this location, the size and scale of the proposed development in this location, the provision of amenity space and parking and the impact on the amenities and privacy of neighbouring and future occupiers.

The application site is currently occupied by an 'L' shaped dormer bungalow with integral double garage at No. 143, Pontypridd Road. It is surrounded by detached and semi-detached bungalows and houses on all sides.

It is considered that the design, scale (total height of 8.8m) and prominent location of the proposed building at the corner of Pontypridd Road and St. James Crescent are not in keeping with the character of the residential area, contrary to Policies HOUS9 and ENV25 of the adopted Vale of Glamorgan Unitary Development Plan 2005. In addition to this, paragraph 9.3.4 of Planning Policy Wales 2002 states that "local planning authorities should ensure that the proposed development does not damage an area's character and amenity. Increases in density help to conserve land resources, and good design can overcome adverse effects, but where high densities are proposed the amenity of the scheme and surrounding property should be carefully considered. High quality design and landscaping standards are particularly important to enable high density developments to fit into existing residential areas."

The proposed block of flats almost fills the entire width of the plot with only a gap of 2m retained between it and the boundaries of the site. The design of the proposed building is not in keeping with the character and features of existing dwellings in the area and is totally alien to this part of Barry. The plot would be overdeveloped and dominated by the proposed development and the sense of open space and residential form will be destroyed, contrary to Policy HOUS9 of the Unitary Development Plan and the provisions of the 'Amenity Standards' Supplementary Planning Guidance. In addition to this, the large parking area at the front of the property will detract from the appearance of the streetscene.

The four flats have a gross floorspace of approximately 112m² each but the site can only provide a total of 147m² of private outdoor amenity space to the rear of the site. It is recommended within the approved 'Amenity Standards' Supplementary Planning Guidance that developers should aim to provide a minimum of 20m² of amenity space per person. This would equate to at least 160m² (based on two people living in each flat) and, despite the fact that all the future occupiers will have access to the private rear garden, the provision of 147m² of garden space is not enough to even satisfy the minimum requirement for a scheme of this size.

The block of flats should be provided with 10 No. on-site parking spaces to satisfy the South Wales Parking Guidelines with two spaces for the future occupiers of each flat and two spaces for visitors. Therefore, the proposal to accommodate only 8 No. parking spaces at the front of the plot is not sufficient to satisfy parking guidelines and any visitors to the site will be forced to park along Pontypridd Road and St. James Crescent (that are already over subscribed) to the detriment of highway safety, particularly at the nearby highway junction. The compact nature of the site does not allow for a turning area and access/egress in forward gear and this is also likely to have a negative impact on highway safety in and around the site.

The scale and proximity of the building to the neighbouring properties at the side (No. 145 Pontypridd Road) and rear (No. 13, St. James Crescent) would result in an overbearing and unneighbourly form of development that is likely to overlook their rear gardens. Whilst the bedrooms are located at the front of the building overlooking the road, the first floor (habitable) sitting rooms overlook the rear gardens of the adjacent properties, contrary to Policy HOUS9 and the adopted 'Amenity Standards' Supplementary Planning Guidance. The scheme will have an adverse impact on the privacy and amenities of the adjoining occupiers, contrary to advice contained within Policy 3 of the 'Amenity Standards' Supplementary Planning Guidance which states that "Developers should aim to ensure that the development is designed to minimise its impact upon the amenities of surrounding properties and the streetscene", and, "Developers should aim to avoid siting new dwellings close to existing residential boundaries."

The building is only 8m from the boundary with No. 13, St. James Crescent (the depth of the rear garden). Paragraph 5.11 of the Amenity Standards Supplementary Planning Guidance states that " developers should aim to ensure that new dwellinghouses have a minimum rear garden length of 10m."

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

04061

RECOMMENDATION (W.R.)

REFUSE

Reason(s):

1. The proposed building by reason of its design, scale and location, is considered an unobtrusive and incongruous form of development that fails to preserve or enhance the visual amenities and character of the area, contrary to Policy ENV25 of the adopted Vale of Glamorgan Unitary Development Plan 2005 and Planning Policy Wales 2002.
2. The proposal, by reason of its scale and siting, is considered to represent an overbearing and unneighbourly form of development causing unreasonable loss of amenity to the occupiers of the adjoining dwellings, contrary to Policy HOUS9 of the adopted Vale of Glamorgan Unitary Development Plan 2005 and the Council's approved Supplementary Planning Guidance on 'Amenity Standards' 1999.
3. The proposal, by reason of its scale and location, is considered to represent an overdevelopment of the site that fails to provide adequate and safe on-site parking provision and turning areas for both the proposed and existing properties or usable outdoor amenity space for future occupiers, contrary to Policy HOUS9 of the adopted Vale of Glamorgan Unitary Development Plan Deposit Draft 2005 and the approved South Wales Parking Guidelines and the approved Amenity Standards Supplementary Planning Guidance Note (1999).

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

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

Residential development

SITE DESCRIPTION

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

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

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

DESCRIPTION OF DEVELOPMENT

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

PLANNING HISTORY

None since 1978.

CONSULTATIONS

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

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

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

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

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

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

REPRESENTATIONS

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

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

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

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

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

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

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

REPORT

The application seeks outline consent for the principle of converting the school building into residential units. The site lies within the identified Residential Settlement Boundary of Penarth.

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

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

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

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

04053

RECOMMENDATION

APPROVE subject to the following condition(s):

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

4. The premission for residential development shall relate to the change of use and conversion of the existing buildings on site and no buildings shall be demolished within the site without first obtaining the written consent of the Local Planning Authority.
5. A vehicle parking area shall be laid out and surfaced, in accordance with details to be agreed in writing with the Local Planning Authority, before the development hereby permitted is brought into beneficial use and shall be maintained at all times within the curtilage of the site for use exclusively in connection with the development hereby permitted.
6. No development shall take place until there has been submitted to and approved in writing by the Local Planning Authority a scheme of landscaping, which shall include indications of all existing trees and hedgerows on the land and details of any to be retained, together with measures for their protection in the course of development.
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.
8. All means of enclosure associated with the development hereby approved shall be in accordance with a scheme to be submitted to and agreed in writing with the Local Planning Authority prior to the commencement of development, and the means of enclosure shall be implemented in accordance with the approved details prior to the development being put into beneficial use.
9. Before the commencement of the development hereby permitted, a scheme showing the means by which foul sewage and surface water run-off are to be catered for shall be submitted to and approved in writing by the Local Planning Authority. No part of the development hereby permitted shall be put to beneficial use until the drainage works have been completed in full accordance with the approved details.

Reason(s):

1. To comply with the requirements of Section 92 of the Town and Country Planning Act 1990.
2. To comply with the requirements of Section 92 of the Town and Country Planning Act 1990.
3. To comply with the requirements of Section 92 of the Town and Country Planning Act 1990.
4. For the avoidance of doubt as to the nature of this consent and in the interests of visual amenity.

5. To provide satisfactory off street parking facilities.
6. To safeguard local visual amenities.
7. To ensure satisfactory maintenance of the landscaped area.
8. To safeguard local visual amenities.
9. To ensure satisfactory drainage of the site.

NOTE:

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

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

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

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

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

Mr Mike Moore, 37, Hinchsliff Avenue, Colcot, Barry, Vale of Glamorgan. CF62 9UR
(Mr Mike Moore, 37, Hinchsliff Avenue, Colcot, Barry, Vale of Glamorgan. CF62 9UR)

37, HINCHSLIFF AVENUE, BARRY

Balcony to first floor level

SITE DESCRIPTION

Number 37 Hinchsliff Avenue is a semi-detached property within a residential area in Barry. It has a render finish and a tiled roof. Neighbouring properties are of similar design and exterior finish, although there are flats opposite the properties with gardens. The property has a small open front garden with space for at least two cars at the front of the property. A wall screens the garden boundary with some trees on the rear boundary with an annex to the house.

DESCRIPTION OF DEVELOPMENT

The applicant seeks consent for the retention of a balcony at the rear north-west facing first floor elevation of the property. It measures 1 metre in depth, 1.2 metres in height and has a width of 2 metres. No details of materials have been submitted. The balcony is served by a first floor French window.

PLANNING HISTORY

Previous planning applications on the site are as follows:

04/01790/FUL – For a two storey side extension and a single storey rear extension. Approved 3rd December, 2004.

04/00310/FUL – For a two storey side extension and single storey front and rear extensions. Approved 23rd April, 2004.

CONSULTATIONS

Barry Town Council - Was consulted on 8th July, 2005. Representation was received on 25th July, 2005, indicating that they have no objection subject to the Local Planning Authority being satisfied that the balcony would not undermine the privacy of the occupiers of the neighbouring residential properties.

REPRESENTATIONS

Numbers 35 and 39 Hinchsliff Avenue, Nos. 13, 14, 15 and 16 Caernafon Gardens and Nos. 35 and 37 Port Road were consulted on 8th July, 2005.

Representation was received from the neighbouring property, No. 39 Hinchsliff Avenue, indicating that they have an objection to the application on the grounds of overlooking and the loss of privacy to their rear garden.

REPORT

The application site comprises a semi-detached dwelling within a residential area in Barry. It seeks consent for the retention of a first floor balcony at the rear of the property.

In terms of policy context, the application can be assessed against the policies held within the adopted Vale of Glamorgan Unitary Development Plan 2005.

The Adopted Vale of Glamorgan Unitary Development Plan 2005

Policy ENV25 – (Design of New Developments)

“Proposals for new development must be of a high standard of design, and have full regard to the context of the local natural and built environment and its special features. New development will be permitted where it:

- meets the Council approved standards of amenity and open spaces, access, car parking and servicing.”

Supplementary Planning Guidance on Amenity Standards

Policy 3

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

The positioning of windows, roof terraces and balconies, which allows a clear view of private rear garden areas, are not acceptable.”

The balcony is situated on the rear north-west facing elevation of the property, overlooking the rear gardens of the adjoining and neighbouring properties. It is situated within an area in which the amenities of the adjoining properties are adversely affected by the use of the balcony. There is a clear view from this balcony into neighbouring gardens, and the setting of this balcony has a detrimental effect on neighbouring amenity and privacy reasonably expected to be enjoyed by the neighbours.

There are no other examples of balconies within the immediate residential area.

In conclusion it is considered that the proposal is an unjustified new development, that will have a serious detrimental impact on the amenity of neighbouring properties, contrary to the above Policies and guidance.

Accordingly, given that the development applied for is retrospective it is also considered necessary to require formal enforcement action in respect of this unacceptable development.

04039

RECOMMENDATION (W.R.)

In the event of Committee agreeing to the recommendation to refuse the planning application, the Director of Legal and Regulatory Services be authorised to take all necessary action, including action under Section 172 of the Town and Country Planning Act 1990 (as amended) to ensure:

- i. The demolition and removal of the balcony.
- ii. The re-instatement of the French door back to a first floor window.

REFUSE

Reason(s):

1. The proposal represents unacceptable and insensitive development which has an adverse affect on the amenity and privacy of adjoining properties. The proposal is therefore contrary to Policy ENV25 of the adopted Vale of Glamorgan Unitary Development Plan 2005 and Policy 3 of the approved Supplementary Planning Guidance (Amenity Standards).

Norton Property Company, Kiln House, Poole Road, Lytchett Matravers. BH16 6AF
(Russell Lee Young, 6, Caebach Close, Culverhouse Cross, Cardiff. CF5 4TU)

HAM WOODS, HAM MANOR PARK, LLANTWIT MAJOR

7 No. holiday chalets, associated site development works and removal of existing barn

SITE DESCRIPTION

The site relates to land adjacent to the Ham Manor Residential Park and associated access roads. The site itself comprises part yard area with barn and also contains several mature trees situated on a plateau of land above a sloping wooded area which dips to a stream (Hood-nant) before rising up again to Millay Lane. The site is accessed via the internal access road serving the park.

DESCRIPTION OF DEVELOPMENT

The application seeks full planning consent to alter the details of the scheme approved in outline under application 03/01548/OUT and relates to the construction of 7 No. holiday chalets with associated site development works including removal of the existing barn. The alterations to the scheme from the existing planning permission relate generally to: - smaller site edged red – chalets with footprint of 6.096 x 10.973m for plots 1, 4 and 6 and 6.096 x 9.754m for plot Nos. 2, 3, 5 and 7 (previously chalets measured 7.2 x 7.6m).

- Reorientation of Chalet No. 6 to face proposed internal access road.
- Drainage indicated to mains drainage (rather than cesspit).
- Chalets of timber boarding as before but with amended window positions.
- Height to remain as before 3.9m.
- Landscaping to area including tree planting (Horse chestnut, Ash, Sycamore, Alder, Blackthorn etc.).
- Paths to woodland edge (within site).
- Provision of level access to chalets.

A tree survey report December 2002 accompanies the planning application.

PLANNING HISTORY

00/00364/LAW – Lawful development and legal action regarding building store. Refused. Legal action upheld for cessation of use.

02/01042/OUT – Outline planning consent for 7 No. holiday chalets and stables. Refused 31st July, 2002.

03/01548/OUT – Demolition of barn and erection of 7 No. holiday chalets. Refused but allowed an appeal. See Appendix A for decision letter, and in particular para. 16.

04/00798/FUL – 7 No. residential homes. Refused and dismissed at appeal for reasons that residential development (i.e. not tourist accommodation) was contrary to policy. See Appendix B for appeal decision.

CONSULTATION

Llantwit Major Town Council – See Appendix C.

Environmental Agency – Standard advice applies.

Glamorgan Gwent Archaeological Trust – “We have no objection to the determination of the application. ”

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

The Director of Legal and Regulatory Services (Environmental Health Officer) (HORSIP) – “If planning permission is given for the site, the site will be required to have a licence under the Caravan Sites and Control of Development Act 1960”.

The Head of Visible Services (Highway Development) – “I would comment that the submitted drawings and supporting information have been assessed and the Highway Authority would object to the proposals.

While mindful of previous planning appeals regarding similar applications at the development site the Highway Authority consider that the proposal would be served by a substandard access which would result in an intensification of use, to the detriment of the safety of users of the access. It would be therefore contrary to the requirements of Policy ENV25 of the adopted Vale of Glamorgan Unitary Development Plan.”

The Director of Legal and Regulatory Services (Environmental Health Officer) –I refer to the above application received on 20th July, 2005. This department does not object to the application but insist on the following condition:

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

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

Welsh Water – See Appendix E.

REPRESENTATIONS

Representations have been received from 19 residents, plus a petition from 63 signatories. A copy of the petition’s front page is attached as Appendix F.

Copies of letters from 5 residents are attached, being generally representative of the views expressed, as Appendix G.

A letter from John Smith MP and Jane Hutt AM are attached as Appendices H and I respectively.

REPORT

The site lies outside the residential settlement boundary defined for Llantwit Major. It adjoins but does not lie within the designated Heritage Coast. The application falls to be assessed in the light of planning policy contained within the adopted Vale of Glamorgan Unitary Development Plan 2005 and all other relevant material planning considerations including the extant outline consent for 7 No. Chalets.

Policy TOUR4 "Caravans, Chalets and Tents" and Policy ENV1 of the Unitary Development Plan are relevant. In determining this full application regard should be paid to an assessment on the basis of the same nature of scheme, (i.e. 7 No. chalets for holiday use) allowed at appeal. In determining that application the Inspector held that the development "would not adversely affect the surrounding area in terms of its landscape, wildlife or ecology, and it would fit into the patterns of development and overall character of the adjoining residential park." (para. 16 and see Appendix A).

The principle of the development is therefore accepted and whilst this is a full application it generally follows the terms, scale layout and impacts presented by the extant outline consent Ref. 03/01548/OUT approved on 24th November, 2004. It is noted that the boundary with the woodland area has been reduced to the north-west and north-east ends of the site. Having regard to the impacts of the development over and beyond the details of the current outline consent the scale, design and the layout of the chalets now sought is not dissimilar to that accepted earlier.

The Tree Survey submitted with the application has examined all trees for their health and life expectancy. This survey therefore covers not only trees required to be removed to facilitate the development but trees across the entire site as well as those abutting the site. A total of 10 trees within the site edged red are indicated as to be felled. The report refers to trees which have all suffered damage from animals, decay or being of poor form, sometimes due to being over shadowed by larger trees that are to be retained. The report relates to good management and the retention and remedial tree surgery indicated is required given that the site is to be developed. It is noted that a landscaping scheme providing for 11 replacement trees plus shrub planting has been submitted. Any necessary consent for work to trees beyond the remit of this planning consent would remain to be obtained by the owner.

Reference has been made to a possible change of use of the woodland adjoining the site. As implied this is not part of the current application and should any change of use be sought, formal determination of the planning merits of any such change of use would be required.

It is considered that the development should be approved and whilst mindful of the strength of feeling of the local residents and the comments of the Highway Development Officer the issues generally raised in their comments and correspondence were all assessed at the time of the appeal (Ref. 03/01548/OUT). There has been no material change since that decision to justify other than a favourable approach.

The following recommendation is, therefore made.

04050

RECOMMENDATION

APPROVE subject to the following condition(s):

1. The development hereby permitted shall be begun before the expiration of five years from the date of this permission.
2. 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.
3. Prior to any work on site other than the felling of trees ref. T834, 831, 859, 857, 858, 856, 854, 847 and 848 the scheme of tree protection as detailed in the 'Tree Report on Ham Woods Llantwit Major' dated 9th December, 2002 prepared by Treescene shall be fully undertaken on site and shall be so retained for the duration of building works on site.
4. Prior to the construction of the concrete slabs for any of the chalets hereby approved details of any external lighting, means of enclosure, and refuse or storage units or seating shall be submitted to and approved in writing by the Local Planning Authority and notwithstanding the terms of the Town and Country Planning (General Permitted Development) 1990 Order only lighting, means of enclosure or any other seating and structures as formally approved by the Local Planning Authority shall be installed, placed or constructed on the site.
5. Details of any communication cables, other cables and pipelines other than those indicated on the submitted plans shall be submitted to the Local Planning Authority prior to the commencement of any works for their excavation, construction or laying for their approval in writing and the development shall thereafter be carried out in accordance with the approved details.
6. The chalets hereby approved shall only be used for holiday accommodation and shall not be occupied as a sole or main residence, or any other use falling within Class C3 of the Town and Country Planning (Use Class Order) 1987, as amended.

7. The developer and any successors in time shall keep a register of all occupiers of the chalets, their names and main residential addresses and the period of occupancy of the chalets and the register shall be made available for inspection by the Local Planning Authority within one week of the Local Planning Authority's written request to inspect the register.
8. Prior to the excavation of the concrete slabs for the chalets details of the finished level of the chalets in relation to existing ground levels and finished levels of the site shall be submitted to and approved in writing by the Local Planning Authority and the development shall thereafter be carried out in accordance with the approved details.
9. This consent does not relate to any work to trees lying outside the application site edged red and does not grant, imply or convey any permission for any change of use of land lying outside the site edged red.
10. Any soils or similar material to be imported shall be assessed for chemical or other potential contaminants in accordance with a scheme of investigation to be submitted to and approved in writing by the Local Planning Authority in advance of its importation. Only material approved by the Local Planning Authority shall be imported. All measures specified in the approved scheme shall be undertaken in accordance with the relevant Code of Practice and Guidance Notes.

Reason(s):

1. To comply with the requirements of Section 91 of the Town and Country Planning Act 1990.
2. To ensure satisfactory maintenance of the landscaped area.
3. To safeguard the trees to be retained on site in the interests of the visual amenities of the area.
4. To safeguard the trees to be retained on site in the interests of the visual amenities of the area.
5. To safeguard the trees to be retained on site in the interests of the visual amenities of the area.
6. The site is not one which is considered suitable for residential development other than as tourist accommodation.
7. The site is not one which is considered suitable for residential development other than as tourist accommodation.
8. To ensure an acceptable form of development in the interests of the visual amenities of the area.
9. For the avoidance of doubt as to the extent of this consent.
10. To ensure that the safety of future occupiers is not prejudiced.

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.

Simon Ward, C/o Agents.
(Chichester Nunns Partnership, Rawden House, 65, Cowbridge Road East,
Cardiff. CF1 9AE)

LAND AT ORCHARD HOUSE, BOVERTON ROAD, BOVERTON

Detached three storey residential dwelling with integral double garage

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

The application was advertised on 19th July, 2005.

SITE DESCRIPTION

The application site comprises a plot of land, formerly part of the original garden curtilage to Orchard House, which is located between two existing dwellings Carreg Wen and Orchard House and is set behind a high stone wall with gated access onto Boverton Road.

DESCRIPTION OF SITE

This is a detailed application for the erection of a detached three storey, pitched roof dwellinghouse with integral two storey, pitched roof double garage to the side. The proposed dwelling will be sited centrally within the plot and have a footprint of approximately 11.35m x 7.9m with the double garage, utility store room and bedroom measuring a further 8.32m x 6.06m. The three-storey height of the building will be approximately 9.3m to the ridge of the main roof. The design of the building will include details such as three storey, pitched roof projecting gables (one centrally positioned on the front elevation and two on opposite sides of the rear elevation), a single storey hipped roof porch on the front elevation, projecting beyond the gable, pitched roof dormer windows in the roof, and a recessed balcony feature in the rear roof elevation. The external finishes will be local stone to the front elevation and render to the rear and sides, with synthetic slates to the roof.

Vehicular access will be via the existing entrance onto Boverton Road.

PLANNING HISTORY

94/00400/FUL – House and garage. Approved 6th September, 1994 subject to conditions including samples of materials, details of windows, chimneys, eaves etc., precise siting, levels, drainage and tree protection.

01/01554/FUL – Detached garage to Orchard House. Approved 8th March, 2002.

02/01022/FUL – Detached dwelling. Approved 16th January, 2003 subject to conditions including further details of finishes, removal of permitted development rights, tree protection and drainage.

03/00836/FUL – New detached dwelling. Approved 1st August, 2003 subject to conditions including removal of permitted development rights, detail of finishes, tree protection and drainage.

Tree Preservation Order (No. 3) 1994 – Ash, Sycamore and Yew.

CONSULTATIONS

Llantwit Major Town Council – “Objection on the following grounds:

The building applied for is out of character (three storeys) with the area. It would cause an over-development in the Conservation Area.”

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

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

Sewerage

Conditions

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

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

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

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

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

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

Advisory Notes

If a connection is required to the public sewerage system, the developer is advised to contact the Dwr Cymru Welsh Water’s Network Development Consultants on Tel: 01143 331155.

Glamorgan Gwent Archaeological Trust comments as follows:

“Boverton was an important medieval manor although so far no physical evidence has been found. Its position as the centre of a rich agricultural centre suggests that there should have been a large stone built manor house, possibly surrounded by a moat similar to the example at Llysworney, with barns and other agricultural buildings surrounding it. It is probable that this complex was situated on the present site of Boverton Place. It is also assumed that a village would have existed with a similar layout to the present one, being centred on the crossroads, with roads radiating from it, giving a small-nucleated village. There are documentary records for a chapel dedicated to St. Bartholomew, although no site for this building has been found.

In the 16th and 17th Century the agricultural changes led to more intensive pastoral farming, especially sheep, which brought increased prosperity to the area. This prosperity is reflected in the large number of well-built stone houses of that period, which were built and survive in the present village with Orchard House being one of these buildings. The location of the current application area well away from the crossroads that probably formed the centre of the village leads us to conclude that it is unlikely that evidence for earlier structures exist on this site. Therefore in our role as the archaeological advisors to your Members we have no objection to the positive determination of the current application.”

The Director of Legal and Regulatory Services (Principal Environmental Health Officer) – I refer to the above application received on 15th July, 2005. This department does not object to the application but insist on the following condition:

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

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

Vale of Glamorgan Conservation Area Advisory Group – Recommended refusal. The Group recommended that the application should be refused on the following grounds:

The excessive size of the proposed house and the form, scale and design of the proposal would not preserve or enhance the character of the Conservation Area.

REPRESENTATIONS

The occupiers of neighbouring properties were notified of the application on 19th July, 2005. Letters of objection have been submitted by the occupiers of Bay Tree Cottage, Orchard House and Carreg Wen.

All of these representations are reproduced at Appendix A for Committee Members inspection. In summary, however, the main points of concern relate to out of keeping with area, loss of privacy, tree felling and drainage.

REPORT

Committee Members will note from the planning history that there have been three previous detailed permissions for the erection of a detached dwellinghouse on the land. The first approval in September 1994 has now expired however the more recent consents granted in January and August 2003 are still valid. This history will be a material consideration in the determination of the current application.

In policy terms it is noted that the site lies within the residential settlement boundary for Boverton, as defined in the adopted Vale of Glamorgan Unitary Development Plan 2005, and within the boundaries of the Boverton Conservation Area. As such the following policies are relevant.

Policy ENV18 of the Unitary Development Plan relates to development in conservation areas and states:

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

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

Policy ENV15 refers to the Protection of the built and historic environment and states:

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

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

WILL NOT BE PERMITTED.

Policy ENV25 relates to the design of new development and states:

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

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

- (ii) MEETS THE COUNCIL'S APPROVED STANDARDS OF AMENITY AND OPEN SPACE, ACCESS, CAR PARKING AND SERVICING.
- (iii) ENSURES ADEQUACY OR AVAILABILITY OF UTILITY SERVICES AND ADEQUATE PROVISION FOR WASTE MANAGEMENT.
- (iv) MINIMISES ANY DETRIMENTAL IMPACT ON ADJACENT AREAS.
- (v) ENSURES EXISTING SOFT AND HARD LANDSCAPING FEATURES ARE PROTECTED AND COMPLEMENTED BY NEW PLANTING, SURFACE OR BOUNDARY FEATURES.
- (vi) ENSURES CLEAR DISTINCTION BETWEEN PUBLIC AND PRIVATE SPACES.
- (vii) PROVIDES A HIGH LEVEL OF ACCESSIBILITY, PARTICULARLY FOR PUBLIC TRANSPORT, CYCLIST, 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 HOUS2 of the Unitary Development Plan allows for residential infill development but this is subject to the residential development criteria outlined in Policy HOUS9. These are:

- (i) THE SCALE, FORM AND CHARACTER OF THE PROPOSED DEVELOPMENT IS SYMPATHETIC TO THE ENVIRONS OF THE SITE.
- (ii) THE PROPOSAL HAS NO UNACCEPTABLE EFFECT ON THE AMENITY AND CHARACTER OF EXISTING OR NEIGHBOURING ENVIRONMENTS OF NOISE, TRAFFIC CONGESTION, EXACERBATION OF PARKING PROBLEMS OR VISUAL INTRUSION.
- (iii) THE PROPOSAL DOES NOT HAVE AN UNACCEPTABLE IMPACT ON GOOD QUALITY AGRICULTURAL LAND (GRADES 1, 2 AND 3A), ON AREAS OF ATTRACTIVE LANDSCAPE OR HIGH QUALITY TOWNSCAPE OR ON AREAS OF HISTORICAL, ARCHAEOLOGICAL OR ECOLOGICAL IMPORTANCE.
- (iv) WHEN APPROPRIATE AND FEASIBLE THE PROVISIONS OF POLICY REC3 ARE MET.
- (v) THE PROVISION OF CAR PARKING AND AMENITY SPACE IS IN ACCORDANCE WITH THE COUNCIL'S APPROVED GUIDELINES.
- (vi) ADEQUATE COMMUNITY AND UTILITY SERVICES EXIST, ARE REASONABLY ACCESSIBLE OR CAN BE READILY AND ECONOMICALLY PROVIDED.

The site is also covered by Tree Preservation Order (No. 3) 1994 and as such the Supplementary Planning Guidance on Trees and Development is relevant to the consideration of the proposal.

The Council also has Supplementary Planning Guidance on Amenity Standards which contains policies that relate to quality and quantity of amenity space, privacy and visual amenity.

National guidance is contained within Planning Policy Wales, March 2002, and TAN12 – Design. Paragraph 9.3.3 of Planning Policy Wales states that insensitive infilling or “the cumulative effects of development or redevelopment, including conversion and adaptation, should not be allowed to damage an area’s character and amenity.

The importance of conserving the historic environment is also recognised indicating that there should be a strong presumption against granting permission for any proposal that would conflict with the objective of preserving or enhancing the character or appearance of a conservation area.

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

An examination of the planning history shows that there have been a number of permissions for the erection of a new dwelling on this site. There is therefore no objection to the principle of a dwelling on the plot rather it is the detailed design that needs to be assessed with the current submission. Further investigation of the planning history reveals that the initial approval was for a very modest simply designed three-bedroom dwelling. Subsequent permissions have allowed for a larger house with greater detailing. The current application seeks to further increase the size and scale of the property. It is considered that this increase will have a noticeable affect not only on the character and appearance of the conservation area but also on the setting of the adjacent Grade II Listed Orchard House.

It is noted that in considering one of the earlier design revisions in 2002 reference 02/01022/FUL the Council expressed concerns over the increased scale and certain design elements including mock Tudor detailing. Whilst the mock Tudor detail was omitted no other amendments were achieved. The Committee report at the time noted:

“Whilst some reduction in the scale of the building, along with further consideration of such features as the external chimney, would have been welcome, nevertheless, bearing in mind the design of the adjacent new dwellings, and the tree cover and set back from the public highway, it is considered that any objection on the grounds of adverse impact on the character of this part of the Boverton Conservation Area would be difficult to sustain.”

An additional concern expressed at the time was the likely impact of the proposed changes on the TPO trees. Whilst it was noted that the proposal did not have an immediate adverse impact on the trees, nevertheless, it was recognised that the proximity of the proposed house to the trees would affect the quality of amenity space along with the affect on the long term viability of the trees if the aspirations of future occupiers were to conflict with the Council's aim to protect and retain the trees. Indeed a subsequent application for further changes to the design of the proposed house reference 03/00836/FUL, resulted in the loss of a tree on the site.

Thus it is considered that the current application to further increase the size and scale of the proposed dwelling is totally unacceptable. Indeed, it is considered that, unlike the previous applications, the current proposal is so considerably over scaled that it will adversely affect the setting of the adjacent Grade II listed Orchard House. It should be borne in mind that the plot was formally part of the garden curtilage to Orchard House. The previous permissions are for two storey dwellings that sit, unassumingly within the plot, being subservient in scale and not competing with the listed dwelling or the tree coverage. It is considered that the current proposal for a three-storey property pays no regard to Orchard House or the wider context of the site. Not only the scale but the design is also very poor, including features such as the excessively scaled gable projections, and “floating” dormers. The proposed dwelling will appear out of keeping with the surrounding properties and an intrusive and alien feature within the conservation area. It is also noted that whilst there are no objections in terms of the immediate affect on the existing TPO trees, nevertheless, it is considered that the increased size and scale will place additional pressure on the long term viability of the tree coverage.

In conclusion, it is considered that the proposal will adversely affect the character and appearance of this part of the Boverton Conservation Area and would detract from the setting of the adjacent Grade II listed Orchard House, contrary to the above policies and guidance.

The following recommendation is therefore made. Committee Members should also note that as the period for consultation does not expire until 4th October, 2005 the recommendation to refuse planning permission is made subject to further consideration of any representations received in the period following Committee and prior to the expiry of the consultation period.

04033

RECOMMENDATION (W.R.)

REFUSE

Reason(s):

1. In the opinion of the Local Planning Authority the proposal represents an insensitive and inappropriate form of infill development that would appear as an intrusive feature that would neither preserve nor enhance the character and appearance of this part of the Boverton Conservation Area, and would detract from the setting of the adjacent Grade II Listed Orchard House all contrary to Policies ENV15, ENV18, ENV25 and HOUS9 of the adopted Vale of Glamorgan Unitary Development Plan 2005; and national guidance contained in Planning Policy Wales March 2002 and TAN12 - Design.

William Powell & Sons Ltd, C/O Agent.

(Andrew Parker Architect, The Studio, The Great Barn, Lillypot, Bonvilston, Vale of Glam. CF5 6TR)

LAND ADJACENT TO BONVILSTON VILLAGE HALL, BONVILSTON

Proposed improvement to existing access with the provision of additional car park and recreational facilities, together with 2 No. single storey dwelling houses.

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

The application was advertised on 26th July, 2005.

SITE DESCRIPTION

The application site is located on the southern side of the A48 which runs through Bonvilston and comprises the existing village hall and fields to the east.

DESCRIPTION OF DEVELOPMENT

This is an application for full planning permission for the following development:

- a) Erection of 2 No. detached pitched roof, single storey four bed dwellings sited within the fields to the east. Both dwellings will be accessed via the existing entrance onto the A48 which will be upgraded. Plot No. 1 will provide for a "U" shaped footprint measuring approximately 21m along its east-west dimensions and 15m north-south. Attached to the west elevation will be an integral double garage, utility and cloakroom measuring approximately 9.9m x 6m. Plot No. 2 will provide for a similar "U" shaped footprint measuring approximately 22.9m along its east-west dimensions and 13m north-south. Attached to the northern elevation will be an integral double garage, entrance hall, utility and cloakroom measuring approximately 11m x 6m. The external finishes of the proposed dwellings will be local stone and slate roofing.
- b) Improvements to existing vehicular access which appears to provide for an increased width of approximately 1.4m (but this is not certain due to discrepancies between the existing site layout plan and the proposed site layout plan) with increased car park area to the rear of the building.
- c) Enclosure of agricultural field for use as a recreational area involving seeding and regrading, but with no level details submitted.

The application is accompanied by a "supporting information" document. Whilst the complete document, which includes plans, is available on file for Committee Members inspection, the covering letter is reproduced at Appendix D.

PLANNING HISTORY

98/00045/FUL – Erection of five houses with garages and provision of new car park and vehicular access to the village hall. Refused 23rd April, 1998 on the grounds of intrusion of ribbon development into the countryside plus detriment to character and visual amenities of the conservation area and setting of nearby listed buildings by reason of the prominent and intrusive location of the development and the loss of existing important views across the site. A subsequent appeal was dismissed on 19th May, 1999. A copy of the Inspector's decision is reproduced at Appendix A.

04/01116/FUL – Extensions and alterations to village hall. Approved 13th August, 2004.

CONSULTATIONS

St. Nicholas and Bonvilston Community Council – Were notified on 19th July, 2005. No comments have been received to date.

Environment Agency – “It is noted that the applicant intends to use private foul drainage (septic tanks) for the disposal of foul effluent, however it is our understanding that the site lies within or adjacent to a sewered settlement. As you are aware the first presumption must always be to provide a system of foul drainage discharging into the public foul sewer in accordance with Welsh Office Circular 10/99. The applicant should therefore investigate a possible connection to the public foul sewer; in this regard consultation with the sewerage undertaker (Network Development consultants on behalf of Welsh Water) is strongly recommended. The sewerage undertaker will need to ensure not only the availability of the public foul sewer but also that sufficient capacity exists within the receiving infrastructure to accept foul drainage from the proposed dwellings. Where capacity does not exist, we would recommend that the application be refused as premature.

Should your Council seek to determine this application without regard to the above advice then the Agency requires to be re-consulted.”

Welsh Water -

Sewerage

Conditions

As the applicant intends utilising private drainage facilities we as Network Development Consultants on behalf of Dwr Cymru Welsh Water have no comment to make in relation to the drainage proposals outlined in 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.

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

Advisory Notes

The developer is advised to contact the Network Development Consultants to discuss this matter prior to the commencement of any site work, the appropriate contact number being Tel: 01446 331155.

Vale of Glamorgan Conservation Area Advisory Group:

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

The proposal would constitute an unwarranted intrusion into the countryside to the detriment of the character and visual amenity of the conservation area and would also be detrimental to the setting of nearby listed buildings.

REPRESENTATIONS

The occupiers of neighbouring properties were notified on 19th July, 2005. In addition the application was advertised as affecting the setting of nearby listed buildings, Bonvilston Cottage and Ty Mawr.

Letters of objection have been submitted by the occupiers of Bonvilston Cottage and Solicitors Gaskell and Walker on behalf of a Ms J. Davies. Both letters are reproduced at Appendix B for Committee Members inspection. In summary the grounds of objection relate to impact on Conservation Area and detract from rural character; affect on nearby listed buildings and drainage problems.

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

REPORT

The site lies within the Bonvilston Conservation Area but outside of the residential settlement boundary defined within the adopted Vale of Glamorgan Unitary Development Plan 2005. As such the following policy background is relevant.

Policy ENV1 of the Unitary Development Plan relates to development in the countryside and states: -

WITHIN THE DELINEATED COUNTRYSIDE PERMISSION WILL ONLY BE GRANTED FOR:

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

Policy ENV18 relates to development in Conservation Areas and states:

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

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

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

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

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

WILL NOT BE PERMITTED.

Policy ENVXXX relates to Special Landscape Areas. The site lies within the Nant Llancarfan Special Landscape Area (SLA) where new development within or closely related to the area will be permitted where it can be demonstrated that it would not adversely affect the landscape character, landscape features or visual amenities of the Special Landscape Area. Important features of the SLA include its rural character and historic environment/landscape.

Supporting Policies in the Unitary development Plan include:

POLICY ENV9 – CONSERVATION OF THE COUNTRYSIDE

MEASURES TO MAINTAIN AND IMPROVE THE COUNTRYSIDE, ITS FEATURES AND RESOURCES WILL BE FAVOURED, PARTICULARLY IN THE GLAMORGAN HERITAGE COAST, AREAS OF HIGH QUALITY LANDSCAPE, AND AREAS SUBJECT TO DEVELOPMENT PRESSURE AND/OR CONFLICT SUCH AS THE URBAN FRINGE.

POLICY ENV10 – PROTECTION OF LANDSCAPE FEATURES

DEVELOPMENT WILL BE PERMITTED IF IT DOES NOT UNACCEPTABLY AFFECT FEATURES OF IMPORTANCE TO LANDSCAPE OR NATURE CONSERVATION INCLUDING: TREES, WOODLAND, HEDGEROWS, RIVER CORRIDORS, PONDS, STONE WALLS AND SPECIES RICH GRASSLANDS.

Policy ENV25 relates to the design of new development and is a criteria based policy that requires that proposals for new development must have full regard to the context of the local natural and built environment and its special features.

As regards the housing element of the proposal Policy HOUS3 of the Unitary Development Plan restricts the erection of new dwellings in the countryside unless they can be justified in the interests of agriculture and forestry.

Policy HOUS2 provides for consideration to be given 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 HOUS9 and particularly criteria (I). The criteria includes:

- (1) THE SCALE, FORM AND CHARACTER OF THE PROPOSED DEVELOPMENT IS SYMPATHETIC TO THE ENVIRONS OF THE SITE.
- (2) THE PROPOSAL HAS NO UNACCEPTABLE EFFECT ON THE AMENITY AND CHARACTER OF EXISTING OR NEIGHBOURING ENVIRONMENTS OF NOISE, TRAFFIC CONGESTION, EXACERBATION OF PARKING PROBLEMS OR VISUAL INTRUSION.
- (3) THE PROPOSAL DOES NOT HAVE AN UNACCEPTABLE IMPACT ON GOOD QUALITY AGRICULTURAL LAND (GRADES 1, 2 AND 3A), ON AREAS OF ATTRACTIVE LANDSCAPE OR HIGH QUALITY TOWNSCAPE OR ON AREAS OF HISTORICAL, ARCHAEOLOGICAL OR ECOLOGICAL IMPORTANCE.
- (4) WHEN APPROPRIATE AND FEASIBLE THE PROVISIONS OF POLICY REC3 ARE MET.
- (5) THE PROVISION OF CAR PARKING AND AMENITY SPACE IS IN ACCORDANCE WITH THE COUNCIL’S APPROVED GUIDELINES.
- (6) ADEQUATE COMMUNITY AND UTILITY SERVICES EXIST, ARE REASONABLY ACCESSIBLE OR CAN BE READILY AND ECONOMICALLY PROVIDED.

Policy COMMXXX of the Unitary Development Plan favours the retention of community facilities in rural settlement and villages.

In addition to the above policies the Council also has Supplementary Planning Guidance on Conservation Areas in the Rural Vale. This Supplementary Planning Guidance recognises that the village comprises a loose built, but continuous line of houses, buildings and boundary walls set along the A48. “Because of its linear form the conservation area retains a number of fields bounded by hedges and retaining walls.”

The Supplementary Planning Guidance also states:

“The development of open or woodland areas that contribute to the character of the conservation area will be opposed. New development will have regard to its landscape setting and respect boundaries and any established pattern of plot coverage in the village.”

National Guidance is contained within Planning Policy Wales March 2002 and TAN12 – Design. Planning Policy Wales at paragraph 9.3.1. states:

“New housing developments should be well integrated with and connected to the existing pattern of settlements. The expansion of towns and villages should avoid creating ribbon development, coalescence of settlements or a fragmented development pattern.”

As regards the historic environment paragraph 6.5.15 notes that there will be a strong presumption against the grant of permission for any proposed development that would conflict with the objective of preserving or enhancing the character or appearance of a conservation area, or its setting.

TAN12 – Design contains guidance aimed at achieving good design and recognises that in certain areas such as conservation areas the objective of sustaining character is particularly important and context appraisals should reflect this.

In assessing the proposal against the above policies and guidance it is considered that the primary issue in the determination of the application is the impact the development will have on the rural countryside along with the character and appearance of this part of the Bonvilston Conservation Area and the setting of the nearby listed buildings. A material consideration in the determination of the application is the planning history of the site. It is noted that an application for residential development of the fields was refused in April 1998 with a subsequent appeal dismissed on 19th May, 1999. The inspector noted that the main issues related to whether the proposed development would intrude into the open countryside and whether the development would affect the Bonvilston Conservation Area and the settings of nearby listed buildings. On the issue of development within the countryside the Inspector concluded: -

“The gap between Church Cottage and the village hall is not small in my view, and it has the general appearance of being part of the enveloping countryside. I do not consider that the site forms part of the built up confines of the village, and therefore its development would be unacceptable in the interests of preserving the open countryside.”

With regard to the effect on the Conservation Area the Inspector concluded that the historic character of the village would be neither enhanced nor preserved by the development which would inevitably have an adverse rural impact upon the setting of the nearest listed buildings. The Inspector noted that the edges of Bonvilston Conservation Area include fields and rural gaps, farm land and open countryside, which also form part of its traditional character. “The appeal site is a significant gap on the edge of the village which contributes to its character and provides essential views of its rural and agricultural surroundings.” The Inspector also pointed out that: -

“Regardless of the quality of the design of the scheme, the result of this proposed development would be the urbanisation of a rural frontage in this historic settlement.”

It is considered that the majority of the observations and conclusions reached in the Inspector's decision letter are as valid today as they were in 1999. It is considered that there has been no material change in planning circumstances to warrant a reversal of the earlier refusal for residential development of the land. If anything the policy position is stronger with the recent adoption of the Vale of Glamorgan Unitary Development Plan 2005 and its up-to-date policies which include additional protection for the countryside with such policies as Policy ENVXXX Special Landscape Areas. In addition whilst the previous refusal had some architectural merit the current proposal has a number of serious design flaws, not least of which is the scale and form of the buildings which show no regard for the context of the site. The supporting information indicates that single storey dwellings are proposed in order to mitigate the concerns raised in the earlier refusal. However this attempt to "hide" the properties does not overcome the objections to the urbanisation of the land. It is more likely that the inappropriately designed properties would appear more prominent being completely out of keeping with surrounding uses.

The supporting statements with the application also indicate that the land has no agricultural worth. This is not accepted bearing mind it is the applicant who has chosen to sever the land from the remaining fields to the south. Indeed it is noted that the Committee report in relation to the earlier application 98/00045/FUL referred to the fact that the site had been recently enclosed by a new hedgerow on its southern side yet it still provided an important area of open space affording views of the wider countryside and also providing an attractive setting for the surviving group of listed buildings which cluster around the Grade II listed Church of St. Mary. Since that time the hedgerows on both the southern and northern boundary with the roadside have grown, but this has not detracted from the openness of the land or the wider views.

The proposal for new housing is submitted in conjunction with proposed improvements to the existing access to the village hall which will allow cars to access and egress at the same time, plus the change of use of agricultural land to the south of the existing building to provide for additional parking and recreational use. The Council's Highway Engineer has indicated that the submitted details are unacceptable as the proposed two-way traffic cannot be simultaneously maintained from both the community and residential uses, thereby leading to queuing and vehicle conflicts on the adjacent public highway. There is also an objection to the use of the recreational area for overspill parking as this would exceed the maximum parking standards set out in the Addendum to the South Wales Parking Guidelines. It is recognised that the proposed improved access could be redesigned by the applicant to overcome the highway objection but this will require the provision of satisfactory vision splays and the potential loss of hedgerow.

However, overriding this is the issue as to whether such works are essential, particularly bearing in mind the recent approvals for improvements to the community facility, reference 04/01116/FUL. Indeed it is on this basis that the application has been justified by the applicant and agent. The supporting statements put forward the argument that the new dwellings should be allowed in order to provide improved facilities for the existing community facility. It is considered that even if the case for such improvements could be substantiated this should not override the need to preserve and enhance the character and appearance of this part of the Bonvilston Conservation Area and protect its rural setting from unacceptable and inappropriate development.

In view of the above the following recommendation is made.

04035

RECOMMENDATION (W.R.)

REFUSE

Reason(s):

1. The proposal, by reason of its siting, form and character, would represent the unacceptable consolidation of ribbon development into the countryside which is not considered to constitute the rounding off of the edge of the Bonvilston settlement boundary for the following reasons:
 - (i) The proposal represents unjustified new development in the countryside which would result in the intrusion of urban development beyond the settlement boundary detracting from the unspoilt rural landscape setting of the Nant Llancarfan Special Landscape Area.
 - (ii) The proposal will neither preserve nor enhance the character of the Bonvilston Conservation Area as it will result in the loss of the openness of the land, and the extensive countryside views across which will detract from both the setting of the nearby listed buildings and the rural setting of the village as a whole which is an intrinsic element of its historic character and appearance.

For these reasons, the proposal is contrary to the aims and objectives of Policies ENV1, ENV9, ENV10, ENVXXX (Special Landscape Areas), ENV15, ENV18, ENV25, HOUS2, HOUS3 and HOUS9 of the adopted Vale of Glamorgan Unitary Development Plan 2005, Supplementary Planning Guidance on Conservation Areas in the Rural Vale, and national guidance contained in Planning Policy Wales March 2002 and TAN12 - Design.

Michael Brinkard, Windmill Property Development, Windmill Industrial Estate,
Wimbourne Road, Barry. CF63 3DH
(Michael Brinkard, Windmill Property Development, Windmill Industrial Estate,
Wimbourne Road, Barry. CF63 3DH)

WINDMILL INDUSTRIAL ESTATE, WIMBOURNE ROAD, BARRY

Erection of 10 no. factory units

SITE DESCRIPTION

The application site lies within the operational dock area adjacent to Wimbourne Road and work has recently commenced on the construction of industrial units, including land clearance and excavation and erection of steel frames.

DESCRIPTION OF DEVELOPMENT

This is an application for full planning permission for the construction of 10 No. industrial units and associated car parking. The proposed units will each measure approximately 9m x 12.2m x 7m in height and be constructed in two separate blocks, one comprising three units on the Wimborne Road boundary and another of seven units along the north western boundary. A single vehicular entrance will be formed in a central position on the site which will provide direct access onto the internal road which connects with the Hayes Road roundabout. On-site turning facilities are provided at either end of the site with a total of 30 No. Car-parking spaces provided, two of which will be disabled.

Landscaping details have been provided which indicate grassed banks and a hedgerow of yew with 13 No. trees including Oak and Birch.

PLANNING HISTORY

02/00366/OUT – Start up workshops. Use classes B1 and B2. Approved in outline 16th May, 2002 subject to conditions including drainage and on-site car parking and manoeuvring space.

02/01355/RES - Single storey start-up workshops. Withdrawn 26th November, 2002.

03/00161/RES – 10 No. industrial starter units (B1 and B2) with associated parking and access (02/00366/OUT). Approved 2nd May, 2003 subject to the following conditions:

1. The permission hereby granted shall relate to the amended plans, reference 03/00161/RES “A” received by the Local Planning Authority on 8th April, 2003.
2. Before the commencement of development full details of the external finishes of the buildings, including colouring, shall be submitted to and approved in writing by the Local Planning Authority. The development shall be implemented thereafter in accordance with the agreed details.

3. Notwithstanding the submitted plans, before the commencement of development, further details shall be submitted to and approved in writing by the Local Planning Authority to indicate the extension of the proposed footway, including lighting, to the southern point of the site with the main gate.
4. The approved vehicular access and the car parking bays, as indicated on Site Layout Plan Drawing No. 04, shall be fully implemented before the first beneficial use of any one of the units hereby permitted, and thereafter the parking bays shall be retained at all times within the curtilage of the site for the exclusive use of the development hereby permitted.
5. No development shall take place until there has been submitted to and approved in writing by the Local Planning Authority a scheme of landscaping, which shall include indications of all existing trees and hedgerows on the land and details of any to be retained, together with measures for their protection in the course of development.
6. All planting, seeding or turfing comprised in the approved details of landscaping shall be carried out in the first planting and seeding seasons following the occupation of the building or the completion of the development, whichever is the sooner; and any trees or plants which within a period of five years from the completion of the development die, are removed or become seriously damaged or diseased shall be replaced in the next planting season with others of similar size and species, unless the Local Planning Authority gives written consent to any variation.
7. All means of enclosure associated with the development hereby approved shall be in accordance with scheme to be submitted to and agreed in writing with the Local Planning Authority prior to the commencement of development, and the means of enclosure shall be implemented in accordance with the approved details prior to the development being put into beneficial use.
8. No materials, equipment or plant shall be stored outside of the buildings hereby permitted without the prior written consent of the Local Planning Authority.
9. Before the commencement of the development hereby permitted, a scheme showing the means by which foul sewage and surface water run-off are to be catered for shall be submitted to and approved in writing by the Local Planning Authority. No part of the development hereby permitted shall be put to beneficial use until the drainage works have been completed in full accordance with the approved details.
10. Before the commencement of development full details of the finished floor levels in relation to the existing ground levels and the finished levels of the site, which shall include cross sections and provide for an access gradient no greater than 1:20 for the first 20m of the access and 1:8 thereafter, shall be submitted to and approved in writing by the Local Planning Authority. The development shall be implemented in accordance with the agreed details.

CONSULTATIONS

Barry Town Council – “No objection subject to the discharge of the conditions approved on planning consent Reference 03/00161/RES A.”

Environment Agency – As your Authority is aware part of the site lies within Zone C2, as defined by development advice maps (dam) referred to under TAN15 Development and Flood Risk (July 2004). Our Flood Map information, which is updated on a quarterly basis, confirms the site to be at risk of flooding.

In this regard the applicant should be advised to consider revising the boundary of the application site to exclude the area defined as C2. Alternatively, should the applicant wish to pursue the application as submitted then in accordance with Section 6 of TAN15 your Authority will need to determine whether development at this location is justified. Further, the applicant shall be required to provide an assessment of flooding consequences, which must be undertaken by a suitably qualified person carrying an appropriate professional indemnity.

The criteria for the assessment is given under Section 7 and Appendix 1 of TAN15. Additional advice/clarification may be obtained from Gary Purnell.

This assessment should then be forwarded by the Local Planning Authority to the Environment Agency for detailed advice on flooding effects.

In consideration of the above, the Environment Agency would request that determination of the application be DEFERRED. If however, your Authority is unable to defer consideration then in accordance with paragraph 11.2, where requested information is not forthcoming, this constitutes a reason for refusal and Environment Agency Wales would recommend that the application be refused.

Applicants' should note that Tan15 Development and Flood Risk (July 2004) may be viewed on the National Assembly for Wales website: <http://www.wales.gov.uk>.

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

Sewerage

Conditions

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

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

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

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

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

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

The developer must provide a suitable grease trap to prevent entry into the public sewerage system of matter likely to interfere with the free flow of the sewer contents, or which would prejudicially affect the treatment and disposal of such contents.

Reason: - To protect the integrity of the public sewerage system and sustain an essential and effective service to existing residents.

No development shall commence until the developer has prepared a scheme for the comprehensive and integrated drainage of the site showing how foul water, surface water and land drainage will be dealt with and this has been agreed in writing by the Local Planning Authority in liaison with Dwr Cymru Welsh Water's Network Development Consultant.

Reason: - To ensure that effective drainage facilities are provided for the proposed development, and that no adverse impact occurs to the environment or the existing public sewerage system.

If the development will give rise to a new discharge (or alter an existing discharge) of trade effluent, directly or indirectly to the public sewerage system, then a discharge consent under Section 118 of the Water Industry Act 1991 is required from Dwr Cymru Welsh Water. Please note that the issuing of a discharge consent is independent of the planning process and a consent may be refused although planning permission is granted.

The proposed development site is crossed by a public sewer 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.

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

Advisory Notes

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

The Developer is advised to contact the Network Development Consultants to discuss this matter prior to the commencement of any site work, the appropriate contact number being Tel: 01443 331155.

Sewerage Treatment

No problems are envisaged with the Waste Water Treatment Works for the treatment of domestic discharges from this site.

Water Supply

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

Health and Safety Executive – “HSE does not advise on safety grounds against the granting of planning permission in this case.”

The Director of Legal and Regulatory Services (Environmental Health) – “I refer to your memorandum received by this department on 28th July, 2005, this department has comments to make regarding the above application.

I note that the development has previously received permissions and that development is already in-hand.

We are unable to make formal comments. However, I would advise the applicant of the following as previous or current site use may have lead to contamination of the ground beneath. Had this been a ‘fresh’ application we would have requested the following:

- Site investigation works are required to determine the nature and extent of any possible contamination and underground structures.
- A Quantitative Risk Assessment is undertaken to determine potential risks to human health and the environment from potential contamination on site,
- Suitable remediation works are undertaken to reduce possible risks to human health and the environment subject to the above conditions.”

REPRESENTATIONS

The application was advertised on site and in the press on 2nd August, 2005.

The following letter of objection has been submitted by Dow Corning:

“We note that full planning permission is being sought for the development of 10 Industrial Units with parking facilities on Wimbourne Road.

We believe that these Units are within the Consultation Distance (CD) for the Barry Site Chemical Complex and are concerned that another new development is being considered this close to the complex.

It is our understanding that the national policy on major accident hazards (Advisory Committee on Major Hazards) is to stabilise and not increase the numbers at risk around top tier COMAH sites. We would therefore question the need to locate this development this close to the complex, which includes the adjacent ship unloading area in the docks.

We have discussed the matter with INEOS Vinyls UK Ltd. (formerly EVC) and they are also opposed to this development going ahead.”

REPORT

Committee Members will note from the planning history that both outline and reserved matters consent for 10 No. industrial units on this site has previously been granted. A minor amendment was also agreed to the layout approved under reference 03/00161/RES however, as a result of recent case law, such amendments no longer have any status. This position coupled with the fact that the applicant started work on site without discharging a number of pre-commencement conditions, has meant that the current application is required to be approved to regularise the amendments and agree the details originally required by condition.

It is noted that the submitted layout, including access and car parking, is in line with the details previously agreed as a minor amendment to 03/00161/RES and in consultation with the Council's Highway Engineer at that time. Having examined the current submission and the works progressed on site to date, the Highway Engineers has again confirmed that there are no highway objections in principle subject to the provision of the necessary access, car parking, drainage and street lighting prior to any beneficial use.

As with the previous applications the siting is such that the buildings hug the perimeter of the site with the front elevations facing internally. The buildings are utilitarian, box-shaped, industrial sheds finished in profiled steel cladding. Whilst not aesthetically pleasing, nevertheless they reflect the other industrial and commercial buildings within the docks area and within the nearby industrial site of Atlantic Trading Estate. Details of planting have now been submitted with the current application and this should serve to soften and screen the development.

Other details that were previously conditioned but have now been submitted with the current application include, levels, means of enclosure and drainage. The level details are considered acceptable, as are the drainage details, which are currently being processed by the Building Control Section. It is noted that a palisade fence has already been erected along the Wimborne Road boundary.

It is noted that the Environment Agency and the Council's Pollution Section, Environmental Health requested additional information prior to determination. In the case of the Environment Agency the site is identified as being partly within Zone C2 of the Flood Map information referred to under TAN15 Development and Flood Risk (July 2004). They have indicated that the boundary of the application site be revised or that the applicant be required to provide an assessment of flooding consequences. The Environment Agency have been informed of the previous permissions and the procedural reasons for the current submission and bearing in mind the extent of works already undertaken on the site it is not considered reasonable or justifiable to pursue this matter. Similarly, for the potential contamination issues highlighted by Environmental Health, these were not matters raised on any of the previous applications and again considerable land works have already been undertaken. It is suggested that the developer be informed of the concerns raised by these bodies.

Finally as regards the objection raised by Dow Corning it is considered that these are unjustified bearing in mind there are no objections from the Health and Safety Executive.

In view of the above the following recommendation is made.

04048

RECOMMENDATION

APPROVE subject to the following condition(s):

1. The approved vehicular access, car parking bays and highway drainage works as indicated on Drawing Nos. WP 001 C, WP002 and WP004 shall be fully implemented before the first beneficial use of any one of the units hereby permitted, and thereafter the parking bays shall be retained at all times within the curilage of the site for the exclusive use of the development hereby permitted.
2. 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.
3. No materials, equipment or plant shall be stored outside of the buildings hereby permitted without the prior written consent of the Local Planning Authority.
4. Full details of the required street lighting along the new footway into the development shall be submitted to and agreed in writing with the Local Planning Authority and subsequently fully implemented before first beneficial occupation of any one of the units hereby permitted.

Reason(s):

1. In the interests of highway safety.
2. To ensure satisfactory maintenance of the landscaped area.
3. To safeguard local amenities.
4. In the interests of highway safety.

NOTE:

1. The developer should be aware that since the previous permissions, 20/00366/OUT and 03/00161/RES, the Environment Agency now indicate that part of the site lies within zone C2 defined by development advice maps (dam) and that their Flood Map information confirms that the site is at risk of flooding. You may therefore wish to investigate this matter further. In addition the Council's Director of Legal and Regulatory Services (Environmental Health) has indicated that previous / current site uses may have led to contamination of the ground beneath and you may therefore wish to undertake site investigation works to determine the nature and extent of any possible contamination if you have not already done so.

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

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

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

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

Mr. C. Clode, Flat 1, The Manor House, Beach Road, Swanbridge, Vale of Glamorgan. CF64 5UH.
(Mr. C. Clode, Flat 1, The Manor House, Beach Road, Swanbridge, Vale of Glamorgan. CF64 5UH.)

EXISTING STORAGE BUILDING, THE SPINNEY, BEACH ROAD, SWANBRIDGE

Conversion of existing store into living accommodation

SITE DESCRIPTION

The site relates to a store building situated within this Coastal Area at Swanbridge. The building was formally in the ownership of the Caravan Park. Access to the site is gained via the private drive to residential properties and the now vacant Health/Leisure Centre of Avalon.

DESCRIPTION OF DEVELOPMENT

The applicant seeks consent to vary the schemes as previously approved, in that development has commenced on site.

Details indicated additions of dormers to the front and rear roof elevations and the insertion of doors, and windows using in the main existing adapted openings.

The overall footprint of the building and ridgeline will not be affected and details of tree protection on the outer canopy spread of the trees to be retained are included. A supporting statement indicates that trees will be fenced off during construction.

The means of enclosure of the site will be the existing block walls/fencing panels. The north boundary will be 1.8m high walling/fencing panels to match the existing, with access gates to the entrance. Retaining walls of maximum height 2.5 metres are proposed to the access drive, in close proximity to existing trees, foul water and surface water drain routes have been detailed and drainage of foul water will be to mains.

PLANNING HISTORY

04/00659/FUL – Is the most relevant planning application granting conditional planning consent for the conversion of the store into a single dwelling.

CONSULTATIONS

Sully Community Council – No comments received to date.

Glamorgan Gwent Archaeological Trust – No comments received to date.

Welsh Water - No comments received to date.

Environment Agency - No comments received to date.

The Head of Visible Services (Highway Development) - No comments received to date.

REPRESENTATIONS

No comments received to date.

REPORT

The application has been submitted solely because the applicant had commenced development in advance of discharging conditions of the planning consent, those conditions included means of access, enclosure, drainage, archaeology and tree protection. The details are acceptable and whilst noting a 2.5m high (reducing to 0.5m high) retaining wall is proposed, this will not materially affect the amenities of the area or adjoining neighbours.

Access is proposed in a slightly different location on the boundary but does still gain access from the private lane, and has been suggested in order to protect trees on the site.

The details submitted with the application are considered to satisfy these conditions and therefore there is no reason not to grant consent for this development.

Members will note that the consultation period does not expire until the 3rd October, 2005. Accordingly the following recommendation is made on the basis that no adverse representations are received in advance of the consultation cut-off date.

04060

RECOMMENDATION

APPROVE subject to the following condition(s):

1. The development hereby approved shall be carried out entirely in accordance with the approved plans and specifications.
2. The trees to be retained on site shall be fenced and protected in accordance with the submitted details prior to the re-commencement of work on site and shall be so retained on site for the duration of construction works and no waste or materials shall be stored or deposited between the protective fencing and the trees.
3. The archaeological watching brief as referred to in the letter dated 10th June, 2005 from Monmouth Archaeology shall be undertaken as detailed in that letter.

Reason(s):

1. To ensure the satisfactory implementation of the development.
2. To safeguard the trees to be retained on site in the interests of the visual amenities of the coastal area.

3. To record any archaeological interest on the site.

NOTE:

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

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

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

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

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

17, MELIDEN ROAD, PENARTH

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

SITE DESCRIPTION

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

DESCRIPTION OF DEVELOPMENT

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

PLANNING HISTORY

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

CONSULTATIONS

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

Welsh Water – See Appendix A.

REPRESENTATIONS

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

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

REPORT

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

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

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

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

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

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

04047

RECOMMENDATION

APPROVE subject to the following condition(s):

1. The development hereby permitted shall be begun before the expiration of five years from the date of this permission.
2. The development hereby approved shall be carried out entirely in accordance with the approved plans and specifications.
3. The external finishes of the development hereby approved shall match those of the existing building.
4. Notwithstanding the terms of the Town and Country Planning (General Permitted Development) Order 1995 or any Order amending, revoking or re-enacting that Order the garage hereby approved shall not be physically altered and shall remain available for the parking of vehicles associated with the residential use of No. 17 Meliden Road.

Reason(s):

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

NOTE:

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

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

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

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

O2 (UK) Limited, C/o Agent.

(Needham Haddrell, The Power House, Feeder Road, Bristol. BS2 0TH)

LAND ON ELECTRICITY SUB STATION (WPD PRIMARY 56-105), NORTH ROAD, COWBRIDGE

Removal of existing WPD telecommunications pole and replacement with a new 15m column, with integrated antenna and WPD antenna together with equipment cabinets and associated ancillary equipment

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

The application was advertised on 27th July, 2005.

SITE DESCRIPTION

The site is on land adjacent to an existing electricity sub station off North Road, Cowbridge. The site is approximately 9m² and is currently surrounded by sub-station buildings, street lighting columns and telegraph poles. The sub-station lies in amongst commercial and residential properties with the nearest residential property being approximately 24m from the site.

The site lies within the Cowbridge and Llanblethian Conservation Area and the designated residential settlement boundary of Cowbridge with Llanblethian.

DESCRIPTION OF DEVELOPMENT

Proposed installation of a 15m high mast with integrated antennae, equipment cabinets, feeder cables and ancillary development. The existing 9m high timber pole on the site is to be removed and the WPD antenna is to be relocated onto the new O2 (UK) column. The monopole and equipment cabinet will be mounted on a new concrete base. The total height of the mast, antennae and lightning protection rod is 16.5m and the pole ranges from between 350 and 450mm in diameter. The mast and equipment are of a metal construction and will have a grey finish.

PLANNING HISTORY

05/00590/FUL – Removal of existing telecommunications pole and replacement with a new 15m column, with integral antenna, WPD antenna, necessary equipment cabinets and associated ancillary equipment. Refused 17th June, 2005.

03/01723/FUL – Land at Vale Forge Estate, North Road. New 12m, slimline monopole with three radio antennas, radio equipment cabinet, new 6m wooden telegraph pole and ancillary development. Refused 29th January, 2004.

03/01433/FUL – Garden Centre Area, Vale Forge Estate : 15m telecommunication column and equipment cabinets and associated development. Refused 12th December, 2003.

CONSULTATIONS

Cowbridge (Ancient Borough) with Llanblethian Town Council - Were consulted on 27th July, 2005. An objection has been lodged on the following grounds:

- (i) The site is in the Conservation Area and, given its height and appearance, the proposed column will neither enhance nor improve it.
- (ii) The impact that the height of the proposed column will have on the surrounding area.
- (iii) The proximity of the proposal to residential properties and Grade II Listed Buildings.

The Director of Legal and Regulatory Services (Environmental Health - Pollution Control) - Was consulted on 21st July, 2005. No observations have been made to date.

Glamorgan Gwent Archaeological Trust – Were consulted on 27th July, 2004. They comment as follows:

“The Regional Sites and Monuments Record curated by this Trust shows the application area to be located within the known extent of both the Medieval Town and the area occupied by the Romans. The development site is situated to the north of the Roman Road (following the line of the A48) that runs through the centre of Cowbridge, which was a major Roman settlement. Archaeological work has shown extensive remains to the north of the road and a cemetery at the west end of Cowbridge. The area is also within the walls of the Medieval Town, which was planned with a central access along High Street and north-south side streets. The location of the application area to the north of Town Hall is one where it may be expected that buildings were situated. It is therefore also likely that medieval remains of some significance could be located in the area.

We therefore recommend that a condition requiring the applicant to appoint an archaeologist to conduct a watching brief is attached to any planning permission granted by your Members. This would ensure that any archaeological information revealed during the construction of the proposed dwelling was properly investigated and recorded. This recommendation is made following the advice given in Welsh Office Circular 60/96, Section 22.

We would suggest that the condition should be worded:

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

Reason:

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

REPRESENTATIONS

Neighbouring occupiers were notified and the application was advertised on site and in the press on 27th July, 2005.

The occupier of No. 3, Taynton Mews, North Road has objected to the proposal on the grounds that it is within the Conservation Area, the 15m column would be unsightly and visually unnatural in a conservation area, the proximity to her dwelling and the lack of evidence to prove that these antennas are not harmful to human health. This letter is attached as Appendix A to this report.

REPORT

This application has been referred to Planning Committee by Councillor Catherine Clay.

The previous application made by O2 (UK) on this site (App. No. 05/00590/FUL) for a 15m high column and associated equipment was refused in June this year. This re-submission includes the re-siting of the column from the front of the grid station to a central position in amongst the buildings and behind a 7m high hedge.

The site is located within the Cowbridge with Llanblethian Conservation Area and therefore special regard must be had to the statutory requirement to preserve or enhance the character and appearance of the Conservation Area. The proposal can be assessed against Section 12.13 Development Control and Telecommunications of Planning Policy Wales (March 2002); Technical Advice Note 19: Telecommunications; Policies COMM4 – Telecommunication, ENV15 – Protection of the Built and Historic Environment, ENV18 – Development in Conservation Areas and ENV25 – Design of New Development of the adopted Vale of Glamorgan Unitary Development Plan 2005.

The main issues relate to the requirement for and siting of a base station in this area, the visual effect of the mast on the Conservation Area and the Historic Town and the perceived risk to the health of neighbouring occupiers.

The telecommunications operator is O2 (UK) and the equipment is necessary to increase 2G/3G coverage to Cowbridge and its environs including Llanblethian and Aberthin, as well as along the A48, B4270 and B4268.

O2 have reviewed the network development proposals in this area and have evaluated suitable site shares, existing structures and buildings. The mast register has been examined and they have concluded that there are no existing sites in the area that can be shared and there are no buildings or structures in the area that can be utilised that satisfy the technical requirements.

Six alternative sites were considered in this cell area. These included the Cowbridge Athletics Ground, Fire Station and Cowbridge Market. The selected site is at a ground height of approximately 25m and together with a base aerial height of 15m, would result in coverage of the identified area. A lower aerial height would reduce the desired coverage and possibly require a new cell to infill. The report, however, fails to address the sensitivity of telecommunications equipment in Conservation Areas or the ability to achieve a more appropriate location in the Conservation Area.

Given the location of the mast within the Cowbridge with Llanblethian Conservation Area and taking into account its proposed height of 15m, it is considered very likely that the column will be able to be viewed from many points within the historic conservation area and would be open to views from different approaches. For these reasons, it is considered that, in terms of visual amenity, the proposed column and antennae would appear as alien features within the context of the conservation area and could therefore not be described as either serving to preserve or enhance its character but, rather, the proposal is more likely to detract from it. Whilst the column is less visually intrusive, and is set amongst the existing structures of the electricity grid station, than the proposed column structure that was refused in June, the overall height of the structure and its location are almost identical.

The site is also in close proximity to residential and commercial properties at the heart of the town and is in a prominent location by Town Hall Square at the entrance to the public car park that is heavily used by the public.

In terms of other material considerations, the equipment is designed to be in full compliance with the requirements of the radio frequency public exposure guidelines of the International Commission on Non-Ionising Radiation Protection (ICINRP) and the Council's Environmental Health Dept. has not objected to the proposal. A certificate of compliance was included with the application. The site has been designed so that no member of the public can expect to be exposed to electromagnetic fields in excess of ICINRP general public guidelines.

The Stewart Report 2000 concluded that "the balance of evidence indicates that there is no general risk to the health of people living near to base stations on the basis that exposures are expected to be small fractions of the guidelines. However, there can be indirect adverse effects on their well being in some cases.

The report also states that the possibility of harm cannot be ruled out with confidence and gaps in knowledge are sufficient to justify a precautionary approach. The majority of the letters of objection make reference to the contents of this report and concerns about the impact of these base stations on health. However, the Government's acceptance of a precautionary approach is limited to the specific recommendations of the report including the requirement that emissions from base stations must meet ICINRP guidelines for public exposure. The applicant has declared that the equipment will operate in full compliance with ICINRP guidelines. In the absence of an objection from Environmental Health and in line with the advice contained in TAN19, I do not consider that the potential risk to health can be cited as a reason for refusing an application for a base station.

In summary and conclusion, it is considered that whilst there are currently no sustainable grounds to refuse the proposal on the issue of public health and safety, its adverse impact on the character and appearance of the conservation area is not considered to be acceptable, and accordingly the following recommendation is made.

04052

RECOMMENDATION (W.R.)

REFUSE

Reason(s):

1. The proposed mast and associated equipment by reason of their location, height and prominence, would represent an alien and visually intrusive feature within the context of the Cowbridge with Llanblethian Conservation Area and consequently the proposal would neither preserve nor enhance the character and appearance of the Conservation Area. As such, the proposal is contrary to Policies ENV15, ENV18, ENV25 and COMM4 of the adopted Vale of Glamorgan Unitary Development Plan 2005.

Mr. and Mrs. George, C/o Agent.

(G. Powys Jones The Maltings, East Tyndall Street, Cardiff Bay, Cardiff. CF1 5EA)

MILL FARM, MONKNASH

Proposed new porch, erection of garage/store, modification of access and extension of residential curtilage

The development/property is situated within/adjoining the Monknash Conservation Area.

The application was advertised on 3rd August, 2005.

SITE DESCRIPTION

A former barn conversion on the edge of Monknash.

DESCRIPTION OF DEVELOPMENT

A full planning application seeking to:

- Extend the authorised residential curtilage of the property to a distance varying from 51 to 55 metres to the north and 37 metres to the west, enclosing the field access within the domestic curtilage and increasing the size of the garden by over 1200m².
- Erect a garage and store building to the north (rear) of the converted barn. The building would have pitched roof with a maximum height of 4 metres to ridge and a total floor area of 44m². The building would be finished with a mix of stonework and timber cladding.
- Replace the mid link glazed entrance to the main building with a traditional slate roof and construct a pitched roof porch to the front elevation.
- Alter the access arrangements at the site, including the continued (currently unauthorised) use of a field access to the west of the property as the principal means of access to the property and the proposed blocking up of the authorised vehicular access and provision of a pedestrian gated door in its place. The proposal involves the construction of a new driveway off the field access to serve the proposed garage together with the provision of a turning area. The existing unauthorised drive is to be altered (but retained) and it is proposed to plant a hedgerow adjacent to the field access and along the northern boundary of the site.

PLANNING HISTORY

Planning permission (99/00671/FUL) was refused on 29th July, 1999 for the conversion of the barn subject of this application to a residential unit. This was due to the amount of rebuilding which had already taken place and was also proposed as part of the application, which was contrary to national and local planning policies relating to the reuse and adaptation of rural buildings.

A subsequent planning application (00/00577/FUL) was submitted which indicated a significant reduction in the amount of rebuilding required to implement the scheme and so planning permission was granted on 19th January, 2001 for the refurbishment and partial reconstruction of disused buildings to provide a dwelling.

However, the works did not proceed on site according to the approved plans, and accordingly it was considered that the previous consent had fallen. A new planning application (02/01276/FUL) was submitted to regularise matters and planning permission was subsequently granted in November 2002 for the conversion of the barn.

04/01360/FUL – Planning application for an external garage and store, external stairs to the first floor and replacement of the glass roof with a traditional roof was refused on 18th March, 2005 for the following reasons:

1. The proposals, at this prominent location, would adversely affect the character of both the barn and the surrounding rural area and would therefore fail to preserve or enhance the special quality of this part of the Glamorgan Heritage Coast and the Monkash Conservation Area. The proposals are therefore contrary to Policy EV19 of the South Glamorgan Structure Plan 1989 and Policies ENV4, ENV7, ENV15 and ENV18 of the Vale of Glamorgan Unitary Development Plan Deposit Draft 1998 (as amended 2003), the Council's draft Supplementary Planning Guidance the Conversion of Rural Buildings and the advice contained in Planning Policy Wales March 2002.
2. The proposals amount to insensitive and unjustified new development within the countryside, contrary to Policy EV3 of the South Glamorgan Structure Plan (Alteration No. 1) 1989 and Policy ENV1 of the Vale of Glamorgan Unitary Development Plan Deposit Draft 1998 (as amended 2003), which seek to resist new development in the countryside that is not in the interests of agriculture.

CONSULTATIONS

St. Donats Community Council – “No objection”, and their full comments are attached at Appendix A.

Glamorgan Gwent Archaeological Trust has been consulted – No comments received to date.

The Head of Visible Services (Highway Development) - Has no objection subject to the provision of vision splays of 2m by 60m and hard surfacing of the access for the first 10m from the adopted highway. No surface water should drain onto the adopted highway or onto the highway drainage system.

The Director of Legal and Regulatory Services (Environmental Health) – “This Department has no comment to make regarding the above application.”

REPRESENTATIONS

The application was advertised in the press and by site notice. Neighbouring occupiers have also been consulted. No comments have been received to date.

REPORT

The development plan for the site comprises the adopted Vale of Glamorgan Unitary Development Plan 2005 (UDP).

The application has been assessed with regard to the countryside Policies HOUS7 'Replacement and extension of dwellings in the countryside' and ENV7 'Small scale rural conversions' of the UDP. It is considered that whilst the building has been converted to a dwelling, the more stringent Policy ENV 7, which aims to ensure that rural buildings are converted in a manner that retains their integrity and rural character, remains a central material consideration with regard to this proposal.

The adopted Supplementary Planning Guidance the Conversion of Rural Buildings elaborates on Policy ENV7 of the UDP. In particular, it states that "proposals to extend converted buildings are likely to detract from the character and amenity of the existing buildings and surrounding countryside, accordingly proposals to extend existing converted buildings are likely to be resisted."

Furthermore, with regard to the residential conversion of rural buildings, Paragraph 7.6.11 of Planning Policy Wales states that "if the existing building is unsuitable for conversion without extensive alteration, rebuilding or extension, or if the creation of a residential curtilage would have a harmful effect on the character of the countryside, similar control to that over new house building in the open countryside will apply.

The agent has made the following comments in support of the application:

- The proposed porch is more modest than what was refused in terms of its mass and height. The porch is required for weather protection.
- The dwelling has no garaging or external store facilities. It is now proposed to re-site the building to the north of the dwelling. It's revised siting and ability to use lower ground levels would result in the building being less conspicuous than the previous proposal.
- It is proposed to close up the existing access and use an existing track which serves an access to agricultural land over which a private right of way exists.
- The current consent for the barn restricts the residential curtilage to the limited hard surface area to the front of the dwelling. The garage/store and access to it lies outside the current curtilage. The remaining area in front of the barn is grassed/planted with trees and is currently perceived as being closely associated with the dwelling. The application encompasses the extension of curtilage. It is not considered that the proposals would harm the visual amenities of the area.

The current scheme differs from the previous application in the following respects:

- Proposals to construct external stairs and a veranda to the barn have been omitted from this proposal.

- The garage has been re-sited away from the adjacent road to a position north of the barn. It has also been slightly reduced in size, occupying a total floor area of 44 square metres, compared to approx. 53 square metres previously. The height has also been reduced from 4.5m to 4m. Due to ground levels being lower to the north and because the proposed excavation would further reduce levels, the garage/store would be lower than the main barn.
- Rather than seek consent for the continued use of the existing unauthorised driveway as previously proposed, it is now proposed to construct a new driveway off the field access and construct a new turning area adjacent to the garage.

In itself, the porch and alterations to the roof of the barn are considered to be modest and would not unduly impact upon the character of the barn. However, the proposals relating to the proposed driveway, turning area, garage/store and increased residential curtilage are of concern.

The garage/store would be situated in the countryside outside the approved curtilage of the dwelling. It would also encroach onto an area subject to woodland planting as part of planning permission 02/01276/FUL. When planning permission was granted, the barn was considered of sufficient size as not to warrant additional buildings on the site. A number of outbuildings were previously demolished but it is not considered that the removal of these buildings justifies the development proposed.

The proposed garage would therefore comprise new build in the countryside that would be contrary to Policy ENV1 of the UDP, which seeks to resist new development in the countryside that is not in the interests of agriculture. No such justification has been submitted with this application. Whilst the visual impact of the building would be less than that previously proposed as part of application 04/01360/FUL, it is still considered that the garage would comprise a relatively large building which would have a significant visual impact on the surrounding rural area.

Policy ENV7 of the UDP requires that “where residential use is considered acceptable, amenity space can be provided within the curtilage of the site without undue incursion into the rural landscape”. The proposed driveway and turning area and the substantial increase in residential curtilage proposed as part of the application would, as a result of the inevitable introduction of various domestic paraphernalia, further domesticate the appearance of the site, to the detriment of the rural qualities of the area. It is considered that the authorised access is entirely satisfactory in highway safety terms and so the proposed access arrangements would not be justified. In addition, it is considered that the approved residential curtilage is adequate to serve the occupiers of the dwelling.

The overall impact of these proposals on the character of the area are considered to be of particular concern given the location of the site on the edge of the settlement within the Monkash conservation area and within the Glamorgan Heritage Coastal Zone. The proposals are therefore also considered to be contrary to:

- Policy ENV7, which seeks to protect the character of rural buildings;

- Policy ENV4, which seeks to conserve and enhance the special environmental qualities of the Glamorgan Heritage Coast; and
- Policies ENV15 and ENV18, which seek to preserve and enhance conservation areas.

In this regard, the proposals are also considered to be contrary to the relevant advice contained in Planning Policy Wales March 2002.

Consideration of this application was deferred at the previous Committee meeting on 1st September, 2005 to enable Committee Members to inspect the site. It is currently anticipated that this site inspection will take place on 28th September, 2005.

04026

RECOMMENDATION (W.R.)

REFUSE

Reason(s):

1. The proposals constitute unjustified new development in the countryside which is not in the interests of agriculture. The proposed garage, access and turning facilities, together with the additional residential curtilage, at this prominent location, would adversely affect the character of the barn and the surrounding rural area. The proposals would therefore fail to preserve or enhance the special quality of this part of the Glamorgan Heritage Coast and the Monknash Conservation Area. The proposals are therefore considered to be contrary to Policies ENV1, ENV4, ENV7, ENV15 and ENV18 of the adopted Vale of Glamorgan Unitary Development Plan 2005, the Council's draft Supplementary Planning Guidance, 'The Conversion of Rural Buildings' and the advice contained in Planning Policy Wales (March 2002).

Minimix Limited, C/o Lafarge Aggregates Ltd., The old Rectory, Misterton, Lutterworth, Leics. LE17 4JP
(Minimix Limited, C/o Lafarge Aggregates Ltd., The old Rectory, Misterton, Lutterworth, Leics. LE17 4JP)

EWENNY QUARRY, EWENNY

Replacement concrete plant

SITE DESCRIPTION

The application relates to an area within the excavated bowl of Ewenny Quarry.

DESCRIPTION OF DEVELOPMENT

This is an application under Part 19 Class B of the Town and Country Planning (General Permitted Development) Order 1995 (as amended) for the prior approval of the design and siting of a replacement concrete batching plant.

PLANNING HISTORY

98/01109/FUL – Determination of modern working conditions in association with the resumption of quarrying (Environment Act application). Approved 26th February, 1999.

98/01134/PNQ – Details of design and siting of concrete batching plant. Approved 26th February, 1999. Not implemented.

99/00669/PNQ – Temporary concrete batching plant. Approved 29th July, 1999.

03/01553/PNQ – Replacement concrete batching plant. Approved 23rd April, 2004.

03/01554/FUL – Amended scheme of working conditions to replace those approved in 1999. Not yet determined (awaiting Legal Agreement).

CONSULTATIONS

Ewenny Community Council – Comments awaited.

St. Brides Major Community Council – Have no objection but hope that environmental impact will be improved and note existing concern over noise, dust and water pollution. Comments attached as Appendix A.

Colwinston Community Council – Consulted on 3rd August, 2005. No comments received.

Glamorgan Gwent Archaeological Trust – Consider that the plant will have no impact on any archaeological features and have no objections.

The Director of Legal and Regulatory Services (Pollution Control) – No objection but note that the installation of a replacement plant will also require a variation to the Pollution Prevention and Control Regulations authorisation for the site, administered by themselves.

The Council's Biodiversity Officer notes that a badger sett exists to the south of this plant which may be close enough to require a licence application to the Countryside Council for Wales.

Bridgend County Borough Council (as neighbouring Planning Authority), the Countryside Council for Wales, HM Inspector of Quarries and Network Rail have been consulted but have made no comment.

REPRESENTATIONS

Occupiers of ten of the closest properties in Kings Wood Close, Ewenny, have been notified and the application has been advertised by two site notices in the vicinity. No comments have been received to date.

REPORT

The relevant Part of the Town and Country Planning (General Permitted Development) Order 1995 establishes the right for mineral companies to construct concrete batching and similar plants for the treatment of minerals within quarries, subject to the prior approval of the Mineral Planning Authority being obtained for the design and siting of the plant. Applications can be refused or granted subject to conditions only if the authority are satisfied that it is expedient to do so because:

- (a) the proposed development would injure the amenity of the neighbourhood and modifications can reasonably be made or conditions reasonably imposed in order to avoid or reduce that injury; or
- (b) the proposed development ought to be, and could reasonably be, sited elsewhere.

From the schedule above it can be seen that the situation regarding concrete batching plants at this quarry are complex. The plant currently on site is that approved in 1999, which the applicants wish to replace on the same site at the southern end of the 'old' quarry bowl, underneath the old southern quarry face. The current plant is a 'dry mix' design, with the aggregates and cement being mixed in dry form with water being added only in the truck mixer. This has led to occasional complaints of dust nuisance. The new plant is to be of the 'wet mix' type, where water is added to the constituents within the plant, prior to concrete being loaded into the truck mixers.

The plant is to have an enclosed mixing silo and storage bins, and will have a maximum height of 15.8 metres, with raw materials being fed in via a conveyor from ground level. It will be constructed around the existing plant, which will be removed on completion.

The design is standard for this type of plant and the proposed 'wet mix' design should minimise any dust emissions. Although general quarry noise has been a major issue with local residents, the only noise complaints in respect of the existing concrete plant have related to the occasional hammering of the mixing drum to remove set concrete. This will be eliminated in the new plant and, although the concrete plant will be the only item of processing plant remaining in the 'old' bowl once the crushing and screening plants have been transferred to the 'new' bowl (intended to be by the end of 2006), the change in design and operating process should minimise any environmental effects. The closest dwellings are approximately 150 metres from the site of the proposed plant. Noise levels from all operations at the quarry are in any event controlled by the planning conditions covering quarrying operations.

The planning conditions governing the working of the quarry contain restrictions on both hours and days of operation, and in particular prohibit any operations on Saturdays and Sundays, and for clarity these should be repeated in the concrete plant conditions. A condition is also proposed to ensure that only one such plant will be located in the quarry at any time, as the unimplemented 1999 and 2003 permissions for similar plants (which the applicants have no intention of constructing) remain valid.

04044

RECOMMENDATION

APPROVE in discharge of the requirements of Part 19 Class B of the Town and Country Planning (General Permitted Development) Order 1995 (as amended), subject to the following condition(s):

1. Without the prior written approval of the Mineral Planning Authority:
 - (a) No operations other than maintenance shall take place except between the hours of 7:00 a.m. and 7:00 p.m. on Mondays to Fridays only.
 - (b) No maintenance shall take place between 10:00 p.m. and 7:00 a.m. on any day nor at any time on Saturdays, Sundays or Public Holidays.
2. Within one month of either the plant previously approved on 26th February, 1999 (Ref. 98/01134/PN) or the plant previously approved on 23rd April, 2004 (Ref. 03/01553/PNQ) becoming operational, the plant hereby approved shall be completely dismantled and removed from the quarry.
3. Within one month of the plant hereby approved becoming operational, the plant previously approved on 25th July, 1999 (Ref. 99/00669/PNQ) shall be completely dismantled and removed from the quarry.
4. Notwithstanding the submitted plans, the static and radial conveyors shown on the submitted Plan Ref. EW/PL1A shall be covered at the time of their installation and shall be so retained at all times.

Reason(s):

1. In the interests of the amenity of local residents.
2. In the interests of the amenity of local residents.
3. In the interests of the amenity of local residents.
4. In the interests of the amenity of local residents.

NOTE:

1. You are advised that there are species protected under the Wildlife and Countryside Act, 1981 within the site and thus account must be taken of protecting their habitats in any detailed plans. For specific advice it would be advisable to contact: The Countryside Council for Wales, 7 Castleton Court, Fortran Road, Cardiff; telephone number 02920 772400.
2. Operation for this plant will require a variation to the permit issued under the Pollution Prevention and Control Regulations. For advice it would be advisable to contact the Council's Pollution Control officers at the Civic Offices, Holton Road, Barry; Telephone Number 01446 709105.

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

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

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

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

Mr. and Mrs. Greenaway, Priory Cottage, Marcross, Vale of Glamorgan. CF61 1ZG
(Quorum Associates, 89, Eastgate, Cowbridge, Vale of Glamorgan. CF71 7AA)

PRIORY COTTAGE, MARCROSS

Alterations to stables to provide domestic accommodation

SITE DESCRIPTION

The application site is located within the countryside to the east of Marcross and comprises an existing residential barn conversion.

DESCRIPTION OF DEVELOPMENT

The proposal entails the conversion and extension of an existing stable block linked to the side of the existing dwelling to provide additional residential accommodation. The works include:

- (i) Change of use of stables and storeroom to sitting area and kitchen.
- (ii) Provision of new pitched slate roof in place of the existing lean-to corrugated roof.
- (iii) Provision of full height windows in place of existing stable door openings on the front, roadside elevation.
- (iv) Introduction of new windows and door openings on the northern elevation.

PLANNING HISTORY

91/00947/FUL – Conversion of redundant agricultural buildings to one dwelling. Approved 20th July, 1993 subject to conditions including removal of permitted development rights.

04/01262/FUL – Ground floor extension. Refused 27th September, 2004 for the following reason:

- 1. In the opinion of the Local Planning Authority the proposals amount to insensitive and inappropriate alterations to this converted rural building that would seriously detract from the rural character and appearance of the building itself and the wider landscape of the surrounding countryside contrary to Policy ENV7 of the Vale of Glamorgan Unitary Development Plan Deposit Draft 1998 (as amended 2003).

CONSULTATIONS

St. Donats Community Council – “There was some concern raised over the change of use of the existing purpose built animal housing and over the elevation of the roof levels required to do this.”

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

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

Glamorgan Gwent Archaeologist Trust – Were notified on 9th August, 2005. No representations have been received to date.

REPRESENTATIONS

The occupiers of nearby Lan Farm were notified on 4th August, 2005. In addition a site notice was posted on 4th August, 2005. No representations have been received to date.

REPORT

In policy terms it is noted that the site comprises former agricultural buildings that have been converted to residential use. The site is also located within the countryside. As such, Policy ENV7 of the adopted Vale of Glamorgan Unitary Development Plan 2005 along with the Supplementary Planning Guidance on the Conversion of Rural Buildings, are relevant to the consideration of the application.

Policy ENV7 of the Unitary Development Plan allows for the small scale conversion of rural buildings subject to certain criteria including:

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

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

The Supplementary Planning Guidance enlarges upon the principles within Policy ENV7.

It will be noted from the planning history that a recent application for extensions and alterations to the property was refused in September 2004. This was on the grounds that the proposal amounted to insensitive and inappropriate alterations that would seriously detract from the rural character and appearance of the building contrary to Policy ENV7. The works included a new bay window on the southern, front elevation of the building plus a single storey utility room extension on the western elevation, with an external chimney stack.

In contrast to that earlier refusal, the current application seeks to convert the existing stable block. This involves the replacement of the existing lean-to corrugated roof with a new pitched slate roof, new windows in the existing door openings on the southern elevation and the introduction of 2 No. new door openings and 2 No. new window openings on the rear, north elevation. One of the criteria in assessing proposals for conversion is that it can be undertaken without substantial extensions. Another is that the work can be undertaken without unacceptably altering the appearance and rural character of the building. It is noted that the Community Council have raised some concerns referring to the "purpose-built" structure. It would appear that the stables were a new-build construction with the residential conversion, however, the Council's photographic records for 1991 indicate that there was an original building in that general position.

Thus whilst the Community Council's concerns over the increase in the height of the roof are justified, nevertheless, it is considered that the provision of the slated pitched roof will be an improvement in visual terms. As regards the new openings to the north elevation, such alterations to an original barn, would not normally be considered acceptable, however, in this case, it is noted that the building is not original and the elevation is hidden from public view. The southern elevation which faces the highway and is therefore most visible from a public vantage point will utilise the existing stable door openings. As such it is considered that the resulting development should not detract from the rural character and appearance of the building or its environs.

Finally on the question of the possible need for any replacement stabling, it is noted that this will require planning permission which the Council can consider at the appropriate time, with the consent for the conversion of the existing building being a material issue in that future determination.

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

04056

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(s):

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

NOTE:

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

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

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

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

Fitz Project Management, 63, Colcot Road, Barry, Vale of Glamorgan. CF62 8HL
(Fitz & Co., 63, Colcot Road, Barry, Vale of Glamorgan. CF62 8HL)

LONGLANDS QUARRY, EWENNY

Variation of Condition 21(b) of approval 05/00472/FUL - to omit the words - for a temporary period expiring on 7th July, 2006 and at the end of that temporary period blasting shall revert to a maximum instantaneous charge of 45kg.

SITE DESCRIPTION

The application relates to Longlands Quarry, located on the south side of the B4524 road approximately 0.5 km east of Corntown.

DESCRIPTION OF DEVELOPMENT

A full application to amend Condition No. 21 (b) of planning permission ref. 05/00472/FUL, granted on 7th July, 2005, to omit the words “for a temporary period expiring on 7th July, 2006’ and ‘at the end of that temporary period blasting shall revert to a maximum instantaneous charge of 45kg”.

PLANNING HISTORY

97/01242/FUL – Application under the Environment Act 1995 for updated working conditions prior to quarry re-opening. New conditions approved 12th June, 1998.

05/00472/FUL – Amendment to Condition No. 25 of 97/01242/FUL to permit (amongst other things) the use of a maximum instantaneous explosive charge of 85kg over the majority of the site. This part of the application was approved on 7th July, 2005 for a temporary period expiring on 7th July, 2006.

Numerous other applications have been submitted on this site, which are not directly relevant to the current proposal.

CONSULTATIONS

Eweny Community Council – Comments to follow at Committee.

Colwinston Community Council – Consulted 5th August, 2005. No comments received.

Environment Agency – No objection.

HM Inspector of Quarries – Consulted 5th August, 2005. No comments received.

The Director of Legal and Regulatory Services (Pollution Control) – Consulted 5th August, 2005. No comments received.

Bridgend County Borough Council (as neighbouring planning authority) – Consulted 5th August, 2005. No comments received.

REPRESENTATIONS

Occupiers of No. 32 of the closest dwellings in Corntown have been notified directly and two site notices have been displayed in the locality. Seven letters of objection have been received, mainly on the ground of the existing vibration levels being excessive and also that insufficient monitoring has taken place since the previous approval to justify an early end to the 12-month trial period. Three typical letters are attached as Appendices A, B and C, with the remainder being retained on file for Members' inspection on request.

REPORT

Members will recall that when application ref. 04/00472/FUL, for the amendment of blasting controls at the quarry, was approved in July this year it was considered prudent to permit an increase in the maximum instantaneous charge (mic) of explosive from 45 to 85kg only for a trial period of 12 months, to allow further monitoring to be carried out. Condition No. 21 (b) of that approval states:

"For a temporary period expiring on 7th July, 2006, a maximum instantaneous explosive charge of 85kg shall not be exceeded in any part of the area to which this permission relates. Unless the prior written approval of the Mineral Planning Authority has been obtained, at the end of that temporary period blasting shall revert to a maximum instantaneous charge of 45kg."

The current application essentially seeks the use of an 85kg mic on a permanent basis with immediate effect, without waiting for the end of the 12 month trial period. In support of the application, the applicants consider that monitoring of blasts prior to determination of the previous application demonstrated that a charge of 85kg is the optimum for this quarry, and note that 'smaller' blasts do not necessarily equate to lower vibration readings. A copy of the applicant's consultants' report on blasting impact is attached for Members' information at Appendix E. The original of that document is in colour and is retained on file for Members' inspection on request.

The decision on the previous application was based on the results of monitoring 33 blasts at the quarry over the five years since its reopening, and included a variety of monitoring locations and a variety of explosive charges. Analysis of the results indicated that an increase in mic to 85kg could be justified without breaching the cautionary threshold for nuisance of 6 millimetres per second (mm/s) ground vibration in 95% of cases, set out in Minerals Technical Advice Note 1: Aggregates (2004) (MTAN1). Members considered that a precautionary approach was desirable, and approved the 85kg charge for a 12-month trial period to allow further monitoring at the increased level.

Since the July 2005 approval, two blasts have taken place using the 85kg charge. Both were monitored by Council officers at the Golden Mile Inn (the closest property to the quarry). The first of these, on 14th July, 2005, resulted in a ground vibration level of 2.93 mm/s, well within the MTAN 1 cautionary level and with an air overpressure level of 120 dB(L), significantly below the level of many blasts monitored over the past five years at this quarry.

The second blast, on 17th August, 2005, resulted in a ground vibration level of 9.19 mm/s and an overpressure of 123 dB(L). This vibration level is the third highest recorded at this site and exceeds the MTAN 1 guidance level of 6 mm/s (which is intended to cover 95% of all blasts monitored over a six-month period) by over 50%. It is only just below the absolute MTAN 1 limit of 10mm/s for any blast, and is a cause of serious concern as regular blasting at this level would be likely to cause justified complaints of unreasonable nuisance.

The results of the limited additional monitoring carried out to date demonstrate that the precautionary approach taken in approving the increased charge for a 12-month trial period was correct and, even if the results of both the blasts to date had been favourable, I would be very reluctant to recommend a permanent change on the basis of such limited information. On the basis of past activity I would expect 8 to 12 blasts to take place over the full 12-month trial period, which would enable a more representative picture of the effects of blasting to be obtained and would allow a confident prediction of the impact of a permanent change. In the interests of the protection of residential amenity and to enable proper monitoring of the use of the 85kg charge over an extended period, I therefore recommend refusal of the current application.

04045

RECOMMENDATION (W.R.)

REFUSE

Reason(s):

1. Insufficient monitoring information has been obtained since the July 2005 permission Ref. 05/00472/FUL to justify the early termination of the 12-month temporary period referred to in Condition No. 21 (b) of that permission, in the interests of residential amenity. The proposal is therefore contrary to the objectives of Policy MINXXX (Environmental Impact) of the adopted Vale of Glamorgan Unitary Development Plan 2005 and to the advice given in Minerals Technical Advice Note 1: Aggregates (2004).

Hamlett Enterprise, Ystrad Court, Ystradowen, Vale of Glamorgan. CF71 7TN
(Harmers Limited, 39, Lambourne Crescent, Cardiff Business Park, Llanishen,
Cardiff. CF4 5GG)

**LAND ADJOINING THE FORMER GOLDEN HIND PUBLIC HOUSE, ST.
MARY'S WELL BAY, SWANBRIDGE**

Change of use from former public house car park to become part of caravan site -
retention of four concrete bases, access roadway, lighting stanchions and gabion
wall

SITE DESCRIPTION

The application site is located to the south of the former Golden Hind Public
House on land that had previously been used as a car park. The site is also near
the St. Mary's Well Bay Caravan Park.

DESCRIPTION OF DEVELOPMENT

This is an application submitted retrospectively for the change of use of a former
car park associated with the Golden Hind public house development of concrete
bases for static caravans, the construction of an access road and a gabion
retaining wall to the west.

PLANNING HISTORY

05/01227/FUL - Variation/modification to car parking scheme required by
Conditions (vi) and (viii) of consent PP/Z6950/A00/1047923 at the former Golden
Hind Public House and A/01/1079778 (Vale application references 00/00127/OUT
and 01/00566/OUT). No decision as yet.

01/00566/OUT - Construction of replacement restaurant and bar facility to replace
fire damaged existing shell. Refused 30th October, 2001. Appeal allowed 22nd
May, 2002.

00/00127/OUT - Demolition of existing restaurant extension to front of Golden
Hind and relocate. Refused 5th April, 2000. Appeal allowed 22nd May, 2002.

99/01233/FUL - Convert existing derelict public house into 8 No. 2/3 bedroom
self-contained flats. Refused and appeal allowed 4th January, 2000.

05/0227/M - Enforcement action was also authorised against the unauthorised
works which were the subject of this application in July 2005.

CONSULTATIONS

Sully Community Council – Comments awaited.

Environmental Agency – No response to date.

Welsh Water – Comments awaited.

The Director of Legal and Regulatory Services (Private Sector Housing Officer) – Please keep informed of outcome.

The Head of Visible Services (Highway Engineer) – “This is a Shoreline location under threat of erosion, where appropriate defences are not viable.”

REPRESENTATIONS

A site notice was posted on 12th August, 2005. No representations have been received to date.

REPORT

A key issue with regard to this application is considered to be the impact of the proposed development on the character and appearance of this part of the undeveloped East Vale coast.

The relevant development plan for the site is the adopted Vale of Glamorgan Unitary Development Plan 2005. Regard also has to be paid to policy guidance in Planning Guidance Wales and the TAN14.

The site lies in the open countryside and within the undeveloped part of the East Vale Coastal Zone. Policy ENV1 seeks to protect the countryside against inappropriate development. Policy TOUR4 does allow caravan, chalet and tent developments in the countryside, but not within the coastal zone. Furthermore, Policy ENV5 only permits development in the undeveloped coastal zone if a coastal location is necessary for the development and it does not cause unacceptable environmental effects. Accordingly, given the visual impact of the siting of caravans on this land along with the associated roadway and gabion retaining wall it is considered that this development fails on both counts.

Furthermore at paragraphs 5.5.1 to 5.5.3, Planning Policy Wales highlights the importance of the conservation and improvement of the natural heritage, in making development control decisions. It states “when considering any development proposal [...] local planning authorities should consider environmental impact, so as to avoid, wherever possible, adverse effects on the environment.”

Paragraphs 5.7.1 – 5.8.4 deal with developments in coastal zones in particular, PPW states: “the undeveloped coast will rarely be the most appropriate location for development”. Furthermore, TAN14 emphasises the importance of development in the coastal zone requiring a coastal location as a necessity (which is not the situation in this case).

It is therefore considered that the proposal represents an unjustified intrusion into the countryside and the undeveloped coast which is contrary to the aims and objectives of the above Unitary Development Plan policies and national guidance.

The site also lies within landscape character 20 – Coastal Strip – East of Aberthaw Power Station in the publication ‘Landscapes Working for the Vale of Glamorgan’. This area is described as having “distinctive qualities and particularly intense problems of leisure development such as caravan parks, visitor management and coastal access, which set it apart from its direct hinterland”.

In conclusion, the proposed development represents a new caravan development in the undeveloped coastal zone, which is considered to be contrary to both local and national planning policy referred to above. Moreover, it would have an unacceptable environmental impact and harmful visual impact on the character and appearance of this part of the coastline. Finally, given that the application site is not on an identified public transport route, it is considered that the development is likely to generate a significant number of car borne trips, which would not comply with the principles of sustainable development.

Members will also note that enforcement action has already been authorised in respect of the works which have already been undertaken on the site, including the laying of concrete bases, a road way and a retaining wall.

04062

RECOMMENDATION (W.R.)

REFUSE

Reason(s):

1. The development has a harmful effect on the character and appearance of this open coastal location and as such is contrary to Policy ENV1 of the adopted Vale of Glamorgan Unitary Development Plan 2005 and also Planning Policy Wales, both of which seek to protect the countryside against inappropriate development and would also fail to accord with Policy ENV5 which only permits development in the undeveloped coastal zone if a coastal location is necessary for the development and it does not cause unacceptable environmental effects.
2. The development would be contrary to Policy TOUR4 of the adopted Vale of Glamorgan Unitary Development Plan 2005, which states that caravan, chalet and tent developments will not be permitted within the coastal zone due to the harmful effect of such development on the appearance of the coastline.

Vale of Glamorgan Council, Docks Office, Barry, CF63 4RT
(Malcolm Drysdale, Principal Landscape Arch. Docks Offices, Barry. CF63 4RT)

FORMER COASTGUARD STATION, NELLS POINT, BARRY ISLAND

Refurbishment and alterations to existing coastguard station to permit remanning of the facility and create public facilities inc. display area, toilet and terrace

SITE DESCRIPTION

The application site relates to the former Coastguard Station, electricity sub-station and compound at Nell's Point, Barry Island. The station is approximately 500m² and it lies within the East Vale Coast and the residential settlement boundary of Barry. The existing two-storey building has a monopitch roof. The station is located within Council owned open space reclaimed during the first phase of demolition and disposal of part of the headland for housing (Bovis Homes development).

DESCRIPTION OF DEVELOPMENT

Planning Permission is sought to carry out refurbishment work and alterations to the existing coastguard station building to allow the future operation of the facility and create additional public facilities such as a display area, toilet and terrace.

The refurbishment of the station is proposed in conjunction with other improvement works to restore the amenity value of the headland and to improve public access. This application follows a successful application to the Welsh Assembly under the Physical Regeneration Fund to carry out much needed refurbishment works and the proposal has been reported to Cabinet.

The works include a new enclosed circular stair access and the ground floor area of the station will be extended to accommodate the re-location of the existing electric transformer for the radar, an extended display area for visitors and for educational purposes (with vision slits), new disabled toilet facilities and a lobby at the rear. The former electricity sub-station is retained as existing and will be converted into a bat roost. A new external terrace is proposed within the secure area to offer greater opportunities for educational and leisure use.

The extensions and the refurbishment works to the existing building are constructed of rendered walls, a sedum blanket over the insulated roof membrane of the extended display area, a galvanised steel spiral access stair, a white colour coated aluminium profiled lining to the existing concrete roof, a new Coastwatch viewing screen with vandal resistant glass with colour coated aluminium frames and louvered doors, a hardwood sliding night security screen, a galvanised steel secure access ladder to the radar equipment on the roof and a lias limestone faced retaining wall.

It is proposed to landscape and re-surface the external areas with random and radial panels of lias limestone paving, divert the existing footpath to the north of the facility to link with the new network around the Coastwatch station, remove existing but unnecessary tarmac footpaths and re-instate soft landscaping, erect a new 1.8m spike and spear faceted curved railing enclosure in grey/green colour coated steel around the whole compound and install free standing timber screen posts around the entrance courtyard at the rear. Additional “deterrent” planting is proposed adjacent to the security enclosure.

PLANNING HISTORY

03/01694/FUL – Installation of roof top radar and inspection/maintenance access ladder together with four additional associated antennas. Approved 16th January, 2004.

CONSULTATIONS

Barry Town Council - Were consulted on 25th August, 2005. No representations have been received to date.

The Operational Manager (Countryside and Environmental Projects) – Was consulted on 25th August, 2005. “The property is not affected by any Public Rights of Way shown on the definitive map. The closest public footpath is No. 70 Barry which was formally extinguished in 1965. Consequently I have no objection to the consent being granted.”

The Countryside Council for Wales – Were consulted on 25th August, 2005. No comments have been received to date.

Countryside and Environmental Projects (Ecologist/Biodiversity Officer) – Was consulted on 25th August, 2005. No comments have been received to date.

The Operational Manager Leisure and Tourism – Was consulted on 25th August, 2005. No comments have been received to date.

REPRESENTATIONS

Site notices were erected on 26th August, 2005 and no objections have been received to date. A neighbouring occupier from the Nell’s Point residential development has raised concerns relating to the probable increase in the number of people visiting this site and the knock-on effect on parking provision in the estate. The National Coastwatch Institution and Associated British Ports have written in support of this application and these letters are attached as Appendix A to this report.

REPORT

The proposed remanning of the Coastwatch station and the improvements to the facilities and appearance of the station are welcomed and supported. The overall aim is to revitalise the headland and to enable public access and increase community involvement in the area. The scheme is based on a partnership with the National Coastwatch Institution (NCI) who wish to man the first floor of the building to assist their marine safety remit as in other refurbished stations throughout the UK.

A grant has been obtained from the Welsh Assembly through the Physical Regeneration Fund to allow for the refurbishment works and access improvements. The works are programmed to commence on site in Spring 2006.

04054

RECOMMENDATION

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

1. The development hereby permitted shall be begun before the expiration of five years from the date of this permission.
2. Details of the materials and colour of the external finishes of the proposed coastwatch station shall be submitted to and agreed in writing with the Local Planning Authority prior to the commencement of development.

Reason(s):

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

NOTE:

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

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

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

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

R. Thomas Esq., C/o Gary Evans Solicitors, Holton Road, Barry, Vale of Glamorgan.
(Alan Seager Architects, Coedmor, Caswell Avenue, Caswell Bay, Swansea. SA3 4RU)

ST. ATHAN BOYS VILLAGE, ST. ATHAN

Conversion and replacement of existing buildings to form 12 dwellings

SITE DESCRIPTION

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

DESCRIPTION OF DEVELOPMENT

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

The twelve new dwellings would be formed as follows:

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

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

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

PLANNING HISTORY

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

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

CONSULTATIONS

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

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

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

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

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

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

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

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

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

REPRESENTATIONS

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

REPORT

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

POLICY ENV 1 – DEVELOPMENT IN THE COUNTRYSIDE

WITHIN THE DELINEATED COUNTRYSIDE PERMISSION WILL ONLY BE GRANTED FOR:

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

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

SUBJECT TO THE PROVISIONS OF POLICY HOUS2 THE ERECTION OF NEW DWELLINGS IN THE COUNTRYSIDE WILL BE RESTRICTED TO THOSE THAT CAN BE JUSTIFIED IN THE INTERESTS OF AGRICULTURE AND FORESTRY.

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

The following Policy is therefore relevant:

POLICY ENV5 – EAST VALE COAST

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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RECOMMENDATION

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

APPROVE subject to the following condition(s):

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

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

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

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

Reason(s):

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

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

NOTE:

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

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

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

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