

Cardiff County Council (Special Projects), Sports Village Project Office, Ferry Road, Cardiff. CF11 0SP
(RPS Group, Park House, Greyfriars Road, Cardiff. CF10 3AF)

LAND ADJACENT TO PUMPING STATION, MARCONI AVENUE, PENARTH HAVEN

Kiosk, chain ferry landing station and pedestrian access

The application was advertised on 26th September, 2002.

SITE DESCRIPTION

The site relates to an area of land situated off Marconi Avenue. The site adjoins an entrance to an existing pumping station. To the east of the site and pumping station is located new residential development of blocks of flats the nearest being known as Ty Gwalia. The site also includes part of the estuary (Cardiff Bay) and Embankment.

DESCRIPTION OF DEVELOPMENT

To seek outline planning consent for the construction of a ticket office, access and slipway to a chain link ferry across the River Ely to access land in Cardiff County Council's area known as International Sports Village (and vice versa). The application's agent submitted a letter and ecological reports in support of the scheme. Means of access is not reserved.

PLANNING HISTORY

Planning consent has been granted for the development of the Penarth Marina Scheme including Residential and Commercial Development. A scheme for the development of the land known as International Sports Village and lying wholly within Cardiff County Council's administrative area, including for a major events venue, has been approved (03/01131/OBS/1130/OBS).

CONSULTATIONS

Penarth Town Council - See Appendix A and in response to additional details maintains its concerns and the potential for local traffic generated by the users of the proposed ferry.

Head of Visible Services (Highway Development) has been consulted at various stages during the progression of the application - See Appendix B.

Welsh Water – See Appendices C1 and 2.

Countryside Council for Wales – See Appendices D1 and 2.

Director of Legal and Regulatory Services (Environmental Health Officer) – “The proposed development is adjacent to a residential development and therefore if the hours of operation of the ferry are not controlled then there is the possibility of local residents being disturbed.

For this reason I would note two suggestions:

That use of the chain ferry is restricted to no later than 11.00 p.m. or be suggested to the applicant that the ferry be moved 210m further up the River Ely where there is less potential to cause disturbance.”

Environment Agency – See Appendix F.

Cardiff County Council – “That the Vale of Glamorgan be informed that Cardiff County Council has no objections to the submitted proposals”.

REPRESENTATIONS

Letters of representations have been received from:

4 Ty Gwallia.
36 Anchor Road, Penarth Marina.
41 Plas St. Pol-de Leon.

Copies are attached as Appendix G.

REPORT

Following receipt of information from consultees the applicant’s agents submitted a further letter and supporting ecological information and the letter is reproduced as Appendix H. All documents and reports submitted in support of the application are retained on file for inspection

The development of a link between Penarth and Cardiff in addition to the current vehicular route over Cogan Spur and the potential bus/cycle link over the Barrage is welcomed.

There are however issues to be considered in respect of the scheme including issues relating to Ecology, Visual impact, neighbours amenity and traffic movement (including bus access and parking issues).

In respect of ecology, it is noted that the Countryside Council for Wales’s comments refer to mitigation measure being required on the International Sports Village bank i.e. land within Cardiff County Council’s area. The application site, edged red, includes a stretch of land approximately 109m long. It would be possible to seek enhancements to the ecological value of that part of the embankment lying within the application site and not indicated as being developed. Issues of protection of the water quality and of impacts on the water environment generally during and post construction are within the remit of the Environment Agency if the development were it to be approved. However limitations on lighting and construction are required to safeguard the ecology of the area.

In respect of the access to the site it is considered that the provision of a bus bay will rely on the service utilising the Marconions Avenue, this being a road with traffic calming as there is no provision for a turning area on site nor is there a roundabout provided as part of the scheme.

The Head of Visible Services has been consulted and has made comments at Appendix B. It is noted that this is an application in outline and full engineering details and details of the kiosk and any associated fencing, ramps, steps and street furniture will be required and should therefore be considered, if approved. Access is not a reserved matter and the plan ref: 613/CF/ indicates vehicular access through the proposed bus bay with lockable gates.

In respect of access it is indicated that the ferry is for foot passengers and cyclists, including access to the International Sports Village for major events. The study in support of the scheme indicates that 190 water borne weekday daily trips are likely to be generated but this figure is anticipated to rise to 350 at weekends. No specific figure has been given for trips on event days at International Sports Village. There is a possibility that users of the ferry may drive to the Marina to use the ferry to cross to International Sports Village and thus have potential for adverse impacts on the highway network from on-street parking. It appears that the applicant's themselves may have recognised this by offering a Section 106 Legal Agreement to fund Road Traffic Orders. Further comments from the Highway Development Section have been received in respect of the proposed requirements in relation to the intended Section 106 Legal Agreement, and this memorandum is set out at Appendix J to this report.

It would appear essential to seek to control on-street parking given the potential for generation for such from this development and thus the recommendation for approval should be subject to the applicants first entering into a Section 106 Legal Agreement to undertake the necessary Road Traffic Order(s).

Consideration of this application was deferred at the previous Committee meeting on 26th January, 2005 to enable Committee Members to inspect the site. It is currently anticipated that this inspection will take place on 23rd February, 2005.

03788

RECOMMENDATION

That subject to the applicants first entering into a Section 106 Legal Agreement to undertake necessary Road Traffic Orders(s) that conditional planning consent be granted.

Subject to the following condition(s):

1. Approval of siting, design, external appearance of the building(s) 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. Plans and particulars of the reserved matters referred to in Condition 1 above, relating to the siting, design and external appearance of any buildings to be erected, the means of access to the site and the landscaping of the site, shall be submitted in writing to the Local Planning Authority and shall be carried out as approved.
 5. The details of landscaping reserved under Condition 1 above shall include details for the enhancement of the ecological value of the embankment.
 6. No lighting shall be installed on the site other than in accordance with details of the lights and their hours of operation which shall have been submitted to and approved in writing by the Local Planning Authority prior to their installation. The lighting shall thereafter only be installed and operated as agreed by the Local Planning Authority.
 7. Prior to the commencement of development full engineering details of all works to the embankment and including details of any ramps, fencing, pontoons, seating, gates, steps and any street furniture, shall be submitted to and approved in writing by the Local Planning Authority and the development shall thereafter be carried out in accordance with the approved details.

Reason(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. The application was made for outline planning permission.
5. In the interests of visual amenity and to enhance the ecological value of the site.
6. In the interests of visual amenity and to safeguard the ecology of the area.
7. To safeguard the integrity of the embankment and to ensure the visual amenities of the site.

NOTE:

1. Where the work involves the creation of, or alteration to, an access to a highway the applicant must ensure that all works comply with the appropriate standards of the Council as Highway Authority. For details of the relevant standards contact the Visible Services Division, The Vale of Glamorgan Council, The Alps, Wenvoe, Nr. Cardiff. CF5 6AA. Telephone 02920 673051.
2. The applicants are advised that all necessary consents/ licences must be obtained from, the Environment Agency prior to commencing any site works.

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 L Brooks 108 St. David's Crescent Penarth Vale of Glamorgan
(Mr L Brooks 108 St. David's Crescent Penarth Vale of Glamorgan)

108, ST. DAVIDS CRESCENT, PENARTH

Proposed rear extension, external alterations and detached garage

SITE DESCRIPTION

The application site relates to an existing post war semi-detached dwelling located on a prominent position at the junction of Glyndwr Road and St. Davids Crescent in the west of Penarth.

DESCRIPTION OF DEVELOPMENT

This application is for a proposed rear extension, external alterations and detached garage as detailed below:

- The rear extension measures a width of 5.2 metres by a depth of 2 metres along the full width of the rear elevation of the dwelling to provide an extended lounge and a utility room. The extension will have a lean-to roof and its maximum height will be 3.4 metres, where it abuts the existing house.
- The construction of a small side extension to provide a WC measuring 2.2 metres in width by a depth of 1.4 metres which will abut the existing house and proposed extension. The roof line is asymmetrical and will form part of the roof plane of the rear extension.
- The construction of a large L-shaped detached garage adjacent to the highway in the front/side garden of the dwelling. The garage has a maximum width of 6.8 metres in length by 5 metres. The garage will have a double hipped roof, with a ridge height of 4 metres.
- The insertion of a 0.9m by 0.9m wide diamond window to serve the first floor landing on the front elevation of the dwelling.
- The retention of a square bay and porch on the front elevation of the dwelling. The square bay measures a width of 3.2 metres by a depth of 0.8 metres. The porch as constructed measures a width of 1.8 metres by a depth of 1.6 metres with a single window to front and door to the side. The square bay and porch will be finished with a lean-to roof over the bay linking with a hipped roof over the porch, to a maximum height of 4.8 metres.

All of the elements of new build/alterations will be finished with a painted sand/cement render on the main elevations with concrete interlocking roof tiles.

PLANNING HISTORY

The site has not been subject to any previous planning applications.

CONSULTATIONS

Penarth Town Council - Was consulted on 25th September, 2002 and has made the following observations.

“Whilst the Town Council is prepared to support approval of the extensions to the house, grave reservations are expressed over the proposed garage having regard to its siting and effect on the street scene and the scale of development given the overall size and shape of the house plot and the relatively small area of garden space remaining to the front, side and rear.”

The Head of Visible Services (Highway Development) – Was consulted on 8th October, 2002. There is no objection to the proposal in principle. However, the submitted proposals for the proposed garage and on-site parking arrangements will require amending to satisfy the following:

- “(i) The application fails to provide the minimum number of three parking bays within the confines of the site in accordance with the Parking Guidelines. Applicant to resubmit a revised drawing using an appropriate scale (1:50, 1:100, etc. not 1:75) for approval by the Local Planning Authority.
- (ii) To ensure the free flow of traffic on the narrow roads within the surrounding area, the Highway Authority require all new or replacement garages to incorporate a 5.5m long by 3m wide driveway fronting the proposed garage for use when vehicles are not garaged and for the opening of the garage door.
- (iii) Although the site is served by an existing vehicular cross-over, the proposals shall maintain the maximum available vision splays for the site frontage in both directions. Within these areas no structures, e.g. gates, walls, vegetation, shall be greater than 900mm in height above the carriageway channel edge.
- (iv) The applicant is required to submit to the Local Planning Authority for approval full engineering details of the proposed modifications to the existing vehicular cross over.
- (v) No gates or barriers shall open out over the adopted carriageway and footway.
- (vi) No structure, e.g. roof lines inclusive of rain water guttering, etc., shall overhang the adopted highway.”

REPRESENTATIONS

Neighbouring residential properties were consulted on 3rd October, 2002 and to date no representations have been received.

REPORT

The scheme as submitted forms part of the refurbishment of the existing dwelling which is sited on a corner plot where the majority of the garden area lies to the side of the dwelling with limited garden area to the rear.

In assessing this application it is considered that the main issues are the impact of the proposal on neighbouring dwellings, the street scene and the existing dwelling on the plot.

Firstly, with regard to the proposed rear extension, given the limited size of the rear garden, the proposed extension would come within 2 metres of the boundary fence with the property to the rear, being No. 2 St. Davids Crescent. In addition, the property to the rear is at a higher level and given its similar limited sized garden, the ground floor windows and rear garden of the adjoining dwellings are highly visible from the rear garden of the application site. Therefore, the rear extension would only be some 11.6 metres from the rear elevation of no. 2, which both contain habitable windows.

The Council's Amenity Standards Supplementary Planning Guidance Policy 4 states that there should be a minimum of 21 metres between opposing habitable room windows, although it does advise that this distance may well be reduced depending on the horizontal angle between opposing principal elevations. However, whilst the principal windows are not directly opposing, the actual overlooking of both the rear garden and the principal windows at both ground and first floor level is considered to cause sufficient harm to the occupiers of No. 2 to warrant refusal of this application on these grounds.

With regard to the proposed garage, it is sited adjacent to the road to the side of the dwelling, on the largest part of the garden. The Highway Engineer advises that the site will have to accommodate three car parking spaces. However, the submitted site plan clearly indicates a layout that would fail to provide the required number of parking spaces to a satisfactory arrangement.

The proposed garage would result in a blank wall of some 5 metres being sited directly adjacent to the highway and the garage would be sited nearer the highway than the existing dwelling. Therefore, it is considered that by virtue of the size and its prominent siting adjacent to the highway forward of the existing building line, the garage would result in an incongruous feature in the street scene.

Furthermore, in terms of the impact of the proposal on the existing dwelling and the plot, it is considered that the total new gross floor-space of the dwelling as extended would be 134 metres square. Accordingly, the remaining garden area, excluding the area of the proposed garage, to serve the extended dwelling would be limited to 31 metres square, much of which would be to the front of the dwelling and not considered usable or private amenity space. The Amenity Standards Supplementary Planning Guidance requires a minimum of 1 square metres of amenity space to one square metre of gross floor area. It is therefore considered that the proposal would result in over-development of the site.

The extension on the front of the house, to provide square bay windows and porch, has already been partly constructed and, therefore, this application includes the retention of the works already undertaken. Whilst the works undertaken to the front elevation are visible from the street scene, they are relatively minor and are not considered to have an unacceptable impact on the dwelling or the wider street scene.

Members may recall that this application was deferred at Planning Committee on 5th February, 2003 at the request of the applicant, to remove the garage element

of the application and to allow discussions with the officers. Following the deferment of the application, the applicant was advised in a letter dated 10th March, 2003 of the concerns in respect of over development of the site and the concerns in respect of the rear extension and amended plans were requested.

A further letter was written on 11th August requesting the same and to date no correspondence has been received from the applicants. Given that it is over a year since the application was deferred and in the absence of any amended plans, the application should be assessed as originally submitted.

To conclude, it is considered that the proposed rear extension and detached garage would result in an unneighbourly form of development and an incongruous feature in the street-scene which would constitute over-development of the site as a whole. Such a development would be contrary to Policy ENV25 of the Unitary Development Plan Deposit Draft (as amended) 1998 which seeks to ensure satisfactory design of new development.

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

02982

RECOMMENDATION (W.R.)

REFUSE

Reason(s):

1. The proposal would result in an overbearing form of development which would result in a loss of privacy and amenity to neighbouring residential properties and would result in an incongruous form of development and over-development of the site as a whole, contrary to Policy ENV25 of the Vale of Glamorgan Unitary Development Plan Deposit Draft 1998 (as amended) and the guidance contained within the Amenity Standards Supplementary Planning Guidance.

Elaine Robinson, The Garlands (Talbot Liveries) Walterstone Road, Llanccarfan.
CF62 3AD
(S. G. Williams & Associates, Lombard House, 64, Mansel Street, Swansea. SA1
5TN)

THE GARLANDS (TALBOT LIVERIES), WALTERSTON, LLANCCARFAN

Change use of building as a single dwelling

SITE DESCRIPTION

An isolated group of former agricultural buildings, now extended with the benefit of planning permission and used as a livery stable, which are located 1 mile east of Llanccarfan and near the hamlet of Walterston.

DESCRIPTION OF DEVELOPMENT

This application for a Certificate of Lawfulness seeks to prove via the submission of written evidence and sworn affidavits, that part of the stable building complex has been used for residential purposes for what was initially considered to be the requisite 4 year continuous period up until the time of the application. The application was first made in February 2004.

PLANNING HISTORY

00/01382/FUL - Six loose-boxes, hay and food store. Approved 9th February, 2001.

00/00802/FUL - Food store and stables. Refused 8th September, 2000.

00/00801/FUL - Outdoor exercise arena. Approved 8th September, 2000.

98/01278/FUL - Retention of caravan. Refused 29th January, 1999 : Appeal withdrawn.

87/00389 - Tack room, lecture room and office. Approved 8th September, 1987.

87/00310 - Tack room, lecture room and office. Approved 28th April, 1987.

87/00012 - Outdoor riding arena. Approved 28th April, 1987.

86/000393 - Riding and livery yard (change of use). Approved 29th July, 1986.

CONSULTATIONS

None.

REPRESENTATIONS

None.

REPORT

The applicant has attempted to prove via the submission of written evidence that she has been occupying part of the stable complex for a continuous and uninterrupted period of 4 years. The facilities provided are a small 'day room' already known to have existed for many years and fitted out with nominal domestic items and cooking facilities, and a separate bath, shower and toilet room.

Whilst there were no obvious sleeping facilities, a small touring caravan parked within a rear store 'room' area and which 'room' is also shown as forming part of the application, was later confirmed as being used for sleeping purposes. This rear 'room' area was also fitted out with various domestic items including furniture, a washing machine, fridge, freezer and boiler although the actual built fabric of the 'room' itself remains unaltered except for a new doorway created in early 2002. There are no windows to this rear room and a full width garage type roller shutter door provides access. The floor is partially carpeted. All internal walls and the roof void are untreated and not insulated. Other than a coating of paint, the walls appear to remain in their original built condition and use as a stable/store area. It appears all utility services are available.

Initially, this application was being assessed on the basis that a claimed residential use of a property would only require 4 years of proof of continuity. Whilst even then, the evidence submitted was considered not to be conclusive, a review of case law has now directed that any assessment should be made on the basis of 10 years continuity. This is for the reason that the claimed residential element only forms a minor part of the overall building complex as a whole, which is consented as a livery yard and riding school. Therefore, any assessment should be made on the basis of a change of use to a mixed use to now include residential and not a free standing and independent residential use in its own right. As stated, above, case law has directed that in such circumstances, it is the 10 year rule that should apply, not the 4 year rule. Useful case law references are considered to be *Stanway v. S.O.S* and *South Gloucestershire Council* 16th November, 2000; *Ingleby v. S.O.S* and *North Devon District Council* 18th September, 2000; and *Gravesham Borough Council v S.O.S* and *O'Brian* 8th November 1982. To further attempt to establish the full facts of the case, a Planning Contravention Notice was served, the response to which was again, not conclusive.

Given the above circumstances therefore, as the applicant only acquired the property in 1999, she is not in a position to claim 10 years continuity of residential use. Also and notwithstanding this fact, the applicant was already known to be resident and paying community charge for a property in Barry up until August 2002. The facilities provided at the application site are also considered to be wholly deficient in that they rely on a touring caravan for sleeping purposes and the bulk of the building now being claimed as residential, has not been physically altered in any substantive way, nor has it the appearance of a dwelling. Again case law has directed that a claim of residential use should be supported by the fact that a building being claimed for such purposes, should at least have the appearance, both external and internal, of a dwelling.

In addition to the above, the applicants own planning application for a new, attached stable block extension and submitted back in December 2000, shows the rear 'room' element of residential use being claimed as an implement store. It is also worth noting that an Enforcement Notice was served upon the applicant back in February 1999 requiring the removal of a residential static caravan. Whilst that Notice was specific to a particular caravan unit, since removed, it is considered that its compass can still be read to include that unit being used for sleeping purposes and located within the subject building. As such, not only is a prosecution now possible for a new breach of that Notice, lawfulness cannot be claimed for a matter already subject of an Enforcement Notice. In addition, case law has directed that a caravan sited within a building does not give that building the attributes of a dwelling house and should therefore again, be considered as falling within the 10 year rule.

In conclusion therefore, it is not only recommended that the application for a Certificate for Lawfulness be refused, but authorisation also be given to pursue legal enforcement action to ensure that the current, unauthorised residential use ceases.

03833

RECOMMENDATION (W.R.)

In the event of Committee agreeing to the following recommendation to refuse the application for a Certificate of Lawful Development, 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 the cessation of the residential use of the property and the removal of residential caravans.

REFUSE

Reason(s):

1. In the opinion of the Local Planning Authority, this application should be assessed as a change of use from a single approved use as stables, riding school and yard to a mixed use to now include an element of residential. As such and based on the evidence submitted and the applicants response to a Planning Contravention Notice served on the 5th May, 2004, it is considered that the applicant has failed to prove on the balance of probabilities, that the change of use occurred and has been continuous for the requisite period of 10 years up until the date of this application.

Mr. & Mrs. Brett Norris, Avalon, Beach Road, Swanbridge, Vale of Glamorgan.
(Harmers Limited, 39, Lambourne Crescent, Cardiff Business Park, Llanishen,
Cardiff. CF4 5GG)

AVALON HEALTH & LEISURE CENTRE, BEACH ROAD, SWANBRIDGE

Temporary change of use to dwelling for a period of 12 months

SITE DESCRIPTION

The site relates to a building and land in use as in part as a Leisure Complex with access off Swanbridge Road, although it is noted that the leisure use is not currently operating.

The site adjoins a Caravan Park and access is alongside dwellings.

DESCRIPTION OF DEVELOPMENT

The applicant seeks temporary consent to use the building as a dwelling.

PLANNING HISTORY

88/00527/OUT – Dwelling refused 1988.

87/01234/OUT – Dwelling refused 1988. Appeal dismissed.

04/01723/FUL – Change of use to dwelling and to replace storm damaged roof. Undetermined.

01/01496/OUT – Tourist accommodation. Granted conditional consent.

03/00766/FUL and 03/01603/FUL – For tourist accommodation and a managers flat (including alterations/repair to the roof) would be granted on completion of a Section 106 Agreement to control the use and scale of development. These agreements have not been signed to date.

CONSULTATIONS

Sully Community Council - “No objections”.

Hyder – None received following notification 23rd June, 2004.

Environment Agency – Standard advice applies.

The Head of Visible Services (Highway Development) – Was consulted on the 2nd June, 2004 (see Appendix A).

REPRESENTATIONS

None received following neighbour notification.

REPORT

The development relates to a temporary change of use of this commercial building used as a Leisure Complex. The use has already commenced. No written justification or information in support of the Scheme has been submitted with the application, however the applicant and his agent have verbally advised that due to structural problems with the roof of the building the business use has had to close pending the repairs being undertaken. However recent discussions with the applicant has revealed that the business no longer exists and no longer operates from the premises. The owner has, in addition, submitted an application for the permanent change of use of the premises to a dwelling and to replace the roof with no indication that consent for the change of use is sought for a temporary period. This application being considered at Committee indicates that the roof and wall plate of the rear most part of the building will be raised thus extending the building (see application 04/01723/FUL).

In planning terms the site is located within the Coastal Zone defined in the Planning Policy Documents Barry – Penarth Coastal Area Local Plan and the Vale of Glamorgan Unitary Development Plan Deposit Draft 1998 (as amended 2004) and the South Glamorgan Structural Plan. Development in such an area falls to be considered under policies which seek to restrict residential development and which seek to restrict development to that which requires a coastal location. It was on the basis of the building providing a leisure facility that allowed for its approval and construction in the first instance.

The application as submitted seeks a temporary, 1 year consent to use the building as it stands as a dwelling. It is stated that the applicant has no other property in which to live, having sold off his home and moved into Avalon.

Whilst these personal circumstances are noted, and if it were the case that this proposal was solely temporary to allow refurbishment of the leisure facility (as provisionally approved) it would now appear that the leisure business has in fact ceased to operate. The justification for the temporary use therefore has to be carefully assessed, given this fact.

In this regard, a temporary consent is not justified. Welsh Office Circular 11/95 in relation to the imposition of temporary consent conditions states that :

“the material considerations to which regard must be had in gaining any permission are not limited or made different by a decision to make the permission a temporary one” (Paragraph 109).

In this respect the harm to planning policy of allowing even a temporary dwelling is considered such that this application should be refused. There is no expectation from advice recently given by the applicant in discussion with officers that the use will be temporary nor that the authorised use as a leisure/tourist facility will re-open.

Given the fact that the premises is occupied, enforcement action will need to be progressed. However given the seriousness and complexity of the case and the fact that the applicant clearly resides at the site, I propose to enter into discussions on this matter prior to progressing formal enforcement action.

The following recommendation is, therefore, made.

03809

RECOMMENDATION (W.R.)

In the event of Committee agreeing to the recommendation to refuse planning permission, 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 the cessation of the use of premises as a dwelling.

REFUSE

Reason(s):

1. The proposal represents unjustified residential development in the East Vale Coastal Zone which would be contrary to established local and national policy for the protection of rural, coastal areas including Policy H10 of the approved South Glamorgan Structure Plan (Proposals for Alteration No. 1) 1989; Policies HOUS3 and ENV1, 5 and 7 of the Vale of Glamorgan Unitary Development Plan Deposit Draft 1998 (as amended 2003), and Policy 8 of the Barry - Penarth Coastal Area Local Plan 1983.

Robert Hubbard, C/o Cooke & Arkwright, Bayer Lodge, Bridgend. CF31 3TZ
(Cooke & Arkwright, Bayer Lodge, Western Avenue, Bridgend. CF31 3TZ)

SKIPPER PHILIP BUILDINGS, MONKNASH

Convert existing building into a single four bedroom dwelling within existing structure, external landscaping to provide garden and car parking area

SITE DESCRIPTION

The application site comprises a group of redundant stone farm buildings within an enclosed yard. The site is located to the south of the village of Monkash.

DESCRIPTION OF DEVELOPMENT

This is an application for full planning permission for the conversion of the buildings to provide a four-bedroom dwelling house. The proposal entails the construction of replacement slate roofing throughout and some repair/reconstruction of the existing walls.

Vehicular access to the site will be via the existing field gate entrance directly onto Heol Las. Off street car parking will be accommodated within a tarmac surfaced area to the front of the building. Amenity space will be available within the area enclosed by existing stone boundary wall, which will be retained with a new section to match construction on the northern boundary.

PLANNING HISTORY

None.

CONSULTATIONS

St. Donats Community Council – Were notified on 17th June, 2004.

Environment Agency – Submitted their standard Informative Guidance Note for Developers only.

Welsh Water – “Further to the above consultation we would provide the following comments:

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

SEWERAGE

Condition

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 on the above Planning Application. However, should circumstances change and a connection to the public sewerage system/public sewage treatment works is preferred we must be re-consulted on this application.

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

REPRESENTATIONS

A site notice was posted on 27th July, 2004. Representations have been received from a Dr, Sheppard of Broughton, highlighting the location of the site overlooking the Glamorgan Heritage Coast. The representation is reproduced in full at Appendix A.

REPORT

The application site is located south of Monknash close to the coast.

Whilst the adopted development plan for the area is the approved South Glamorgan Structure Plan Proposals for Alteration No. 1 (1989), nevertheless the most up-to-date policies are contained within the emerging Vale of Glamorgan Unitary Development Plan Deposit Draft 1998 (as amended 2003). As such the policy background to the proposal is as follows.

Policy EV3 of the Structure Plan restricts urban development outside built up areas. Policy EV14 aims to conserve and enhance the special environmental qualities of the nearby Glamorgan Heritage Coast. Equivalent policies in the Unitary Development Plan include Policy ENV1 which seeks to restrict unnecessary development in the countryside and Policy ENV4 which refers to the Heritage Coast. Paragraph 3.4.12 in the supporting text of the Unitary Development Plan states that “development outside but close to, or prominent from within the Heritage Coast boundary can have an impact on the landscape quality of the coast and should therefore be carefully considered. “

Policy ENV7 of the Unitary Development Plan specifically refers to small scale rural conversions and allows for new uses of rural buildings subject to certain criteria. These include the requirement that the building be structurally sound and the conversion can be achieved without substantial reconstruction or extension; that conversion work can be undertaken without unacceptably altering the appearance and rural character of the building; that acceptable amenity space can be provided within the curtilage of the site without undue incursion into the rural landscape; and that satisfactory vehicular access and car parking can be provided.

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

The submitted plans and structural report indicate that the conversion work can be undertaken without extensions or substantial reconstruction. The Council's Principal Building Control Officer has indicated that some areas of repair/renovation will be necessary and that a new roof structure will be required throughout. It is considered that this is acceptable, as the proposed works will serve to retain the intrinsic rural character of the buildings. The necessary amenity space and car parking provision will be contained within the existing stone boundary walls. It is considered that this should serve to mitigate any harmful effects on the unspoilt undeveloped, remote nature of the site close to the Heritage Coast. Suitable conditions and any grant of consent to further control any future development should also serve to restrict the overall impact on the character of the surrounding countryside. It is noted that the Council's Heritage Coast Officer has indicated that provided the buildings are sensitively developed there should be little impact.

As regards parking and vehicular access it is noted that the Council's Highway Engineer has indicated that there are no highway objections in principle subject to on-site parking and turning facilities and other requirements relating to gates and drainage. It is noted that a car parking and turning facility will be provided within the front forecourt area and that the existing vehicular entrance will be utilised. Whilst the Highway Engineer's requirements to set back any gates a minimum of 6m from the highway would serve as some improvement in highway terms, nevertheless it is considered that such an arrangement would detract from the rural setting of the buildings and is not necessary in this particular case.

In addition it is noted that the site currently provides access to adjoining fields. The applicant's agents have confirmed that alternative access points are available to these fields. As such it is considered that the proposal should not prejudice agricultural activities in the area.

On the issue of wildlife a survey for bats and barn owls has been submitted with the application. The findings found no evidence of bat and barn owl use of the buildings. The Council's Biodiversity Officer has confirmed that the survey work undertaken is satisfactory and suggests a number of informatives relating to good practice guidelines and mitigation measures for tree Sparrows.

Finally on the question of infrastructure provision it is noted that no objections have been received from either the Environment Agency or Welsh Water. The Council's Principal Building Control Officer is satisfied with the porosity tests submitted subject to further building regulation inspections.

In conclusion, it is considered that the proposal amounts to a sensitive conversion of this group of rural buildings that should not unduly harm the character of the surrounding countryside and, in particular, the nearby Heritage Coast, subject to some controls over possible future development

Consideration of this application was deferred at the previous meeting of the Planning Committee held on 26th January, 2005 to enable Committee Members to inspect the site. It is currently anticipated that the site inspection will take place on 23rd February, 2005.

03782

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, in so far as it refers to the Proposed Elevations shall relate to the amended plans received by the Local Planning Authority on 17th December, 2004.
3. A method statement for the repair, refurbishment and area of new build of the development, which shall highlight on an elevational plan the areas of the proposed barn conversion requiring repair/restoration, and which shall pay particular regard to:
 - (a) The use of lime based mortar;
 - (b) Re-roofing, using reclaimed slate, Welsh Slate or high quality substitute slate and including ventilation and any external flues;
 - (c) Provision of a damp proof course; and
 - (d) Sections to a scale of 1:20 of new windows and doors which should accommodate means of escape from first floor level and ventilation to all rooms;

shall be submitted to and agreed in writing with the Local Planning Authority before the commencement of development. The development shall be implemented thereafter strictly in accordance with the approved method statement and plan.

4. The car parking and turning facility indicated on Drawing No. 31739/20 shall be provided before the first beneficial occupation of the dwelling hereby approved and shall be retained and maintained within the site for the parking and manoeuvring of motor vehicles exclusively in connection with the dwelling hereby approved.
5. The new section of stone wall indicated on the northern boundary of the site, as indicated on Drawing No. 31739/20, shall be implemented before the first beneficial occupation of the dwelling hereby permitted, and both the existing and new stone boundary wall, shall be retained and maintained at all times thereafter, unless otherwise agreed in writing with the Local Planning Authority.
6. No works involved in the development hereby permitted shall be carried out during the bird nesting season between early March and the end of August unless otherwise agreed in writing with the Local Planning Authority.

7. Before the first beneficial occupation of the dwelling hereby permitted full details of mitigation measures for tree sparrows shall be submitted to and agreed in writing with the Local Planning Authority. These shall take the form of tree sparrow boxes to be erected on the north or east side of the building. The agreed mitigation measures shall be undertaken before the first nesting season following beneficial occupation, and shall be retained and maintained at all times unless otherwise agreed in writing with 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) 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.
10. 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.
11. All planting, seeding or turfing comprised in the approved details of landscaping shall be carried out in the first planting and seeding seasons following the occupation of the buildings or the completion of the development, whichever is the sooner; and any trees or plants which within a period of five years from the completion of the development die, are removed or become seriously damaged or diseased shall be replaced in the next planting season with others of similar size and species, unless the Local Planning Authority gives written consent to any variation.

Reason(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 the rural character of the building and the surrounding countryside and nearby Heritage Coast.
4. In the interests of highway safety.
5. In the interests of the rural character of the site and surrounding countryside and to define the authorised residential curtilage.
6. In the interests of wild life protection, in particular the endangered tree sparrow.

7. In the interests of wildlife protection, in particular the endangered tree sparrow.
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.
10. To safeguard local visual amenities.
11. To ensure satisfactory maintenance of the landscaped area.

NOTE:

1. **Please note that this application relates to a conversion of the building(s) only and does not imply any consent for demolition or partial demolition and rebuilding of the barn(s) other than as may be shown in the approved details. Should work not outlined in the application and the structural survey be required then you should immediately contact my department. Demolition or partial demolition of the barn(s) will not comply with the consent as granted and subsequent planning consent will not normally be forthcoming for rebuilding a new dwelling.**
2. **There are ponds within the vicinity of the application site that may provide breeding sites and nesting places for Great Crested Newts. The site may also provide a potential nesting/roosting habitat for bats and/or barn owls. All of these species are statutorily protected and the event that any evidence of any one of these species is discovered on the site then the developer is advised to stop works immediately and contact the Countryside Council for Wales for advice Tel: 029 2077 2400. In the case of Great Crested Newts the developer should take care when disturbing materials/dense vegetation at ground level which could be being used for sheltering and hibernation and to keep grassland short to discourage Newts from entering the site.**

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.

Southgate Estates Ltd., 35, Augusta Crescent, Penarth, Vale of Glamorgan. CF64 5RL
(Southgate Estates Ltd., 35, Augusta Crescent, Penarth, Vale of Glamorgan. CF64 5RL)

THE LIMES, COWBRIDGE

Erection of two and a half storey apartments for 10 no. retirement flats

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

The application was advertised on 28th July, 2004.

SITE DESCRIPTION

The application site relates to a piece of land formerly occupied by a small church hall, located in a prominent and slightly elevated position fronting The Limes, near its junction with High Street, in Cowbridge. The building was recently demolished and the site is overgrown. The property is situated within the Cowbridge with Llanblethian Conservation Area.

The site is some 0.12 hectares in area and roughly rectangular in shape, with the main frontage onto The Limes. The site is bounded by two storey dwellings on either side of The Limes frontage, (Nos. 9 The Limes and 10 Borough Close) and to the rear by Limes Court, a three storey pitched roof flatted development.

DESCRIPTION OF DEVELOPMENT

Following the withdrawal of a previous application (reference 04/0005/FUL) for the erection of 2 No. blocks of three storey apartments to provide 12 No. one bedroom retirement flats, this amended scheme now relates to the provision of 10 No. apartments which will be accommodated in two separate blocks in the form of 2 No. two storey linked cottage style units.

The main block is located along the western boundary of the site with a frontage onto The Limes, which will accommodate eight flats, four on each floor. The block will have the appearance of four linked cottages with varying roof heights. The block as a whole measures 28.5 metres in length by a maximum depth of 12 metres. Elements of the block will be set back in order to break up its scale and massing to reflect linked cottage style dwellings. The eaves and ridge heights will vary although they are generally set at 4.5 and 7.8 metres with a higher ridge height in the centre of the block at 9 metres. The first floor apartments will be served by balconies on the rear elevation accessed through patio doors located under gable eaves. The front block will be set back from the road line by some 5 metres, to the front of which will be a 3 metre wide forecourt to the flats with a new 2 metre wide pavement adjacent to the highway. The front forecourts will be enclosed by low level stone walls with railing, piers and gates.

The second block is located to the rear of the site and will accommodate two flats and will take the appearance of a detached dwelling, with accommodation for the second floor flat including the use of the roof void as two bedrooms and a bathroom. The block measures a maximum width of 13 metres by a depth of 11.5 metres.

The flats will be finished with painted render elevations and the roof finished in blue fibre cement slates with red ridge cappings. All windows and doors will be stained wood.

Proposed access will be from The Limes, off set to the southern part of the site adjacent to No. 10 Borough Close, leading to a parking area comprising of twelve car parking spaces and perimeter landscaped areas.

PLANNING HISTORY

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

04/0005/FUL - Erection of 2 No. blocks of three storey apartments to provide 12 No. one bedroom retirement flats. Application withdrawn 26th February, 2004.

02/00087/CAC – Removal of debris and materials from vandalised and partially collapsed annexe and kitchen. Application held in abeyance pending approval of a planning application for the redevelopment of the site.

CONSULTATIONS

Cowbridge Town Council - Were consulted on the original scheme and raised an objection to the application on the following grounds:

- (i) Although the application is for 2 storey apartments, the Committee considers the roofline to be too high and will dominate properties in the area. They are also concerned with the proximity of the proposal to the Cottage No. 3 The Limes.
- (ii) The application does not improve or enhance the Conservation Area.
- (iii) The proposed balconies are out of keeping with surrounding properties.
- (iv) The sewage system is at capacity and problems have already been experienced in this area.
- (v) Increased volume of traffic existing onto the Limes, which is very narrow and dangerous road and a main route to and from the local primary school.

Vale of Glamorgan Conservation Advisory Group - At their meeting on 1st December, 2004 recommended that the application should be refused on the grounds that the design and the materials are inappropriate for this part of the Conservation Area, representing also an over-development of the site, neither preserving or enhancing this part of the Conservation Area.

Glamorgan Gwent Archaeological Trust – “The Regional Sites and Monuments Record curated by this Trust shows the application area to be located just outside the known extent of both the Mediaeval town and the area occupied by the Romans. Although most of the evidence of activity appears to exist on the opposite side of the River Thaw from the application site, as Cowbridge has major Roman and Mediaeval remains there is clearly a possibility of archaeological material being located in the application 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:

The developer shall ensure that a suitably qualified archaeologist is present during the undertaking of any ground works in the development area, so that an archaeological watching can be conducted. The archaeological watching brief 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.”

Environment Agency - Was consulted and has stated that the Agency has no knowledge of flooding in the vicinity of the proposed site.

Campaign for the Protection of Rural Wales - Has stated the following:

“Whilst the proposed development is more reflective in scale to its surroundings than that previously submitted, we are of the opinion that the density is still too excessive. The site area not covered by the building is entirely given over to the provision of 12 car parking spaces together with an extremely small landscaped garden. This resultant amenity space provision is totally unsatisfactory. We also have concerns with regard to the apparent absence of any visitor parking provision for the proposed development as well as the suitability of the highway infrastructure to accommodate the traffic generated.

We are of the opinion therefore that the proposed development is not satisfactory and therefore planning permission should be refused.”

Welsh Water - Were consulted and have requested that conditions and an advisory note shall be attached to any planning permission granted, in order to ensure that foul and surface water are drained separately from the site.

The Head of Visible Services (Highway Development) - Was consulted on the original scheme (12 units) on the 27th July, 2004 and raised an objection to the development. He required a turning facility and parking provision in accordance with the Parking Guidelines. The development required 16 No. car parking spaces, the current layout showing only 12 No. car parking spaces.

REPRESENTATIONS

Adjoining neighbours were notified on 28th July on the original scheme and on 18th January on the amended scheme. To date a total of 19 letters of representation have been received, although many of these are from the same occupiers. Two of the letters are attached as Appendix A and the general concerns are summarised below.

- The height of the main block, which whilst described as 2 storey appears as a 3 storey building.
- The potential impact in respect of loss of light, the proposed development would be too close to the road frontage.
- The restricted access for traffic along The Limes that would be made worse by the proposed development.
- The scale and form of the proposals represents over development of the site.
- The design appears as a pastiche of Cowbridge and the proposed balconies appear out of keeping with the character with Cowbridge.
- The application site falls within the floodplain.
- The inadequacy of off-street parking given the parking restrictions on The Limes.

Notwithstanding the above, several letters of objection did state that the current scheme was a significant improvement over the previously submitted scheme under application 04/0005/FUL, for 2 No. blocks of three storey apartments to provide 12 No. one bedroom retirement flats.

Councillor Clay has corresponded stating that she has been contacted by objectors. She also states that she hopes that the development will be set back in line with existing houses, making room for a footpath which is badly needed. In addition she stated that the No. of units proposed would generate increased traffic.

REPORT

The Issues

Relevant Policies

The site lies within the residential settlement boundary of Cowbridge and therefore residential development in principle is acceptable, subject to certain criteria.

Cowbridge Local Plan 1996

The policies contained within the above current adopted local plan for the area, are considered relevant in assessing this application, which relate to new residential development and development within the “Conservation Key Area”, which the application site falls within.

- *Policy 4* states that infilling with the key areas will not be permitted unless it can be shown to preserve or enhance the unique character of those area.
- *Policy 5* state that the scale of proposed infill development will be related to the scale of the site and surrounding buildings.
- *Policy 29* requires a high standard of design to be required for development in the Conservation Area and in the key areas, and development will not be acceptable unless it preserves or enhances the existing character.

More specifically the site itself is identified under Policy 7 (b), which states that favourable consideration will be given to a scheme of one or two bedroom dwellings on the site, subject to a satisfactory standard of high design.

Vale of Glamorgan Unitary Development Plan Deposit Draft (as amended) 2003

The site is also allocated in Vale of Glamorgan Unitary Development Plan Deposit Draft 1998 (as amended 2003) under Policy HOUS 1 (17) for residential development. This policy states that the site has advantages for the development of small retirement homes, whilst stating that a high quality of design and layout will be required in any development proposal submitted.

Policy HOUS 9, permits the principle of residential development within settlement boundaries subject to the following 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.
- 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.
- 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.

In respect of the development within the Conservation Area, the relevant policies are ENV15 (Protection of the Built and Historic Environment), ENV 18 (Development in Conservation Area) and ENV 25 (Design of new developments) contained within the Vale of Glamorgan Unitary Development Plan Deposit Draft (as amended) 2003. Consideration should also be given to the policies and guidance set out in the Amenity Standards SPG.

The principle of the use of the site for residential redevelopment is acceptable given the sites allocation in both the adopted Local Plan and the emerging Unitary Development Plan. Whilst the principle of residential development of the site may be considered acceptable, the key issues that need to be assessed in relation to the Conservation Area are:

- The appropriateness of the scale, form, design and materials of the proposed development in relation to its impact on the existing dwellings fronting The Limes and its wider context.
- Whether the scheme as a whole preserves or enhances the character of the Conservation Area.

The previous scheme for the site submitted under application ref. 04/0005/FUL was for the erection of 2 No. blocks of three storey apartments to provide 12 No. one bedroom retirement flats. Strong concerns were raised in respect of the set back position of the blocks and their scale, where it was considered that the scheme as whole was out of keeping with the character of The Limes and the Conservation Area and resulted in over development of the site. Following discussions with the applicants, the scheme was subsequently withdrawn.

The current application has been submitted following further meetings between the Local Planning Authority and the applicant with regard to the appropriate scale and form of development. The scheme as now submitted, whilst still providing flatted development, now achieves this in the form of a linked cottage style development, with a principal frontage onto The Limes. The scheme as submitted has been amended with a reduction on the number of units from 12 to 10.

It is considered the layout of the proposed scheme as amended is acceptable and reintroduces a simple building form fronting The Limes on to the vacant site and reinforces the building line of the street. The placement of a secondary block to the rear of the site is considered acceptable given its secondary relationship to the principal block fronting The Limes. The site layout as a whole is considered to provide a traditional relationship of frontages to streets, in keeping with the street scene, by the provision of direct pedestrian access from the pavement with the use of small forecourts enclosed by low front walls, with gates, gate piers and iron railings.

In respect of the heights of the proposed scheme, concern has been raised from neighbouring occupiers with regard to the central ridge height of the main block and the fact that it appears as 3 storey accommodation. The central block does have a ridge height of some 9 metres and the roof space is indeed used for accommodation. However, the scheme as submitted has been subject to amendments, where the rooflights which were originally on the front roof plane, have been re-sited to the rear, less prominent roof-plane in order to simplify the roof detail. Whilst the ridge height is some 2.5 metres higher than the rest of the development, it is nevertheless of a similar height and scale as the converted

Chapel on the other side of the Limes and in terms of the general street scene, does not appear incongruous. The varied ridge heights are characteristic of the Conservation Area. In addition this 'higher' element of the development is located centrally within the site frontage away from existing residential property either side of the site.

The design and detail elements of the scheme are relatively simple, echoing the Limes secondary position in relation to High Street. As such the applicant was requested to provide simple detailing to the buildings which reflect the simple cottage style dwellings found in The Limes. The submitted plans, whilst indicating window and door locations and proportions, have not provided full details and as such should be required by way of condition.

In terms of materials and finishes, the flats will be finished in painted render elevations and the roof finished in blue fibre cement slates with red ridge cappings, which is generally in keeping with the cottage style dwelling found in The Limes. Whilst the finishes chosen are acceptable in principle given the prominent location of the site and the scale of the proposed development, it will be considered necessary, if this application is approved, to require the submission of all materials, to be agreed prior to construction.

The proposed scheme provides a communal landscaped area to the rear of the main block in addition to the provision of balconies to the rear of the site. The Amenity Standards Supplementary Planning Guidance states that 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 20 square metres of amenity space per person, where the amount of space required will be calculated on the basis of the maximum amount of people which can be accommodated.

The landscaped garden provides some 350 square metres of amenity area in addition to the provision of reasonable sized balconies to all properties. The maximum number of people that could be accommodated in the development is 26, therefore the required level of amenity space would be 520 square metres. Whilst there is a shortfall, it is considered that the level of amenity space provided in addition to the balconies and the proximity to an area of public open space is nevertheless acceptable in this instance.

In terms of privacy and overlooking, it is accepted that the application site is generally overlooked on all sides from residential dwellings on The Limes, Borough Close and the Limes Court flats. However, the site has been designed both externally and internally to minimise overlooking of habitable windows to adjacent and nearby residential dwellings, with particular regard to the opposing properties on The Limes.

There is also considered to be sufficient distance between properties so as not to result in an overbearing form of development, whilst still maintaining the historic layout of Cowbridge, reflecting the character of the Conservation Area.

The proposed scheme indicates that the 10 No. flats will be served by 12 No. car parking spaces which will be accessed from The Limes. The proposed development has 7 No. one-bedroom apartments and 3 No. two-bedroom apartments, which would normally require a minimum of 13 spaces to serve the development in accordance with the Parking Guidelines. However, it is not considered that the deficiency of one space would result in any resulting parking congestion on street and the site itself is located just off the High Street with local shopping facilities, community facilities and accessibility to the public transport network.

In conclusion, it is considered that the redevelopment of the site for 10 No. flats based on the amended plans is in accordance with the above referenced policies, and is considered to enhance the character of the Conservation Area.

03698

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 TL/01,02,03,04,05, received by the Local Planning Authority on 12th January, 2005 and 2nd May, 2003.
3. 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 archaeologist watching brief will be undertaken to the standards laid down by the Institute of Field Archaeologists. The Local Planning Authority shall be informed in writing at least two weeks prior to the commencement of development, of the name of the said archaeologist.
4. The pavement fronting The Limes, access, turning space, car parking spaces and amenity space shown on drawing number TL/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 dwellings hereby approved.
5. Notwithstanding the submitted plans, further details of all windows, doors, rooflights, sun pipes and balconies, to a scale of 1:10 or 1:20 as appropriate, including cross sections, shall be submitted to and approved in writing by the Local Planning Authority prior to commencement of development and shall be laid out in full accordance with the details as agreed and thereafter maintained at all times.
6. Samples of slate and ridge tiles, brickwork, brick paviours, stone cappings, sills or window heads in addition to a sample render coloured panel where applicable, 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.

7. Notwithstanding the submitted details, details of eaves and verge and the porch canopy, including sections to a scale of 1:20 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.
8. Notwithstanding the submitted details, further details of the front forecourt boundary walls and railings, including sections to a scale of 1:20, 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.
9. Prior to the commencement of development, a landscaping scheme including details of any trees, plants and their species, size at planting and density, shall be submitted to and approved in writing by the Local Planning Authority. The scheme as approved shall thereafter be implemented in the first planting season following the completion of the development hereby approved.
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. 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 Planning Authority before development commences.
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. 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 91 of the Town and Country Planning Act 1990.
2. For the avoidance of doubt.
3. 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.

4. To ensure satisfactory provision of on-site parking and amenity space to serve the development hereby approved.
5. In the interests of visual amenities of the Conservation Area.
6. In the interests of visual amenities of the Conservation Area.
7. In the interests of visual amenities of the Conservation Area.
8. In the interests of visual amenities of the Conservation Area.
9. In the interests of visual amenities of the Conservation Area.
10. To ensure satisfactory maintenance of the landscaped area.
11. To ensure a satisfactory form of development.
12. To ensure satisfactory drainage of 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. Paul Chalmers, 9, Taylor Road, Litchard, Bridgend. CF31 1PP
(Mr. Paul Chalmers, 9, Taylor Road, Litchard, Bridgend. CF31 1PP)

FIELD NO. 7700, GROESFAEN ROAD, PETERSTON SUPER ELY

Erect low level wooden breeding sheds to breed rabbits and worms

SITE DESCRIPTION

The application site is presently an open field or paddock approximately 1.65 acres (0.65ha) in area. It is located on the east side of Groesfaen Road approximately one kilometre to the north of Peterston-super-Ely village. The land slopes gently upwards from the Groesfaen Road frontage and all the boundaries are demarcated by deciduous hedgerows. There are a number of residential properties near the front part of the site, the nearest being a detached bungalow known as 'Sunnyside'. An existing access lane borders the entire length of the northern boundary of the site.

DESCRIPTION OF DEVELOPMENT

This application is for the erection of low level wooden breeding sheds to breed rabbits and worms. The sheds are shown to be sited at the top (east) end of the field, and the site location plan shows two rows of sheds each approximately 35m long by 5.75m in depth and having a maximum height of approximately 2.4m. These sheds are to be of simple wooden construction with a dark brown painted finish. Whilst the original submitted plans indicate that the access to the site would be taken off the lane at a point approximately 20m from Groesfaen Road, the applicant has agreed in principle to take the access point further along the lane directly to the area of the proposed sheds, thereby avoiding the need for a new access track along the length of the field.

In terms of the proposed use itself, the applicant has provided a detailed description of the main activities proposed, and this is fully set out at Appendix A to this report.

PLANNING HISTORY

None.

CONSULTATIONS

Peterston-super-Ely Community Council - Comments are fully set out at Appendix B.

Environment Agency – Comments received only in the form of a general guidance note for developers.

The Head of Visible Services (Highway Development) - Was consulted on 7th September, 2004, and comments as follows:

“Further to a site inspection carried out on 16th September, 2004 in relation to the above application the Highway Authority has no objection in principle subject to the applicant satisfying the following condition.

It is noted that no alteration to the existing access or creation of a new access from the highway is required as part of this planning application. There are no specific conditions I wish to request on any grant of planning permission with regard to this planning application.”

Hyder/Welsh Water – Comments awaited.

Director of Legal and Regulatory Services (Environmental Health) - Comments as follows:

“This department does not object in principle, however I would inform you of the following:

1. This department receives numerous odour complaints against agricultural processes and specifically satisfy the recommendations set out in The Air Code (Code of Good Agricultural Practice issued by the Department for Environment, Food and Rural Affairs in relation to the prevention of odour. Any manure stored in the open air shall be protected from rainwater (thus covered).
2. This department would recommend that no poultry and pig manure be used for the process as it gives rise to a strong odour that could potentially cause an odour nuisance.

If you require any further information please do not hesitate to contact me.”

Head of Economic Development and Leisure - “No objection to the above proposal in principle as it encourages rural diversity and sustainability. As you may know, rural regeneration is currently a high economic development priority.”

REPRESENTATIONS

A site notice was posted on 7th September, 2004 and several residents in the area were also directly notified on 2nd September, 2004. To date ten individual letters of objection have been received, and the following are the main points which have been raised by the objectors:

- The proposal would result in a devaluation of property prices in the area.
- Unpleasant smells would be generated by the rabbit breeding and worm farming and would therefore be unneighbourly.
- Additional traffic would be generated by the development and local minor roads would not cope with this and could cause traffic dangers.
- Storage of animal foodstuffs etc could attract vermin and flies.
- Surface water run-off/slurry could be a problem.
- Animal rights campaigners/activists could be attracted to the area.

All letters are available on file for the inspection of Members, but three of these letters are attached at Appendix C, being generally representative of the views expressed.

A letter in support of the proposal from Clay Shaw Thomas (Chartered Accountants) states as follows:

“We are currently assisting Paul Chalmers with the preparation of a Business Plan for the commencement of a new business to be known as The Natural Gardener.

The Business Plan is being prepared as part of a submission for Welsh Assembly Government grant assistance together with seeking financial support from a number of commercial providers.

The above finance cannot be accessed for this particular business without planning permission being granted. Consequently the submission of the Business Plan to the various bodies is being withheld until confirmation of planning is received.”

REPORT

The proposed use is a mixed use in that it proposes worm farming (vermiculture) combined with rabbit breeding. There will also be an element of the business devoted to the production of garden composting products. A full description of the activities as presented by the applicant, is set out at Appendix A to this report.

On the basis of the above, an assessment needs to be undertaken as to whether or not the proposed mixed use constitutes an agricultural use under the terms of Section 336 of the Town and Country Planning Act (as amended) 1990. In this context, it has been necessary to refer to relevant case law, particularly in relation to vermiculture. ‘Development Control Practice Notes’ indicates that vermiculture, or worm rearing, was the subject of a court case *Powell v S.O.S. & Maidstone B.C.* (23.11.1992). Here an inspector had considered that the use of worms to turn rabbit droppings into compost was not an agricultural activity, a view supported by the court. However, despite the court’s view there may still be room for argument that in this case the worms were creatures kept “for the purposes of their use in the farming of land”, although it was probably heavy horses and not worms that the authors of Section 336 had in mind when this phrase was drafted.

Appeal cases have seen Inspectors in some difficulty in accepting that vermiculture is agriculture even though the Section 336 definition refers to the keeping of creatures for the purposes of “food”, and does not refer specifically to the human food chain. In (*Staffordshire Moorlands D.C.* 9.2.2000) it was sought to justify a caravan with a vermiculture use but an inspector felt that the production of worms as bait for anglers would not represent an agricultural use. However, he conceded that if other outlets were found for the worms and the spent compost, the use might be considered a “marginal” agricultural use.

In another case (*Gravesham B.C.* 1.6.1998) it was considered that a vermiculture use which provided worms for the horticulture industry and for bait was not agriculture. An Inspector rejected the appellant’s assertion that it was planned to use worms as a protein supplement in cattle feed as too experimental.

A further appeal decision saw an Inspector dispute that worms were "livestock" at all. He felt that this term should be interpreted in accordance with its normal everyday meaning which was in relation to domestic animals such as cows, pigs and sheep (North East Derbyshire D.C. 24.7.1995).

On the basis of the above, it is concluded that the vermicultural element of this proposal cannot be classified as an agricultural activity within the definition provided by Section 336 of the 1990 Act.

As for rabbit breeding, there is also doubt as to the agricultural status of this proposed use. It will be particularly noted from Appendix A that the applicant has indicated that the rabbits would be "sold via established markets and to Pets at Home, etc.". Whilst the applicant has verbally confirmed at a recent meeting that many of the rabbits would also be produced for their meat, an indication has clearly be given that an important element of the use would be the supply of rabbits for pet shops.

Accordingly, it is concluded that this mixed use operation cannot be properly described as an agricultural activity. This judgement is also made in the knowledge that the chosen site would be newly established and would not constitute any form of diversification on an existing holding. On the basis of the above analysis, therefore, the relevant policy context is set out below.

Policy EV3 of the South Glamorgan Structure Plan 'restriction of urban development' carries a presumption against development outside built-up areas unless such development is essential in the interests of agriculture, forestry, mineral extraction or public utilities.

With regard to the emerging Vale of Glamorgan Unitary Development Plan Deposit Draft 1998 (as amended 2003), the relevant policies are considered to be as follows:

POLICY ENV1 – 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 OF 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 EMP 3 – NEW BUSINESS AND INDUSTRIAL DEVELOPMENT.

PROPOSALS FOR NEW BUSINESS AND INDUSTRIAL DEVELOPMENT INCLUDING AGRICULTURAL SERVICE INDUSTRIES AND THE EXTENSION, CONVERSION AND REPLACEMENT OF EXISTING PREMISES FOR SUCH PURPOSES, WILL BE PERMITTED IF ALL OF THE FOLLOWING CRITERIA ARE MET:

- (i) THE PROPOSAL DOES NOT LIE WITHIN THE COUNTRYSIDE EXCEPT FOR THOSE PROPOSALS ACCEPTABLE UNDER THE TERMS OF ENV 7 (RURAL BUILDINGS) OR COMM 2 (REDUNDANT HOSPITALS);

- (ii) THE PROPOSAL MINIMISES THE LOSS OF GOOD QUALITY AGRICULTURAL LAND (GRADES 1, 2 AND 3A) AND DOES NOT HAVE AN UNACCEPTABLE IMPACT ON AREAS OF ATTRACTIVE LANDSCAPE AND HIGH QUALITY TOWNSCAPE OR ON AREA OF HISTORICAL, ARCHAEOLOGICAL OR ECOLOGICAL IMPORTANCE;
- (iii) THE SIZE AND RELATIONSHIP OF ANY NEW BUILDING AND/OR ALTERATION OR EXTENSION IS NOT DISPROPORTIONATE TO ITS SIZE AND SETTING;
- (iv) ACCESS AND PARKING ARRANGEMENTS ARE IN ACCORDANCE WITH THE COUNCIL'S APPROVED STANDARDS;
- (v) ADEQUATE LANDSCAPING IS PROVIDED;
- (vi) THE PROPOSAL DOES NOT HAVE AN UNACCEPTABLE EFFECT ON RESIDENTIAL AMENITY BY VIRTUE OF TRAFFIC CONGESTION, NOISE, SMELL, SAFETY, HEALTH IMPACTS AND EMISSIONS;
- (vii) ADEQUATE UTILITY AND INFRASTRUCTURE SERVICES OR ARE REASONABLE ACCESSIBLE OR CAPABLE OF BEING READILY AND ECONOMICALLY PROVIDED;
- (viii) DOES NOT REPRESENT ADDITIONAL RISK TO THE HEALTH OR SAFETY OF USERS OF THE SITE AND DOES NOT UNACCEPTABLY POLLUTE AIR, WATER OR LAND; AND
- (ix) DOES NOT UNACCEPTABLY AFFECT THE USE OF THE ADJOINING LAND BY VIRTUE OF THE ADJOINING LAND BY VIRTUE OF THE RISK AND IMPACT OF POTENTIAL POLLUTION.

POLICY EMP 9 – AGRICULTURAL ENTERPRISE AND ASSOCIATED DEVELOPMENT.

PROPOSALS FOR DEVELOPMENT ON AGRICULTURAL LAND WILL BE PERMITTED IF THE PROPOSAL:

- (i) IS NECESSARY FOR THE PURPOSE OF AGRICULTURE WITHIN THE AGRICULTURAL UNIT;
- (ii) IS DESIGNED SPECIFICALLY FOR AGRICULTURAL PURPOSES;
- (iii) IS COMPATIBLE WITH THE SURROUNDING LANDSCAPE, ADJACENT LAND USES, AND ANY EXISTING RELATED STRUCTURES IN TERMS OF APPEARANCE OF ANY NEW BUILDINGS; AND
- (iv) DOES NOT HAVE AN UNACCEPTABLE IMPACT ON AREAS OF ECOLOGICAL, WILDLIFE, GEOLOGICAL AND GEOMORPHOLOGICAL, ARCHAEOLOGICAL OR LANDSCAPE IMPORTANCE.

The application site is clearly located within the countryside, being located approximately 1 kilometre north of the Peterston-super-Ely residential settlement boundary. As the proposed mixed use development is not accepted as being agricultural in nature, the proposal is not considered to comply with Policy ENV1 above. Similarly it will be noted that within Policy EMP3, any new (non-agricultural) business developments will not be acceptable if they lie within the countryside (see criterion (i) of that policy).

It should also be noted the site is located within a Special Landscape Area (Ely Valley and Ridge Slopes) by virtue of Policy ENVXXX (i) of the emerging Unitary Development Plan where new development should not adversely affect the landscape character, landscape features or visual amenities of the Special Landscape Area. In this proposal it is noted that the proposed buildings would be no more than 2.4m high and would have a timber clad, rustic appearance. The applicant also indicates that a new hedge would be planted on the west side of the sheds, thus further screening the site from any views to the west. Whilst there could be some visual impact caused by the proposal, it is not considered that this, in itself, would be a reason to reject the application providing the proposal was justified. In the absence of such justifications, however, the scheme would introduce unacceptable new development into the countryside.

The nearest dwelling (Sunnyside) is a bungalow which fronts Groesfaen Road and has a side elevation and site boundary which adjoins the application site. However, the area for the rabbit breeding and worm farming activities are approximately 100 metres away from this dwelling and, therefore, even further away from other dwellings in this locality. It is not considered that noise would be an issue, but possibly odour and associated problems of vermin as suggested by some of the objections. For this reason, the Director of Legal and Regulatory Services (Environmental Health) has been consulted and it will be noted that he does not raise any objections in principle to the application.

It will be noted that the Highway Engineer has not objected to the proposal, and the applicant has indicated his willingness to open the access into the field at a point higher up the lane next to the intended location of the sheds.

In conclusion, it is considered that the principle of this new business being set up on a new green-field site in the open countryside is not acceptable. Such a use need not necessarily require an open countryside location, or would perhaps sit more comfortably on an existing agricultural holding as part of a farm diversification scheme. Concerns also need to be expressed regarding the security of the site and related welfare, care and maintenance issues with regard to the enterprise where no dwelling exists at present. There is also considerable scope for the proposal to be expanded on the site which could prove visually damaging and also bring the enterprise closer to existing dwellings to the west. For all the reasons set out above, a refusal is recommended.

03737

RECOMMENDATION (W.R.)

REFUSE

Reason(s):

1. As it is considered that the proposed mixed use development does not constitute an agricultural use or activity within the definition of agriculture provided within Section 336 of the Town and Country Planning Act 1990 (as amended), the proposal is considered to be contrary to Policy EV3 of the South Glamorgan Structure Plan (Alteration No.1) 1989 and also contrary to Policies ENV1 and EMP3 of the Vale of Glamorgan Unitary Development Plan Deposit Draft 1998 (as amended 2003) as these policies carry a presumption against the location of commercial, non-agricultural activities in open countryside locations.

Mr G. George, Mill Farm, Monknash, Vale of Glamorgan.
(Bernard Clatworthy RIBA, 15, Denison Way, St. Fagans, Cardiff. CF5 4SF)

MILL FARM, MONKNASH

A, External garage and store. B, External stairs to first floor, C, Replace glass roof with traditional roof

The development / property is situated within/ adjoining the Monknash Conservation Area.

The application was advertised on 7th September, 2004.

SITE DESCRIPTION

A former barn conversion on the edge of Monknash.

DESCRIPTION OF DEVELOPMENT

A full planning application seeking to:

- Erect a garage and store building to the west of the converted barn adjacent to the main road. The building would have a pitched roof with a height of 4.5 metres to ridge and a floor area of 52.5 square metres. The building would be finished with a mix of stonework and timber cladding.
- Construct external stairs and a veranda to the west elevation of the two-storey element of the converted barn. A new doorway would be inserted at first floor involving the construction of a dormer to the roof.
- Replace the glass roof of the mid link glazed entrance to the main building with a traditional slate roof. These works would involve the roof of this mid link structure being raised to a height of 4.4 metres at ridge, approximately 0.4 metres above the height of the main building.
- 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.

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 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 attempt to regularise the matter and planning permission was subsequently granted in November 2002 for the conversion of the barn.

CONSULTATIONS

St. Donats Community Council - Has been consulted. However, no comments have been received to date.

Vale of Glamorgan Conservation Advisory Group - Has stated that the application should be refused, given the sensitive nature of the site. It is a visually prominent location in the open countryside and it is close to a scheduled monument. There is a need to ensure that rural buildings are converted in a manner that retains their integrity and character.

Glamorgan Gwent Archaeological Trust - Has stated that whilst a condition was imposed on a previous consent requiring a watching brief, it is noted that the conversion has been implemented without any such brief being implemented. A condition should therefore be imposed on this application requiring an archaeological watching brief during ground disturbing work.

The Head of Visible Services (Highway Development) – Was consulted on the 7th September, 2004, and has indicated that there is no objection subject to the provision of satisfactory vision splays.

REPRESENTATIONS

The application was advertised in the press and by site notice. Neighbouring occupiers have also been consulted. The occupiers of “Y Beudy” and “the Plough and Harrow” have no objection to the proposals. The occupiers of “New Mill Cottage” would support the replacement of the glass roof that would improve their privacy.

REPORT

The development plan for the site comprises the South Glamorgan Structure Plan (Alteration No.1) 1989. The application also needs to be considered with regard to the Vale of Glamorgan Unitary Development Plan Deposit Draft 1998 (as amended 2003).

The agent has made the following comments in support of the application:

“The garage would be sited in the previously agreed landscaped area. An historical photograph provided by the applicant shows various outbuildings in this area, which were requested to be cleared.

The external stairs would allow for this part of the dwelling to have its own free access for tourists without disrupting the main house. It would also allow two rooms to be let separately or jointly.

The neighbours support the substitution of the mid link glass roof with a traditional roof for reasons of privacy.

The new access is required as it has better vision and would be safer than the authorised access for visitors/tourists.”

It is considered that the main issue with this application relates to the impact of the alterations to the former barn conversion including the proposal to construct a new garage building and new access arrangements, having regard to the Council’s policies relating to barn conversions and its countryside protection policies. The impact on the character of the building and on the surrounding area is of particular importance, given the location of the site within the open countryside, the Glamorgan Heritage Coastal Zone and the Monkash Conservation Area.

The application has been assessed with regard to the countryside Policies HOUS7 ‘Replacement and extension of dwellings in the countryside’ and Policy ENV7 ‘Small scale rural conversions’ of the Emerging Unitary Development Plan. It is considered that whilst the building has been converted to a dwelling, Policy ENV7, 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 draft Supplementary Planning Guidance ‘the Conversion of Rural Buildings’ elaborates on and is generally consistent with Policy ENV7 of the Unitary Development Plan. 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 application proposes alterations to the building, including a roof extension, a timber staircase and access platform and a larger and more ‘permanent’ link between the barns. The replacement link extension would be higher and have a larger footprint than the existing glazed link, protruding forward of the front building line and above the ridge of the roof of the existing barn.

These alterations, in particular those to the two storey element of the barn, would be highly visible from the adjoining road. It is considered that the staircase, platform and dormer would appear as obvious 'add on' features which would be out of character with the current simple form and design of the building. The application is therefore considered contrary to Policy ENV7 of the Unitary Development Plan, which aims to ensure that rural buildings are converted in a manner that retains their integrity and rural character. Granting planning permission would encourage similar proposals to the detriment of the rural character of the surrounding area.

The garage/store would constitute new build in the countryside. It would extend outside the authorised curtilage of the dwelling as previously approved. The garage would comprise a relatively large building that would be sited adjacent to the main road and have a significant visual impact on the surrounding area. The proposed garage would therefore be contrary to Policy EV3 of the South Glamorgan Structure Plan (Alteration No.1) 1989 and Policy ENV1 of the Unitary Development Plan, that seek to resist new development in the countryside that is not in the interests of agriculture. No such justification has been submitted with this application.

The garage would also encroach onto land that was previously proposed to be subject to woodland planting as part of previous planning permission 02/01276/FUL. At the time of granting planning permission the building was considered sufficiently large as not to warrant additional buildings on the site. A number of outbuildings have previously been demolished but it is not considered that the previous removal of these buildings justifies the development proposed.

In addition, the application proposes an extension of the authorised residential curtilage of the property in both a northward and westward direction. This represents approximately 1300 square metres of additional garden area. The presence of a statue and other domestic paraphernalia on the site indicates the domestic use of this land. The field access is outside the authorised curtilage of the dwelling. The retention of the unauthorised domestic access and driveway, together with the proposed re-siting of the domestic style gates all serves to increase the domestication of the site and the visual impact of the property on the surrounding area. It is considered that the authorised access is entirely satisfactory in highway safety terms and so does not justify the proposed alternative access arrangements.

The extension of the residential curtilage and revised access arrangements would be contrary to Policy ENV 7 of the Unitary Development Plan, which states 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." This is considered to be crucial given the location of the site on the edge of the settlement within a conservation area and within the Glamorgan Heritage Coastal Zone. However, in addition, these proposals are also contrary to Policy EV3 of the South Glamorgan Structure Plan (Alteration No.1) 1989 and Policy ENV 1 of the Unitary Development Plan that seek to resist new development in the countryside that is not in the interests of agriculture.

To conclude, the proposals are contrary to Policy ENV7 of the Vale of Glamorgan Unitary Development Plan Deposit Draft 1998 (as amended 2003), which seeks to protect the character of rural buildings. The proposals would not accord with Policy EV3 of the South Glamorgan Structure Plan (Alteration No.1) 1989 and Policy ENV1 of the Unitary Development Plan that seek to resist new development in the countryside that is not in the interests of agriculture.

The proposals would adversely affect the character of both the barn and the surrounding rural area that comprises part of the Glamorgan Heritage Coast. In this regard, the proposals would be contrary to Policy ENV4 of the Unitary Development Plan that seeks to conserve and enhance the special environmental qualities of the Glamorgan Heritage Coast. Furthermore, the proposals would fail to preserve or enhance the character and appearance of the Monknash Conservation Area, and so would be contrary to Policies ENV15 and ENV18 of the Unitary Development Plan and Policy EV19 of the South Glamorgan Structure Plan, which seek to secure the preservation and enhancement of conservation areas in the Vale. The proposals are also considered to be contrary to the advice contained in Planning Policy Wales March 2002, as outlined above.

A container has been placed in the adjoining field. Whilst this is outside the scope of this application, it is considered that enforcement action should be taken to secure its removal given its adverse visual impact on the surrounding area.

03702

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 the removal of the container from the adjoining field, the removal of the driveway which has been created off the field access and reinstatement of the land to its former condition, the cessation of any residential use and removal of all domestic paraphernalia from the land outside the application site as defined by the previous planning permission 02/01276/FUL.

REFUSE

Reason(s):

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 Monknash 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 relating to 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.

Steffan William, 14, Friars Road, Barry Island, Barry, Vale of Glamorgan. CF62 5TR
(Paul Hazell, Darkroom Architecture, 1, Pontcanna Street, Cardiff. CF11 9HQ)

14, FRIARS ROAD, BARRY

Front and rear dormer to 14, Friars Road and an extension to the coach house at the rear of the site

SITE DESCRIPTION

The application site consists of a semi-detached Edwardian dwellinghouse directly facing St. Baruch's Chapel, Friars Road, Barry Island. The dwelling is mainly finished in red brick and slate and is similar to other properties along this stretch of Friars Road.

DESCRIPTION OF DEVELOPMENT

There are three separate elements to this proposal:

- (a) A dormer to the front roof-space of the property which will be 4.5m in width and will be set just under (0.3m) the main ridge of the dwelling. The window details show a hardwood frame with a matching slate finish surrounding an extensive area of glazing.
- (b) A dormer to the rear elevation measuring 4.65m in width and set approximately 0.4m under the main roof ridge, with finishes similar to the front dormer.
- (c) A refurbishment and new extension to an existing coach-house at the back of the rear garden area. The proposed single-storey extension (to the inside of the garden area) will measure 4.3m x 3m, replacing an existing rear projection which measures 5.1m by 1.7m. The refurbished building will be utilised as an office/studio ancillary to the main dwelling.

PLANNING HISTORY

The adjoining semi-detached property (no. 16 Friars Road) was granted consent for similar front and rear dormers in February 1991 (application reference 91/00023/FUL). This consent has been implemented.

CONSULTATIONS

Barry Town Council – “The Town Council has declared an interest in this application as the applicant is a Councillor for Barry Town Council.”

Glamorgan Gwent Archaeological Trust – Comments attached at Appendix ‘A’.

REPRESENTATIONS

The neighbouring occupiers at nos. 12 and 16 Friars Road were notified on 14th September, 2004 but no representations have been received to date.

REPORT

This application has been held in abeyance for some time to enable better quality plans to be submitted, and also to seek improvements to the appearance, design and finishes to the front and rear dormers.

Amended plans were received on 28th January, 2005 which confirm that the external (non-glazed) surfaces of the dormers will be clad in slate rather than the green oak timber cladding as originally proposed. The rear dormer has also been considerably reduced in width (from 8.5m to 4.65m).

In considering this application, a very significant material consideration is that the immediately adjoining semi-detached dwellinghouse was granted planning permission for very similar dormer extensions in 1991, and these dormer features have been constructed. Whilst it is considered that, ideally, no dormer extensions should be allowed to the front elevations of these properties, it would be very difficult to resist this front dormer proposal as it would be seen to ‘match’ the corresponding dormer at no. 16 Friars Road. It should also be noted that the dimensions of the proposed front dormer exactly replicate those at no. 16, and therefore a degree of balance would be created between the appearance of both semi-detached properties on the front elevation.

The rear elevation dormer would have much less impact, but it will also be noted from the report above that this, in fact, has been considerably reduced in width from the originally submitted plans. The rear dormer at no. 16 is much larger in width to that now proposed at no. 14.

The alterations and extension to the coach house are considered to be very minor in nature and should not have any noticeable impact on the privacy or amenity of neighbours. As the extension to the coach house will be to the inside of the garden, it will have minimal impact on the wider streetscene.

On balance, therefore, it is considered that the proposals contained in the amended plans are acceptable, particularly taking into account the existing alterations to the adjoining property at no. 16 Friars Road.

03823

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 elevational plans for the proposed dormer extensions received by the Local Planning Authority on 28th January, 2005.
3. The developer shall ensure that a suitably qualified archaeologist is present during the undertaking of any ground works in the development area, so that an archaeological watching can be conducted. The archeological 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.
4. The extended and refurbished coach house building hereby approved shall be used solely for purposes incidental to the enjoyment of the dwelling-house and for no other purpose whatsoever.
5. Samples of the materials to be used in the construction of the proposed dormers and coach house extension 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. For the avoidance of doubt.
3. 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.
4. To safeguard local amenities.
5. 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.

Mr. D. M. Mathias, Centre Great Limited, Parcau Isaf Farm, Laleston, Bridgend.
CF32 0NA
(Michael Plageman, c/o. Davies Sutton, Penhevad Studios, Penhevad Street,
Grangetown, Cardiff. CF11 7LU)

COWBRIDGE GRAMMAR SCHOOL, CHURCH STREET, COWBRIDGE

Conversion of the Grammar School and Boot House into 15 no. residential units

SITE DESCRIPTION

The Old Grammar School dominates the southern end of Church Street, which runs approximately 200 metres southwards from High Street to South Gate.

The site is almost square with the exception of the Ball Court, which extends it to the north along the Church Street frontage. The boundaries are formed by the town walls to the south-east and south west, with the South Gate located in the south-western corner of the site. The Grammar School buildings form the other two boundaries, facing Church Street to the north-west, with the long '1894' range forming the boundary between the site and the churchyard.

A courtyard garden is enclosed by the school buildings and town walls, access to which is provided off Church Street adjacent to South Gate. Access is obtained through gate piers and a small, cobbled courtyard.

The Grammar School buildings comprise five elements, as follows:

The school building, including the former 'Headmaster's House and the 'School House', constructed between 1847-58, which front Church Street.

The 'Boot House', a free-standing range located in the south-western corner of the site, dating from circa 1745.

The 'Town Walls', possibly constructed in part over mediaeval foundations, but considered to be substantially recent in construction.

The 'Ball Court', located along the frontage of Church Street, also of relatively recent construction although the site and layout of the Court may relate to the school of 1847.

The Old Grammar School, adjacent sites and the entire area between the section of the town wall and Church Street are of great architectural and historic value, and include the adjacent Holy Cross Church (Grade 1 listed), the South Gate (Grade 2* listed and a scheduled ancient monument), and Nos. 6/7 Church Street (Grade 2 listed). On the opposite side of Church Street to the 'Headmaster's House', a walled garden is currently being developed and has planning consent granted for a 'physic garden' being provided by the Welsh Historic Gardens Trust.

DESCRIPTION OF DEVELOPMENT

The proposals which require listed building consent involve the conversion and extension of the school to provide fifteen residential units. Associated with them is the demolition/relocation of the ball court walls, walls, railings and piers to the entrance to the church to provide a new car parking and servicing area to the frontage of Church Street.

PLANNING HISTORY

09/0918/LBC - Affix aluminium plaque to school. Approved 28th September, 1989.

02/00794/LBC - Repairs and remedial works to exterior and interior. Withdrawn.

03/01740/TCA - Fell trees in the grounds of Grammar School. Approved 16th December, 2003.

04/01468/FUL - Conversion of existing buildings into 15 residential units with four new build units on the former Council Depot site. 24 parking spaces and amenity space. Currently undetermined.

CONSULTATIONS

The application has been advertised in accordance with statutory requirements. The Cowbridge Town Council has been advised of the submission and the six 'statutory bodies' notified.

Cowbridge Town Council -

Grammar School Main Building

External

No objections.

The Members of the Committee were extremely pleased that the façade of the building is to be retained.

Internal

No objections:

The Committee was especially pleased with the retention of existing historical features, such as the main staircase, panelling and beams, and proposed restoration work where such features have been lost or damaged and all these proposals combined together manage to fulfil the requirements set out in the planning brief.

The Boot House

No objections.

Rear Range

No objections.

The Committee welcomed the re-use of the iron columns from the Depot Site. After initial recoil from the design and materials of apartments 12/13 in the extension replacing the Boiler House, the Committee agreed that a contemporary signature was preferable to pastiche.

Ball Court and Proposed Parking

There is agreement that a parking/turning area for church use would be highly desirable and it is appreciated that the development brief encourages the church setting to be opened up to allow it to become more 'viewable' and visible from Church Street, but Members of the Committee are concerned with the following aspects of the proposal:

1. They seek clarification as to the height of the eastern wall of the ball court, which is to be reduced and partly replaced by railings to open up the view of the church, as no dimensions are given and there is no plan showing that particular elevation.
2. Pennant slabs form the surface of the current entrance into the church. However, there is no indication of the surface of the area at the front of the proposed new entrance.
3. Members are of mixed opinion as to the exact impact that the parking provided in the former Ball Court for the Grammar School development would have and question whether it will either enhance or improve the conservation area.
4. Members are also concerned about how parking in this area will be restricted to residents and legitimate church usage only and feel that the retention of a lowered wall on Church Street with a separate entrance would aid its control and retain a separate area specifically for residents from the Grammar School Development. Members are also concerned about the amount of the churchyard that would be lost if the entrance was to be moved back as far as is proposed although. [sic] If it were lined up with the line of the planter shown on the plan this would result in the existing tree remaining within the church boundary.

The churchyard was 'closed' in 1928 and ownership transferred to the then Borough Council in 1928. This takes in any pathways and including access from Church Street. However, the land either side of the path at the entrance still remains in the ownership of the Representative Body of the Church in Wales. No approach has been made to this Council in relation to any alteration being made to the entrance.

5. Medieval drains have previously been discovered in the churchyard and with this in mind, should the proposal for the alteration to the church entrance be approved, members would like to see an archaeological brief."

Society for the Protection of Ancient Buildings - "Thank you for consulting the Society. Clearly the main focus here is on the C19 Prichard building and we would defer to the Victorian Society on this. However The Boot House does come within our remit and is listed separately, so our comments refer to this element.

Unless I am mistaken this does not appear in the Room Appraisal of the Design Statement since The Boot House would appear to correspond with rooms 30-33 on the plan, whereas the appraisal stops at 29? The general design statement draws attention to its earlier date of 1730 and also the possibility of it incorporating fabric from the period when the school was established in the early C17. Also it is an important position abutting the medieval south gate. Whilst therefore welcoming the rescue of this building and its conversion to a new use, we would recommend that the opportunity be taken for fabric analysis wherever/whenever feasible by a buildings archaeologist. This may not only provide 'academic' information on the historical development of the building, but also inform the actual restoration work. We would also draw attention to the items in the list description including a floor of cobbles. Is there provision at least for recording these and any thoughts on their future? At the time the list description was last amended, some 'old double wood doors' survived as well as some casement and sash windows. If these are unrepairable or gone, can they inform their replacements.

We suggest that if the building is to be extended, then a visible building line should indicate the dimensions of the original building; we would not disagree with the obviously modern design of the new work. It would seem that the original internal layout is to be retained, which we welcome though regret the need to make two new wall openings. I personally am sorry not to have had time to see the building at least externally and its present finish, to understand better how The Boot House relates visually to the Grammar School, but we trust that any distinctions or connections will be maintained in the conversion."

Ancient Monuments Society - "Thank you for your usefully comprehensive consultation.

The disuse of this important and prominent building has long been a matter of concern and we are pleased to be able to welcome the current application. We applaud in particular the room by room analysis and explanation of what is being proposed which offers great comfort. The sudden burst into modern architectural language at the end of the range should offer little or no competition to Pritchard's original and has its own flair.

Whilst being quite prepared to defer to your Conservation Officer on the detailing we feel well able to state that the application is welcome in its principles and philosophy."

Royal Commission on the Ancient and Historical Monuments of Wales - "The remit of the Royal Commission permits us to comment only on the historical significance and context of a monument or structure and on the adequacy or otherwise of the record. We have no observations to make concerning either of these aspects. However as an element of demolition is proposed we may wish to make a record of the building before alteration."

Glamorgan Gwent Archaeological Trust - "Cowbridge Grammar School is situated in a prominent position on Church Street. The majority of the current buildings are of Victorian date but it appears that they include the fabric of earlier buildings. The Victorian structures are a fine example of Victorian academic buildings and the retention of their facades in the Cowbridge street scene is welcomed. However, internal alterations will clearly be required for their conversion for residential use. The internal alterations will 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 these structures 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 is 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."

REPRESENTATIONS

None. See also comments from Cowbridge Town Council and the Society for the Protection of Ancient Buildings, as recorded above.

REPORT

For the sake of clarity, it should be noted that this report relates to the impact of the proposed conversion and works to the following listed buildings on the application site:

The former Grammar School (Grade 2*)

The Boot House (Grade 2)

The Gate Piers and End Piers, Walls, Railings and Gates at the west (Church Street) entrance to the churchyard (Grade 2)

The North-West Churchyard Walls (Grade 2)

Also under consideration is the parallel planning application 04/01468/FUL. In addition to the conversion/extension of the listed buildings this submission involves an application for residential accommodation on the related former Council Depot site on the north-western opposite side of Church Street. Proposals for the Depot site are only relevant insofar as the new buildings proposed affect the setting of the listed buildings and will be considered under that application.

Sections 7 and 10 of the Planning (Listed Buildings) and Conservation Areas) Act, 1990 provide that listed building consent is required for any works of alteration to a listed building which would affect its character as a building of architectural or historic interest.

Section 16(2) of the same Act states that:

“In considering whether to grant listed building consent for any works the Local Planning Authority ... shall have special regard to the desirability of preserving the building or its setting or any features of special architectural or historic interest which it possesses.”

There are effectively two stages in the determination of an application for listed building consent. Firstly, to assess what the key components of the character of the buildings are, and how it is manifested; secondly, to consider what impact the proposals will have on that character and to determine whether that impact is acceptable.

The application, which is complex in context, contains a wide range of supporting information, including existing and proposed plans, a Design Statement, Schedules and Method Statements relating to repair. It is considered under the following sub-headings:

The Planning Background

Architectural/Historic Appreciation

Condition of the Buildings

Assessment of Proposals

Conclusions

The Planning Background

The history of redundancy of the Cowbridge Grammar School buildings is complex and extends back to the period before local government reorganisation in 1996, during which time it was under the administration of the former South Glamorgan County Council. At this time it was already in disuse and in disrepair. In 1996, the Vale of Glamorgan Council inherited the trusteeship of the Cowbridge Grammar School Charity, in whose ownership the building lay.

In September, 1995, in anticipation of the escalating problems of the site the former Vale of Glamorgan Borough Council, the South Glamorgan County Council and the Vale of Glamorgan Buildings Preservation Trust commissioned and received a report outlining a strategy for its future. This forms a basis for a Planning Brief guiding the disposal of the site and reuse/repair of its buildings. The Brief was initially approved in Planning Committee of 8th May, 2001, but was subsequently amended to include ancillary areas of adjacent land and the Ball Court in Planning Committee of 27th February, 2002.

As the educational objectives of the Cowbridge Grammar School Charity were no longer achievable, the scheme of regulation governing the Charity was amended and sealed by the Charity Commission in August, 2001. They gave the Council power of sale to dispose of the land and buildings in accordance with principles established in the Brief. The Brief continues to form the basis for assessment of planning applications and applications for listed building consent relating to the land.

Architectural Appreciation

The Old Grammar School:

The Old Grammar School is listed Grade II* and was built between 1847-1858 to replace the C17 school buildings which dated from the school's foundation on the present site in 1617. It is a handsome and substantial design by John Prichard who was the Llandaff Diocesan Architect. He adopted a late C16/early C17 architectural vocabulary with the intention of retaining 'the existing character of the (old) schoolroom and of making the remainder of the buildings harmonise with the Church on the one side and with the ancient town gateway on the other'. Prichard was eminently successful in this.

Prichard's elevational composition was sophisticated. Along the north west elevation to Church Street the elevation is carefully and deliberately articulated and scaled with a series of projecting gables. Each gable varies in size and has a quite different pattern of fenestration ranging from a corbelled projecting bay window in the most southerly gable, to two, three and four light mullion and transom ashlar windows elsewhere and single light openings in the gables over the entrance doors. By placing a number of internal fireplaces laterally on external walls, Prichard was able to use chimneys and projecting fire place bays to further enliven his elevation and the views of the building from both directions along Church Street.

Inscriptions and coats of arms in ashlar set in the walls further assisted his intention. In his skilled manipulation of its architectural elements, Prichard successfully broke up the scale of what is a very substantial building in an intimate and complex urban setting. The southeast elevation is equally successful and is a simple gabled, three bay, symmetrical composition formally addressing the garden and similar in style to the main elevation of nearby St. Fagan's Castle (late C16).

The Grammar School is constructed in coursed blue lias rubble with dripstones, windows, doors, chimneys and other architectural detail in ashlar. The roof is in Welsh slate with stone ridging and with lead valleys and gutters and cast iron rainwater goods.

The plan of the Grammar School is complex and highly cellular. It is an interesting reflection of the relationship between the headmaster, his staff and his pupils and his social standing in the community.

At the south end of the school was the Headmaster's House. This accommodation has its own entrance, a fine open staircase with turned balustrades and a series of rooms facing the garden each with panelling, panelled arched doors, decorative ceilings and fireplaces. The headmaster's private apartment was off the main staircase on the first floor occupying the finest of the rooms, most of whose original detail survives. Accommodation for staff and less important masters was located on the attic floor and planned around a central top lit hallway. Access to this floor was via two secondary staircases allowing staff (and perhaps boys) to circulate between the service rooms and the main school rooms and dormitories without passing through the headmaster's apartment. The ground floor was a combination of reception rooms for visitors and service rooms with access to cellars below.

The north east end of Grammar School is the 'School House' which housed approximately 40 boys at any one time in a single main space at each level. On the ground floor was the 'Old Assembly Hall' which functioned primarily as the classroom. It has a fine ceiling divided into panels by stopped and chamfered beams and a single large fireplace on the side wall. At first floor was a large open dormitory space with a single washroom at the north east end and a master's room at the other. Secondary rooms at ground and first floor level connected the School House with the Headmaster's House and served as additional teaching and reception spaces.

The play area for the boys was the area north east of the building facing Church Street and now occupied in part by the Ball Court - not the fine courtyard garden behind which was the headmaster's preserve.

The Boot House:

The Boot House is listed Grade II and was constructed circa 1745 as an addition to the earlier 17C school buildings. It is clearly visible in its present form on the 1841 Tythe Map. Its name refers to its more recent use as a changing room for sports activities but its original use was probably as some sort of service facility for the main school such as a kitchen, laundry or livery accommodation and perhaps with living quarters for domestic staff on the first floor.

The building is a simple rectilinear two storey structure in lime washed stone rubble and with a slate gabled roof. It has a single central chimney stack. The Town Wall forms the rear or south-west wall of the Boot House although it was much altered with new openings and rebuilt in brickwork to form its first floor.

The Boot House has a very simple cellular plan with most of the ground floor spaces having doors direct to the external yard and stone cobbled floors. A pair of double doors on the Town Wall elevation is matched by a similar doorway with a stone arched head facing the side entrance to the main Grammar School and provided a route for pupils from the school to the playing fields and open space to the south. The central ground floor space has a fireplace.

The yard area formed between the Boot House and main school is accessed by a pair of gates from Church Street.

Immediately adjacent to the Boot House, and abutting up to the south side of the Town Wall is an electricity sub-station.

The Town Walls:

The wall retaining the raised level of the courtyard garden is relatively modern, but almost certainly marks the line of the original town wall with the circular bastion mirroring the structure it replaced. The wall in this area is lower than in other parts of the town and has no crenellations. There are substantial and important trees growing in the area of the south-east bastion; which have caused structural cracking to the bastion.

The Ball Court:

The site of the Ball Court appears to be of relatively recent age, and the walls it is said have been constructed a number of times following collapse, most recently in the 1970's. They are constructed in local stone, rising to 4.5 metres in height adjacent to the entrance to the Church. There are railings along half of the length of the frontage along Church Street.

Condition of the Buildings

In terms of overall condition, the external walls are in good condition with no major structural defects apparent. The roof has recently been re-covered in new Welsh slate, with new rainwater goods to match the original and new leadwork. Local repairs to the roof have also been undertaken as part of these works.

The external windows and doors to the front (Church Street) elevation are in good condition, although a large number have been replaced with unsympathetic units. At the rear and side of the building these components have suffered badly from vandalism, with glazing damaged. At ground and first floor level, casements have been forced and damaged. The doors to the garden and side elevations are also severely damaged.

With regard to the interiors, the submission contains a room by room inventory, although this excludes the Boot House. To the interiors there has been severe water incursion in widespread areas, with consequent damage to floors, ceilings and interior plastered finishes. Substantial areas of plasterwork had previously been removed to assist in drying out, and it is disturbing to note that all the interior plasterwork has now been removed although in this process key detail has been retained.

Vandalism to the interior has resulted in removal of several fireplaces to upper rooms in the headmaster's house, and damage to fitted fixtures elsewhere.

The Boot House is generally in worse condition than the later school buildings on the site, with extensive decay of plasterwork, timber structures and components. It is envisaged that substantial replacement will be required to interior finishes.

Assessment of Proposals

The application is assessed in relation to the following issues:

Conversion of the buildings to residential use

Proposals to extend the buildings

Approach to repair of the historic fabric

Demolition of the Ball Court walls

Conclusions

Conversion of the Buildings to Residential Use:

The application seeks to provide residential accommodation in the form of:

8 flats to the former Headmaster's House and school buildings

5 flats to the rear, '1894 Range'

2 houses within the Boot House

The architect has been successful in seeking to accord with principles established by the Planning Brief, in that the cellular layout, key rooms, spaces and principal staircases are respected in the conversion scheme. Of the largest rooms (the Old School Room, ground floor, Apartment 4, the former dormitory, first floor, Apartment 5), it is noted that subdivision is confined to the rearward areas, enabling two thirds of the principal spaces to be conserved.

The subdivision of the school buildings has also been constrained by the need to allow for contemporary demands of fire compartmentation and escape. The integrity of the interior has been retained without great compromise through a clear strategy in planning, by the use of existing structural walls for compartmentation and the two main staircases as vertical circulation.

The Planning Brief acknowledges that a more flexible approach can be taken to the '1894 Range'. Within this area of the building the scheme provides mezzanines within the section, which currently exhibits double height classrooms. The apartments are accessed by means of the existing spine corridor which runs parallel to the adjacent churchyard for the entire length of the building. The current, nondescript facade that lies between the School House and the Range is to be removed, and a colonnaded opening on the garden elevation provided, using cast iron columns reclaimed from a building on the former depot site.

The Boot House is converted to provide 2 houses, also within principles of retaining existing fabric and room layouts, although several new openings have been inserted to allow circulation.

Approach to Repair of the Historic Fabric:

As noted previously in the report, whilst the condition of the exterior of the building is robust, by contrast substantial areas of the interior have been subject to prolonged exposure to water incursion and decay. Substantial areas of plastering had been removed to enable drying out of walls and partitions to take place. However, in this process, existing details such as timber coving, architraves and skirtings remain in situ.

The building has been dry for several months following replacement of the roof covering in natural Welsh slate, to existing details.

To the ground floor, the existing suspended floor to the school room has been severely affected by dry rot and collapse. It is to be replaced using a suspended floor, with broad hardwood, butt jointed boarding designed to reflect the significance of the architecture of the space. To the intermediate floors, the 'Lafarge' system of fire separation/sound control is proposed, using reclaimed and new floor boarding.

The existing windows are to be replaced using steel casements to match documentary evidence of the patterns of design. Where glazing bars are used (generally to windows to secondary rooms) the windows will be single glazed. Elsewhere they are double glazed. To the Boot House, single glazed timber sash windows and casements are proposed.

The door schedule shows that existing historic doors are retained in the proposals.

The scope of works to the external fabric is largely limited to 'like-for-like' repair. This involves repair to dressings, stacks and bellcote; localised repointing is involved. The south-western gable of the building has been extensively repaired in sand/cement mortar, which it is now unrealistic to remove. As the gable is exposed and subject to damp, this explains the proposal to dry-line the walls internally on this elevation.

Proposals to Extend the Existing Buildings:

Extensions are proposed in three areas:

- (a) To the rear elevation of the former School House; a two storey extension, to provide new kitchen/bathroom accommodation to flats 3 and 6. This is constructed within the existing recessed area to the rear elevation; which has already been altered and damaged by new openings and the provision of an external fire escape (now removed). The form and detail of the proposed extension is well conceived and sympathetic to the composition of the existing.
- (b) To the Boot House: A two storey extension to the south-western end to provide a majority of the accommodation to Unit 15. This will effectively double the footprint of the existing building. However, it will be read independently of the existing structure as it is expressed above the elevation of the town wall.
- (c) To the '1894 Range': There are extensions/alterations at the north-western end, between two centre bays, and to the final bay at the south-eastern end. Several new dormer windows are inserted to the garden elevation of the existing roof.

The most significant extension involves the extreme south-eastern end of the '1894 Range', an addition in contemporary style. The extension replaces and adds to the footprint of alterations to the Range dating from 1926, providing a boiler house and changing rooms, as well as a more recently constructed chimney. In terms of form and impact, the current and proposed buildings extend beyond the garden and town wall, relating more closely to the adjacent open space and not to the school complex. The design is, therefore, prominent in terms of overlooking and exploiting views to the open space. In its location, it is accepted that a strong, contemporary approach is justified. Further detail is required to interpret the modern architectural form of the building. This is, however, reflected in the recommended Conditions of Consent.

Demolition of the Ball Court: This will form an intervention in the historic fabric and context of the site. The proposal was considered and debated at length in the preparation of the Planning Brief, itself subject to extensive consultation. The overall aim of the alteration is to substantially improve the 'presence' and setting of the grade 1 listed Church within the town, in Church Street, and to enhance local access, setting down and picking up. The area is also required to enhance the very limited car parking/servicing space available for the successful reuse of the buildings on site. The alterations proposed will entail the demolition, relocation and reuse of the existing separately listed gate piers, walling and iron railings to the Churchyard/ball court boundary.

It is known that the ball court walls are not entirely original as there is evidence of collapses and reconstruction, most recently in the 1970's.

Conclusions

Cowbridge Grammar School forms one of the most important historic and architectural assets in Cowbridge, and forms part of the setting of other highly significant buildings and townscape. The redundancy of the building and its ongoing disrepair have been a cause of controversy for some years.

The scheme now under consideration follows several years of protracted negotiation and development, and has been widely welcomed.

In terms of the detail of reuse, the layout of the residential accommodation proposed successfully acknowledges the internal spaces of the existing building, such that its internal character will be sympathetically retained. There is a strong commitment to the retention and repair of remaining architectural detail, and to sympathetic repair technology.

It is also proposed that the buildings be extended. The extensions are sensitively conceived and will not adversely affect the special interest of the historic buildings on the site.

The loss of the ball court walls and associated revisions in layout form a significant intervention in the historic fabric of the area. However, these proposals respond to objectives established by the original Planning Brief controlling reuse of the site, in enhancing the setting of the grade 1 Listed Church, and in improving accessing, servicing and parking to both buildings.

RECOMMENDATION

Subject to the approval of Cadw, Listed Building 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. The Local Planning Authority* shall be notified in writing by the developer or his agent of the proposed commencement date of the works hereby granted consent. The notification shall be provided not less than 14 days prior to the commencement of works on the site.
3. This consent relates to the following schedule of drawings and documents:

Plans Nos. 2324/01, 02, 03, 04, 05, 06, 07, 08, 21, 22A, 23B, 24A, 25A, 26A, 27A, 29A, 61A.

Design Statement:

Method Statement : Room and Finishes Appraisal

Window Repair Schedule

Door Repair Schedule.

4. Prior to the commencement of development, elevations, sections and constructional detail (at 1:1, 1:10, 1:20 and 1:50, as appropriate) of the following areas of new construction shall be submitted to and approved in writing by the Local Planning Authority.

Extensions to the rear of the former 'School House' (units 3 and 6).

Extensions/alterations to the '1894 range', including the proposed new colonnade, infill extension, roof overhangs, and dormer window details.

The proposed new units 12 and 13.

The proposed extension to the 'Boot House' (Unit 15).

The details submitted shall include roof construction, (including fascias, verges, rainwater goods) external applied elemental detail (balconies, balustrading/handrails, steps and ramps), windows, external doors, applied finishes and window/door surrounds. Thereafter, the development shall be carried out strictly in accordance with the approved details.

5. Prior to the commencement of development, a method statement describing the proposed reconstruction/repair of the Town Walls shall be submitted to and approved in writing by the Local Planning Authority. The statement shall include details of the proposed new retaining wall on the south-eastern elevation, the extent and means of raking out/repointing, and the repair to cracking in the south-east bastion. Thereafter, the proposed development shall be carried out in accordance with details agreed in the method statement.

6. Prior to the commencement of development, a method statement describing the recording, controlled demolition, storage and reconstruction of the gate piers, wall and railings to the entrance to the Church, ball court and existing churchyard boundary, shall be submitted to and approved in writing by the Local Planning Authority. Thereafter, the proposed development shall be carried out in accordance with details agreed in the method statement.
7. Prior to the commencement of development, sample panels not less than 1m² in area shall be provided of the proposed stone laying, and pointing to:

The new boundary wall proposed to the Church Street frontage:

The new retaining wall on the south-eastern frontage of the Town Wall.

The sample panel shall be approved in writing by the Local Planning Authority, and shall thereafter be used as a consistent example for the standard of works throughout the repairs to the areas described.
8. No site works shall be undertaken until the implementation of an approved programme of building recording and analysis has been agreed in writing with the Local Planning Authority, to be carried out by a specialist acceptable to the authority and in accordance with a written Brief and Specification.

Reason(s):

1. To comply with the requirements of Section 18 of the Planning (Listed Buildings and Conservation Areas) Act 1990.
2. To ensure that all conditions relating to this consent are discharged appropriately and to ensure for the provision of the special interest of the building in this respect.
3. For the avoidance of doubt.
4. To allow for further consideration of these details when more comprehensive information is available.
5. To ensure that a comprehensive and appropriate programme of repair will be undertaken and executed using methods appropriate to the architectural and historic importance of the wall.
6. To ensure that the listed gate piers, gates, walls and railings are appropriately reinstated.
7. To ensure the correct reinstatement/repair of the walls referred to.
8. The building is of architectural/cultural significance and the research is required to assist in an understanding of its historical development prior to the covering up internally of exposed stone walls.

NOTE:

1. * Contact:

**Nick Lloyd/Richard Cole,
Planning and Transportation Policy,
The Directorate of Environmental and Economic Regeneration,
Vale of Glamorgan Council,
Dock Office,
Barry Dock,
Barry.
CF63 4RU**

Tel: 01446 704626/8

- 2. Attention is drawn to Section 8(2) (b) (c) of the Planning (Listed Buildings and Conservation Areas) Act 1990, the effect of which is that demolition may not be undertaken (despite the terms of the consent granted by the Local Planning Authority) until notice of the proposal has been given to the Royal Commission on Ancient Monuments in Wales, Crown Buildings, Plas Crug, Aberystwyth, Dyfed, and the Commission subsequently have either been given reasonable access to the building for at least one month following the grant of consent, or have stated that they have completed their record of the building or that they do not wish to record it. A form on which to notify the Royal Commission (Form RCHW(W)1) is enclosed with this notice.**

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 works will constitute an offence which may lead to prosecution.

Failure on the part of the developer to observe the requirements of any other conditions could result in the Council pursuing formal enforcement action/a prosecution.

Mr. and Mrs. Cairns, 99, Pontardawe Road, Clydach, Swansea. SA6 5PB
(Andrew Parker Architect, The Studio, The Great Barn, Lillypot, Bonvilston, Vale
of Glam. CF5 6TR)

YR SUGBUR FAWR, WALLAS FARM, WALLAS, LLAMPHA

Conversion of barn into dwellinghouse. Extension of existing with conservatory to be built in stone

The property is a Grade II Listed building.

The application was advertised on 23rd September, 2004 and 29th September, 2004.

SITE DESCRIPTION

Wallas Farm is located at the junction of minor roads linking Ewenny, Wick and Lampha. The site is elevated and prominent in the landscape.

The site comprises a substantial stone threshing/storage barn which is located parallel to the road; two other minor barns to the rear (W), the larger of which has been significantly adapted over past decades and a number of larger modern buildings within an operational farmyard. The "road" barn is of greatest significance, in this cluster of buildings.

The application site, as defined by the architect, comprises the access to the site, the larger roadside barn only 'Yr Sugbur Fawr', and a defined curtilage to its south.

Yr Sugbur Fawr (Primary Roadside Barn)

The building in its existing form comprises a handsome mid 19th Century barn with multi-bayed roof. The barn roof appears to have been re-slatted but original king post trusses and bays have been retained. There is a lower, single storey extension to the north and attached (lower again) pigsty. To the south is an attached cart range, with three open bays to the west elevation. The whole range is constructed in local, random lias stone with natural slate, unfortunately however the building has suffered a loss of character in respect of significant external sand and cement repointing. The building also has a quality of evolution about it in that both the cart shed and a shallow roofed lean-to to the west of the building appear as later additions, added as agricultural needs have changed.

The most significant features of the building are the projecting 'porches' to the east and west of the building (which may also have been later additions) but which would have directed the air flow to remove the chaff from the grain over the central threshing floor between the eastern and western doorways. The eastern projection retains its heavy timber doors with robust metal hinges. Relieving arches are evident within the construction over the areas of the doors. The main barn has a boarded partition at its northern end which also affords a mezzanine space.

DESCRIPTION OF DEVELOPMENT

The proposal involves the conversion of the barn to residential use and further to negotiation, a modest extension to the building.

PLANNING HISTORY

There is an established history of residential change of use and Listed Building Consent.

Ogwr 96/0037 - Conversion of barn to dwelling house. Approved with conditions 29th February, 1996.

00/01368/FUL - Road barn, Wallas Farm. Conversion of barn to residential use (renewal of consent). Granted with conditions 19th January, 2001.

00/01367/LBC - Road barn, Wallas Farm. Conversion of barn to residential use (renewal of consent). Granted with conditions 17th March, 2001.

CONSULTATIONS

The application has been advertised in accordance with statutory procedures and Ewenny Community Council has been notified of the proposals. The Glamorgan and Gwent Archaeological Trust have been forwarded copies of the plans at their request and the six amenity bodies have been consulted as there is some minor demolition involved.

Ewenny Community Council – Raise no objections to the conversion (18th October, 2004).

REPRESENTATIONS

None.

REPORT

The conversion proposed is considered adequate in terms of realising a practical residential usage of the building whilst according with the primary maxims of historic building conservation; those being to preserve the building as found, to resolve loading and practical living arrangement issues with minimum structural intervention into the historic fabric, to design in the possibility of reversing such interventions as have been necessary, and to pursue like for like repair/sympathetic modification where appropriate.

The main criticism of the application relates to the degree of detailed supporting information relating to the any philosophy of repair and modification, most specifically to constructional details relating to the formation of an inner skin to the building, internal finishes to floors, walls and ceilings, joinery details, and flue terminal details. These can however be controlled by conditions.

The extension which is now proposed is the product of officer negotiation and is of a reduced volume and alternative design to that originally submitted. The extension now takes the form of a primarily transparent addition with a slow pitched metal roof which allows an appreciation of the existing form of the building elements and has least impact on the current roof slope arrangements.

An existing extension to the rear (W) of the building, which currently has a corrugated steel roof, will be modified via the addition of a small parapet and an insulated roof construction. This is considered acceptable.

03824

RECOMMENDATION

That using the powers delegated to the local authority by Cadw, that Listed Building Consent be GRANTED 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. The consent hereby granted shall relate to the development detailed on plan reference 287/P/02B, 287/P/03B, 287/P/04/B, 287/P/10A, and 286/P/100 (excluding extension footprint).
3. The Local Planning Authority* shall be notified in writing by the developer or his agent of the proposed commencement date of the works hereby granted consent. The notification shall be provided not less than 14 days prior to the commencement of work on site.
4. Prior to the commencement of development, a proposed statement (including a part section drawing at a scale of not less than 1:5) of the proposed method of lining the building shall be submitted to and approved in writing by the Local Planning Authority. The development shall accord with the approved details without variation.
5. Any and all excavation works shall be undertaken by hand using un-powered hand tools should any items of archaeological interest be revealed (including any masonry constructions, ceramics, items of metalwork, coins or burial remains) all excavation works shall cease and all finds shall be reported to the Glamorgan and Gwent Archaeological Trust**. No excavation works must be resumed until such time as formal written confirmation has been obtained from the Trust that they are satisfied that it is appropriate for works to recommence.
6. Prior to the covering/recovering of any roof, a sample of the roofing materials shall be submitted to and approved in writing by the Local Planning Authority and only materials of the approved type shall be used to recover the roofs.

7. Prior to the commencement of development, a 1:10 scale part section drawing of the proposed roof insulation and underside finishing arrangement to each element of the building shall be submitted to and approved in writing by the Local Planning Authority.
8. Prior to their provision, details of all the rainwater goods shall be submitted to and approved in writing by the Local Planning Authority and only rainwater goods of the approved detail shall be used in the development.
9. Prior to the insertion of any new windows/external doors or glazed screens in the building, full details of the proposed units (including the provision of a part face and section drawing shown in situ to a scale of 1:1) or sample if available, shall be submitted to and approved in writing by the Local Planning Authority. Only units of the approved specification shall be provided in the building.
10. Prior to its provision, details of the proposed flue to be provided in the kitchen area, together with details of its external arrangement shall be submitted to and approved in writing by the Local Planning Authority; the flue shall thereafter be provided strictly in accordance with the approved details.
11. Prior to the commencement of development, details of all proposed ground floor floor construction and floor finishes must be submitted to and approved in writing by the Local Planning Authority and all development must strictly accord with the approved details.

Reason(s):

1. To comply with the requirements of Section 18 of the Planning (Listed Buildings and Conservation Areas) Act 1990.
2. For the avoidance of doubt.
3. To ensure that all conditions related to this consent are discharged appropriately and to ensure for the preservation of the special interest of the building in this respect.
4. To ensure for the preservation of the historic fabric of the building and for the potential reversibility of any structural intervention.
5. To ensure for the protection and recording of any archaeological resource as may be revealed.
6. To ensure that the quality and aesthetic of the material is appropriate to the special interest of the building.
7. To ensure that the proposed constructional detail has been developed with due regard to the special interest of the building and will not result in any undue damage to the historic fabric of the building.
8. To ensure that the quality and aesthetic of the goods will not detract from the special interest of the building.

9. To ensure that any new units will adequately reflect the character of the building.
10. To ensure that the flue arrangement and its aesthetic impact do not compromise the character/integrity of the Listed building.
11. To ensure that the floor construction will not compromise the integrity of the building and that proposed finishes will be appropriate to the character of the building.

NOTE:

1. * Contact:

**Nick Lloyd/Richard Cole,
Planning and Transportation Policy,
The Directorate of Environmental and Economic Regeneration,
Vale of Glamorgan Council,
Dock Office,
Barry Dock,
Barry.
CF63 4RU**

Tel: 01446 704626/8

2. ** Contact:

**Glamorgan Gwent Archaeological Trust,
Heathfield House,
Heathfield,
Swansea.
SA1 6EL**

Tel: 01792 655208

3. **Where the proposal requires both Planning Permission and Listed Building Consent or Conservation Area Consent work must not be commenced until both consents have been obtained.**

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 works will constitute an offence which may lead to prosecution.

Failure on the part of the developer to observe the requirements of any other conditions could result in the Council pursuing formal enforcement action/a prosecution.

Mr A Watson & Miss L Dawkins, 10, Grangemoor Court, Cardiff. CF11 0AR
(Andrew Parker Architect, The Studio, The Great Barn, Lillypot, Bonvilston, Vale
of Glam. CF5 6TR)

ARWELFA, WALLAS FARM, WALLAS, LLAMPHA

Conversion of agricultural building into dwellinghouse

SITE DESCRIPTION

The site relates to a relatively small stone barn situated within a yard area comprising 2 larger stone barns, one of which is a Grade 11 Listed Building, and a series of more modern barns.

DESCRIPTION OF DEVELOPMENT

The application seeks consent to convert the barn to a dwelling and entails a rear extension of 4.7m in depth and 6.4m with a ridge height 0.5m below that of the existing barn.

PLANNING HISTORY

Planning consent was approved for conversion of the barn to the south of this site to a dwelling and conversion of the application barn to ancillary accommodation (00/00377/FUL) however planning consent was also granted for conversion of this barn to a dwelling (00/00378/FUL) subject to conditions and included the erection of a lean to, to the rear of the barn measuring 6.2m in width by 3m in depth.

CONSULTATIONS

Ewenny Community Council – See Appendix A.

Council's Ecologist – See Appendix B.

The Head of Visible Services (Highway Department) – Was consulted on the 28th September, 2004 (see Appendix C).

Welsh Water – See Appendix D.

Environment Agency – Standard advise applies.

Director of Legal and Regulatory Services (Environmental Health Officer) – See Appendix E.

REPRESENTATIONS

A site notice has been posted and neighbour notification has been carried out. Two e-mails received are attached as Appendix F.

REPORT

The development falls to be considered under the policies for conversion of rural buildings as contained within the Ogwr Local Plan, the Vale of Glamorgan Unitary Development Plan Deposit Draft 1998 (as amended 2003) and supporting Structure Plans.

The barn is of generally sound condition and lies close to a Grade 11 listed building and can be seen in relationship to that building. The barn can be seen from the public footpath to the south set in the context of the barns as a group.

The extant consent for conversion of this building to either a 'stand alone' dwelling or as ancillary residential accommodation related to a consent for conversion of an adjacent barn are material considerations in the determination of this application.

As originally submitted this current scheme indicated a significantly larger curtilage than that previously approved and a larger rear extension of approximately 6.3m x 7.6m. Following discussions with the applicants and their agent, amended plans were received which reduced the extent of curtilage to that commensurate with the approved scheme. The amended plans for the rear elevation similarly have reduced the scale of the proposal. However having regard to the most up to date planning policy, the extension is not considered acceptable. The Local Planning Authority's policies generally preclude extensions to barns where significant extension is required to facilitate the conversion and in this respect the extension would be contrary to Policy ENV7 of the Unitary Development Plan. Whilst it is anticipated that there exists an extant consent for conversion with an extension to the barn, this application seeks to provide a larger extension to that previously approved, the scale of which is considered inappropriate and unacceptable given the current policy context. In this regard, the application is assessed against not only the Ogwr Local Plan but the Council's own Unitary Development Plan which has reached an advanced stage in its production.

The neighbour's comments regarding impacts on this dwelling have been assessed and the development is not considered to affect privacy or amenities of the neighbours. The comments of the Environmental Health Officer are noted however the Local Planning Authority is currently considering an application for relocation of the farm buildings under application 04/01595/FUL which entails alternative access to these new farm buildings if approved.

The following recommendation for approval is therefore made as the extension significantly alters the character of this building and extant consent which enabled the barn conversion to be approved in 2000.

03829

RECOMMENDATION (W.R.)

REFUSE

Reason(s):

1. The proposed conversion of the barn due to the design, size and appearance of the proposed extension when assessed against the character of the barn to be converted would be contrary to Policy ENV7 of the Vale of Glamorgan Unitary Development Plan Deposit Draft 1998 (as amended 2003) and would adversely affect the character of the barn to be converted and the surrounding area.

Mr. S. Easterby & Miss S. Rees 69, Henke Court, Atlantic Wharf, Cardiff Bay.
CF10 4EB
(Andrew Parker Architect, The Studio, The Great Barn, Lillypot, Bonvilston, Vale
of Glam. CF5 6TR)

YR YSGUBOR GANNOL, WALLAS FARM, WALLAS, LLAMPHA

Conversion of existing barn into a two storey dwellinghouse

SITE DESCRIPTION

The site relates to a part stone built barn which has been altered including with modern additions attached to and immediately adjoining the building. The barn forms part of a small group of barns including a Grade II Listed stone barn.

DESCRIPTION OF DEVELOPMENT

The application seeks consent to convert the barn but demolishing modern additions to the front and rear of the barn including a series of 3 extensive modern barns to the rear.

It is proposed to extend the barn to the rear by the addition of a 2 storey element measuring approximately 5.5m in depth by 7.1m wide. The ridge height will be approximately 0.2m below that of the original building.

The materials of construction will be stone with some board detailing. The development will generally utilise existing openings in the original barn.

PLANNING HISTORY

Planning consent has been granted and is still extant for the conversion of the barn to a dwelling (and for conversion of the adjoining smaller barn the subject of application ref: 04/01518/FUL) to ancillary accommodation (application refs: 00/00377/FUL and 00/00378/FUL approved on 8th September, 2000).

CONSULTATIONS

Ewenny Community Council – See Appendix A.

Head of Visible Services (Highway Development) – Has been consulted on the 28th September, 2004 (see Appendix B).

Director of Legal and Regulatory Services (Environmental Health) – Has been consulted on the 28th September, 2004 (see Appendix C).

Welsh Water – See Appendix D.

Glamorgan Gwent Archaeological Trust – “No objection to the positive determination of this application.”

REPRESENTATIONS

None received following site notice and neighbour notification.

REPORT

The application falls to be considered under the planning policy for the conversion of rural buildings as contained in the Ogwr Local Plan, the Vale of Glamorgan Unitary Development Plan Deposit Draft 1998 (as amended 2003) and associated Structure Plans.

The site has already received planning consent for conversion to a dwelling and this consent is extant.

The application as now submitted originally indicated a significantly larger curtilage than that previously approved although this has now been reduced to reflect that previously approved. Similarly the application proposed a larger extension than that approved under application ref: 00/00377/FUL. That scheme showed a single storey lean-to of approximately 4m x 7.2m. The amended scheme for the current application indicates a two storey gable extension of 5.5m x 7.1m. It is considered that when compared with the approval and when taking into account the impact of this particular scheme on the character of the barn and the adjoining buildings that the development is unacceptable. The scheme fails to meet the Local Planning Authority's Policy as contained in ENV7 relating to the need for a conversion to be undertaken without substantial extension.

The barn, as with the adjoining 2 barns, is in relatively good structural condition.

The comments of the Environmental Health Officer are noted but the access is only indicated as serving the residential properties applied for under application refs: 04/01519/FUL (this application), 04/01518/FUL and 04/01531/FUL (the subject of separate reports to Committee).

This particular barn can be seen from the public footpath and therefore is visible to the public. It is considered that the scale of the extension as now proposed, creating a two storey rear projection, significantly alters the character of the barn and exceeds that considered reasonable under the extant consent to enable re-use of the barn. To this end the development as assessed against the most up to date policy guidance i.e. that of the Vale of Glamorgan Unitary Development Plan Deposit Draft 1998(as amended 2003) which is at an advanced stage towards adoption is considered to be contrary to Policy ENV7. In this regard it is recognised that the current extant consent for the barn conversion which included small single storey alteration were considered in September, 2000, when the Unitary Development Plan was not at such an advanced stage of production and more weight would have been attached to the Ogwr Local Plan Policy on barn conversion. Although the Ogwr Local Plan is still the adopted plan, significant weight has to be given to the Vale of Glamorgan Unitary Development Plan which is nearing adoption. The following recommendation is made.

03826

RECOMMENDATION (W.R.)

REFUSE

Reason(s):

1. The proposed conversion of the barn due to the design, size and appearance of the proposed extension where assessed against the barn to be converted would be contrary to Policy ENV7 of the Vale of Glamorgan Unitary Development Plan Deposit Draft 1998 (as amended 2003) and would adversely affect the character of the barn to be converted and the surrounding area.

Mr. and Mrs. A. Cairns, 99, Pontardawe Road, Clydach, Swansea. SA6 5PB
(Andrew Parker Architect, The Studio, The Great Barn, Lillypot, Bonvilston, Vale
of Glam. CF5 6TR)

YR SUGBUR FAWR, WALLAS FARM, WALLAS, LLAMPHA

Conversion into dwelling

The property is a Grade II Listed Building.

SITE DESCRIPTION

The site relates to an agricultural, stone built barn and associated yard situated within a small group of agricultural buildings in a rural location. The barn is Grade II Listed (Stone Threshing Barn). A public footpath exists to the South of the site. The barn immediately adjoins the public highway.

DESCRIPTION OF DEVELOPMENT

The applicant seeks consent to convert the barn and attached pigsty into a dwelling. The conversion will take place within the structure of the existing barn but with an addition of a small conservatory to the rear non-roadside elevation. Drainage is indicated to 'FW. Mains'.

PLANNING HISTORY

Planning consent was granted for conversion of the barn and 2 further barns within the group to 3 dwellings in total. The approvals allowed for small extensions to the 2 smaller barns situated to the rear of the site and demolition of more modern agricultural buildings to the side of this application site and to the rear of the 2 smaller barns, (OGWR 96/0037 – and 001368/FUL).

04/01517/LBC – Listed Building Consent for the conversion currently undetermined.

CONSULTATIONS

Council's Ecologist – See Appendix A.

Welsh Water – “There are no public-sewers in this area”.

The Head of Visible Services: (Highway Development) – “Has been consulted on 5th October, 2004. See Appendix D

Ewenny Community Council – See Appendix B.

Glamorgan Gwent Archaeological Trust – See Appendix C.

Environment Agency – Standard Advice Applies.

Director of Legal and Regulatory Services (Environmental Health Officer) – Has been consulted. See Appendix E.

REPRESENTATIONS

Site notice posted and neighbours notified. No comments received.

REPORT

The barn in question is a Grade II Listed substantial stone threshing/storage barn. The conversion is generally sympathetic to the original and to the retention of details and window openings albeit the level of information submitted with the application is not sufficient in detailing method statements of repair technology and detailing of actual doors and windows.

The application falls to be considered under Policy ENV7 of the Vale of Glamorgan Unitary Development Plan Deposit Draft 1998 (as amended 2003) for the conversion of rural buildings and taking into account the fact that extant planning permission exists for conversion of the barn to a dwelling.

It is considered that following negotiations with the applicants and their agent regarding the principle, scale and design of any extension to the barn, the amended, smaller scale conservatory does not compromise either the Local Planning Authority's barn conversion policy or the character and historical interest of the barn. In this regard the conservatory is on an internal elevation away from the public highway and will face an internal courtyard area and other existing barn structures which are subject to applications for conversions being reported to this Committee. The conservatory structure is very light and transparent and is a contemporary temporary design solution which does not add to the bulk of the building particularly given its low height. Again the specific details of construction of this conservatory, measuring 3.3m x 5.1m will be required before development takes place.

The conversion will be undertaken utilising existing openings generally, but opening up windows in the gable end to an existing closed off opening. Discussions have taken place with the Agents and Client regarding the need for more details including details of all vents/flues/chimneys as these should resist domestication of the barn and certainly not adversely alter or affect the character of the listed building. No detailed information has, however, been forthcoming, to date, although there are matters that can be considered.

The scale of residential curtilage has been reduced to reflect that previously approved. The extent of curtilage as originally proposed was significantly greater than that originally approved, and created a visual intrusion into the adjoining agricultural land. The proposed curtilage also appeared to affect the line of the public footpath to the south of the barn.

The Council's Ecologist has indicated the need to undertake a survey for the presence of protected species and in view of the extant consent for the site it is recommended that a condition be imposed requiring this before any development commences.

Given the previous planning permission that exists for the site, and the permissions previously granted for other barn structures, the recommendation is to approve subject to detailed conditions.

Subject to conditions it is considered that the development is acceptable.

03819

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. Prior to the commencement of development a method statement for the repair of the building including details of any repointing and mortar type, shall be submitted in writing to and approved in writing by the Local Planning Authority and the development shall thereafter be carried out in accordance with the approved details.
3. Notwithstanding the submitted plans and prior to the commencement of development full details including sections to a scale of 1:20 of the proposed windows, doors, conservatory, including roofing materials guttering and downpipes, and any flue or vent 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.
4. 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.
5. 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.
6. The details required to be submitted in accordance with condition 4 above shall provide for a hedgerow of indigenous species to be planted along the southern boundary of the residential curtilage.
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 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 hereby approved 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. Notwithstanding the terms of the Town and Country Planning (General Permitted Development) Order 1995 or any Order amending revoking or re-enacting that Order no gate, fence wall or other means of enclosure shall be erected, constructed, improved or altered without the prior written consent of the Local Planning Authority.
11. This consent shall relate to drawings reference 287/P/02B, 03B, 04B and 10A received on 10th January, 2005 and to the amended site edged red plan received on 19th January, 2005 reference 287/P/101.
12. Prior to the commencement of development or any work on site a full survey for the presence of species protected under the Wildlife and Countryside Act 1981 (as amended) and the Habitats Directive (EC Directive 92/43/EC) shall be undertaken and submitted to the Local Planning Authority including details of any mitigation should species be found. No development shall take place until such time as the approved mitigation measures have been undertaken.
13. Prior to the commencement of work for the conversion of the barn, details of the proposed stone and mortar mix shall be submitted to and made available to the Local Planning Authority for their inspection and written approval and all new stonework and stonework repairs shall be undertaken in accordance with the approved details.
14. No site works shall be undertaken until the implementations of an appropriate programme of building recording and analysis has been agreed with the Local Planning Authority to be carried out by a specialist in accordance with an agreed written brief and specification agreed by 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 ensure the preservation of the historic fabric of the building and for the potential reversibility of any structural intervention.
3. To ensure that the development does not adversely affect the character of this Grade II Listed building.

4. To safeguard local visual amenities.
5. To ensure satisfactory maintenance of the landscaped area.
6. In the interests of the visual amenities of this rural location.
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.
9. To ensure satisfactory drainage of the site.
10. To safeguard the setting of the Listed building and the visual amenities of this rural location.
11. For the avoidance of doubt as to the approved plans.
12. To ensure the protection of any protected species at the site.
13. To safeguard the visual amenities of this rural area.
14. As the building is listed of architectural and historic interest the specified records are required to be recorded.

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. P. Gibson, C/o Agent.

(James T. Long RIBA., 24, Uplands Crescent, Llandough, Nr. Penarth, Vale of Glam. CF64 2PR)

THE PADDOCK ADJACENT TO THE MANSE, LLANBETHERY

Retain existing stone shed and partially built stone barn used in connection with The Paddock

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

The application was advertised on 19/10/2004

SITE DESCRIPTION

A field to the rear of a residential property with an area of approximately 0.19 hectares.

DESCRIPTION OF DEVELOPMENT

A retrospective application to retain a stone shed and partially built stone barn to be used in conjunction with the paddock. The shed would be used to house a 'sit on' grass mower and associated attachments. The barn would be used to store straw, feed, tack, troughs, hurdles in conjunction with the paddock. The barn would be clad in stone and roofed in slate.

PLANNING HISTORY

95/00487/FUL – Full planning permission granted for an extension to the dwelling on 21st July, 1995.

CONSULTATIONS

Llancarfan Community Council has stated that the fact that these structures have already been constructed without planning permission is of great concern. The plans lack dimensions, windows are shown on the gable ends that differ from what has been constructed and a site boundary shown as a wall when it is a hedge. Why is it necessary to have a sink in the building and connection to a cesspit? There is no justification on agricultural grounds for the proposal. The applicant should clarify the intended use of the building. The site is in a conservation area and so any development should be strictly controlled.

REPRESENTATIONS

Neighbouring occupiers have been consulted and the application has been advertised. The occupiers of Ty Mawr and Castle Cottage have expressed concerns regarding the application (see letters attached as Appendix A).

REPORT

The development plan comprises the South Glamorgan Structure Plan. The application has also been assessed with regard to the emerging Unitary Development Plan (UDP)

The site lies outside the settlement boundary of Llanbethery and accordingly is located in the countryside in terms of the planning context for the site. The site is located within the Llanbethery Conservation Area and is also situated within the Lower Thaw Valley Special Landscape Area.

The application claims that the buildings are to be used in connection with the paddock. If the proposed buildings were for horse related purposes, the application would need to be assessed with regard to Policy ENV8 of the Unitary Development Plan, which allows for such developments, subject to criteria, including that it should not unacceptably affect the character and appearance of the locality. However, these buildings are clearly not designed to provide shelter for horses. No horses were present on the field during the officer's site inspection and it is not considered that the size of the applicants land holding could justify the provision of a stable on the site.

It is considered that the proposal comprises new build in the countryside which is to be used for purposes in connection with the use of the dwelling. This is evidenced by the patio adjacent to the building and various other domestic paraphernalia present around the building. The proposal is therefore considered to be contrary to Policy EV3 of the South Glamorgan Structure Plan 1989 and Policy ENV1 of the Unitary Development Plan, which seek to prevent new development in the countryside, unless in the interests of agriculture.

The land is classified as Grade 2 Agricultural Land. Its development for domestic purposes would therefore be contrary to Policy EV1 of the South Glamorgan Structure Plan 1989 and Policy ENV2 of the Unitary Development Plan, which presume against development on such land.

The Council's Supplementary Planning Guidance 'Conservation Areas in the Rural Vale' identifies a key issue for Llanbethery as being "maintenance of the strong linear form of the village". This is largely supported by the 'Landscapes working for the Vale of Glamorgan' which seeks to maintain and/or enhance the distinct rural character of villages in the Vale. The proposal represents an encroachment of development beyond the identified settlement boundary and the strong visual boundary to the settlement provided by the existing stone wall. The extension beyond the settlement adversely impacts upon the landscape setting of the village, and so in this respect, is considered to be contrary to Policy XXX 'Special Landscape Areas' of the Unitary Development Plan, which seeks to protect the character of special landscape areas.

The design of both structures is considered to be wholly inappropriate within a rural setting with both being of distinct domestic appearance. Furthermore, due to the siting of the buildings outside the settlement, it is considered that the development would be out of character with the strong linear form of the village. The development would therefore fail to either preserve or enhance the appearance and character of the conservation area and so would be contrary to Policy EV19 of the South Glamorgan Structure Plan and Policies ENV15 and ENV18 of the Unitary Development Plan, which relate to development in conservation areas.

Given the retrospective nature of the application Committee are also asked to consider the need for enforcement action.

03808

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 the removal of the structures that have been constructed on the land, and the re-instatement of the land to its former condition.

REFUSE

Reason(s):

1. The proposal represents new development in the countryside for which no agricultural or other justification has been made. It is therefore contrary to Policy EV3 of the South Glamorgan Structure Plan 1989 and Policy ENV1 of the Vale of Glamorgan Unitary Development Plan Deposit Draft 1998 (as amended 2003), which seek to prevent new development in the countryside, unless in the interests of agriculture.
2. The proposed development, by virtue of the unduly domestic appearance of the buildings and their siting outside the settlement boundary of Llanbethery, would be out of keeping with the linear form of the village and would have an adverse visual impact upon its landscape setting and upon the rural character of the surrounding area. In this regard, the development would fail to preserve or enhance the character of the Llanbethery Conservation Area and would have an adverse impact upon the Lower Thaw Valley Special Landscape Area. The application is therefore contrary to Policy EV19 of the South Glamorgan Structure Plan 1989 and Policies ENV15, ENV18 and ENVXXX 'Special Landscape Areas' of the Vale of Glamorgan Unitary Development Plan Deposit Draft 1998 (as amended 2003).
3. The land is classified as Grade 2 Agricultural Land. Its development for domestic purposes would therefore strictly be contrary to Policy EV1 of the South Glamorgan Structure Plan 1989 and Policy ENV2 of the Vale of Glamorgan Unitary Development Deposit Draft 1998 (as amended 2003), which both presume against development on such land.

Phoenix Neurologix, 49, Campbell Drive, Windsor Quay, Cardiff. CF11 7QE
(Phoenix Neurologix, 49, Campbell Drive, Windsor Quay, Cardiff. CF11 7QE)

WENTWORTH, BRADFORD PLACE, PENARTH

Change of use from residential use to a nursing home

The property is situated within the Penarth Conservation Area.

The application was advertised on 19th October, 2004.

SITE DESCRIPTION

The application site relates to a large Victorian semi-detached dwellinghouse known as "Wentworth" located in Bradford Place near its junction with Clive Place in Penarth. The site is bounded by the residential dwelling of Belmont on Clive Crescent and along its side (south western) elevation by the access road leading to the Seaview Court flats. The application site lies within the Penarth Conservation Area.

The existing dwelling, which has previously been extended to the side has accommodation over four levels with a total of four bedrooms and two kitchens, including a self contained flat in the basement.

DESCRIPTION OF DEVELOPMENT

The application is for the change of use from a dwelling house to a nursing home, that is a change of use from Class C3 to Class C2 as set out in the Town and Country Planning (Use Classes) Order 1987.

The amended drawings indicate that the number of bedrooms will be six to provide care and support for neurological compromised residents.

No external alterations to the dwelling are proposed. Although internal changes are proposed, they are not subject to planning control and therefore do not form part of this application. The only external works to the garden will be the provision of a parking area to the front of the side garden to provide a total of 4 spaces with 2 further spaces adjacent to the driveway.

PLANNING HISTORY

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

02/01095/FUL – Extension to rear and side of property. Approved 10th January, 2003.

02/00788/FUL – Extension to rear and side of property. Withdrawn 29th November, 2002.

01/01067/FUL – 4-5 bedroom detached dwelling. Refused 20th November 2001.

CONSULTATIONS

Penarth Town Council were consulted on 8th October, 2004 and stated that the application should be approved on the basis that the proposed change of use is limited to the nature of the operations specified in the letter from the applicants outlining the proposal and furthermore, that consideration is given to alternative car parking arrangements which avoid the need to demolish a section of the boundary wall fronting Bradford Place. The Town Council is of the opinion that the current proposal will have an adverse effect upon the character and appearance of the Penarth Conservation Area given that the substantial and continuous stone boundary enclosures are a significant feature of the street scene.

The Head of Visible Services (Highways Development) - Was consulted on the 26th October, 2004, and has no objection in principle subject to the provision of a turning facility and parking provision for six spaces within the site.

Director of Legal and Regulatory Services (Environmental Health) - Has no comment to make regarding the application.

Environment Agency - Were consulted on the application and has responded with a standard informative for developers.

Welsh Water were consulted and have requested that a condition and an advisory note should be attached to any planning permission granted, in order to ensure that foul and surface water are drained separately from the site.

REPRESENTATIONS

Neighbouring residential properties were consulted and to date eight letters of representation have been received, all of which raise concerns in respect of the application. Two letters are attached as Appendix A. In summary, the concerns raised relate to the following main issues:

- The introduction of a commercial use into a residential area out of keeping with the character of the Conservation Area.
- The increase in traffic to and from the site in respect of deliveries, visitors and staff parking.
- The increased parking on Bradford Place given the insufficient on-site parking provision given the number of staff proposed.
- The removal of the front boundary wall, to facilitate parking, would impact on the character of the street scene and Conservation Area.
- The nature of the occupants/residents and issues relating to security and safety.

REPORT

This application relates to the change of use from a dwelling house (Use Class C3) to a nursing home (Use Class C2) as set out in the Town and Country Planning (Use Classes) Order 1987. More specifically, the proposed business is for the care of six individuals with neurological disorders.

The following policy context is relevant:

East Vale Local Plan (1987)

The following policies contained within the above current adopted local plan for the area, which relate to development within Conservation Areas, are considered relevant.

Policy C1 states that it is the policy of the Borough Council to protect and enhance the character of the Conservation Areas in the East Vale.

Policy C2 states that all proposals for development, redevelopment, new buildings, alterations or extensions within or adjacent to the Conservation Area should reflect the character of their setting in terms of design, layout, scale, materials textures and colour.

Policy C4 states that the Borough Council will consider on their merits any proposals for change of use relating to listed buildings, proposed and existing county treasures and other prominent buildings in the Conservation Area, subject to Policies C1 and C2.

Vale of Glamorgan Unitary Development Plan Deposit Draft 1998 (as amended 2003)

The most relevant policy contained within the above emerging plan is Policy EMP 3, which relates to new business and industrial development. This policy permits proposals for new business and industrial development including agricultural service industries and the extension, conversion and replacement of existing premises for such purposes, subject to the following criteria being met:

- (i) The proposal does not lie within the countryside except for those proposals acceptable under the terms of ENV7 (rural buildings) or COMM2 (redundant hospitals).
- (ii) The proposal minimises the loss of good quality agricultural land (Grades 1, 2 and 3a) and does not have an unacceptable impact on areas of attractive landscape and high quality townscape or on area of historical, archaeological or ecological importance.
- (iii) The size and relationship of any new building and / or alteration or extension is not disproportionate to its size and setting.
- (iv) Access and parking arrangements are in accordance with the council's approved standards.
- (v) Adequate landscaping is provided.

- (vi) The proposal does not have an unacceptable effect on residential amenity by virtue of traffic congestion, noise, smell, safety, health impacts and emissions.
- (vii) Adequate utility and infrastructure services exist or are reasonably accessible or capable of being readily and economically provided.
- (viii) Does not present additional risk to the health or safety of users of the site and does not unacceptably pollute air, water, or land; and
- (ix) Does not unacceptably affect the use of the adjoining land by virtue of the risk and impact of potential pollution.

In respect of the development within the Conservation Area, the relevant Policies are ENV15 (protection of the Built and Historic Environment), ENV18 (Development in Conservation Area) contained within the Vale of Glamorgan Unitary Development Plan Deposit Draft (as amended) 2003.

The Issues

Given that the application only relates to a change of use of a dwelling within a settlement boundary and does not involve any new build, the most relevant criteria are (iv) and (vi) of Policy EMP3, which relates to the adequacy of access and parking arrangements in accordance with the Council's approved standards; and that the proposal does not have an unacceptable effect on residential amenity by virtue of traffic congestion, noise, smell, safety, health impacts and emissions;

With regard to the principle of the change of use, the existing building is used as a dwelling house with a self contained flat in the basement. However it would appear, given the covered fire escape on the rear elevation, that the building may have been used as a nursing home prior to its current use as a dwelling.

As to whether the proposed use is in keeping with surrounding uses, the application site is located at the northern end of Bradford Place within the Penarth Conservation Area. Bradford Place is a residential street which includes a mix of large Victorian Villas, new dwellings and a large complex of flats. Consideration must be given as to whether the proposed change of use would impact on the residential character of the road.

The change of use from Class C3 to (dwelling houses) to C2 (residential Institutions), whilst commercial, would nevertheless retain the residential character of the former use. Indeed, the number of patients now proposed has been reduced from seven to six, where the number would be no greater than the number of residents that would normally occupy a private dwelling house of this size.

With regards to the nature and type of the residents to be accommodated, the agent has confirmed that they will all have neurological deficit such as a brain injury resulting from road traffic accidents, and will normally be between the ages of 16-65. They will have short-term memory problems and will need guidance in carrying out their daily living. There will be 24 hour nursing care and medical staff will be available on call at all times. Several of the letters received raise strong concern with regard to the nature of the occupants, how they will be categorised and whether the patients are to be voluntary or detained. Whilst such concerns may well be valid to the neighbouring occupiers, however the operation and running of the home will fall under the Control of the Care Standards Inspectorate Wales.

With regards to potential noise and disturbance, it is noted that the Environmental Health Officer has not raised an objection. Given that the dwelling is situated in relatively large grounds, it is not considered that the incidental use of the garden by the residents would result in a level of noise and disturbance that would be above that which would normally be expected from such a dwelling, particularly given that the number of residents accommodated would be limited to a maximum of six.

In terms of staffing there will be 3 staff working during the day and 2 staff at night and there will only be two changeovers over a 24 hour period. It is accepted that the proposed use as a nursing home will increase the intensity of the use of the site and would no doubt result in an increase in on-site parking requirements. Whilst the forms indicate that there will be total of 18 staff employed, the supporting letter states that the actual number will only be 5 per day. The highway engineer following discussion in respect of the specific operations of the home, has accepted a provision of 6 spaces with a turning area. Amended plans have been submitted which indicate a parking area for 2 vehicles to the side of the main entrance and a bay for 4 vehicles which will be located directly behind the front boundary wall. The parking layout is now considered to accord with the Highway Authorities requirements and is considered sufficient to serve the proposal.

In terms of impact on the Conservation Area, letters of objection received have raised concerns over the removal of the stone boundary wall fronting Bradford Place to facilitate off street parking. The amended parking layout now retains this wall and access into the site will be via the existing cross over. The only demolition will therefore be the removal of a section of a concrete block wall at the top of the driveway to facilitate access into the proposed parking area. The main parking area will be against the inside of the front boundary wall, which itself is a retaining wall for the garden to the rear. Whilst any parked vehicle may in part be visible above the boundary wall, such impact on the street scene will be minimal given the height of the wall which is to be retained and therefore will not impact adversely on the character of the Conservation Area.

To conclude, it is considered that the change of use of the large existing dwelling to a nursing home to accommodate no more than six residents, would maintain the residential character of the dwelling and would not have an unacceptable effect on residential amenity by virtue of traffic congestion, noise and disturbance and would be in keeping with the character of the Conservation Area.

In view of the above it is considered that there are no overriding reasons to refuse this application, subject to appropriate conditions and limitations in order to control the nature of the uses at the site, in order to protect both the amenity of the area and to preserve the character of the Conservation Area.

03820

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 six car parking spaces and turning space as indicated on Drawing No. 01 received on 16th December, 2004, shall be laid out and marked on site prior to the development hereby approved being brought into beneficial use and the car parking spaces shall thereafter be so maintained at all times to serve the development hereby approved.
3. The development hereby approved shall be for a maximum of six residents.
4. Notwithstanding the terms of the Town and Country Planning (Use Classes) Order 1987 as amended and the Town and Country Planning (General Permitted Development) Order 1995, or any Order amending, revoking or re-enacting those Orders, the consent shall only relate to change of use to provide care for long term non-acute mental health needs and/or acquired brain injury and for no other use within Class C2.

Reason(s):

1. To comply with the requirements of Section 91 of the Town and Country Planning Act 1990.
2. To ensure satisfactory provision of on-site parking to serve the development hereby approved.
3. In order to control the level of the use of the site.
4. In order to control the nature of use at the site in the interests of residential amenity.

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. M. Thomas, C/o Agent.

(B. Marshall, 35, Augusta Crescent, Penarth, Vale of Glamorgan. CF64 5RL)

NORMANDY, BRIDGEMAN ROAD, PENARTH

Restore main house into three apartments, build side and rear extensions for a further five apartments

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

The application was advertised on 19th October, 2004.

SITE DESCRIPTION

The site comprises a detached villa of limestone situated in a prominent location adjacent to the entrance to Windsor Gardens off Bridgeman Road. The plot is roughly triangular in shape and has a boundary contiguous with the public park listed as an historic garden.

DESCRIPTION OF DEVELOPMENT

The application seeks consent to refurbish the original dwelling to create 3 No. apartments and to build 2 extensions, one to the side/front elevation and one to the rear to create a further No. 5 apartments, being 8 units in total. Members should be aware that the proposal was initially submitted on 1st October, 2004 and sought consent for a total of 9 units.

The materials of construction of the extension will be render painted (colour to be agreed) with brick detailing in red and yellow imperial brick to match original, windows of timber casements.

PLANNING HISTORY

The site has a long history of both consents and refusals for residential development. The most relevant, and recent applications, are:

00/00951/FUL – Restoration of house to 3 flats and extensions to create 8 flats in total. Approved conditionally 21st December, 2000 and is therefore an extant consent.

03/01201/FUL – Demolition of dwelling and erection of No. 9 apartments. Refused and dismissed at appeal 13th September, 2004.

CONSULTATIONS

Penarth Town Council – See Appendix A.

Welsh Water – See Appendix B.

Environment Agency – Standard advice applies.

CADW – See Appendix C.

Director of Legal and Regulatory Services (Environmental Health Officer) – No adverse comments.

The Head of Visible Services (Highway Development) – Was consulted on the 26th October, 2004 and his comments are attached as Appendix D.

REPRESENTATIONS

2 Letters of representation have been received and are attached as Appendix E.

REPORT

The application as originally submitted related to 9 flats and included a three storey extension to the rear elevation. Following consideration of the scale of this part of the development when compared with that approved under application 00/00951/FUL, it was considered that the scale of this element was unacceptable. Following discussion with the agent, the scheme was amended to that now before Committee for 8, not 9 units and a two, not three storey extension to the rear elevation.

The development generally reflects that as approved under planning application reference 00/00951/FUL and which consent is still extant.

The main difference is that the rear extension foot print has been amended by a reduction of approximately 0.5m in length with a side bay addition and an adjustment to the relationship of the footprint to prevent encroachment on land outside the applicants control.

The scheme, in relation to car parking, access and landscaping, remains generally as approved under the extant consent 00/00951/FUL.

The scheme entails retaining the stone boundary walls enclosing the site but a small section alongside the rear extension and balcony will be raised to provide a screen to the property Ashdene. The elevation above the boundary wall in relation to Ashdene is a blank wall and roof and projects approximately 1.5m above that wall immediately adjacent to it.

In considering the current application regard has to be paid to the extant consent 00/00951/FUL for a very similar scale, form and detailing of development. The Local Planning Authority is required in such cases to consider whether there has been any material change in planning circumstances. Having regard to the policy for control of development in Conservation Areas including that contained in the East Vale Local Plan, the Penarth Appraisal, the Vale of Glamorgan Unitary Development Plan Deposit Draft 1998 (as amended 2003) and the South Glamorgan Structure Plan, and the planning history of the site it is considered that there has been no material change in the planning circumstances to warrant a different decision to that made in 2000.

The building at present is in a poor state of repair but capable of refurbishment and therefore the scheme as previously approved and as now proposed would enable restoration of the villa. It is therefore to be welcomed in terms of the Conservation Area and views from the adjacent historic park, all of which were factors assessed in the consideration of the previous revised application.

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. This consent shall relate to the plans reference, SK.01.B, SK.01.C (Landscape), SK.02.A, SK.03.B, SK.04, SK 05.A, SK.07.A, SK.08A received on 31st January, 2005 and drawing SK.06.B recieved on 4th Febuary, 2005.
3. 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.
4. The car parking, access and turning areas as indicated on Drawing No. SK 01.B shall be implemented on site in accordance with the approved details prior to the residential units being brought into beneficial use and shall thereafter be so retained at all times to serve the development hereby approved.
5. Prior to the commencement of construction on the access, parking and turning areas samples of the proposed sufacing materials for these areas 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.
6. The existing walls and means of enclosure shall be retained other than where indicated as being removed on Drawing No. SK 01.B.
7. Notwithstanding the terms of the Town and Country Planning (General Permitted Development) Order 1995, no wall, fence or other means of enclosure shall be placed, constructed or erected on site and no existing fence, wall or means of enclosure shall be altered or replaced without the prior written consent of the Local Planning Authority.
8. A minimum of 2 bicycle parking racks shall be provided on site prior to the development hereby approved being brought into beneficial use and they shall thereafter be so maintained at all times.
9. The existing trees to be retained on site shall be protected by means of chestnut paling fencing erected on the outer edge of the tree's canopy spread prior to the commencement of any work onsite unless otherwise previously agreed in writing by the Local Planning Authority and the tree protection shall be so retained for the duration of the development.

10. A schedule and programme for the refurbishment of the existing building on site, including details of any replacement materials to external elevations, and details of replacement or refurbishment of windows, doors, gutters, downpipes, roof and ridge materials and balconies, and including details of refurbishment of the porch entrance shall be submitted to and approved in writing by the Local Planning Authority and no works shall commence on site other than in accordance with the approved schedule and programme.
11. The wall adjacent to the rear balcony shall be raised as detailed on Drawing No. SK 08A prior to the first beneficial use of the development hereby approved and shall thereafter be so retained at all times.
12. The development hereby approved shall be carried out entirely in accordance with the approved plans and specifications.
13. Details of the colour finish of the render shall be submitted to and approved in writing by the Local Planning Authority prior to the commencement of construction of the extensions hereby approved and the development shall thereafter be carried out in accordance with the approved details.

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 as to the approved plans.
3. To ensure satisfactory maintenance of the landscaped area.
4. To ensure the provision of adequate on site parking in the interests of highway safety.
5. In the interests of the visual amenities of the Conservation Area.
6. In the interests of the visual amenities of the Conservation Area.
7. In the interests of the visual amenities of the Conservation Area.
8. To ensure the provision of bicycle parking on site.
9. To protect the visual amenities of the Conservation Area and to safeguard the tree's during construction.
10. To safeguard the visual amenities of this part of the Conservation Area.
11. To safeguard the privacy and amenities of the occupiers of the adjacent dwelling Ashdene.
12. To ensure the satisfactory implementation of the development.
13. To ensure a satisfactory form of development in the Conservation Area.

NOTE:

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

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

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.

Dunraven Estates Company. C/o Cooke & Arkwright.
(Cooke & Arkwright, Bayer Lodge, Western Avenue, Bridgend Industrial Estate.
CF31 3TZ)

PENYLAN FARM, PENYLAN ROAD, ST. BRIDES MAJOR

Conversion of two redundant barns to residential use and construction of two new detached houses including associated external works

SITE DESCRIPTION

The application site comprises a farmyard and outbuildings including traditional stone barns, and more modern prefabricated buildings, located on the eastern side of Penylan Road.

DESCRIPTION OF DEVELOPMENT

This is an application for full planning permission that comprises two elements. The first entails the conversion and extension of the existing stone barns to provide two residential units. In addition to the repair and renovation of the existing stone structures the proposal involves a number of new build extensions to link the separate buildings to provide two detached houses.

On Barn 1 the proposed new build link will measure approximately 6m x 6.8m to a hipped roof single storey ridge line of approximately 4.5m. The proposed new build extension to Barn 2 will measure approximately 6m x 15.9m to a ridge height of 5.4m. The proposal will provide for two three bedroom dwellings with 2 No. car parking spaces for each and vehicular access via the improved entrance onto Penylan Road.

The second element of the application entails the demolition of a large modern barn on the eastern side of the farm complex and the construction of two new detached houses with detached double garages. The proposed two storey, pitched roof houses will be of an identical design, with one being sited towards the north east corner of the site and the other in the furthest south east corner. Each house will have a footprint measuring approximately 18m x 6m, with a front elevation projecting two storey gable of 3m x 6m. The proposed ridge height will be approximately 7.1m throughout. The design will include features such as an external chimneystack and pitched roof porch with external finishes of ground floor stone facing, first floor render and artificial slate roof. Each house will accommodate a ground floor, lounge, dining room, kitchen/family room, cloakroom and entrance hall, with first floor 4 No. bedrooms, bathroom and en-suite. Car parking will be accommodated within the proposed garaging and vehicular access will be via new internal driveways connecting along the northern edge of the site and onto the Penylan Road.

PLANNING HISTORY

96/00048/FUL – Former Ogwr Borough Council. Conversion of redundant farm buildings to two dwellings. Approved 18th March, 1996 subject to conditions including removal of permitted development rights for extensions, means of access, visibility splays and landscaping.

97/00053/FUL – Two-storey extension to existing farm house. Approved 7th March, 1997.

01/00204/FUL – Renewal of permission P/96/48/FUL. Ogwr. Conversion of redundant farm outbuildings to two dwellings. Approved 4th May, 2001 subject to conditions including removal of permitted development rights for extensions, means of access and landscaping.

04/01732/FUL – Conversion of redundant barns to two residential units. Yet to be determined.

CONSULTATIONS

St. Brides Major Community Council – Initial comments:

“My Council has strong objections regarding the access along Penylan Road. This narrow land is totally inadequate and to build extra housing would only add to an already dangerous road.”

Further comments:

“My Council has no objections to Revision A on these plans.”

[Note: There is no “Revision A” on any of the plans submitted to the Council with the application].

Environment Agency – Have submitted their standard “Guidance note for Developers” only.

Welsh Water – Request for a number of drainage conditions and standard advisory notes submitted.

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

Head of Visible Services (Highway Development) - Was consulted on the 2nd November, 2004, and comments are awaited.

REPRESENTATIONS

The occupiers of neighbouring properties were notified on 29th October, 2004. In addition a site notice was posted on 3rd November, 2004. Letters of Objection have been submitted by the occupiers of “Planhigyn”, “Branksome” and “The Chimneys” Penylan Road. Whilst all the representations are available on file for Committee Members inspection the letter from the occupiers of “The Chimneys” is reproduced at Appendix A as being generally indicative of the observations made. In summary, the main points raised include design, increased traffic and highway safety, privacy, loss of light, and devaluation of property.

REPORT

The policy background in relation to the site is currently in a state of flux. Whilst the adopted development plan for the area is comprised of the Mid Glamorgan Structure Plan Proposals for Alteration No. 1 1989 and the Ogwr Borough Local Plan 1995, nevertheless, the emerging Vale of Glamorgan Unitary Development Plan Deposit Draft 1998 (as amended 2004) carries considerable weight in the determination of the application bearing in mind it contains the most up-to-date policies and has progressed to an advanced stage towards formal adoption.

Under the currently adopted plan Penylan Farm lies outside of the settlement boundary for St. Brides Major. Policy S3 of the Mid-Glamorgan Structure Plan carries a presumption against development in the countryside unless required for agriculture or forestry except for the conversion of redundant buildings. However, Policies S4 and S35 restricts new housing development in St. Brides Major to limited infill and rounding-off. As regards the barn conversion element Policy H4 is relevant and requires adequate car parking and open space.

Policy EV1 of the Ogwr Local Plan also restricts development in the countryside and Policy EV11 specifically restricts development outside the settlement boundary for St. Brides Major. However Policy H12 allows for new housing which amounts to small scale infilling and rounding off of St. Brides Major. In addition, in relation to the proposed barn conversion element of the scheme, Policy EV6 allows the conversion of buildings in the countryside subject to certain criteria including the buildings are structurally sound and the character and design of the buildings are respected. Further policies are contained within the Supplementary Planning Guidance Design Guide 4 "Farm Building Conversions". The guidance contains advice such as:- "Note 5: There should be no change to the height and shape of the building": and; "Note 9: Details of the conversion should preserve or enhance the original character of the buildings".

The most up-to-date policies are contained within the emerging Vale of Glamorgan Unitary Development Plan Deposit Draft 1998 (as amended 2004). Following the Inspector's Report on the Public Inquiry the majority of the site has now been included within a revised settlement boundary for St. Brides Major. Policy HOUS2 allows for new housing development, including small scale rounding off of the settlement boundary subject to 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 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 ENV7 relates to small-scale rural conversion and permits new uses subject to certain criteria, including.

- (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.

and

- (iv) CONVERSION WORK CAN BE UNDERTAKEN WITHOUT UNACCEPTABLY ALTERING THE APPEARANCE AND RURAL CHARACTER OF THE BUILDING

In addition Policy ENV25 relates to the design of new development and requires that it have full regard to the context of local natural and built environments and its special features. New development is permitted subject to the following criteria.

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

The Council also has adopted Supplementary Planning Guidance on Amenity Standards that contains policies not only on the level and quality of garden space but also privacy and visual amenity.

National guidance is contained within Planning Policy Wales March 2002 and TAN 12 – Design. Paragraph 5.1.1 of Planning Policy Wales highlights the importance of the natural heritage of Wales both for its own sake and for the health and the social and economic well being of individuals and communities. In addition paragraph 9.3.4 states that: -

“In determining applications for new housing, local planning authorities should ensure that the proposed development does not damage an area’s character and amenity.”

TAN 12 – Design advises that Design Statements should be submitted with all planning applications for development which have design implications.

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

Following the Public Inquiry into the Unitary Development Plan and the Inspector’s Recommendation 4:91, the settlement boundary of St. Brides Major has been revised to include the majority of Penylan Farm and, the associated yard and outbuildings, the inspector having concluded that it would constitute only small scale rounding off of the settlement boundary. It is noted however that the application site includes land to the south, which is not included within the revised settlement boundary.

The Inspector in accepting that the settlement boundary should be revised, indicated that the redevelopment of the rear part of the site should be “carried out in an appropriate and sensitive manner and in local materials”. It is considered that the design of the proposed new dwellings and the alterations to the barn conversions appear to be based on the economic needs of the applicant rather than the context of the site. The applicant’s agent’s letter of 20th August, 2004, in referring to the barn conversions, refers to a “commercially viable scheme” and “lettable residential accommodation”. It is noted that no design Statement has been submitted in support of the application. It is also pointed out that in relation to the separate but associated applications for the barn conversions alone, reference 04/01732/FUL, the Council has requested additional information including an up-to-date structural report on the buildings and a bat/barn owl survey; and correctly annotated plans.

It is considered that the siting, scale and detailed design elements of the proposed new dwellings pay little regard to the rural character of the area or the residential amenities of either the existing neighbouring occupiers or the future residents of the proposed dwellings. For instance, the positioning of the southernmost new dwelling is such that all the amenity space is located to the front of the dwelling overlooked by the neighbouring properties. The orientation and positioning of the second dwelling also has an impact on the existing residential occupiers to the north of the site, as does the position of the new access drive.

The design, scale and siting of the new dwellings also has little sympathy for the rural character of the farmyard and its countryside setting on the edge of the village. In particular, the southerly siting of the one new dwelling, which lies outside the residential settlement boundary, represents an intrusive urban form that detracts from the rural setting of the village and would be highly visible on this rising land. Again the lack of a Design Statement and details such as levels does little to justify the current proposal.

The size, scale and design of the proposed dwelling bears no relation to the more traditional buildings in the village, including the farm house and the existing stone barns. Their bulk and massing would introduce very urban features into this prominent landscape setting which would again serve to detract from the character of the area. Similarly with the proposed changes to the barn conversion, the additions indicated are of a size, scale and design that much of the original character of the Barns as rural buildings would be lost. It is noted that the exact same details have been submitted for consideration under the separate application reference 04/01732/FUL, and the applicant has been requested to provide additional information in respect of that submission, including a structural report. It does appear however, even with the lack of information, that a significant part of Barn No. 2 entails new build extensions of a much greater height than any original barns. In addition original features on Barn No.1, such as an external stairway, will be lost. This is all contrary to the advice contained in the Ogwr Supplementary Planning Guidance on "Farm Building Conversions", given this they would significantly affect the character, appearance and integrity of the traditional buildings.

On the issue of highways and infrastructure it is noted that the improvements to the existing vehicular access onto Penylan Road required by conditions on the extant planning consent for the barn conversions, reference 01/00204/FUL has been carried out. The comments of the Council's Highway Engineers are awaited.

It is noted that both Welsh Water and the Environment Agency have raised no objections to the proposal.

In conclusion whilst the adopted development plan for the area identifies the site as being outside of the settlement boundary for St. Brides Major, nevertheless, bearing in mind the Inspector's recommendation and the revised settlement boundary, plus the fact that the adopted policies do allow for small scale rounding-off, the Council could well accept the principle of the redevelopment of Penylan Farm subject to site specific and consideration of detailed matters.

Notwithstanding this it is considered that the details submitted with the current application are unacceptable and do not provide for an appropriate or sensitive form of development as indicated by the Inspector or required by the Council's policies outlined above. It is considered that the proposed development will have demonstrable harm on the character of the area and adversely impact on the residential amenities of existing and future occupiers.

In view of the above the following recommendation is made.

03818

RECOMMENDATION (W.R.)

REFUSE

Reason(s):

1. The proposed new detached dwellings are considered to represent an insensitive and inappropriate form of development, due to their size, scale, siting and design, which would have a detrimental affect on the character and appearance of this eastern edge of St. Brides Major and its countryside setting and detract from the amenities of existing and future residential occupiers. The proposal is therefore contrary to Policies HOUS2, HOUS9, and ENV25 of the Vale of Glamorgan Unitary Development Plan Deposit Draft 1998 (as amended 2004); Supplementary Planning Guidance on Amenity Standards and national guidance contained in Planning Policy Wales March 2002 and TAN12 - Design.

2. The proposed conversion and extension of the former agricultural buildings would, by reason of the size, scale, design and extent of proposed extensions, together with alterations to the original building, unacceptably detract from the character and appearance of the barns and the setting of their surroundings. The proposals are therefore contrary to Policy EV6 of the Ogwr Borough Local Plan Policies ENV7 and ENV25 of the Vale of Glamorgan Unitary Development Plan Deposit Draft 1998 (as amended 2004), and Supplementary Planning Guidance in the form of Design Guide 4 - Farm Building Conversions.

Mr & Mrs Brett Norris, Avalon, Beach Road, Sully, Vale of Glamorgan.
(Mr and Mrs Brett Norris Avalon, Beach Road, Swanbridge, CF64 5UG.)

AVALON LEISURE COMPLEX & MANAGER'S ACCOMMODATION BEACH ROAD, SOUTH

Change of use to dwelling (Class C3 of T&CP(Use Classes) Order 1987) and replace storm damaged roof.

SITE DESCRIPTION

The site relates to a building and land, forming the building used, until recently, as a Leisure Complex which use appears to have ceased pending repairs to the building.

Access to the site is via a shared drive serving dwellings, the Leisure Complex and a building with consent for conversion to residential which was formerly in use as part of the Caravan Park.

DESCRIPTION OF DEVELOPMENT

The application seeks consent to convert the building and its curtilage into a residential dwelling but entails alterations to the roof to provide accommodation at first floor level.

The alterations to the building entail removing the roof over approximately the rear two thirds of the building (19.5m), raising part of the wall plate by approximately two thirds and constructing a pitch roof over. The rear 9.5m of the building will have a flat roof instead of the existing pitched roof with roof terrace.

The additional roof space will provide 4 bedrooms, the existing front part of the building will provide a living, kitchen, bathroom and dining room.

PLANNING HISTORY

04/00895/FUL – Temporary use of the building for a dwelling currently before Planning Committee.

01/01496/OUT – Tourist accommodation. Granted conditional outline consent.

03/00766/FUL and 03/01603/FUL for Tourist Accommodation and a Managers. Flat including alterations and repairs to the roof would be approved on completion of a Section 106 Legal Agreement to ensure that only one of the potential 3 consents can be implemented. These agreement(s) have not been signed to date.

In addition there has been a previous appeal for a dwelling refused and dismissed in the 1980's (87/01234/OUT).

CONSULTATIONS

Sully Community Council - Were consulted on 26th October, 2004 but no comments have been received to date.

Director of Legal and Regulatory Services (Environmental Health Officer) – “No comment”.

Head of Visible Services (Highway Development) – “Was consulted on 9th November, 2004. Has no objection in principle”.

Environment Agency – Were consulted on 4th November, 2004 no comments have been received to date.

Welsh Water – Were consulted on 4th November, 2004 no comments have been received to date.

REPRESENTATIONS

Neighbours were notified but no representations have been received.

REPORT

A supporting statement was submitted with the application and relevant extracts are reproduced as Appendix A. The full statement is retained on file should any Member wish to view it.

The site lies within the East Vale Coastal Zone. The relevant policy context is that contained within the Barry Penarth Coastal Area Local Plan 1983, the South Glamorgan Structure Plan (Proposals for Alteration No. 1) 1989 and the Vale of Glamorgan Unitary Development Plan Deposit Draft 1998 (as amended 2004).

Having considered the above policy framework, it is considered that those policies relating to dwellings in the countryside, (the site not being within a recognised settlement) the conversion of rural buildings and development in the Coastal Zone, are most relevant.

Policies H10 of the Structure Plan and ENV 1 and HOUS 3 of the Unitary Development Plan refer to restrictions on new build dwellings in the Countryside. The scheme before the Local Planning Authority relates to conversion. However, in order to undertake that conversion extensive new build/alterations of the existing structure is proposed. The dwelling can therefore be considered in the context of these policies, given the extent of new build and thus constitutes a new dwelling without justification contrary to these policies.

Turning to Policy ENV7 of the Unitary Development Plan for the conversion of rural buildings and assessing the scheme against the policy, consideration has to be given as to whether the scheme is “small scale” and whether it is a “rural conversion”. It is noted that in order to create a dwelling there is a need to demolish part of the rear portion of the development including part of the walls and the roof and to extend the building, thereby creating a significantly larger building. It is considered that the development does not fall within this Policy and is not, in any event, a rural building in design, being rural only by location.

There are issues of the scale of the dwelling and its relationship to the nearest properties, but particularly those adjoining the site at the Coach House. The design of the dwelling and the potential use of the extensive roof terrace could adversely affect the privacy of that property. However, design and/or glazing could be altered if the principle were to be considered acceptable. The additions to the building will create a building of greater bulk but of no higher ridge height than that of the current highest part of the building. Policy ENV 25 of the Unitary Development Plan has been considered in this context.

In respect of policies relating to development in the Coastal Zone, Policy 8 of the Barry Penarth Coastal Area Local Plan states “there will be a presumption against any new development on the coastal frontage except that which is ancillary to the existing recreational uses at the sites already developed at Swanbridge.....”. The development is clearly not related to recreational uses. Indeed, approval of this development would result in the loss of a leisure facility which enhances the tourist potential of the area. It was on the basis of the building providing a leisure facility that allowed its approval and construction in the first instance, given the context of the Barry-Penarth Local Plan.

Turning to the Unitary Development Plan policy context for this Coastal zone, Policy ENV5 requires that a coastal location is necessary for the development and that any scheme meets criteria relating to visual and noise intrusion, impact on areas of landscape importance, air/land/water pollution, exacerbation of flooding or erosion, hazardous operations or impact on ecology, geology or geomorphology plus design criteria.

The scheme clearly does not meet the coastal location requirement and would lead to further loss of tourist related facilities in the area.

It is considered that there is no justification for the permanent change of use of this leisure facility into a dwelling and that the development would represent unjustified residential development outside an identified settlement and contrary to established planning policy.

03810

RECOMMENDATION (W.R.)

REFUSE

Reason(s):

1. The proposal represents unjustified residential development in the East Vale Coastal Zone which would be contrary to established local and national policy for the protection of rural, coastal areas including policies H10 of the approved South Glamorgan Structure Plan (Proposals for Alteration No. 1) 1989, HOUS 3 and ENV 1, 5 and 7 of the Vale of Glamorgan Unitary Development Plan Deposit Draft 1998 (as amended 2004) and Policy 8 of the Barry Penarth Coastal Area Local Plan 1983.

Orange PCS Ltd., St. James Court, Great Park Rd Almondsbury Park, Bradley Stoke, Bristol. BS32 4QJ
(Alder King Property Consults., Pembroke House, 15, Pembroke Road, Bristol. BS8 3BA)

TY NEWYDD FARM, SIGGINSTON

A slimline lattice telecommunications tower 16.9m in height with 4 microwave dishes and up to 6 antennae together with a six pack equipment cabinet and electric meter cabinet

SITE DESCRIPTION

The application relates to a site adjoining the Sigingstone covered reservoir, located in an elevated position some 0.5 km north of Sigingstone and 1 km east of Llandow Industrial Estate. The site is currently agricultural land forming part of Tynewydd Farm.

DESCRIPTION OF DEVELOPMENT

A full application for a steel lattice telecommunications mast to support four microwave dishes and up to six antennae, with a total height of 17.5 metres, together with various equipment cabins. The structures will be enclosed within a security fence topped by barbed wire to a height of 2.4 metres, with a 1.2m high timber stockproof fence enclosing the structures and an adjoining gravel hardstanding with a total site area of 12.5 x 12.5 metres.

PLANNING HISTORY

None relevant.

CONSULTATIONS

Llandow Community Council - Object on the grounds of visual intrusion, the overbearing nature of the mast to users of the adjacent public footpath and concerns over potential effects on health, and consider that a less sensitive location could have been found. In a separate letter they state that 'this Council would not regret the loss of the visual amenity if the mast was situated in the industrial estate.' Their two letters are attached as Appendices A and B.

Director of Legal and Regulatory Services (Pollution Control) - No objection.

REPRESENTATIONS

The occupiers of six of the closest properties to the site were notified on 11th November, 2004 and a site notice was displayed on the same date. At the time of preparing this report 35 letters of objection have been received, all from residents of Sigginstone and the surrounding area, objecting on the grounds of visual intrusion, actual and perceived health risks to persons and animals, risk of microwave emissions interfering with aircraft landing at Cardiff International Airport and RAF St. Athan and potential disruption to television and other telecommunication services. Three typical letters are attached as Appendices C, D and E with the remainder being retained on file for Members' inspection.

John Smith MP objects on the grounds of visual intrusion and considers that the existing masts at St. Hilary should be upgraded. His letter is attached as Appendix F.

Jane Hutt AM objects on the grounds of lack of public consultation by the applicants, lack of a technical justification as there is already full Orange reception in the area, the availability of other more suitable sites, the detrimental effect on property values, visual impact, actual and perceived health risks and its effects on livestock. Her letter is attached as Appendix G.

The South Wales Radio Control Society (a model aircraft organisation) object on the grounds that there is potential for emissions from the mast to interfere with the radio signals controlling their aircraft. Any loss of signal could constitute a safety issue. Their letter is attached as Appendix H.

A letter of objection from David Melding AM is attached at Appendix J.

REPORT

In the documents supporting the application, the applicants state that the mast is required to raise the level of coverage to Llandow Industrial Estate and the surrounding areas and to provide sufficient capacity to handle the expected growth in telecommunication traffic over the next 10 years. Following the large number of representations received which query the need for the mast in principle and in this location in particular, the applicants have submitted additional information in justification of their choice of this site. In terms of need, they advise that there is no 'inside building' coverage on the nearby industrial estates and there are no existing masts in the area that could be shared.

Regarding the choice of site, they have investigated sites on the small industrial estate to the west of Sigginstone, where they state a mast would need to be between 20-25 metres high to give the required coverage and would be visually prominent; the large brick water tower on Llandow Industrial Estate, which is in poor structural condition and has serious health and safety problems; other areas within the Industrial Estate and the Vale Business Park, where there are no suitable sites or large flat-roofed buildings which could be used; and have consulted various land agents in the area, none of whom had any suitable sites available.

The applicants have therefore concluded that the current application site is the only one available which meets their technical requirements.

The site is located at the highest point for some 5 km (over 3 miles) in any direction and the local landform is a broad plateau on which the site does not form a distinct summit. A row of Scots pine trees, varying in height up to about 10 metres, on the eastern side of the adjoining covered reservoir would form a background to views of the mast from the east and south, although the mast would be substantially higher than the trees.

The dwellings on the road running west from Moorshead Farm toward the industrial estate will have partial views from their rear elevations at a distance of approx 250 metres, and the closest dwelling, Ty Newydd Farm, will be only 100 metres from, and with a clear view of, the mast. Views will also be obtained from other nearby dwellings at increasing distances, but the majority of dwellings in Sigingstone will not be in view of the mast. However, a public footpath runs through the fields to the west of the reservoir, from which the mast will be clearly visible over the reservoir at a distance of approx 60 metres. The mast will also be visible via distant views from the surrounding area.

In terms of the relevant policy context, Policy COMM4 (Telecommunications) of the emerging Vale of Glamorgan Unitary Development Plan Deposit Draft 1998 (as amended 2004) states as follows:

POLICY COMM4 – TELECOMMUNICATION

THE DEVELOPMENT OF TELECOMMUNICATION SYSTEMS BY TELECOMMUNICATIONS OPERATORS WILL BE PERMITTED IF:

- (i) THERE ARE NO SUITABLE EXISTING FACILITIES SUCH AS EXISTING RADIO MASTS AND TOWERS OR EXISTING BUILDINGS THAT CAN BE UTILISED.
- (ii) SUFFICIENT MEASURES ARE TAKEN TO MINIMISE THE VISUAL IMPACT OF THE DEVELOPMENT SUCH AS SITING TO TAKE ADVANTAGE OF TREE SCREENING, INCORPORATION OF APPROPRIATE LANDSCAPING AND APPROPRIATE COLOURING OF APPARATUS INCLUDING MASTS AND ANTENNAS; AND
- (iii) THE DEVELOPMENT DOES NOT HAVE AN UNACCEPTABLE EFFECT ON THE INTERESTS OF AGRICULTURE, CONSERVATION, AREAS OF ECOLOGICAL INTEREST, ARCHAEOLOGICAL SITES, WILDLIFE AND LANDSCAPE IMPORTANCE, OR ON FEATURES OF GEOLOGICAL OR GEOMORPHOLOGICAL IMPORTANCE.

Despite the comments of the applicants, I am not convinced that an alternative site cannot be found for this facility, which would be far less visually damaging, given the large expanse of other land in the locality including the old airfields and the industrial estates at Llandow. On that basis it is considered that the proposal does not fully comply with criterion (i) of the above policy.

The widespread concern expressed by local residents about the actual or perceived health risks associated with these masts is noted. Planning Policy Wales (March 2002) provides the following guidance in relation to this issue.

“Health considerations can be material considerations in determining applications for planning permission and prior approval as, in principle, can public concerns in relation to such effects. Whether such matters are material in a particular case is ultimately a matter for the Courts. It is for the decision maker to determine what weight to attach to such considerations in any particular case.

With regard to the health implications of proposed development, it is the Assembly Government's view that, if the development meets the International Commission on Non-ionising Radiation Protection (ICNIRP) guidelines as expressed in the EU Council Recommendation of 12th July, 1999 on the limitation of exposure of the general public to electromagnetic fields (as Recommended by the report of the Independent Expert Group on Mobile Phones (the Stewart Group) on a precautionary basis), it should not be necessary for a local planning authority in processing an application for planning permission or prior approval, to consider further the health aspects and concerns about them.

The Stewart Group's report suggested a number of specific precautionary actions that have been accepted by the Assembly Government. The report does not provide any basis for precautionary actions beyond those already proposed. In the Assembly Government's view, local planning authorities should not implement their own precautionary policies, such as imposing a ban or moratorium on new telecommunications development or insisting on minimum distances between new telecommunications development and existing development."

In this case, the applicants have submitted the necessary ICNIRP certificate, and the Director of Legal and Regulatory Services (Pollution Control) has no objection. The comments of the various objectors are noted, but in light of the current Government advice it would be difficult to justify refusal on health grounds in this instance. Similar advice is offered in Technical Advice Note 19 – Telecommunications.

Notwithstanding the above, public perception of risks to health and wellbeing can be a material consideration. In such instances the Local Planning Authority needs to assess the weight to be given to public opinion. Given the guidance from Central Government it is not considered that the Issue of public perception of risks to health is of sufficient weight to justify refusal in this instance.

The main concern therefore relates to one of visual intrusion. In this regard the mast is a lattice structure of a significant "pylon like" appearance. In this regard it has a very industrial appearance, particularly when viewed alongside the proposed cabinets and security fencing. Such a structure is wholly out of keeping with the open countryside environment in which it is sited, particularly given its elevated appearance in the locality. Whilst it is appreciated that the proposed mast is situated close to existing Scots pine trees, these do not form an effective screen given the specific height and design of the mast. As a consequence the proposal would introduce an alien feature into the locality, being contrary to Policy COMM4 (ii).

Given the visual intrusion that the proposal would cause, and the strong possibility that an alternative site could be found for this facility, a recommendation of refusal is put forward.

03772

RECOMMENDATION (W.R.)

REFUSE

Reason(s):

1. The proposed telecommunications tower and associated structures in this elevated and prominent countryside location would by reason of its design and siting be detrimental to the character of this rural area and to the visual amenities in the locality. As a consequence the proposal is contrary to Policy COMM4 of the emerging Vale of Glamorgan Unitary Development Plan Deposit Draft 1998 (as amended 2004).

Estate of the late Mrs. F. A. Bealing, C/o A. Bealing, 50, Church Road, Baglan, Port Talbot. SA12 8SU
(S. G. Williams & Associates, Lombard House, 64, Mansel Street, Swansea. SA1 5TN)

LAND ADJACENT TO PENNY COTTAGE, DIMLANDS ROAD, LLANTWIT MAJOR

Erection of one detached dwelling

The development/property is situated within the Llantwit Major Conservation Area.

The application was advertised on 16th November, 2004.

SITE DESCRIPTION

The application site relates to land adjacent to Penny Cottage, Dimlands Road, Llantwit Major.

The site is approximately 605m² and lies to the west of the town between Penny Cottage to the south, Tegfan to the north, an agricultural building and field to the west and a pond to the east.

It lies just outside the residential settlement boundary of Llantwit Major but within the Llantwit Major Conservation Area. The land is designated as countryside.

DESCRIPTION OF DEVELOPMENT

The application seeks planning permission to demolish a monopitch concrete block and timber building at the front of the site, remove a collapsed former agricultural building from the rear of the site and clear the overgrown scrub and erect a five bedroom dwelling. The existing field access is to be utilised and the dwelling will take the form of a two-storey pitched roof house with an integral garage.

The proposed bungalow is positioned 8.5m within the site, 4m from the boundary with Penny Cottage and 10m from the boundary with Tegfan. It has an approximate gross floor area of 285m². It is 4.85m to eaves level and 7.8m to ridge height and includes a garage, w.c., utility room, kitchen, dining room, lobby, sitting room and lounge at ground floor and five bedrooms, a bathroom and an en-suite unit at 1st floor.

The dwelling is to be constructed of a natural stone plinth and quoins, a red brick course, smooth rendered walls painted white, natural slate roof tiles, terracotta contrasting clay ridge tiles and white uPVC windows, doors, fascias, verges and rainwater goods. The driveway is constructed of Marshalls Tegular setts and kerbs.

A minimum of two parking spaces are proposed (one in the garage and one on the driveway) with a modified vehicular access to the site. The remainder of the site is utilised as garden space and is enclosed by the existing stone wall to the north, a new post and rail fence and planting to the west and the existing boundary wall with Penny Cottage and additional shrub planting to the south.

PLANNING HISTORY

04/01820/CAC – For the proposed demolition works at the site.

CONSULTATIONS

Llantwit Major Town Council - Were consulted on 17th November, 2004.

“Objection on the following grounds:

Access is not an adopted highway (it is a hardstanding area), restricted access, part of the access is in the ownership of the Town Council, detrimental impact on the wildlife in the vicinity, concern regarding any future development on the site and the development will not preserve or enhance the Conservation Area.”

The Head of Visible Services (Highway Development) – Was consulted on 2nd November, 2004.

“The Highway Authority would object in principle, to the above application for the following reasons:

A turning facility and parking provision in accordance with the South Wales Parking Guidelines shall be provided within the curtilage of the site and retained thereafter. Vehicles must be able to enter and exit the site in a forward gear. Visibility is very poor in both directions at the access to the public highway, which is in a 60mph limit. Visibility splays of 2.0m x 90.0m in both directions, measured from the centre line of the proposed access, would need to be constructed over land which the applicant has no control. Nothing, which may cause an obstruction to visibility shall be placed, erected or grown in this visibility splay.”

CADW Ancient Monuments and Historic Gardens – Were consulted on 17th November, 2004.

“I can confirm that no scheduled ancient monuments, historic parks and gardens, or historic landscapes are affected by this proposal. However, there may be other areas of archaeological interest in the vicinity of this development and we would advise you to consult the Local Sites and Monuments Record held by the Glamorgan Gwent Archaeological Trust.”

Dwr Cymru/Welsh Water – Were consulted on 17th November, 2004. They responded by sending a list of conditions and advisory notes relating to foul water, surface water, land drainage and the public sewerage system.

The Head of Visible Services (Engineering Design) – “A watercourse, which runs through/adjacent to the site, may be affected by the proposed development. The developer will be required to maintain flows within the watercourse, during and after the works, and should be requested to submit appropriate details showing proposals to maintain the same to the Local Planning Authority prior to the commencement of any works.”

REPRESENTATIONS

Neighbouring occupiers were notified on 17th November, 2004 and the application was advertised in the press and on site. The occupiers of Midwell, Westlands, Nos. 1 and 2, Dimlands Road, Tegfan, Penny Cottage, Glan-y-Mor, No. 2 The Gardens, Ty Croeso, No. 2 Tanfield Cottage, Heron House, Pennant, Nos. 1 and 10, West End Terrace and Little Dimlands have objected to the proposal and a twenty name petition has been submitted opposing the application. The grounds for refusal are as follows:

1. An exacerbation of parking problems in an area already congested to the detriment of highway safety.
2. The negative impact on the setting of the historical pond and park in the Conservation Area.
3. Loss of privacy and views and the overshadowing of Tegfan and Midwell.
4. The proposed dwelling is out of keeping with surrounding properties (predominantly old cottages).
5. The proposed access off the right of way is totally inadequate and damaged and is not adopted highway.
6. Detrimental impact on flora and fauna in the area.
7. The loss of good agricultural land.
8. Potential flood risk.
9. The setting of a dangerous precedent for new dwellings encroaching into the countryside at the western end of the town.
10. Additional pressure on the public sewerage system.

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

As the site lies within the Conservation Area, a further application (Ref. 04/01820/CAC) has been submitted seeking Conservation Area Consent for the demolition of the store/workshop and the dilapidated/collapsed agricultural building that currently occupy the site in order to make way for the proposed dwelling. Members should therefore consider the merits of the proposed demolition in conjunction with the proposed replacement structure and use.

The site lies within the countryside and the Llantwit Major Conservation Area but outside the designated Llantwit Major Residential Settlement Boundary. The proposal can be assessed against the criteria set out in Policies EV3 – Restriction of Urban Development, EV15 – Sites and Buildings of Archaeological Interest, EV19 – Design of New Development, H10 – Dwellings in the Countryside, H17 and H18 of the approved South Glamorgan Structure Plan for Alteration No. 1 (June 1989); Policies HOUS3 – Dwellings in the Countryside, HOUS12 – Residential Privacy and Space, ENV1 – Development in the Countryside, ENV2 – Agricultural Land, ENV9 – Conservation of the Countryside, ENV10 – Protection of Landscape Features, ENV15 – Protection of the Built and Historic Environment, ENV18 – Development in Conservation Areas, ENV25 – Design of New Development of the Vale of Glamorgan Unitary Development Plan Deposit Draft 1998 (as amended 2004); the Llantwit Major Conservation Area Appraisal; the approved ‘Amenity Standards’ Supplementary Planning Guidance Note (1999); the South Wales Parking Guidelines and Planning Policy Wales (March 2002).

The main issues relate to the siting of the proposed development outside the settlement boundary in the countryside; the impact of its design on the character and appearance of the Conservation Area and the West End of Llantwit Major, the potential impact on the privacy and amenities of neighbouring occupiers, parking provision and the potential impact on highway safety around the site and the provision of outdoor amenity space to serve the occupiers of the proposed dwelling.

The application site forms an overgrown plot between two residential properties with a storage/workshop building and a dilapidated agricultural building and is classified as agricultural land in the countryside. The site lies to the west of the identified residential settlement boundary of Llantwit Major. Although Policy HOUS2 states that favourable consideration will normally be given to small scale development which constitutes the “rounding off” of the edge of settlement boundaries, the extra incursion into the countryside cannot be considered to be “rounding off” as the proposed site forms part of a field and the proposed boundary is not an existing physical feature but an arbitrary line drawn for the convenience of plot size. This is contrary to Policies EV3 of the Structure Plan and HOUS2 of the Unitary Development Plan. In addition to this, the private dwelling cannot be justified in the interests of agriculture and forestry, contrary to Policies ENV1 and HOUS3 of the Unitary Development Plan.

The site is an important open area and contributes to the character of the conservation area, the residential area and the setting of the historic stone pond and park adjacent to it. Although the dwelling is set back 8.5m into the site and would replace a disused store/workshop building and a dilapidated agricultural building, the orientation, design and scale of the house is out of keeping with the adjoining residential properties and consequently cannot be said to preserve or enhance the character of the Conservation Area, contrary to Policies EV19 of the Structure Plan and ENV18 and ENV25 of the Unitary Development Plan, and advice in Technical Advice Note 12 (Design).

The dwelling would also have a detrimental impact on the setting and character of the public pond and park adjacent to the site, contrary to Policies ENV9, ENV10, ENV15, ENV18 and ENV25 of the Unitary Development Plan. Policy ENV10 in particular states that “development will be permitted if it does not unacceptably affect features of importance to landscape or nature conservation including ... ponds and stone walls” and it is considered that this scheme will have a negative effect on the setting of the stone pond and the habitats within and around it.

The proposal would not prejudice the amenities and privacy of the adjoining occupiers as there are no habitable windows in the side elevations fronting Penny Cottage and Tegfan and there is a reasonable gap between the proposed and existing buildings. The proposed use of the existing access, however, would represent a source of additional noise and disturbance, amounting to unacceptable “tandem” development.

In addition, and in highway terms, the proposed parking provision for 2 No. cars and the turning area are sub-standard and will not allow vehicles to enter and exit the site in a forward gear, contrary to advice contained in the South Wales Parking Guidelines. This is likely to increase the amount of cars congesting the lane, to the detriment of highway safety. In addition to this, the visibility from the site onto the lane between the pond and the rear of Nos. 1 and 2, Dimlands Road is very poor and the visibility from this lane onto the adjacent 60mph limit highway (Dimlands Road) is restricted and any improvements would need to be undertaken on land that is not controlled by the applicant. The proposed level of private amenity space is sufficient to satisfy the advice contained within the adopted supplementary planning guidance note on ‘Amenity Standards’.

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

03817

RECOMMENDATION (W.R.)

REFUSE

Reason(s):

1. The proposal, by reason of its siting within the open countryside and outside the Llantwit Major Residential Settlement Boundary, represents an unacceptable and unjustified extension of the urban fringe of Llantwit Major, which also fails to respect the character and appearance of the environs of the site. It therefore represents insensitive and unjustified new development, contrary to Policies EV3 of the South Glamorgan Structure Plan for Alteration No. 1 (June 1989) and Policies ENV1, HOUS2 and HOUS3 of the Vale of Glamorgan Unitary Development Plan Deposit Draft 1998 (as amended 2004).
2. The proposed dwelling, by reason of its scale, siting and design, represents an insensitive and inappropriate form of development, that fails to preserve or enhance the character and appearance of the Llantwit Major Conservation Area or the setting of the pond and park, contrary to Policies EV19, ENV10, ENV15, ENV18 and ENV25 of the Vale of Glamorgan Unitary Development Plan Deposit Draft 1998 (as amended 2004).

3. The additional residential use of the existing access lane adjacent to 2 Dimlands Road and Penny Cottage would both create additional noise and disturbance, to the detriment of residential amenity, and represent the intensification in use of a substandard access onto a 60mph highway, with insufficient manoeuvring and visibility, to the detriment of highway safety the proposal would therefore be contrary to Policy ENV25 of the Vale of Glamorgan Unitary Development Plan (as amended 2004).

Mr. Anamul Hoque, 70, Eastgate, Cowbridge, Vale of Glamorgan. CF71 7AB
(Design Group Three, 53, Corporation Road, Grangetown, Cardiff. CF11 7AP)

70, EASTGATE, COWBRIDGE

Remove conditions 6 and 9 from planning permission 99/01014/FUL to allow take-away sales

The property is situated within the Cowbridge with Llanblethian Conservation Area

The property is a Grade II Listed Building.

The application was advertised on 16th November, 2004

SITE DESCRIPTION

The application site relates to a Grade II Listed Building in a terrace of similar properties located on the south side of Eastgate in Cowbridge. The building is currently used as a restaurant, with residential use at part first floor level. The application site lies within the Cowbridge with Llanblethian Conservation Area.

DESCRIPTION OF DEVELOPMENT

This application is to remove Condition Nos. 6 and 9 from planning permission 99/01014/FUL to allow takeaway sales. For clarity, the relevant conditions are set out below :

Condition No. 6:

Notwithstanding the provisions of Class A3 of Part A of the Schedule to the Town and Country Planning (Use Classes) Order 1987, or any provision equivalent to that Class in a statutory instrument revoking or re-enacting that Order, with or without modification, no sale of hot food shall take place on the premises for consumption off the premises.

Reason – To ensure the amenities of the adjoining occupiers are protected.

Condition No. 9:

Notwithstanding the provisions of Class A3 of Part A of the Schedule to the Town and Country Planning (Use Classes) Order 1987, or any provision equivalent to that Class in a statutory instrument revoking or re-enacting that Order, with or without modification, no sale of hot food shall take place on the premises for consumption off the premises.

Reason – In the interests of highway safety.

PLANNING HISTORY

The site has been subject to the following planning applications.

97/00826/FUL – Change of use from existing shop to a restaurant. Application refused May, 1998 and subsequently allowed on appeal in January, 1999. A copy of the inspectors report is attached as Appendix A.

98/00219/LBC – Change of use of ground floor to restaurant
Approved 4th June, 1999, subject to conditions

99/01014/FUL – Alterations to provide restaurant.
Approved 12th November, 1999.

99/01015/LBC - Alterations to provide restaurant.
Approved 8th May, 2000.

CONSULTATIONS

Cowbridge Town Council - Were consulted on 18th November, 2004 and raised an objection to the application for the following reasons :

- (I) The increase in parking congestion and the lack of available parking in the surrounding area.
- (II) The application is considered to be un-neighbourly for the surrounding properties and will result in an increase in both cooking smells and noise.
- (III) The Town Council is aware that there is considerable opposition to the application from the neighbours.

Head of Visible Services (Highway Development) - Were consulted on the application on the 23rd November, 2004, and have raised an objection in principle, to the above application for the following reasons:

- (i) Allowing the restaurant to provide a takeaway service would generate considerable on-street parking at peak evening periods to the detriment of highway safety on the main through route in Cowbridge.
- (ii) There are a number of developments close by that are unoccupied at the minute, which have insufficient parking, this will only compound an already poor situation.

Director of Legal and Regulatory Services (Environmental Health) - Has been consulted and has responded as follows:

“This department objects to this application and has received numerous complaints over the previous years of odour and noise nuisance emanating from the above premises. The use of the above premises as a take away would increase the number of customers using the above premises, which would therefore increase the likelihood of noise and disturbance to nearby residential premises.”

REPRESENTATIONS

Adjoining residential properties were consulted and a site notice was also posted. To date 10 letters of objection have been received with 9 letters in support of the application including a supporting petition of 602 names. Two letters of objection are attached as Appendix A and the objections are summarised below:

- (i) There are no parking facilities for customers and there are double yellow line on front of the restaurant.
- (ii) General noise, smells and disturbance that would result in a takeaway service.
- (iii) The fact that there are existing Indian restaurants in close proximity of the proposed takeaway.

Councillor Clay has written objecting to the development and Councillor Jarvie has requested that the matter be reported to Planning Committee.

REPORT

The use of the premises as a restaurant was granted on appeal under application ref. 97/00826/FUL, subject to conditions. A subsequent application was submitted under 99/01014/FUL for alterations to provide a restaurant.

This application seeks the removal of Condition Nos. 6 and 9 of planning permission ref. 99/01014/FUL which prevents the sale of hot food on the premises for consumption off the premises. As such the removal of these conditions would permit takeaway sales from the premises. The reason given for such a limitation was to ensure the amenities of the adjoining occupiers are protected and in the interests of highway safety.

The main policy in assessing this application is Policy SHOP 10 – New Takeaway Outlets, contained in the Vale of Glamorgan Unitary Development Plan Deposit Draft 1998 (as amended 2004).

This policy states that new takeaway food outlets (Class A3* of the Use Classes Order 1987 (as amended)) will be permitted if the proposal:

- (i) Does not have an unacceptable effect on residential amenities by virtue of giving rise to new or exacerbate existing local problems resulting from traffic generation, highway safety, noise, smell or other amenity considerations.
- (ii) Provides car parking and servicing facilities in accordance with the council's approved guidelines; and
- (iii) Does not have an unacceptable effect on any conservation area or listed building.

Therefore in assessing this application consideration should be given as to whether there are any changes in circumstances since the approval of the previous applications which would now permit takeaways from the restaurant.

The Inspector, in his consideration of application ref. 97/00826/FUL considered the impact on local amenity. He was of the view that subject to the installation of modern fume and extraction equipment and hours of restrictions, that the living conditions of the neighbours would not be harmed as a result of any disturbance from the smell of cooking on the premises. Such assessment was made without the benefit of the restaurant operating.

However, since the opening of the restaurant, the Council's Environmental Health Department have received numerous complaints over the previous years with regards to odour and noise nuisance emanating from the premises. They also consider that the use of the above premises as a take away would increase the number of customers using the above premises, which would increase the likelihood of noise and disturbance to nearby residential premises.

It should also be noted that there is considerable local opposition to the operation of a takeaway facility, with regards to impact on their amenity, in relation to odour, noise nuisance and disturbance. Therefore it is considered that the operation of a takeaway facility from the premises would result in an unacceptable impact on the amenity of adjoining occupiers, including by reason of the generation of additional pedestrian and vehicular movements/parking in the street.

With regard to highway safety, it is noted that the Inspector in his consideration of application ref. 97/00826/FUL, whilst accepting that the public car park 200 metres away with some closer parking would be sufficient to serve the restaurant he specifically states in paragraph 9 :

“ in order to discourage parking immediately outside the premises on the double yellow lines, it would be necessary to prohibit hot food takeaway sales for the premises”.

The Head of Visible Services (Highway Development) has also raised an objection to such a takeaway service which would generate considerable on-street parking at peak evening periods to the detriment of highway safety on the main through route in Cowbridge. They have raised concern that there are a number of developments close by that have insufficient parking, which will compound an already poor situation. There have been no material changes in site circumstances since 1999 to justify reaching a different conclusion, while Policy SHOP 10 is now to be afforded considerable weight, given the advanced stage of the Unitary Development Plan.

To conclude, it is considered on the basis of the objections received on Environmental Health and Highway grounds and from local occupiers that the removal of Condition Nos. 6 and 9 attached to planning permission ref. 99/01014/FUL to allow takeaway sales would result in considerable on-street parking at peak evening periods to the detriment of highway safety and would result in undue noise and disturbance having an adverse impact on local amenity. As such the proposal is considered contrary to Policy Shop 10 of the Unitary Development Plan.

The following recommendation is therefore made.

03815

RECOMMENDATION (W.R)

REFUSE

Reason(s):

1. In the opinion of the Local Planning Authority, the removal of Condition Nos. 6 and 9 of planning permission ref. 99/01014/FUL to allow the sale of hot food for consumption off the premises would result in considerable on-street parking or waiting at peak evening periods to the detriment of highway safety, and would result in undue noise and disturbance, having an adverse impact on local amenity. The proposal is therefore considered contrary to Policy SHOP10 (New Takeaway Outlets) of the Vale of Glamorgan Unitary Development Plan Deposit Draft 1998 (as amended 2004).

Professor K. M. Laurence, C/o Agent.
(Harmers Limited, 39, Lambourne Crescent, Cardiff Business Park, Llanishen,
Cardiff. CF4 5GG)

LAND AT SPRINGSIDE, PEN-Y-TURNPIKE ROAD, DINAS POWYS

Outline application for four detached two storey houses

SITE DESCRIPTION

The site is located in the countryside north of Dinas Powys on the western side of Pen-y-Turnpike Road. The site comprises an existing single storey bungalow, with a detached garage and other associated outbuildings, set within a substantial curtilage that includes existing tree coverage and a pond that was formerly a reservoir.

DESCRIPTION OF DEVELOPMENT

This is an outline application for the demolition of the existing bungalow and outbuildings and the redevelopment of the site for 4 No. detached two storey dwellings. Whilst all matters were initially reserved for subsequent detailed approval, an illustrative plan is submitted showing siting and a new vehicular access at the centre point of the road frontage. Notwithstanding this the Council have formally requested under Article 3 (2) of the Town and Country Planning (General Development Procedure) Order 1995 that full details of the means of access be submitted at this stage. Following this additional details have been submitted including cross-sections through the site at the proposed new vehicular access plus an indication that the Council can consider the illustrative siting details as a formal part of the application.

PLANNING HISTORY

04/00165/FUL – Demolition of existing building and erection of five detached dwellings and garages and ancillary works. Refused 23rd April, 2004 for the following reasons:

1. The proposal represents the consolidation of ribbon development along Pen-y-Turnpike Road which is considered to be an unacceptable form of rounding-off of the edge of the Dinas Powys settlement boundary, because:
 - (i) The intensification in built development would constitute an unacceptable urban intrusion beyond the residential settlement boundary which would adversely affect the rural character of the site and area in general, including the visual amenities of the adjacent Cwrt-yr-Ala Basin Special Landscape Area and the unspoilt undeveloped Green Wedge to the east.
 - (ii) The proposal represents an insensitive form of development whose scale, character and form would fail to respect the existing character of the area and would detract from the general amenities of the area.

- (iii) The proposal will result in the intensification of the use of an existing sub-standard vehicular access to the detriment of highway safety on the adjoining Pen-y-Turnpike Road.
- (iv) The proposal would result in the loss of tree coverage on the site to the detriment of the rural character of the area.

For these reasons, the proposal amounts to new development in the countryside which cannot be justified in the interests of agriculture and forestry, contrary to the aims and objectives of Policies EV3, EV4, EV19 and H10 of the South Glamorgan Structure Plan Proposals for Alteration No. 1 1989; Policies E10 and H1 of the East Vale Local Plan 1987; Policies ENV1, ENV3, ENVXXX – Special Landscape Areas, ENV9, ENV10 ENV25, HOUS2, HOUS3 and HOUS9 of the Vale of Glamorgan Unitary Development Plan Deposit Draft 1998 (as amended 2003); Supplementary Planning Guidance on Trees and Development and Amenity Standards; and national guidance contained in Planning Policy Wales March 2002.

CONSULTATIONS

Michaelston Community Council: -

“STRONGLY OBJECT’

On the grounds that this is an over-development of the site on the proposal of four two-storey detached dwellings. Further development would mean a significant increase to the already excessive volume of traffic on Pen-y-Turnpike Road. The access and egress to these proposed properties would be extremely dangerous which could create a road safety problem”

Environment Agency – Have submitted their standard “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."

The Director of Legal and Regulatory Services (Environmental Health) - "I refer to the above application, this department does not object to the application but would make the following comments:

The planning application does not indicate how the disused reservoir, which lies in the north west corner of the property is to be dealt with. If this area is to be 'in filled' then all materials used to 'in fill' the reservoir must be sampled and shown to be 'fit for use'. Additional information is required concerning the reservoir."

The Head of Visible Services (Highway Development) – Was consulted on 27th November, 2004. Comments relate to the need for visibility splays at the new access and the requirements for full engineering details to be provided. The comments are considered in detail within the body of the report.

REPRESENTATIONS

The occupiers of neighbouring properties were notified on 24th November, 2004 and renotified on 7th January, 2005. In addition a site notice was posted on 3rd December, 2004. Letters of objection have been received from the occupiers of "Mole-End", "Chestnut Lodge", "Upalong" and "Millwood". Whilst all the representations are available on file for the Committee Members inspection, the letter from the occupiers of "Chestnut Lodge" is reproduced at Appendix A as being generally indicative of the objections received. In summary, however, the main points of concern relate to exacerbation of existing traffic problems and highway safety; visual intrusion out of keeping with the area; drainage problems and precedent for further development.

The applicant's agent has submitted letters in support of the application. These are reproduced at Appendix B.

REPORT

The application site comprises a single storey detached dwelling set within a spacious curtilage which is elevated above the adjacent road level. The site is located outside of the defined settlement and is therefore within the countryside to the north of Dinas Powys and within the Parish of Michaelston-le-Pit.

This is the second application on the site for the demolition of the existing bungalow and its redevelopment for a more intensified residential use. The main difference from the first application, 04/00165/FUL refused in April, 2004, include, the submission of an outline application with design, external appearance and landscaping reserved for detailed approval; the construction of four new dwellings instead of the five previously proposed; and the creation of a new vehicular access onto Peny-y-Turnpike Road. The policy background to the consideration of this revised application remains virtually unchanged and is as follows.

The adopted development plan for this area is comprised of the South Glamorgan Structure Plan Proposals for Alteration No. 1 1989 and the East Vale Local Plan 1987.

Policy EV3 of the Structure Plan restricts development outside built-up areas and areas identified for urban development unless it is essential in the interests of agriculture forestry, mineral extraction or public utilities. Policy EV4 goes further and specifically relates to urban fringe locations, such as the current application site, and states that there will be a presumption against development unsuitable in a rural area. "Countryside zones, where protection of sensitive or vulnerable environments will be paramount, will be defined in Local Plans as appropriate." Policy EV19 refers to the design of new development and requires that it be of a standard and design which has full regard to its relationship with adjacent buildings and groups of buildings, especially where the development is within or adjacent to a conservation area, important townscapes or landscape features.

Policy H10 of the Structure Plan relates to dwellings in the countryside and carries a presumption against such development unless justified in the interests of agriculture and forestry.

Similar policies are contained within the East Vale Local Plan. Policy E10 requires that proposals for development should not materially detract from, the general environment, landscape or townscape quality of the East Vale.

Policy H1 carries a presumption against any residential development involving the extension of the Dinas Powys urban area beyond the residential settlement boundary unless such development can be justified in the interests of agriculture or forestry. The settlement boundary as defined by the adopted development plans lies some distance to the south of the application site at Turnpike Close.

In addition Policy H9 relates to the replacement or renovation of existing dwellings outside settlements. Applications are not permitted where the new or improved dwelling is disproportionate in size to the original dwelling; or the design is not appropriate to a rural location.

The most up-to-date policies are contained within the emerging Vale of Glamorgan Unitary Development Plan Deposit Draft 1998 (as amended 2004). This carries forward many of the policies contained in the adopted development plans and should have considerable weight in the determination of the application, bearing in mind the advanced stage of the plan process.

Policy ENV1 relates to development in the countryside and is a restrictive policy that allows for limited development such as development essential for agriculture. Policy ENV3 refers to Green Wedges, which are areas that have been identified to prevent urban coalescence between and within settlements. A green wedge has been identified on land on the opposite side of Pen-y-Turnpike Road from the application site within these areas development which prejudices the open nature of the land will not be permitted. Policy ENVXXX – Special Landscape Areas - identifies the land to the west of the application site as the Cwrt yr Ala Basin Special Landscape Area. New development within or closely related to this area will be permitted where it can demonstrate that it would not adversely effect the landscape character, landscape features or visual amenities of the special landscape area.

Policy ENV9 relates to the 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.”

Policy ENV10 aims to protect 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, hedgerow, river corridors, ponds, stone walls and species rich grasslands.”

Policy ENVXXX – Protected Species states that permission will only be given for development which would destroy protected species or their habitats if it can be clearly demonstrated that the effects will be minimised or mitigation measures are provided by the developer.

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

Policy HOUS2 of the Unitary Development Plan allows for small-scale rounding off of the edge of settlement boundaries for residential development but only where it can be shown to be consistent with the provisions of Policy HOUS9 and particularly criteria (i).

The criteria to Policy HOUS9 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 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 HOUS3 relates to dwellings in the countryside which are restricted to those that can be justified in the interests of agriculture and forestry. In addition Policy HOUS7 relates to the replacement and extension of dwellings in the countryside which is strictly controlled and only permitted subject to certain criteria including the scale, siting, design, materials, landscaping and external appearance of the replacement dwelling is compatible with any existing related structures and the surrounding landscape.

The Council also has adopted Supplementary Planning Guidance which is relevant to the consideration of the application. These include the Supplementary Planning Guidance on Trees and Development which requires a comprehensive land and tree survey to be undertaken by suitable qualified professionals and submitted in support of the application; plus a Supplementary Planning Guidance on Amenity Standards which in addition to policies relating to quantity and quality of private amenity space also contains policies regarding visual amenity and the character of an area. Policy 3 states:

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

National Guidance is contained within Planning Policy Wales March, 2002. Paragraph 9.3.2. refers to new housing developments and states that they 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 settlement or a fragmented development pattern."

Paragraph 9.3.4 states: "In determining applications for new housing, local planning authorities should ensure that the proposed development does not damage an area's character and amenity."

In assessing the revised application against the above policies and guidance it is considered that the Council's previously expressed concerns in relation to the recent refusal for 5 No. dwellings on the site have not been overcome. The primary concern remains the impact the proposal will have on the character and appearance of the locality. In this respect the following points are made.

The application site lies outside both the defined settlement boundary in the adopted development plan and the modified boundary in the emerging Unitary Development Plan. In the adopted East Vale Local Plan the settlement boundary is located on the northern edge of Turnpike Close more than 180m to the south. The application site is also separated from the modified settlement boundary in the Unitary Development Plan by an existing agricultural field access. It is also noted that the western boundary of the application site forms the boundary with the Cwrt-yr-Ala Basin Special Landscape Area and, as such, it is material to consider whether the proposal would adversely affect the landscape character, landscape features or visual amenities of the area. It is also considered relevant to the overall appearance of the impact of the proposal on the character of the area to point out that the site is located on the opposite side of the road from a Green Wedge. The key policy issue, however, is the consideration as to whether the proposal amounts to an acceptable 'rounding off' of the edge of the Dinas Powys settlement boundary. It is noted that following the Inspector's Report into the Unitary Development Plan, Policy HOUS2 was amended, along with the residential settlement boundary of a number of villages, however, it was not considered appropriate to further modify the boundary for Dinas Powys beyond the 1998 extension to the adopted East Vale Local Plan, and the boundary remains to the south of the agricultural field access, with the application site on the north of the same access.

It is argued that the character of the application site has more in common with the existing houses to the north, which are also excluded from the settlement boundary than those properties within the modified settlement boundary to the south. The houses to the north, like Springside are individual detached houses set within spacious grounds and well screened from the public highway. It is also noted that "Springside" is not very typical of modern day garden curtilages, including as it does a former reservoir. It is noted that the Council's Biodiversity Officer has reiterated her interest in the site and the earlier concerns raised in relation to wildlife issues, particularly relating to the pond. In addition, the Council's Environmental Health Officer has raised concerns over the former reservoir site, requiring additional details in respect of any infill in this area. It is considered that whilst Springside is excluded from the Special Landscape Area, nevertheless it is still closely related to it and does have as much of a physical and visual relationship with the countryside as the houses to the north and west. It is considered that when travelling into Dinas Powys from the north the feeling that one has truly entered the village does not occur until beyond Springside when the houses become more compact in their setting and more clearly visible from the road. Before this point, the sporadic nature of the existing properties, the enclosed nature of their boundaries and the enclosed nature of Pen-y-Turnpike Road maintain the rural character of the area. When travelling out of the village it is argued that Springside does provide a visual break from the built-up western side of Pen-y-Turnpike Road. Indeed there is also the physical break of the field access located between Springside and Chestnut Lodge which does not form part of the application site.

In contrast to the previous application full details have not been provided at this stage, nevertheless it is considered that an assessment can be made of the impact of the proposal on the surrounding area. Whilst the proposed layout has been revised with one less number of houses all located towards the rear of the site, nevertheless it is considered that the proposal will still result in a fundamental alteration of the character of the site to the detriment of the surrounding area. The revised proposal now envisages the creation of an entirely new, centrally located vehicular access which entails the removal of the existing bank and vegetation. Indeed it appears that the Council's Highway Engineer would require more works than have been indicated on the submitted details. This "urbanisation" of the entrance to the site along with the loss of planting, the pond, the sense of spaciousness and the highly visible elevated housing would appear as a dense suburban form of development out of keeping with surrounding area. It would appear as an intrusive feature within the street scene and detract from the general visual amenities of the area, resulting in demonstrable harm to the rural setting of the village.

Thus it is considered that the proposal still represents inappropriate and unacceptable intensification of ribbon development into the countryside. Such development has a marked adverse impact on any rural location. However, it is considered that the current proposal would cause even greater harm, bearing in mind the sensitivity of the application site located adjacent to the Special Landscape Area of the Cwrt-yr-Ala Basin and on the opposite side of the road from a Green Wedge.

It is also argued that development of this site for additional housing would set a dangerous and unacceptable precedent for further intensification of the ribbon development that follow Pen-y-Turnpike Road out of the village, especially as the character and nature of "Springside" is more in keeping with the housing to the north. It is noted the harm that has already been done in the past with "infill" development that has been allowed, including "Chestnut Lodge" adjoining the application site. This has consolidated the ribbon extension of Dinas Powys to such a degree that the settlement boundary has already been redefined further north in the more recent development plan.

It is noted that the applicant's agent has argued in the supporting letters that accompany the application that the Council are being "disingenuous" in referring to the older settlement boundary. However it is considered right and proper to refer to relevant planning history, including the differences between the adopted and emerging development plans for the area.

The agent also refers to the Inspector's comments on the Public Inquiry into the Unitary Development Plan, arguing that his reasoning would have resulted in changing the settlement boundary to include "Springside." This is refuted by the Council as the Inspector's comments at paragraph 3.3.19 are not particularly relevant to this case. Whilst they do offer background information to the changes to Policy HOUS2, they do not deal with the specifics of the application site.

The applicant's agent also argues that the impact of developing the site would be extremely localised, highlighting the fact that the site falls neither within the Special Landscape Area, nor within a Green Wedge. The Council do not concur with this view and argue that the location of the site is a sensitive one, and it does not automatically follow that because it lies outside of these areas it does not deserve protection from urbanisation, nor that such development would not impinge on the character of such areas. Simply because a site is currently in residential use does not mean that it is always acceptable to replace such houses with additional numbers with no adverse impact on the character of surrounding areas. Most houses located within the countryside will have, like Springside, clearly defined domestic boundaries and associated domestic garden curtilages. Indeed Policy HOUS7 of the Unitary Development Plan does seek to control the replacement of dwellings in the countryside subject to certain criteria including the requirement that the scale, siting, design, material, landscaping and external appearance is compatible with the surrounding landscape.

On the issue of highways it is clear from the submitted plans that further full engineering details would be required in the event of the application being approved. In addition whilst the submitted layout plan has an indicative representation of trees and planting, a detailed tree survey has not been provided. The Council's Tree Officer has indicated that the details appear to secure retention of those trees covered by the 2004 No. 3 Tree Preservation Order, but that full details will be required of tree protection measures and the proposed new planting. Notwithstanding this it is still considered that the excavation and removal of a significant portion of the existing bank for an improved vehicular access will result in the urbanisation of the site, the loss of trees and other vegetation and an adverse affect on the existing rural character.

In conclusion it is considered that whilst this revised application may be able to overcome highway requirements, subject to certain improvements to the proposed new vehicular entrance, nevertheless it does not address the in principle objections to the consolidation of residential development on the site which it is considered would have an unacceptable adverse impact on the rural character of the area, and detract from not only the visual amenities of the Cwrt-yr-Ala Basin Special Landscape Area, but also impinge on the unspoilt undeveloped Green Wedge to the east. To this extent, it does not amount to an acceptable or appropriate rounding-off of the settlement boundary.

In view of the above the following recommendation is made.

03827

RECOMMENDATION (W.R.)

REFUSE

Reason(s):

1. The proposal represents the consolidation of ribbon development along Pen-y-Turnpike Road which does not amount to an acceptable rounding-off of the edge of the Dinas Powys settlement boundary, because:

- (i) The intensification in built development would constitute an unacceptable urban intrusion beyond the residential settlement boundary which would adversely affect the rural character of the site and area in general, including the visual amenities of the adjacent Cwrt-yr-Ala Basin Special Landscape Area and the unspoilt undeveloped Green Wedge to the east.
- (ii) The proposal represents an insensitive form of development whose scale, character and form would fail to respect the existing character of the area and would detract from the general amenities of the area.
- (iii) The proposal would result in the loss of tree coverage on the site to the detriment of the rural character of the area.

For these reason, the proposal amounts to new development in the countryside which cannot be justified in the interest of agriculture and forestry, contrary to the aims and objectives of Policies EV3, EV4, EV19 and H10 of the South Glamorgan Structure Plan Proposals for Alteration No.1 1989; Policies E10 and H1 of the East Vale Local Plan 1987; Policies ENV1, ENVXXX - Special Landscape Areas, ENV9, ENV10, ENV25, HOUS2, HOUS3 and HOUS9 of the Vale of Glamorgan Unitary Development Plan Deposit Draft 1998 (as amended 2004); Supplementary Planning Guidance on Trees and Development and Amenity Standards; and national guidance contained in Planning Policy Wales March 2002.

Edwin Lawson Boyes, 49, Plas Taliesin, Penarth Marina, Penarth, Vale of Glamorgan. CF64 1TN
(Edwin Lawson Boyes, 49, Plas Taliesin, Penarth Marina, Penarth, Vale of Glamorgan. CF64 1TN)

49, PLAS TALIESIN, PENARTH

Balcony

SITE DESCRIPTION

Number 49 Plas Taliesin is a terraced house within the residential development of Penarth Marina. The property is of red-brick and tiled roof and neighbouring properties are of similar design and exterior finish. The property has a designated parking space and has a medium sized garden facing the west with some natural landscaping. The east facing side elevation faces on to the estuary.

DESCRIPTION OF DEVELOPMENT

The application seeks consent for the retention of a balcony on the first floor of the west facing side elevation of No. 49 Plas Taliesin, Penarth Marina. The balcony measures 4.1 metres in width, 1 metre in height (to railings) and 1.2 metres in depth. The balcony is served by first floor French doors. The railings are of a brown colour, matching the existing colour scheme of the property.

PLANNING HISTORY

There have been no previous planning applications on this site.

CONSULTATIONS

Penarth Town Council - Were consulted on the 3rd December, 2004. Representation was received on the 13th December indicating that the application should be approved.

The Estates Section of the Council was consulted on the 16th December, 2004, but have no specific comments to make.

REPRESENTATIONS

Nos. 41, 42, 46, 47, 48 and 50 Plas Taliesin were consulted on the 3rd December, 2004. Nos. 38 and 39 Plas Taliesin were consulted on the 16th December, 2004 and No. 40 Plas Taliesin was consulted on the 20th December, 2004.

Representation was received from No. 39 Plas Taliesin on the 13th January, 2005, raising an objection. A copy of the letter is attached at Appendix A.

Representation was received from No. 41 Plas Taliesin on the 14th December, 2004, raising an objection. A copy of the letter is attached at Appendix B.

Representation was also received from R.H. Steel & Co Chartered Surveyors on behalf of Portway Penarth Management, highlighting their involvement in regard to covenants on the property. A copy of this letter is attached at Appendix C.

REPORT

The application site comprises a terraced house within the residential area of Penarth Marina.

In terms of the policy context, the application is considered to be contrary to the relevant policies held within the Vale of Glamorgan Unitary Development Plan Deposit Draft 1998 (as amended 2004), as set out below.

The Vale of Glamorgan Unitary Development Plan Deposit Draft 1998 (as amended 2004)

ENV 25 – (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 space, 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 allow a clear view of private rear garden areas are not acceptable.

The balcony is situated on the west facing elevation of the property, overlooking the private gardens of adjoining surrounding properties at an elevated height. In light of the close physical relationship between adjoining dwellings, the balcony is situated within an area in which the amenities of adjoining properties are adversely affected by the use of the balcony, including clear views into neighbouring gardens and habitable rooms. The impact is exacerbated by the size of the balcony which is designed to allow its use for sitting out by occupants.

Although there are other examples of balconies within the Penarth Marina residential development, nevertheless it is considered that the size and location of this balcony is such that it has a detrimental effect on the neighbouring amenity.

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

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

In view of the above the following recommendation is made.

03821

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:

- (a) The demolition and removal of the balcony.
- (b) The re-installment of the French door back to a first floor window.

REFUSE

Reason(s):

1. By reason of its size, elevated position and close relationship with nearby dwellings, the proposal represents an unacceptable and inappropriate form of development which has an adverse affect on the amenity of adjoining properties. The proposal would therefore be contrary to Policy ENV25 of the Vale of Glamorgan Unitary Development Plan Deposit Draft 1998 (as amended 2004) and the objectives of the Supplementary Planning Guidance, Amenity Standards.

Penllyn Estate, Penllyn Estate Farm, Llwynhelig, Cowbridge, Vale of Glamorgan.
CF71 7FF
(Fidmac Limited, Rosevine Cottage, Vistla Road, Penllyn, Vale of Glamorgan.
CF71 1RQ)

OS FIELD 6700, PENLLYN MOOR, NR. COWBRIDGE

Retention of an extended fishing lake and the use of the adjacent land for associated recreational uses

SITE DESCRIPTION

The site comprises a series of landscaped, inter-linked lakes and islands on low-lying land between Craig Penllyn and Llansannor. The only obvious use other than an informal nature reserve, is use as a private fishing lake. The site is not accessible to the public.

DESCRIPTION OF DEVELOPMENT

This is a retrospective application to retain unauthorised excavation works already carried out to create a series of lakes and islands which go beyond a consent first granted for the site back in May 1989. Whilst the application title description states associated recreational uses, the agent has now confirmed the application should be considered solely on the basis of retaining existing works although reference is nevertheless made to a future bird hide building.

PLANNING HISTORY

89/0087/FUL - Excavation of land to create fishing lake. Approved 11th May, 1989.

CONSULTATIONS

Adjoining and nearby properties have been consulted, as well as the Community Council.

REPRESENTATIONS

Penllyn Community Council have confirmed no objection.

The Head of Visible Services (Highway Development) Was consulted on the 20th December, 2004 and has raised no objection in principal, but has requested improvements to the highway access junction/geometry, hard surfacing of the access track and a minimum width of access track.

One adjoining property near the site access has requested clarity of the application description with regard to the term associated recreational uses. A reply letter has been sent.

REPORT

It would appear the works to enlarge the lakes have been carried out in stages since the first consent was granted back in 1989 and in all probability, parts or elements may already be lawful under the 4 year rule. The application has been made at the request of my Enforcement Unit who had observed the extent of the unauthorised works.

Today, the water areas now created are estimated as being some three times larger than the originally approved scheme which proposed just a single lake and island. The majority of the site has been heavily landscaped with a mix of indigenous tree species and shrubs. However, there is scope for further planting and the applicant has indicated on-plan, his intention to further treat the remaining exposed areas of the site. Two of the islands are linked by bridges.

The site currently benefits from three small wooden buildings described as a boat house, fishermans shelter and hide, the later already in a state of collapse and is to be removed. However, there is an intention to site a further building described as a fishermans shelter/bird hide, details of which have not been submitted although photographs of a similar type of building have been submitted as a reference and a written description of its dimensions provided.

Policy ENV1 of the Vale of Glamorgan Unitary Development Plan Deposit Draft 1998 (as amended 2003) is considered to generally support informal recreational uses of agricultural land where the operation is compatible with the rural landscape and aids nature conservation. Similarly, Policy9 is again supportive of nature conservation projects and the provision of a diverse range of wildlife habitats as does Policy REC7 where the sports or leisure facility proposed would not result in the loss of high quality agricultural land or have an unacceptable impact upon ecological or wildlife habitat. South Glamorgan Structure Plan Approved Structure Plan Policies EV12, EV17 and LT16 are also relevant. In land use planning terms, there is no objection to this proposal which in essence, only seeks approval for the retention of unauthorised works.

However, it must still be acknowledged that the original consent was granted on the basis of being a private fishing lake and limited by condition, to no more than 20 persons in attendance at one time. Therefore, given the water areas are now considerably bigger and as such and by implication, could now attract more fisherman, this potentially intensified use must be considered, especially as this application, if granted, would be viewed as a stand alone consent, albeit an extension of previous consented works.

The Highway Engineer has raised some concern over the access geometry and his comments would have serious merit if the extended works remained unfettered in terms of persons attending the site at any one time. However, as the application is being assessed solely on the basis of being an extended private fishing lake only, then notwithstanding the increased water areas, I cannot see any justification in relaxing the terms of the existing condition on numbers. Therefore and as a direct consequence, given the access arrangements were accepted previously, if there is a restriction on the use of the site, it is considered the requirements of the Highway Engineer could not be sustained. Indeed regaining a upgraded access and visibility splays would add to the impact of the proposal. Therefore, subject to appropriate conditions being imposed covering such matters as landscaping, attendance numbers and site usage, it is recommended planning permission be granted.

03834

RECOMMENDATION

APPROVE subject to the following condition(s):

1. The use of the site shall be limited to a private fishing lake only and shall not be used for any other recreational purposes whatsoever, including use as a sailing or boating lake or for any other water sports.
2. No more than 20 persons shall be present at the site at any one time to include that area of the site previously granted planning permission on the 11th May, 1989 under planning application reference 89/00087/FUL.
3. Notwithstanding the submitted plans and documents, prior to its construction or placement on-site, full details of the proposed fishermans shelter/bird hide building to include its location and proposed use, shall be submitted to and approved in writing by the Local Planning Authority. Thereafter, the building shall be erected and only used in full accord with the approved details.
4. The proposed landscape works detailed on PLAN/PE02 and the supporting statement document reference Penllyn lakes statement/NMc/October 2004, shall be implemented in full accord with those details in the first planting and seeding seasons following the date of this consent and any trees or plants which within 5 years of that date, are removed or become seriously damaged or diseased shall be replaced in the next planting season with others of a similar size and species unless the Local Planning Authority give consent to any variation. Particular attention shall be paid to the landscaping of the north and west boundaries of the site.
5. No additional buildings, structures, surfaced tracks, decking or bridges shall be erected on the site or additional excavation works undertaken unless with the prior written approval of the Local Planning Authority.

Reason(s):

1. To clearly define the limitations and parameters of this consent.
2. To limit the extent of the use of the site.

3. Insufficient details have been submitted.
4. In the interests of visual amenity.
5. To control developments at 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.

Dir. of Learning & Development Civic Offices, Holton Road, Barry. CF63 4RU
(Property Division, Vale of Glamorgan Council, Civic Offices, Holton Road, Barry.
CF63 4RU)

ST. ILLTYD'S FAMILY CENTRE, STATION ROAD, LLANTWIT MAJOR

Single storey early years development/nursery unit to be linked to the existing two storey building with a glazed corridor, new roundabout, bus laybys, access and parking arrangements.

The development is situated within the Llantwit Major Conservation Area.

The application was advertised on 7th January, 2004.

SITE DESCRIPTION

The application relates to St. Illtyd's Junior and Infants School at Station Road in Llantwit Major.

DESCRIPTION OF DEVELOPMENT

This is a Regulation 3 application submitted by the Director of Learning and Development for an early years nursery unit together with new access and parking arrangements at the site.

The development includes the construction of a single storey building connected to the southern end of the existing building fronting Station Road via a glazed link. The new building would have a floor area of approximately 140 square metres. The building would have a hipped roof with a maximum height of 5.2 metres and be finished in bricks and slates to the roof. Play areas would be provided adjacent to the new building with a glass canopy structure constructed to provide a covered area. Part of the existing building would be used to accommodate the early years centre.

The proposal involves alterations to the access and parking arrangements at the site. A new mini roundabout would be constructed on Station Road. The existing vehicular access is to be closed and a new access would be created off the new roundabout. A one way system would be created within the site incorporating bus bays and a new car park. An originally proposed basketball court has now been deleted from the scheme. The Post Office would retain a separate access.

PLANNING HISTORY

3650/REG3 – Planning permission was granted by South Glamorgan County Council on 10th November, 1994 for the change of use of the former YMCA building at St. Illtyds School to a community education centre.

CONSULTATIONS

Llantwit Major Town Council - Was of the understanding that the new building would be an adult learning centre, not a nursery unit. There was no objection to the principle of an adult learning centre. However, an objection has been raised on the application on the grounds of concern for the safety of school children and pedestrians, particularly in view of the bus traffic and additional cars. Concern is expressed regarding traffic congestion onto an already busy road and mini roundabout. The proposed basketball court may affect neighbouring residents due to noise, and so closing hours for its use should be imposed.

The Town Council has been re-notified of the receipt of the latest amended plan received on 7th January, 2005 and any further comments received will be reported to Committee.

Environment Agency - Has no objection.

Welsh Water - Has no objection to the proposals.

The Head of Visible Services (Highways) – Further to concerns expressed by the Highway Engineer regarding the original scheme, the Highway Design Group of the Council has prepared a revised access and parking arrangement. The Head of Visible Services (Highways) has no objection to the revised scheme subject to the following:

- “1. The submission of full engineering details of the road layout, including sections, street lighting and surface water drainage.
2. The layout indicating laybys and turning areas shall be laid out prior to the beneficial occupation of the development.
3. Any gates/barriers to be set back at least 6m from the adopted highway or internal access roads and should open inwards away from the junction.
4. Visibility splays to be provided and maintained at all junctions and be in accordance with the requirements of TAN (Wales) 18.
5. The revised highway improvements including the new mini roundabout must be provided prior to the new facility being provided.”

Glamorgan Gwent Archaeological Trust - Has no objection to the application.

REPRESENTATIONS

Neighbouring occupiers have been consulted. The occupiers of “The Bower” and “Court House” in High Street and No. 7 Station Road have expressed concerns regarding the proposals, which are summarised below:

- Clarification has been sought regarding the hours of operation of the nursery unit; the use, management, times of use and security measures of the car park, bus layby and the basket ball court and the type of fencing and floodlighting proposed to the basket ball court.

- Use of the car park and bus lay by outside normal school hours / activities would increase the level of noise from the site.
- Objections are raised to the proposed basket ball court on the grounds of noise and nuisance. The occupier of the Court House has stated that occasional damage to his property has occurred in the past following unsupervised use of the area to be developed. Controlled supervision and secure fencing would help reduce potential for damage. Concern is expressed that trees within his property that overhang the site are subject to a Tree Preservation Order may be affected by the basketball court proposals.

The occupiers of The Bower, the Court House and No. 7 Station Road have been re-notified in relation to the latest amended plans.

The Post Office expressed concerns regarding the original access arrangements that were proposed, in particular concern regarding a proposal to provide a shared access to the school and the post office. The Post Office has been consulted on the revised plans that now propose a separate access to the post office but no additional comments had been received at the time of writing this report.

REPORT

This application was deferred at Planning Committee on 9th December, 2004 to allow further consideration of a number of late representations received on the application.

The Development Plan for the site comprises the South Glamorgan Structure Plan 1989. The proposal also needs to be assessed with regard to the emerging Vale of Glamorgan Unitary Development Plan Deposit Draft 1998 (as amended 2003).

The site is located within the settlement boundary for Llantwit Major, as defined by the Vale of Glamorgan Unitary Development Plan. The site is also situated within the Llantwit Major Conservation Area.

The application has been assessed with regard to Policies ENV15, ENV18 and ENV25 of the Unitary Development Plan, which relate to the design of new developments and impact of development on the appearance and character of conservation areas.

Further to requests for clarification regarding the proposal, the agent has submitted the following additional details regarding the proposal:

- The activities and hours of operation in the proposed centre would be the same as the existing nursery.
- The car park would be for the use of all those using the site, not just users of the nursery. Lighting is proposed to the car park to ensure the safety of users but it would be designed to prevent a light nuisance to adjoining occupiers. The site manager would determine times of operation.
- The car park would be open all hours, but controls would be considered if problems occur.

- The bus lay by would be primarily for the use of school transport to improve child safety but could serve other site users.

The new building would not adversely affect neighbouring residents. It is considered that its design would be acceptable and would not adversely affect the appearance and character of the Conservation Area.

A significant issue with the application has related to the highway implications of the scheme. Further to the advice of the Council's highway engineers, the scheme has been revised in order to ensure that the development has no adverse impact on highway and pedestrian safety. The scheme was initially submitted in December, 2003, and was held in abeyance for a considerable time pending the submission of revised details in October of this year. The revised scheme is now considered acceptable in highway safety terms subject to relevant conditions.

In view of the concerns expressed regarding the proposed basketball court, this element of the scheme has now been deleted from the planning application at the request of the applicant.

Consideration of this application was deferred at the previous Committee Meeting on 26th January, 2005 to enable Committee Members to inspect the site. It is currently anticipated that this inspection will take place on 23rd February, 2005.

03749

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. The permission hereby granted shall relate to the amended plans, reference 03/01759/REG3 received by the Local Planning Authority on 26th October, 2004 and 7th January, 2005.
3. Prior to the first beneficial use of the development hereby approved, the new roundabout, bus laybys, access and parking arrangements, shall be implemented in full accordance with the engineering details that shall have first been submitted to and approved in writing by the Local Planning Authority.
4. Notwithstanding the submitted plans, the proposed entry controlled barrier shall be sited at least 6 metres from the junction with the internal access road.
5. Visibility splays of 2.4 metres by 90 metres at the main junction with the adopted highway and 2.4 metres by 33 metres at junctions within the site shall be maintained at all times.
6. Notwithstanding the submitted plans, this permission does not convey consent for the proposed basketball court.

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

Reason(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 highway safety.
4. In the interests of highway safety.
5. In the interests of highway and public safety.
6. To clarify the extent of this consent as this element has been deleted from the original proposals at the applicant's request.
7. To safeguard local visual amenities.
8. To safeguard local visual amenities.
9. To ensure satisfactory drainage of the site.

10. To safeguard local visual amenities.
11. To ensure satisfactory maintenance of the landscaped 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.