

04/01468/FUL

Received on 6th September, 2004

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COWBRIDGE GRAMMAR SCHOOL, CHURCH STREET, COWBRIDGE

Conversion of existing building into 15 residential units with 4 new build residential units on the former Council Depot Yard site and 24 parking spaces and amenity space

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

The property is a Grade II* Listed Building.

The application is for demolition within the Cowbridge with Llanblethian Conservation Area.

The application was advertised on 29th September, 2004.

SITE DESCRIPTION

The application site is comprised of two distinct elements. The site lies within the Cowbridge with Llanblethian Conservation Area and was formerly in use as a school however the property has been vacant for some time. The property is a listed building and occupies a prominent site in the Conservation Area with frontages to the Twt Park and Church Street.

The site includes the buildings and grounds of the school and also includes an area of land and former building used as a Council maintenance depot in recent years but again now vacant and situated on the opposite side of Church Street from the Grammar School Buildings.

DESCRIPTION OF DEVELOPMENT

The application seeks consent to convert the school building to residential uses and to erect new build development on part of the site. It is proposed to erect four houses on the former Council yard site comprising one detached dwelling on the front of the site and three linked units to the rear of the site. It is also proposed to build an extension to the rear of the Grammar School building lying adjacent to the boundary with the public play area at the Twt and including contemporary detailing.

The dwellings on the yard will be of salvaged blue lias limestone, smooth lime render and natural slate to the roof. The dwelling at the front of the site will have a ridge height of 7.5m and those at the rear of the site of 8.3m.

The development to replace the boiler house at the Grammar School site which is to be demolished is of a more contemporary design and uses a pallet of stone, lime render, timber cladding, steel balustrading to balconies and flat roof details in part.

The works of conversion of the Grammar School itself are supported by information in the form of a 'Design Statement for the buildings conversion into apartments'. There are additions proposed to the Grammar School on the rear elevations including a gabled extension faced in stone with ashlar door and window mouldings to match the existing.

The Ball Court wall will, in part, be demolished and this area used as a car park for the development with access off Church Street.

Repair works to the Grammar School building to facilitate the re-use of the building and repairs to the Town Wall are also proposed.

PLANNING HISTORY

03/00295/FUL - Residential development on the former yard area. Withdrawn September, 2004.

An application for listed building consent has been submitted and is application reference 04/01509/LBC which was granted on 11th April, 2005.

CONSULTATIONS

Cowbridge with Llanblethian Town Council – See Appendix A.

Welsh Water – See Appendices B1 and B2.

Director of Legal and Regulatory Services (Environmental Health Officer) –

"I refer to the above planning application; this department has no objection to the application in principle but insists on the following conditions.

- Previous or current site use at the former Council depot may have led to contamination of the ground beneath the site and therefore site investigation works to determine the nature and extent of possible contamination are required.
- A Risk Assessment is undertaken to determine potential risks to human health and the environment from potential contamination at the former Council Depot.
- Suitable remediation works are undertaken at the former Council depot to reduce possible risks to human health and the environment subject to the above conditions.

All proposals and works are to be agreed with this Authority".

The Head of Visible Services (Highway Development) -

“Further to a site inspection carried out on 5th October, 2004 in relation to the above application, the Highway Authority would object in principle, to this application.

A turning facility and parking provision in accordance with the South Wales Counties Parking Guidelines shall be provided within the curtilage of the site/for each unit, and retained thereafter. Vehicles must be able to enter and exit the site in a forward gear.

The number of parking spaces shown would be acceptable for the development shown on the old Council yard – taken in isolation.

However, I understand that this area was to be used to provide parking for the redevelopment of the Cowbridge Grammar School (CGS) site? As no parking has been provided for the redevelopment of Cowbridge Grammar School and this proposal only provides enough parking for the proposed redevelopment of the old Council yard, where is it proposed that residents, visitors and deliveries to the Cowbridge Grammar School site park?

I also have concerns over using the ‘ball court’ for parking as it involves constructing a large crossover and there is no turning available, within this area. This proposal also involves demolition of a large wall, which I’m sure you will not be looking to favourably on, as the site is in a conservation area.

Parking is at a premium in Cowbridge, as it is, at the minute, without developments failing to meet parking requirements – to further compound the situation.” and

“Further to your memo of the 7th February, 2005, regarding the above site. We would not want the existing access to be used as it would create possible conflicts at the entrance to the site because of very poor visibility in both directions – effectively zero.

Vehicles on the main carriageway also have their forward visibility hampered by the stone arch, adjacent to the entrance. The arch would conceal the entrance completely for vehicles driving into Cowbridge.

It is our opinion that use of this entrance would only be to the detriment of highway safety and would only be a matter of time before a collision would occur. Since, visibility is so poor; this would be a regular occurrence.

The proposed car parking on the ‘ball court’ is also not to current design standards, in that vehicles will have to reverse on or off of the carriageway, this is unacceptable to the Highway Authority.

I understand that at the Development Brief, the Highway Authority requested that the land opposite the school be used to provide parking for the development. Since then a two separate applications have been received to develop this area as housing, with the associated parking. The associated parking provision is only just adequate for the new build and doesn’t have any provision for the school conversion?”

Glamorgan Gwent Archaeological Trust – See Appendix C1 and C2.

Environment Agency – No comments received to date.

REPRESENTATIONS

One letter of representation has been received following site and press notice and neighbour notification. This letter is reproduced at Appendix D.

REPORT

The development falls to be considered under the policies contained in the Adopted Vale of Glamorgan Unitary Development Plan 2005 and with particular reference to the following Policies:

ENV 15: Protection of Built and Historic Environment.

ENV 16: Archaeological Evaluation.

ENV 17: Preservation of Archaeological Remains.

ENV 18: Development in Conservation Areas.

ENV 19: Demolition in Conservation Areas (including boundary walls).

ENV 25 Design of New Development.

HOUS 2: Additional Residential Development.

HOUS 9 Residential Development Criteria – Policy HOUS 2 Settlements.

The 2 parcels of land lie within the defined residential settlement boundary for Cowbridge and close to the Town Centre. The area forms part of the Cowbridge Conservation Area and the Grammar School is a Grade II* listed building.

In assessing the application for a residential use in this location and having regard to the up to date policy context such a proposal is acceptable in principle. The primary issues are considered to be the effect on the character and setting of the listed building, on the character and setting of the conservation area, effects on traffic/parking provision, effects on the amenities of adjoining occupiers and effects on trees on the site.

The listed building is the dominant building on Church Street and has boundary walls formed by the Town Walls and South Gate itself, which is Grade II* listed building and an Ancient Monument.

Vehicular access to the site is currently gained from the access adjoining South Gate onto Church Street.

In the immediate vicinity of the site lies the Grade I Listed Holy Cross Church, as well as 6 and 7 Church Street which are Grade II Listed. Adjoining the former Council yard site lies the walled garden which has recently been granted planning consent as a Physic Garden.

The development will entail conversion with extension and alteration to the former Grammar School site and the demolition of the former ball court walls, railing and piers to the entrance to the Holy Cross Church to facilitate on site parking. 4 No. new build dwellings are proposed on the former courtyard site and new build to the rear of the Grammar School building adjoining the Twt Park.

The Grammar School building has been vacant for a significant length of time and as a consequence the former Vale of Glamorgan Borough Council, South Glamorgan County Council and the Vale of Glamorgan Buildings Preservation Trust commissioned the report on its future which resulted in the 'Cowbridge Old Grammar School Development Brief' February, 2002.

The Brief details potential for development as being a variety of uses including residential, office, hotel/restaurant bar, private nursing home, museum/art gallery, arts and craft and community uses, or a combination.

The Brief also indicates that the former council yard site provides the only opportunity for on-site parking of between 25-50 spaces. Depending however on the demand for parking at the Grammar School for any scheme, the Brief indicates that between 2-4 dwellings could be permissible. A requirement for a footpath link from the Old Hall Gardens to Church Street is a requirement of the Brief.

It is considered that the works of conversion to the Grammar School are generally in accordance with the requirement for retention and restoration of this important listed building and the relatively small alterations to the external fabric have been handled well. Three areas of extension are proposed namely to the former school house's rear elevation, to the Boot House (being a two storey extension), and to the range of buildings built in 1894, with extensions being to the north-western end and includes new dormer windows to the garden elevation.

An alteration to the boiler house and changing rooms entails construction of a contemporary extension using stone, lime render, timber cladding and steel balustrading. This unit will be clearly visible from the adjoining park but it is considered that the contemporary design is acceptable, subject to very careful control of the exact materials pallet used and the fine detailing of these elements of the unit.

It is considered that the principle of residential development in the form and the general detail as submitted is an acceptable, beneficial use for the Grammar School which will enable the building to be restored and to prevent further deterioration. In this regard Committee will be aware that consent has already been issued for works to the listed building.

A central garden area will provide a communal area for residents. The main issue with this scheme is the lack of on site parking. 24 spaces in total are provided. 19 are located within the former yard area and a further 5 on the Ball Court. It is noted that the Head of Visible Services Highway Development Officer objects to the scheme on the basis of lack of parking. In considering this scheme for 19 units in total it is considered that a pragmatic stance has to be taken and thus a balance between full compliance with current standards set against the costs of restoration of the site as well as the benefits of bringing an important historic building back to beneficial use should be considered.

The issue of the 4 new dwellings on the Council yard site has been considered and it is accepted that some enabling development in this instance can be justified. Thus if Committee are minded to approve the application it has to be accepted that the full standard for car parking cannot be met. It should be noted that the site does lie close to the town centre and bus routes and thus a lesser level of parking could be accepted in this instance.

Similarly with the new build dwellings their general design, scale, and layout has been the subject of discussion. The dwellings are considered to sit well within this historic street scene and whilst the dwellings will have very limited private rear garden space significantly below the adopted standard the need to provide dwellings of a form and layout respecting the character of the street is necessary. A lesser number of dwellings would undoubtedly enable more on site parking but this could be at the expense of retaining a street elevation in keeping with Church Street in general. Whilst it is a very fine balance it is considered in this case that a positive recommendation should be made.

It is considered that the development will not adversely affect the amenities of adjoining occupiers subject to conditions to control relevant window details.

There are several trees of importance within and adjoining the site and subject to further details of protection measures, methods for working, levels and any drainage routes it is considered that the development is acceptable. A scheme of landscaping (both hard and planted) will also be essential.

The issue of the footpath link from Old Town Hall has been considered. It will be seen that this was specifically referred to in the Brief. Whilst the comments of the nearby residents are noted, details of enclosures and lighting on this route as well as details relating to the management of this route will be required.

The Listed Building consent application has been approved with conditions seeking to control the internal and external works. It is similarly considered that conditions should be applied to the planning consent if granted including conditions to control details on the new build, materials, parking, enclosures, levels, landscaping and archaeology.

Whilst work has commenced on the Grammar School this relates to works of repairs. The following recommendation is made, to include a condition to seek that the work of conversion on the listed building should be undertaken either at the time of the new build or before to ensure that the enabling works alone are not undertaken without the restoration of the Grammar School. To this end a condition relating to phasing of the development is required.

The site has potential for significant archaeological finds and the Glamorgan Gwent Archaeological Trust's comments at Appendix C recognise this. The Trust have however advised that a condition regarding field evaluation is required and have advised that no development should take place until this has been undertaken. A condition to this effect is therefore recommended.

03659

RECOMMENDATION

APPROVE subject to the following condition(s):

1. The development hereby permitted shall be begun before the expiration of five years from the date of this permission.
2. The development hereby approved shall be carried out entirely in accordance with the approved plans and specifications.
3. Details of the materials to be used in the development including samples, and sample panels of stone and mortar detailing, shall be submitted to and approved in writing by the Local Planning Authority and no work of construction on any part of the development hereby approved shall take place until such time as the Local Planning Authority's written approval has been granted for all materials. The development shall thereafter be undertaken in accordance with the agreed materials.
4. No development for the construction of the four dwellings hereby approved on the former Council Yard site shall commence until a scheme for the phasing of the development, including phasing of the occupation of the development as a whole including the conversion of the Cowbridge Grammar School site hereby approved has been submitted to and approved in writing by the Local Planning Authority and the development shall thereafter be carried out in accordance with the agreed phasing programme.
5. Details of the materials, markings and layout of the Ball Court car parking and the parking to the former yard as indicated on Drawing 2324/8 including details of any gates walls, railings and piers and scale drawings to 1:20 of these shall be submitted to and approved in writing by the Local Planning Authority prior to the commencement of work on site other than demolition works.
6. The approved scheme of parking, access, railings and piers shall be fully completed on site in accordance with a phasing programme which shall include details of the parking and access to the Holy Cross Church and of those spaces allocated to serve the 4 dwellings and those spaces to serve the 15 residential units at the Cowbridge Grammar School site, and the spaces shall thereafter be so retained to serve the development as detailed in the phasing programme at all times.
7. 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.
8. The approved scheme of tree protection as required by condition 7 above shall be fully undertaken on site prior to the commencement of work on site and shall be so retained for the duration of all work on site in relation to the development hereby approved.

9. A detailed method statement for all changes of levels, excavation, digging and construction works within the canopy spread of any tree retained on site shall be submitted to and approved in writing by the Local Planning Authority prior to any works within the canopies and all such works shall thereafter be undertaken in accordance with the approved method statement.
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. Prior to the commencement of construction of the 4 dwellings at the former Council yard site details of the enclosure, lighting and gates to the footpath link to Old Hall Gardens as indicated on Drawing 2324/28 and details of the management and maintenance of this footpath link shall be submitted to and approved in writing by the Local Planning Authority and the footpath link shall be so provided prior to the first beneficial occupation of the any one of the 4 dwellings and shall thereafter be so retained and managed unless the Local Planning Authority gives written consent to any variation.
12. Notwithstanding the provisions of the Town and Country Planning (General Permitted Development) Order 1995 (or any Order revoking and re-enacting that Order) the dwelling(s) hereby approved shall not be extended or altered in any way without the prior written consent of the Local Planning Authority.
13. Notwithstanding the provisions of the Town and Country Planning (General Permitted Development) Order 1995 (or any Order revoking and re-enacting that Order) no building, structure or enclosure required for a purpose incidental to the enjoyment of a dwelling-house shall be constructed, erected, or placed within the curtilage of the dwelling(s) hereby approved without the prior written consent of the Local Planning Authority.
14. The windows in the north side elevation at first floor serving the new build dwellings facing No. 7 Church Street and properties on High Street shall be fitted with obscure glazing at the time of construction and shall thereafter be so retained at all times.
15. No development shall take place until the application or their agents or successors in title has secured the implementation of a programme of archaeological work in accordance with a written scheme of investigation which has been submitted to and approved in writing by the Local Planning Authority.

16. Prior to the commencement of excavation works on the former Council Yard site, site investigation works to determine the nature and extent of any contamination on site and details of remediation measures for any contamination found shall be submitted to and approved in writing by the Local Planning Authority. The development shall thereafter be carried out in accordance with the approved details prior to the occupation of the 4 dwellings approved for this part of the site.

Reason(s):

1. To comply with the requirements of Section 91 of the Town and Country Planning Act 1990.
2. To ensure the satisfactory implementation of the development.
3. To safeguard the character and setting of the Listed Building and the Conservation Area.
4. To ensure the restoration and refurbishment of the Grade 11* listed building is undertaken and not solely the 4 new dwellings which are approved solely as enabling development.
5. In the interests of the visual amenities of the Conservation Area and to safeguard the setting of the Cowbridge Grammar School (Grade11*) and the Holy Cross Church (Grade 1).
6. To ensure the provision of adequate on-site parking to serve the development as a whole.
7. To safeguard local visual amenities.
8. To safeguard the trees retained on site.
9. To safeguard the trees on site in the interests of the visual amenities of the Conservation Area.
10. To ensure satisfactory maintenance of the landscaped area.
11. To ensure the provision of and maintenance of the footpath link as required by the adopted Development Brief.
12. To enable the Local Planning Authority to control the scale of development.
13. To enable the Local Planning Authority to control the scale of development.
14. To safeguard the privacy and amenities of adjoining occupiers.
15. 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.
16. To safeguard the health of future occupiers.

NOTE:

- 1. Where the proposal requires both Planning Permission and Listed Building Consent or Conservation Area Consent work must not be commenced until both consents have been obtained.**
- 2. 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.**
- 3. 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.**
- 4. The proposed development site is crossed by a public sewer. No development (including the raising or lowering of ground levels) will be permitted within the safety zone which is measured either side of the centre line. For details of the safety zone please contact Dwr Cymru Welsh Water's Network Development Consultants on 01443 331155.**
- 5. This consent does not convey any authorisation that may be required to gain access onto land not within your ownership or control.**

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

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

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

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

04/01502/FUL

Received on 30th November, 2004

Mr and Mrs Richard Harry, Ty Gof, St. Nicholas, Vale of Glamorgan. CF5 6SH
(Huw Griffiths, 39, St. James Crescent, Swansea, SA1 6DR)

THE FORGE, ST. NICHOLAS

Proposed conversion of existing Smithy into 1 residential unit

The development is situated within St. Nicholas Conservation Area.

The application was advertised on 29th September, 2004.

SITE DESCRIPTION

The application site relates to a former smithy known as The Forge located in the centre of the village of St. Nicholas adjacent to the A48, within the St. Nicholas Conservation Area. The site has a prominent wide open frontage onto the southern side of the main road. The application is bounded by to the east by St. Nicholas Church Hall House which is Grade II Listed and to the west by the Blacksmiths House.

The smithy was constructed at the turn of the century although it was extended quite extensively within the last 40 years. The existing building which is currently vacant comprises of a single storey building of a rectangular footprint constructed mainly of random stone on the front elevation with brick to the side elevations. The building is characterised by its three full height outward opening double wooden doors on the front elevation which provide direct access into the main forge and workshop areas of the smithy.

DESCRIPTION OF DEVELOPMENT

The application as amended is for the conversion of the redundant smithy into a single dwelling. The proposal includes a small extension to the front elevation and the demolition of small flat roof extension on the rear elevation. The proposed conversion will provide 3 bedrooms all with en-suite, a lounge and a kitchen/dining room.

The extension to the front of the building will be 7.5 metres in width by a depth of 2 metres to form a central square bay with a catslide roof, which will provide the new entrance into the building. The existing window proportions in the original part of the building will be reintroduced into the extension. The existing large double full height door openings either side of the new extension will be retained and full height glazed windows will be inserted behind the doors, which will be used as shutters.

The alterations to the forecourt include the construction of a boundary wall to the front of the site with a central access leading to a parking area for two cars and two small separate areas of amenity space.

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

PLANNING HISTORY

The site has not been subject to any previous applications.

CONSULTATIONS

Glamorgan Gwent Archaeological Trust - Were consulted on the application and have stated that their records indicated that the Forge is located on the outskirts of what is a village of Medieval origin, however due to the nature of application it is unlikely that the proposed development would disturb any archaeological material.

Welsh Water - 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.

Director of Legal and Regulatory Services (Environmental Health Officer) – No comment to make.

Environment Agency - Were consulted on the application and no specific comments have been received except for standard informative guidance note for developers.

At the request of the Councils Bio Diversity Officer, a bat and owl survey was undertaken by a licensed surveyor as the existing barns could provide potential roost sites for bats. The submitted report states in its summary that there is little or no potential to disturb bats or barn owls during the process in undertaking the works on the existing structure.

The Head of Visible Services (Highways Department) – No objection in principle subject to the applicant satisfying the following conditions :

- i. A turning facility and parking provision in accordance with the South Wales Parking Guidelines. Vehicles must be able to enter and exit the site in forward gear.*
- ii. Visibility splays of 2.4 by 70 metres in both directions.

REPRESENTATIONS

Neighbouring residential properties were consulted on the original scheme and amended scheme on 27th September and 3rd December respectively and to date one letter of representation has been received from St. Nicholas Society (in response to the original scheme). Whilst they are in favour of this development they have made the following observations :

- i. We note that the chimneys in existence now are not shown on the redevelopment plans. We believe that they would be an interesting embellishment to an otherwise plain roof line.
- ii. We find the arched windows an unusual choice for this sensitive area of a Conservation Village. Surrounding properties, including the Grade II listed hall alongside, have smaller paned cottage style windows and we think that a more traditional design would be more appropriate.

REPORT

The proposal relates to the conversion of what is a former smithy which, whilst rural in character, falls within the settlement of St. Nicholas. St. Nicholas is defined under Policy HOUS 2 in the adopted Vale of Glamorgan Unitary Development Plan 2005 as a village which permits housing infill, small-scale development and redevelopment which meets the criteria listed in Policy HOUS 9.

Policy HOUS 9 states that subject to the provisions of Policy HOUS 2, development will be permitted which is within or closely related to the defined settlement boundaries provided that it meets all the following criteria:

- (1) the scale, form and character of the proposed development is sympathetic to the environs of the site;
- (2) the proposal has no unacceptable effect on the amenity and character of existing or neighbouring environments of noise, traffic congestion, exacerbation of parking problems or visual intrusion;
- (3) the proposal does not have an unacceptable impact on good quality agricultural land (grades 1, 2 and 3a), on areas of attractive landscape or high quality townscape or on areas of historical, archaeological or ecological importance;
- (4) when appropriate and feasible the provisions of Policy REC 3 are met;
- (5) the provision of car parking and amenity space is in accordance with the Council's approved guidelines;
- (6) adequate community and utility services exist, are reasonably accessible or can be readily and economically provided.

With regard to the impact of the development on 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 adopted Vale of Glamorgan Unitary Development Plan 2005.

The smithy is a well known landmark with its central location and prominent open frontage in the centre of the village of St. Nicholas. The application site together with the police station and church hall were all constructed at the turn of the century and displays the importance of the village in providing agricultural services during this time. The application site is also identified as a building of note in the adopted Conservation Areas in the Rural Vale Supplementary Planning Guidance. Whilst the application site has strong historical interest with regard to the Conservation Area, the building itself was significantly extended and altered in the last 40 years. Therefore the building, whilst relatively modern, nevertheless contributes to the historical character of the Conservation Area. However in assessing this application consideration should be given to retaining, as far as possible, the character of the original building.

The original scheme related to the conversion of the smithy into two separate residential units, however it was considered that such a conversion of a small building would result in overdevelopment of the site with insufficient parking, amenity space and issues of privacy and would not have accorded with the above referenced policies. Following further discussions, an amended scheme was submitted which limited the conversion of the building to a single dwelling. However concerns were still raised with regard to the treatment of the front facade with particular regard to the retention of original window features and the loss of the large full height door openings and the vent box to the roof. Following further discussion a final set of amended plans have now been submitted which have now retained as far as possible the original character of the smithy. Notably two of the large full height openings and double wooden doors are retained to act as shutters to the full height windows behind. Whilst the central full height doorway will be covered by the new extension, the original horizontal window will be retained and reused in the new extension. Rooflights are proposed on the rear elevations and as such will not impact unduly on the character of the building.

The most obvious change to the site as a whole will be the alteration to the existing wide open frontage to the road. Whilst this open frontage did form part of the character of the old smithy, its partial enclosure with a low level boundary wall and use as parking area/amenity space will still retain, in part, the open frontage of the site and therefore the character of the site and its setting within the Conservation Area.

In terms of access parking and highway safety, the replacement of the former smithy with a single residential unit will reduce the intensity of the use at the site. The proposed parking spaces (2 No.) are considered reasonable provision for the conversion of the building given the constraints of the site and the balance required for the provision of amenity space.

With regard to the provision of amenity space, the Amenity Standards Supplementary Planning Guidance requires a minimum of 1 square metre of amenity space per 1 square metre of gross floor area. Furthermore it also requires that 70% of the amenity space should be accommodated in the private rear gardens, which shall also be private and of a usable shape. Consideration should however be given to the constraints of the site and the limited opportunity to provide amenity space in the curtilage of the converted building and the need to provide car parking. The gross floor area of the dwelling is some 140 square metres and whilst the usable area of amenity space totals some 65 square metres, the available amenity space is considered in the case of this application to be a reasonable size having regard to its context.

With regard to the impact on residential amenity of adjoining occupiers, the conversion of the smithy into a single residential unit will not negatively impact on the residential amenity of the area given the previous use of the site as a forge/smithy. The conversion of the building is not considered to have any impact in terms of privacy on neighbouring dwellings as the main aspect of the building is to the front overlooking what will be the proposed amenity and parking area.

To conclude, it is considered that the proposed residential conversion of the smithy into a single residential unit can be undertaken with minimal alteration to the main fabric of the building and will be in keeping with the character of adjacent residential properties and will both preserve and enhance the character of the Conservation Area. The following recommendation is therefore made.

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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 HG.04.17.04/05/06 Rev A. received by the Local Planning Authority on 14th April, 2005.
3. Notwithstanding the submitted plans the permission hereby granted shall not relate to the proposed vehicle and pedestrian gate as shown on drawing No. HG.04.17.05 Rev. A. Further details of the proposed boundary wall and pillars to the front of the site, including elevation and section drawings, shall be submitted to and approved in writing by the Local Planning Authority prior to commencement of development and the development shall be constructed in full accordance with the details as agreed and thereafter so maintained at all times.
4. The proposed parking layout as detailed on amended plan ref HG.04.17.05 Rev.A. received on 14th April, 2005, shall be fully laid out on site, prior to the development hereby approved being brought into beneficial use and shall thereafter be made available at all times to serve development hereby approved.
5. Notwithstanding the submitted details, further details of windows, rooflights, doors and eaves, including drawings 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 the development shall be constructed in full accordance with the details as agreed and thereafter so maintained at all times.
6. Samples of slate, ridge tiles and guttering 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. A sample panel of stonework a minimum size of 1 metre square to be used in the front bay extension, shall be constructed on site and be made available for inspection and approved in writing by the Local Planning Authority prior to the commencement of development and the extension shall thereafter be constructed in full accordance with the agreed sample panel.
8. Notwithstanding the provisions of the Town and Country Planning (General Permitted Development) Order 1995, or any Order revoking or re-enacting that Order, no additional windows, doors or any other openings shall be inserted into any elevation of the converted building hereby permitted, 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) the dwelling hereby approved shall not be extended or altered in any way without prior written consent of the Local Planning Authority.

Reason(s):

1. To comply with the requirements of Section 91 of the Town and Country Planning Act 1990.
2. For the avoidance of doubt.
3. In the interest of highway safety and to safeguard local visual amenities of the Conservation Area.
4. In the interests of highway safety.
5. In the interests of visual amenities of the Conservation Area.
6. In the interests of visual amenities of the Conservation Area.
7. To safeguard local visual amenities of the Conservation Area.
8. In order to safeguard the privacy of adjoining occupiers and in the interests of visual amenity.
9. To enable the Local Planning Authority to control the scale of development.

NOTE:

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

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

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

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

04/01680/FUL

Received on 14th October, 2004

Mr. Adrian Harding, 23, Trem-y-Don, Barry, Vale of Glamorgan.
(Raymond Howard, Springfield, Colwinston, Vale of Glamorgan. CF71 7ND)

UNIT 15, ATLANTIC TRADING ESTATE, BARRY DOCKS

Construction of industrial unit with ground floor workshops, toilet and main production area. Partial first floor (independent mezzanine) with office accommodation

SITE DESCRIPTION

The application relates to part of the site formerly occupied by Unit 15 located on the southern edge of the Atlantic Trading Estate, Barry. The application site and adjoining site were occupied by a large single post war industrial building which was destroyed by fire in the early part of 2004. The former building on the site has been cleared and development has commenced on site with the construction of a steel frame building.

DESCRIPTION OF DEVELOPMENT

The application is for the construction of a replacement unit for the manufacture of timber mouldings. The proposed new building will cover the majority of the application site and will be 28 metres wide by a depth of 20 metres, within an eaves height of 6 metres and ridge height of 9.5 metres. The building has been constructed on an existing brick retaining wall which is itself 1 metre above road level. The building will be constructed from Goosewing Grey profile steel cladding with heritage green roller shutters and guttering.

The building which is single storey will accommodate a main production area and a painting workshop, with part first floor accommodation to provide two offices and a canteen. The proposed building will be accessed via two roller shutter doors on the front elevation of the building which directly abuts a loading ramp and a lower level lay-by.

The amended plans indicate a proposed parking area to the front of the adjacent building to provide parking for four cars, enclosed within the existing fence line and accessed by double gates via the main forecourt/loading area of the application site.

PLANNING HISTORY

The site has been subject to the following planning applications:

04/01552/FUL – Replacement warehouse following the demolition of the existing building. Application relates to the remaining part of the site of the former building. Application not yet determined.

01/00964/FUL – Erection of 2.4 metre high security perimeter fence. Approved 8th March, 2002.

CONSULTATIONS

Barry Town Council - Were consulted on the application on 14th October, 2004 and raised no objection subject to the Local Planning Authority being satisfied:

- i. That the proper arrangements can be made for car parking.
- ii. With the adequacy of the loading area.
- iii. With the arrangements for external storage.

The Head of Visible Services (Operational Manager of Engineering Design) - Was consulted and has stated that foul and surface water sewers are in ownership of the Council, that should be utilised for the foul and surface water drainage from the proposed development.

The Director of Legal and Regulatory Services (Principal Environmental Health Officer) - Has raised no objection to the application, subject to compliance with the following conditions:

- Previous or current use may have lead to contamination of the ground within the site boundary and therefore site investigation works to determine the nature and extent of possible contamination are required.
- A risk assessment is undertaken to determine potential risks to human health and the environment from potential contamination on site.
- Suitable remediation works are undertaken to reduce possible health risks to human health and the environment subject to the above conditions.

The Head of Visible Services (Highways) - Was consulted on the application in November 2004 and has made the following comments.

“The Highway Authority would advise that although Atlantic Trading Estate is a private estate, due to the extent of use by the general public the layout of industrial estates, units, factories, depots etc, should be designed to assist their operational functions and while ensuring a safe and efficient means of access for workers, visitors and wide range of service / delivery vehicles which may be anticipated.

A highway objection is raised to the commencement of these works without providing sufficient details to satisfy the highway Authorities requirements for:

1. A satisfactory means of access which will typically incorporate:

- (a) Splayed vehicular access to incorporate vision splays in both directions along the road and to the rear of land immediately abutting the site in the interest of pedestrian safety. (Vision splays to be confirmed.)

Within these areas no structures e.g. walls, gates, embankments shall be greater than 750mm above carriageway channel level and vegetation shall not exceed 600mm in height.

- (b) A minimum clear opening of 6m.

- (c) All gate to be located a minimum of 10m from the edge of carriageway, ideally 15m depending on the type and size of commercial vehicles likely to be used in connection with the proposed use of the site.

Applicant to submit details of the largest commercial vehicles likely to be used in connection with the site.

- (d) All gates to open inwards.

- (e) Be surfaced in a bound material for the first 10m. Have a gradient no greater than 1 : 20 for the first 10m thereafter it shall be no greater than 1 : 8. (*Ramps shall commence from line of neighbouring boundary/retaining walls.*)

2. The proposed internal layout should incorporate:

- (a) A vehicular turning area at either end of the site to facilitate the safe vehicular turning manoeuvres for the largest commercial vehicles inclusive of articulated lorries to allow vehicles to access and egress the site in a forward gear.

Applicant to provide a drawing illustrating typical turning/parking manoeuvres of vehicles like articulated and large rigid HGV's.

These areas will be required to remain clear of obstructions at all times.

- (b) Provide and maintain onsite parking in accordance with the Parking Guidelines for both operational / non-operational.

The parking layout shall incorporate sufficient area to safely carry out the required turning area. Applicant to submit a scaled dimensioned drawing illustrating the proposed car parking requirements inclusive of potential vehicular turning manoeuvres.

These areas will be required to remain clear of obstructions at all times.

3. No surface water from the development shall discharge onto the adjoining private industrial road. Applicant to make provisions to incorporate a private surface water drainage system within the confines of the site to deal with surface water run off.
4. The Highway Authority would advise that it would be beneficial to look at this site in conjunction with the new planning application for the SCS site which surrounds this application.

Both these applications will be required to satisfy the aforementioned.

REPRESENTATIONS

Adjacent occupiers were notified on 1st November, 2004. To date no representations have been received.

REPORT

In terms of policy, the most relevant policies to assess this application are those contained in the emerging Vale of Glamorgan UDP Deposit Draft 1998 (as amended 2004).

The site forms part of a large employment allocation at Atlantic Trading Estate under Policy EMP1. The policy permits in principle new employment uses which fall within Use Classes B1, B2 and B8 uses. The supporting text to the policy states that the southern part of the estate which is owned by the Vale of Glamorgan Council is subject to a major programme of redevelopment to improve access, enhance the environment and upgrade services on the site.

More specifically Policy EMP3 relates to new business and industrial development. This policy states that 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 Policy ENV7 (rural buildings) or Policy 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 areas 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.

The former unit was divided internally and the applicant was the occupier of the south western corner of the building. Following fire damage and the demolition of the entire building, this application now seeks to reconstruct a new building on the floor-space of that part of the site and original building occupied by the applicant. It should be noted that development has commenced on site and the steel frame of the proposed building has been erected.

The application site falls within Atlantic Trading Estate and the use of the site for the manufacturing of wooden products is consistent with the former use of the building and designated use of the site as set out under Policy EMP1 of the above referenced plan.

The main consideration in assessing this application site is therefore whether the siting, size and relationship of the new building is appropriate for the size of the site and its setting and whether the access and parking arrangements are in accordance with the Council's approved standards.

The proposed building will be constructed on the whole of the application site, that is the land within the control of the applicant except for a 1 metre perimeter between the building and the boundary of the site. The new building is shown to be constructed on the same line as the former demolished building, that is adjacent to the front loading ramp which served the original building. Whilst the siting of the building near the front of the site is not in itself considered unacceptable in terms of impact on the street scene given the restricted size of the site and the size of the building, the resulting development does result in potential over development of the site with limited provision for parking or loading.

The Head of Visible Services (Highways) has raised an objection to the application given the lack of splayed vehicular access into the site and the inadequacy of any provision for an on-site vehicular turning area and on site parking, in accordance with the Parking Guidelines for both operational/non-operational requirements. Both the planning case officer and highway engineer have met both the agent and applicant on site to try to resolve matters and to consider acceptable alternative arrangements. However given that the building has already been constructed on site, there is no provision for any on site parking or vehicle turning area to be provided to current day standards. Alternative off-site parking arrangements were considered, including the provision of access into the building via the adjoining site, however given land ownership constraints, such alternatives cannot be delivered.

Members will recall that the application was deferred at Planning Committee of 17th March in order for further consideration of the amended plans in consultation with the Head of Visible Services (Highway Development). The amended scheme submitted relates to the removal of the front loading ramp to allow vehicles to load and unload directly in front of the building from estate road level. The amended plans also indicate a proposed car park to the front of the adjoining unit to provide parking for four staff vehicles. Having assessed and fully considered the amended plans, the Head of Visible Services (Highway Development) still maintains the objection as previously set out in the report.

However in assessing such applications Section 54(a) of the 1990 Act states:

“In making any determination under Planning Acts, regard is to be had to the Development Plan and the determination is to be made in accordance with the Development Plan, unless material considerations indicate otherwise.”

In this regard there are considered to be a number of material considerations in assessing this application. Consideration must be given to the fact that the existing building was destroyed by a fire and that this application seeks to re-establish the business on the site, with a new building constructed along the same line as the former building with similar access arrangements.

In terms of access, whilst the highway engineer has still maintained an objection to the proposed arrangements, it is a material consideration that such an arrangement existed in the original building on the site. Whilst the whole building had the provision of access and turning areas to the side of the building, the building was sub-let and the applicant has stated that the only access into his site was directly from the estate road on its southern frontage, where photos have been submitted to support this claim. The Council does not have any evidence to prove otherwise and as such it is material that it certainly appears that the unit was only previously accessed directly from the estate road by the access ramp.

In view of this and the fact that the application seeks simply to re-establish the business on site, with access provisions that existed in the previous building, such material considerations are considered to outweigh the highway objections, which seeks to impose modern highway standards. Furthermore, whilst highway standards are normally enforced, consideration should also be given to the fact that the site does not adjoin a public adopted highway but a private industrial estate road. The site in question is located on the south-west corner of the estate road, which from the site inspection is not currently in frequent use. A further material factor relates to the fact that the amendments do indicate the removal of existing ramps and fencing to the front of the site to potentially "open up" the apron to the front of the building to allow this area to be of improved use in providing treated "off road" servicing space

In conclusion, having further considered the application and assessed the wider economic implications of this application, the history of the site and the fact that the applicant only wishes to re-establish the business at the site with the same level of floor-space and access arrangements that previously existed (before the building was destroyed by fire), it is considered that such material considerations outweigh the highway objections to the scheme and therefore the following recommendation is made.

03856

RECOMMENDATION

APPROVE subject to the following condition(s):

1. The permission hereby granted shall relate to the amended plans, reference 01, A/01, 02, 03 and H/01, received by the Local Planning Authority on 27th April, 2005.
2. Notwithstanding the submitted plans the permission hereby granted does not relate to the proposed access and parking arrangements as detailed on drawing No. H/01 and the doorways/roller shutter positions on the southern elevation as shown on drawing No. A/01. Details of revised access arrangements and parking layout and associated repositioning of roller shutter doors shall be submitted to and approved in writing by the Local Planning Authority prior to the re-commencement of development on site. Thereafter the development shall be constructed in full accordance with the details as agreed and the access and parking layout shall be fully laid and marked out prior to the first beneficial occupation of the building hereby approved and thereafter be so maintained at all times.
3. No materials, equipment or plant shall be stored outside the building without the prior written consent of the Local Planning Authority.

Reason(s):

1. For the avoidance of doubt.
2. In the interests of highway safety.
3. To safeguard local 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.

04/01736/FUL

Received on 25th October, 2004

Mr and Mrs S. James, Haulfryn, City, Llansannor, Vale of Glamorgan. CF7 7RW
(RR Architects, 105, Talbot Road, Talbot Green, Pontyclun. CF72 8AE)

PADDOCK ADJACENT TO THE CITY INN, HAULFRYN, LLANSANNOR

Stable block with small tool store, agricultural paddock

The application was advertised on 15th December, 2004.

SITE DESCRIPTION

The site comprises a field to the south of City Inn, in City, Llansannor.

DESCRIPTION OF DEVELOPMENT

A full application seeking the construction of a single storey stable block in the field to the south of the City Inn adjacent to an existing field access. The stable building would comprise 2 stables and a tack/store room. It would have a lean to structure with a length of 10 metres, a width of 5.8 metres and a maximum height of 3.1 metres. The building would be constructed with a low level base of stone faced blockwork with Weyney board cladding above constructed onto a timber frame. The roof would be finished in profile sheeting.

PLANNING HISTORY

02/01653/FUL – A planning application for the change of use from paddock to residential garden, construction of new horse stables and garden store, along with improvements to vehicular access at the site was refused on 7th March as the proposal represented an unjustified intrusion into the rural landscape and the stable was considered to be tantamount to a new dwelling in terms of the adverse impact on the countryside landscape.

04/00060/FUL – A planning application for the construction of a single storey stable and external store at the site was refused on 3rd September 2004 as it was considered that the stable would have an adverse impact on the character and appearance of the countryside landscape, which is of special landscape value.

CONSULTATIONS

Penllyn Community Council objects to the application stating that the structure would be unnecessarily large, out of character and unsympathetic to the surrounding area. With regard to the revised plans, opposition is expressed to any landscaping of the field or any proposal to divert the footpath. Doubt is expressed regarding the need for the stables and if they are required, a simpler sectional timber structure would be more in keeping with the surroundings. If consent is granted, permission should be restricted to stabling only.

The Public Footpaths Officer has stated that a diversion of the footpath would not be necessary to enable the development to take place.

The Director of Legal and Regulatory Services (Environmental Health) has no objection. However, concern is expressed on the manner in which horse manure is to be stored/disposed of and the potential for nuisance.

REPRESENTATIONS

Neighbouring occupiers have been consulted and the application has been advertised as affecting a public footpath. The occupiers of Beechwood Hollow, Anna Livia, Ty Newydd and Llys y Coed have objected to the application on the following grounds:

- The size of the stable block is over and above what is required according to British Horse Society Standards and is disproportionate to the field. Concern is also expressed regarding the concrete hard standing. The proposals would adversely affect the character of the area.
- The bund would be out of keeping with the natural contours of the site and cause potential problems of drainage.
- Concerns are expressed with regard to any proposals to divert the public right of way.
- Objection to the location of the stables.
- Health related issues regarding the creation and disposal of effluent.
- Highway safety concerns.

Two of the letters referred to above are attached at Appendices A and B being generally representative of the views expressed. All representation letters are retained on file for the inspection of Members.

REPORT

The development plan for the site comprises the adopted Vale of Glamorgan Unitary Development Plan 2005 (UDP).

The site is situated within the open countryside, as defined by the UDP. The site is located within the Thaw valley, which is designated as being of Special Landscape Value.

The proposal has been considered in the light of the following policies of the UDP; Policy ENV8 which permits horse related developments, subject to criteria including that they do not unacceptably affect the character and appearance of the locality, Policy ENV9 which encourages the maintenance and improvement of the countryside, particularly areas of high quality landscape and Policy ENVXXX Special Landscape Areas which permits new development within special landscape areas where it would not adversely effect the landscape character or visual amenities of the special landscape area.

Following discussions with this Department, the application has been amended in an attempt to reduce the visual impact of the proposed stable building. The application now differs from the previous application 04/00060/FUL in the following respects:

- The stables would now be sited adjacent to the western boundary of the field, instead of more centrally within the field;
- The building has been reduced in size and height;
- The method of construction has been revised so that the building would now be predominantly constructed in timber as opposed to rendered blockwork.

The construction of horse related structures in the countryside are normally acceptable in policy terms, subject to the criteria set out in Policy ENV8 of the UDP. However, as the site is situated within a particularly attractive area of countryside, reflected by the Special Landscape Value designation, and the prominent nature of the site, it is considered that any proposal for stables on the land would be particularly sensitive in terms of the visual impact of the building on the character of the surrounding landscape.

The agent has been advised informally that there may be scope for a small scale rustic timber structure on the site to provide shelter for the horse on the site. It is understood that the British Horse Society suggests that between 1.5 acres and 2 acres (0.6 and 0.8 hectares) of pasture can provide grazing for a single horse through the summer months. The paddock has an area of 0.97 hectares (or 2.39 acres) in area, which would suggest that the area of land owned by the applicant would justify the stabling of one horse.

The agent has contested this ratio, stating that the accepted ratio of horse to field is one horse to every 1 to 1.5 acres, and therefore the applicant's landholding is sufficient to support two horses. The application therefore continues to seek two stables on the site together with a tack room and store. In a supporting letter, it is explained that the store is required to store a tractor type vehicle, saddles and other riding equipment. The agent has stated that the stables as currently proposed "represent the minimum size, which could be justified, to provide a realistic facility, associated with our clients requirements".

The proposed stable as currently proposed would be less prominent than previous proposals, sited adjacent to the hedgerow that runs adjacent to the lane. The building has been reduced in size and height from that previously proposed, and finishing materials have been altered utilising a greater degree of timber cladding. However, significant concerns remain that the stables which are large relevant to the applicant's holding, and would be sited at a prominent location in a particularly attractive area which benefits from Special Landscape designation, would adversely affect the character of the area. The field upon which the stables would be constructed is higher in level than the adjoining lane and the hedgerow is sparsely planted, and so the stables would be highly visible from the surrounding area.

The concrete hard-stand would contribute to a visual impact that would be detrimental to the surrounding landscape. In this regard, the proposal is contrary to Policies ENV8, ENV9 and ENVXXX 'Special Landscape Areas' of the Vale of Glamorgan Unitary Development Plan 2005.

The stable building would not encroach onto the line of Public Footpath No 13 Llansannor but the proposed concrete hard stand as proposed would. This has the potential to cause obstruction to footpath users. Whilst the application does indicate an intention to divert the footpath along the northern boundary of the site, no agreement has been reached with the Council on this matter. A condition could be imposed to ensure that the concrete hard stand is reduced in size, to reduce its visual impact and ensure that it does not encroach onto the footpath.

The proposed stable building, as sited, would require the relocation of the existing electricity transformer. The agent has advised that Western Power has agreed to the relocation in exchange for a formal agreement to house the transformer on the land in question. Should the Council be minded to approve the application, the stable would have to be constructed and sited in accordance with the approved plans, and so it is considered that this issue is a private matter between the applicant and Western Power. In other words, should the applicant fail to reach agreement with Western Power, any permission would not be capable of implementation.

Further to discussions, further revised plans have been submitted omitting the proposal to create an embankment adjacent to the stables. However, taking all the above considerations into account, a refusal is recommended on the basis of the adverse impact of the proposed stable building on the landscape.

03887

RECOMMENDATION (W.R.)

REFUSE

Reason(s):

1. The proposed development, by virtue of the size and prominent siting of the stable building and the concrete hard-stand, would adversely affect the character and appearance of the surrounding landscape which is of special landscape importance. The proposal is therefore contrary to Policies ENV8, ENV9 and ENVXXX 'Special Landscape Areas' of the Vale of Glamorgan Unitary Development Plan 2005.

05/00145/FUL

Received on 31st January, 2005

Meadgate Homes, C/O Agent.

(Jenkins Gould Partnership, Union Offices, Quarella Road, Bridgend. CF31 1JW
)

PLOT ADJACENT TO PORTH-Y-GREEN, CASTLE HILL, LLANBLETHIAN

Erection of six detached dwelling houses

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

This application was advertised on 1st March, 2005.

SITE DESCRIPTION

The site relates to an area of overgrown land situated between existing residential development to 3 sides but fronting the highway which defines the open, agricultural land to the north of Castle Hill/west of Constitution Hill. A stone boundary wall encloses part of the northern boundary of the site. There are several semi-mature trees on the site. The site lies to the east of St. Quintins Castle. A network of footpaths run to the north of the site.

DESCRIPTION OF DEVELOPMENT

To construct 6 detached dwellings with garages served off two access points breaking through the existing hedge or stone wall. The latter boundary treatment will be replaced by a 900mm high stone wall with hedgerow behind to create visibility splays of 2.4 by 24 or 60m. The design of the properties relates to 2 house types and includes rendered walls with Bradstone or similar stone quoin detailing bay windows with stone plinths buff brick plinth and artificial slate roofs. A combination of 2, 4 and 8 paned windows in white timber are proposed.

PLANNING HISTORY

The planning application most relevant is considered to be application 03/00238/FUL which was refused consent and dismissed at appeal for the erection of 8 detached dwellings. A copy of the appeal decision is attached as Appendix A.

CONSULTATIONS

Cowbridge with Llanblethian Town Council:

“The Committee objects on the following grounds:

- The impact of the proposed development on the surrounding countryside, having regard to the contours of the land.
- The impact that a suburban style development of big houses would have on the castle opposite and its proximity to such an ancient and historically important site.
- The proposal neither preserves nor enhances the Conservation Area and would dominate the skyline.
- Access by two entrances from the site onto a very narrow and dangerous road. This would also involve the destruction of the old stone wall, which is a salient feature of the site.

The Committee considers a single storey proposal to be far more appropriate to the setting and feels strongly that an archaeological assessment is an essential precursor to any development.”

The Director of Legal and Regulatory Services (Contaminated Land Officer) - No Comment.

Welsh Water – See Appendix B.

CADW – See Appendix C.

Vale of Glamorgan Conservation Area Advisory Group - At their meeting on 10th March, 2005 recommended refusal as:

1. The design of the proposal was inappropriate for this part of the Conservation Area.
2. That the visual impact of the proposal would have a detrimental impact on the character of the Conservation Area, neither preserving nor enhancing the same. The Group also expressed concerns at the proposal to demolish part of the historic stone wall.

Council's Ecologist – Comments attached as Appendix D.

The Head of Visible Services (Highway Development) – See Appendix E.

Glamorgan Gwent Archaeological Trust – See Appendix F.

REPRESENTATIONS

13 letters of representation have been received including a letter from the Cowbridge and District Local History Society. 4 letters are attached as Appendix G being generally representative of the views expressed. All letters are retained on file for inspection.

REPORT

The application lies within the settlement boundary identified for Llanblethian within the Vale of Glamorgan Unitary Development Plan 2005 being the adopted Development Plan.

Advice and guidance at national level should also be considered including advice in Planning Policy Wales (2002). TAN12 "Design" and Welsh Office Circular 61/96.

Relevant Policies of the Unitary Development Plan include:

ENV16 (Archaeology).

ENV18 (Conservation Areas).

ENV25 (Design of Development).

ENVXXX (Special Landscape Areas).

HOUS2 (Additional Housing Development).

HOUS9 (criteria for HOUS2).

The Vale of Glamorgan Unitary Development Plan 2005 is the adopted Development Plan for the area. The planning history for the site is also of relevance and in particular Committee's attention is drawn to the application reference 03/00328/FUL which was dismissed at appeal.

The application as now before the Local Planning Authority refers to 6 rather than 8 units but in examining the general layout of the site, its access and the form and design of the properties there are similarities in the development which raises objections to the scheme in this sensitive area of the Llanblethian Conservation Area. For ease of reference Appendix A details the decision of the Planning Inspectorate regarding the 8 Units.

Starting with that letter it is noted that paragraph 8 states that as the site has clear archaeological potential, an evaluation before determining consent is entirely appropriate and whilst the same developer has submitted the current scheme and had been advised of the requirements for undertaking such an evaluation none has been submitted with this application.

It is considered that the development should be refused on this ground.

The design of the dwellings relates to 2 house types, both of which are considered to be of suburban style and detailing. In considering this development and the effect on the Conservation Area's character and setting not only are the Policies of the Unitary Development Plan important but also the advice in the draft Cowbridge with Llanblethian Conservation Area Appraisal. Included within the appraisal is the 'sensitive development test'. Not only is the impact of the development on the site critical but the impact on the wider context within which the site lies is also of great importance.

The site immediately adjoins an area of Special Landscape Value crossed by a network of paths and the development of this site will be seen in the context of the Special Landscape Area. The Special Landscape Area is an important open space comprising the fields and area to the immediate north and west of the site known as Llanblethian Hill Down and Llanblethian Hill. Incidental and randomly located open space within the village is also important. Whilst this particular site is not specifically referred to in relation to this, it is an open parcel of land and thus any development should consider this within its layout in order to respect and retain the traditional form of development in a rural village.

This site is highly prominent and being located at the top of a hill can clearly be seen approaching from the south.

Whilst the form of the dwellings with two access points off the rural lane is itself an alien characteristic to the Conservation Area's historic structure, it will also result in the loss of significant lengths of the existing stone boundary wall fronting the site. As identified in the appraisal the stone walls of Llanblethian are "important elements in the townscape quality of the village, and have been particularly important in the setting they provide for the new development." (Page 13 – paragraph 3.2.4). This view was reinforced in the inspector's appeal decision letter when he stated:

"The removal of the stone wall would be particularly damaging to the approach to the Castle, since the wall, though dilapidated, is a prominent and visually unifying feature of that approach." (Paragraph 13).

It is considered that whilst this application has reduced the number of units by 2 creating a slightly more open central area, the overall layout and form of the scheme fails to overcome the objections regarding adverse impact on the character and setting of the Conservation Area as previously identified. Again referring to the Inspector's comments at appeal the following comments are considered to be as appropriate to this scheme as to the earlier scheme:

"The site layout is for a closely built up, suburban form of development with two basic house types and it makes no concessions to its low density, informal, semi-rural surroundings."

It is considered that having assessed the amended scheme the scale, layout, design and adverse impacts on the setting and character of this part of the Conservation Area are such that planning consent should be refused.

03840

RECOMMENDATION (W.R.)

REFUSE

Reason(s):

1. The scale, form and design of the development does not reflect the character and scale of development in the Llanblethian Conservation Area and therefore fails to meet advice and policy as identified in the adopted Vale of Glamorgan Unitary Development Plan 2005 including Policies ENV18, HOUS2, HOUS9 and ENV25 and National Guidance on development in Conservation Areas with particular reference to TAN12 'Design' and Welsh Office Circular 61/96.
2. An archaeological restraint exists on the site and the applicant has failed to provide sufficient information, including an archaeological field evaluation, to enable the Local Planning Authority to assess the likely impact of the development on the archaeological resource on the site having regard to advice contained in Planning Policy Wales (2002) and the adopted Vale of Glamorgan Unitary Development Plan 2005 Policy ENV16.

NOTE:

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

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

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

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

05/00150/FUL

Received on 1st February, 2005

Mr and Mrs J. Turnbull, Chain Cottage, Llantrisant Road, Radyr, Cardiff. CF15 2PN
(Kennedy James Griffiths, Radnor House, Greenwood Close, Cardiff. CF25 8RD
)

TY NEWYDD FARM, PETERSTON SUPER ELY

The demolition of the existing house and a number of associated outbuildings and the construction of a new 4 bed dwelling within the existing curtilage

SITE DESCRIPTION

The application site comprises an existing detached dwellinghouse and garden curtilage with associated outbuildings and land. The site is located in the countryside to the north of Peterston-Super-Ely.

DESCRIPTION OF DEVELOPMENT

The proposal entails the demolition of an existing detached dwellinghouse and the construction of a new four bed dwelling. In addition to the existing house a number of outbuildings to the south of the dwelling will also be demolished. The proposed new dwelling will be constructed on a separate site approximately 6m to the south of the existing house. The proposed new dwelling will have a footprint of approximately 16.3m x 11m with an attached garage on the south eastern corner, measuring approximately 6.6m x 6.6m. The proposed two storey pitched roof dwelling, comprising projecting full height gables on both front and rear elevation will measure approximately 9m to ridge height.

The proposed accommodation will include at ground level a lounge/dining room, sitting room, library, games room, kitchen, utility room, two w.c.'s and entrance hall, with at first floor level four bedrooms, two en-suite, a bathroom, w.c., dressing room, seating/study area, plus playroom above the double garage.

The external finishes comprise natural coursed stone walls with buff reconstructed stone quoins and slate roof. Other details will include timber balconies and handrails with stained/painted timber ship-lap cladding on the two full height projecting gables on the rear elevation.

Vehicular access to the site will also be revised with a new stone wall and entrance gates, located in the position of the existing dwelling.

The application is accompanied by a design statement which is reproduced at Appendix A plus a Structural Appraisal which is available on file for Committee Members inspection.

PLANNING HISTORY

75/01237/FULL – New kitchen and bathroom extension with replacement tiled roof in place of thatch, approved 25th November, 1975.

CONSULTATIONS

Peterston-Super-Ely Community Council - Were notified on 11th February, 2005. No representations have been received to date.

Environment Agency – Initial comments:

“The site appears to lie within Zones B and C2, as defined by the development advice maps (dam) referred to under TAN 15 Development and Flood Risk (July 2004). Whilst it is noted that the application has been submitted in full the site location map supporting your consultation does not clearly identify where within the site the development is to occur. In this respect the Environment Agency requires further detailed plans in order to fully assess the proposed development.

In view of the above the Agency requests that the application be deferred. Your co-operation would be appreciated.”

Further comments:

“Further to previous correspondence in respect of the above and in particular your letter with attachments received 7th March, 2005. The Environment Agency wishes to advise as follows:

The footprint of the proposed new building lies within Zone B and partially within Zone C2 as defined by the development advice maps (dam) referred to under TAN15.

To meet the requirements of figure 1 (Section 4) and Table 9 of TAN15, the applicant shall be required to undertake a Site Level Survey to ordnance datum and an Assessment of Flooding Consequences, which must be undertaken by a suitably qualified person carrying an appropriate professional indemnity. The criteria for the assessment is given under Section 7 and Appendix 1 of TAN 15.

The site level survey and accompanying FCA should then be forwarded by the Local Planning Authority to the Environment Agency for detailed advice on flooding effects.

In consideration of the above, the Environment Agency would request that determination of the application be DEFERRED. If however, your Council is unable to defer consideration then in accordance with paragraph 11.2, where requested information is not forthcoming, this constitutes a reason for refusal and Environment Agency Wales would recommend that the application be refused.”

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

SEWERAGE

Conditions

As the applicant intends utilising private drainage facilities we as a 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.

WATER SUPPLY

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

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

Glamorgan Gwent Archaeological Trust – "Thank you for sending us details of the above application for the demolition of Ty Newydd Farm.

The farmhouse at Ty Newydd is recorded on both the Sites and Monuments Record of the National Monument Record as a post-medieval building. In both cases the record has been made by a brief external inspection and no details of the buildings architecture or development has been made. However, it is clear that the building is of local historic importance and its demolition without any further record or analysis would be a significant loss to the local historic environment. Consequently, whilst we do not have any objections to the granting of planning consent to the current planning application on archaeological grounds it is our opinion that a qualified building historian should make a complete record of the structures both by means of a drawn and photographic record, prior to the demolition work commencing on site. The completed record should then be deposited in a suitable repository such as the Glamorgan County Record Office or the Sites and Monuments Record so that future historians can access it.

In order to ensure that the work is undertaken we recommend that a condition based on the model suggested by the Association of Local Government Archaeological Officers in their document Analysis and Recording for the Conservation and Control of Works to Historic Buildings should be attached to any planning consent granted by your Members. This condition is worded:

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

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

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

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

REPRESENTATIONS

The occupiers of neighbouring properties were notified on 11th February and 21st February, 2005. In addition a site notice was posted on 15th February, 2005. No representations have been received to date.

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

REPORT

The site is located in the countryside to the north of Peterston-Super-Ely and is located within an identified Special Landscape Area. The proposal entails the complete demolition of an existing farmhouse, along with a number of associated outbuildings, and the construction of a new detached four bedroom dwelling on a relocated site to the south of the existing. As such the following policy background is relevant to the determination of the application.

The adopted development plan for the area is the Vale of Glamorgan Unitary Development Plan 2005. Policy HOUS7 relates to the replacement and extension of dwellings in the countryside and states:

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

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

Policy ENVXXX relates to Special Landscape Areas and states:

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

- (i) ELY VALLEY AND RIDGE SLOPES
- (ii) LOWER THAW VALLEY
- (iii) UPPER THAW VALLEY
- (iv) NANT LLANCARFAN
- (v) CWRT YR ALA BASIN
- (vi) DUFFRYN BASIN AND RIDGE SLOPES
- (vii) CASTLE UPON ALUN”

The application site is located within the Ely Valley and Ridge Slopes Special Landscape Area.

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

Policy ENV15 of the Unitary Development Plan relates to the protection of the built and historic environment. The Policy states:

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

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

WILL NOT BE PERMITTED.”

National guidance is contained within Planning Policy Wales, March 2002, which recognises the importance of the natural heritage of Wales and that it is not confined to statutory designated sites, and is important both for its own sake and for the health and the social and economic wellbeing of individuals and communities. The preservation of the historic environment is also recognised as important, as is the need to strictly control new housing in the countryside.

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

Policy HOUS7 of the Unitary Development Plan requires the applicant to provide evidence of the need for the total demolition of the existing dwelling and its replacement. It is noted that a structural appraisal of the property has been submitted with the application. The report has been produced by a consulting engineer, Chris Hyatt Partnership, and identifies the present condition of the building and the structural problems. This report has been examined by the Council's Principal Building Control Officer who has concluded that the structural issues raised could be rectified without demolition of the property.

One of the arguments put forward in the accompanying Design Statement for the demolition of the existing house and the relocation of a replacement to the south and on higher ground is that the existing property has flooded in the past and the new location will avoid the risk of flooding. It is not accepted that works could not be undertaken to introduce flood prevention measures to protect the existing house. It is certain that the construction of a new house on higher ground would make the building more prominent and visible within the wider rural landscape which is also identified as an area of Special Landscape Value. As regards the issue of flood risk, it is noted that the Environment Agency indicates that the proposed dwelling lies within zone B and partially within zone C2 as defined in the development advice maps referred to under TAN15 – Development and Flood Risk, July 2004. The Agency has requested that a site level survey be undertaken along with an Assessment of Flooding Consequences. The applicant has been made aware of this requirement, however, since the evidence submitted does not support the need for replacement in the first instance it is considered that there is no justification to defer the application.

Again, on the issue of demolition, it is noted that the Glamorgan Gwent Archaeological Trust has identified the building as being of architectural and cultural significance. The farmhouse is recorded on both the Sites and Monuments Record and the National Monuments Record as a post-medieval building. The Trust confirms that the building is of local historic importance, indeed it is noted that the property had a thatch roof up to 1975 when an application was approved for a replacement roof covering. Whilst the Trust does not raise an objection to the planning application subject to a suitable condition requiring an appropriate programme of building recording and analysis, nevertheless, it is considered that their observations add weight to the case for the retention of the existing dwelling.

A further point in respect of the demolition issue relates to the demolition of the existing cowshed and other associated outbuildings. Should Committee be minded to approve the application, it should be noted that a bat and barn owl survey would be required to be undertaken prior to the determination of the application.

On the issue of the acceptability of the design of the proposed new dwelling, it is noted that not only will the replacement building be sited more than 6m to the south of the existing, and on rising ground, but it bears no resemblance to the existing farmhouse either in size, scale or design. In place of a relatively little altered traditional Vale farmhouse which sits unassumingly within the surrounding rural landscape, it is intended to introduce a modern, very suburban style dwellinghouse. The original farmhouse has been extended but in a traditional manner with the extensions being smaller in scale and subservient to the main dwelling.

The applicants' agent notes that the footprint of the new dwelling is similar to the existing, however, the size and scale of the building is significantly greater than the current farmhouse. The bulk and massing of the new building, even being cut into the hillside as proposed, would be a significant intrusion into the unspoilt, undeveloped rural landscape which is identified as a Special Landscape Area, designated for its strong woodland cover in parts and generally unspoilt farmland and hedgerows. The proposed new dwelling plus the construction of the new vehicular access would all serve to introduce an alien and unwelcome development that would appear as a discordant feature on the site itself and the surrounding countryside.

The applicants' agent claims that the new house is of an appropriate size for the plot, but designing a house to fit a plot size fails to recognise its wider impact on the surrounding countryside. On the question of plot size it is considered that the site as edged red defines an extensive curtilage. As this includes all of the agricultural outbuildings it is very doubtful that this is the authorised residential curtilage. Whilst the applicants' agent has submitted information in the form of a copy extract from sale particulars for the property over 100 years ago, this is far from conclusive in showing all of the land within the current site edged red as authorised garden.

In conclusion it is considered that insufficient justification has been provided to prove the need for the demolition of the original farmhouse which has been identified by Glamorgan Gwent Archaeological Trust as a building of local historic importance. Notwithstanding the fact that the need for demolition has not been proved, it is considered that the proposed new dwelling would not be compatible with the surrounding rural landscape of the Ely Valley and Ridge Slopes Special Landscape Area.

03891

RECOMMENDATION (W.R.)

REFUSE

Reason(s):

1. In the opinion of the Local Planning Authority there is no justification for the demolition of the existing dwellinghouse and that, notwithstanding this, the proposed new dwellinghouse would appear as an intrusive feature within the landscape and cause demonstrable harm to the unspoilt rural character of the surrounding Ely Valley and Ridge Slopes Special Landscape Area contrary to Policies HOUS7, ENVXXX - Special Landscape Areas, and ENV25 of the adopted Vale of Glamorgan Unitary Development Plan 2005 and national guidance contained in Planning Policy Wales, March 2002.
2. In the absence of a site survey and an 'assessment of flooding consequences', insufficient information is available to consider the implications of the proposals for flooding in the locality and upon the new dwelling. This is contrary to advice in Technical Advice Note (Wales) 15 "Development and Flood Risk".

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

COWBRIDGE COMPREHENSIVE SCHOOL, (LAND ADJACENT) ABERTHIN ROAD, COWBRIDGE

Development of agricultural land for recreational school playing fields

SITE DESCRIPTION

The application site lies to the west and north of the Cowbridge Comprehensive School site to the west of Aberthin Road in Cowbridge. The site area is approximately 7.3 hectares (18 acres) and the land is currently in agricultural use. The site is generally low lying and is traversed by a number of hedgerows and trees which demarcate existing field boundaries. A significant part of the site to the south is poorly drained and is best described as marshland.

DESCRIPTION OF DEVELOPMENT

This proposal seeks consent to use the land for recreational school playing fields in association with the adjacent school. Illustrative layouts for the location of football and rugby pitches have been submitted, but these do not constitute a formal part of the application. In essence, this proposal is seeking approval, in principle, for the use of this agricultural land for playing field purposes.

PLANNING HISTORY

Many applications have been submitted on the school site in recent years for minor developments such as demountable classrooms etc. However, the more significant recent applications for the school site were:

99/00360/REG3 – for a new classroom block to replace existing demountable units. Approved 28th May, 1999.

00/01191/REG3 – for a new single storey art block. Approved 23rd November, 2000.

No applications have been submitted for the application site itself.

CONSULTATIONS

Cowbridge Town Council: “No objection, however the Committee understands that there is an area of environmental importance where certain varieties of flowers, specifically wild Iris and Orchids, grow in boggy land on the floodplain. Members request that this area is identified and preserved.”

Head of Visible Services (Highway Development) - “No objections.”

Head of Visible Services (Engineering and Design):

“The applicant should be requested to submit details of the proposals for the disposal of surface water run-off for my further comment.

It appears that surface water run-off from the proposed development will discharge to a watercourse. The applicant should therefore consider the effect of the run-off so as not to cause or exacerbate flooding downstream. The Applicant should therefore be requested to provide full details of the proposals for the approval of the Local Planning Authority prior to the commencement of any works on site.

Watercourses cross the site and will be affected by the proposals. The Developer will be required to maintain flows within the watercourses, during and after the works. The Developer should therefore be requested to identify the routes of these watercourses, including any structures thereon such as culverts, and to submit appropriate details showing proposals to maintain the same to the Local Planning Authority prior to the commencement of any works. Any proposed culverting/bridging of the watercourse will require the approval of the Environment Agency, as well as this Council as Land Drainage Authority, and the Developer should submit appropriate details and obtain the necessary approvals prior to commencement of works.

It is also recommended that you seek the comments of the Environment Agency as the proposed development near to a main river and appears to be within a flood plain.”

Welsh Water: “We would request that if you are minded to grant planning consent for the above development that the conditions listed below are included within the covenant to ensure no detriment to existing residents or the environment and to Dwr Cymru Welsh Water assets:

“No surface water shall be connected (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.”

Environment Agency - Comments attached at Appendix B.

Head of Economic Development and Leisure (Footpaths Office) – “Public Footpath No. 17 Llanblethian crosses the area of agricultural land that is the subject of this application. It enters the site at the southern tip on the disused railway line but soon departs from this line northwards to diagonally cross the proposed football and rugby pitches.

A diversion of this route will be required, should the application be granted, and while an obvious diversion route along the disused railway line initially presents itself, the new route would still need to link to the existing path at the northern end of the site. Such a diversion is further complicated by the proposed flood prevention bund, and land ownership by a third party, who would need to grant consent to any proposed diversion.

The diversion of the well used and popular public footpath, in such a sensitive location through school playing fields should be fully considered as part of the scheme, and any consent granted should be dependant on successful diversion of the path being carried out prior to any development taking place.

I would appreciate more discussion on this matter with the developers as soon as possible, but in any event, should consent be granted I would ask that the diversion of the path be conditional as described above.”

Countryside Council for Wales - Comments awaited.

The Council's Ecologist and Biodiversity Officer - Comments attached at Appendix A.

REPRESENTATIONS

This proposal was advertised in the press, and by a site notice, on 23rd February, 2005 as a departure from the development plan. To date, no representations have been received.

REPORT

This application has been submitted as a Regulation 3 application under the 1992 Town and Country Planning General Regulations (Minute No 1979, May 2002) to seek consent in respect of the provision of recreational and sporting facilities on land adjacent to the existing Cowbridge Comprehensive School.

In terms of policy context, this is primarily contained within the recently adopted Vale of Glamorgan Unitary Development Plan 2005. The site is located outside the residential settlement boundary of Cowbridge, and the relevant UDP policies are considered to be as follows:

POLICY ENV 1 – DEVELOPMENT IN THE COUNTRYSIDE

WITHIN THE DELINEATED COUNTRYSIDE PERMISSION WILL ONLY BE GRANTED FOR:

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

Policy ENV2 relates to a restriction of development on good quality agricultural land. However, as much of the land lies within, or close to, the Aberthaw floodplain, and the proposed development is for playing field use only, this is not considered to be particularly relevant.

Policy ENV XXX – SPECIAL LANDSCAPE AREAS

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

- (i) ELY VALLEY AND RIDGE SLOPES
- (ii) LOWER THAW VALLEY
- (iii) UPPER THAW VALLEY
- (iv) NANT LLANCARFAN
- (v) CWRT YR ALA BASIN
- (vi) DUFFRYN BASIN AND RIDGE SLOPES
- (vii) CASTLE UPON ALUN

ENV 14- LOCAL SITES OF NATURE CONSERVATION SIGNIFICANCE

DEVELOPMENT AND LAND USE CHANGE LIKELY TO HAVE AN UNACCEPTABLE EFFECT ON A LOCAL NATURE RESERVE, A REGIONALLY IMPORTANT GEOLOGICAL/GEOMORPHOLOGICAL SITE, OR A SITE SHOWN TO BE OF IMPORTANCE FOR NATURE CONSERVATION WILL NOT BE PERMITTED UNLESS THE REASONS FOR THE PROPOSAL CLEARLY OUTWEIGH THE LOCAL IMPORTANCE OF THE SITE. IF DEVELOPMENT IS PERMITTED, APPROPRIATE CONDITIONS OR AGREED PLANNING OBLIGATIONS WILL BE USED TO ENSURE THE IMPACT ON NATURE CONSERVATION IS MINIMISED.

It will be noted from the Council's Ecology and Biodiversity Officer's comments that the land within the south-west corner of the application site is designated as a candidate Site of Importance for Nature Conservation (c SINC) mainly because of its marsh grassland and species rich grassland habitat.

Policy MIN 3 of the adopted UDP is also relevant in relation to the potential for sand and gravel reserves in this area. This policy states:

POLICY MIN 3 – PROTECTION OF FURTHER LIMESTONE RESOURCES AND POTENTIAL RESOURCES OF SAND AND GRAVEL.

THE FOLLOWING AREAS, AS IDENTIFIED ON THE PROPOSALS MAP SHALL BE PROTECTED FROM ALL FORMS OF PERMANENT BUILDING DEVELOPMENT IN ORDER THAT THE WORKABLE RESOURCES OF LIMESTONE OR SAND AND GRAVEL WITHIN THOSE AREAS MAY BE PRESERVED FOR THE FUTURE SHOULD A DEMONSTRABLE NEED FOR THOSE RESOURCES ARISE:

- (vi) LAND WITHIN THE UPPER THAW VALLEY (SG3 – SG6);

No objection is raised in relation to this policy on the basis that no permanent buildings or structures are permitted on the land. No such buildings are proposed in this application and, if approved, this proposal could have potential 'permitted development' rights restricted for such buildings by means of a planning condition.

Policy REC12 is also relevant as the former route of the disused railway line along the eastern side of the site shall be protected to allow for the future provision of a cycle route. This Policy states:

POLICY REC12 – PUBLIC RIGHTS OF WAY AND RECREATIONAL ROUTES.

DURING THE PLAN PERIOD, THE COUNCIL WILL MAINTAIN AND IMPROVE THE EXISTING PATTERN OF THE PUBLIC RIGHTS OF WAY (INCLUDING BRIDLEWAYS). LAND WILL BE PROTECTED AND PROVISION MADE FOR THE ESTABLISHMENT OF THE FOLLOWING ROUTES AS A FRAMEWORK FOR A NETWORK OF LINKAGES FOR THE ENJOYMENT OF THE COUNTRYSIDE.

DEVELOPMENT OF THE DISUSED RAILWAY LINE BETWEEN
ABERTHAW/COWBRIDGE/PONTYCLUN INCLUDING THE PROVISION OF A CYCLE ROUTE.

WHERE APPROPRIATE THE COUNCIL WILL FAVOUR THE INCORPORATION INTO THESE ROUTES OF BRIDLEWAYS, CYCLEWAYS AND FACILITIES FOR USERS.

Taking all the above comments and relevant policies into account, the main issues to be considered are the principle of allowing this use given its location outside the settlement boundary of Cowbridge, together with the constraints imposed by the inclusion of part of the site within the floodplain, a candidate SINC designation and within a Special Landscape Area.

In terms of the broad principle, it will be noted from Policy ENV 1 above that one of the exemptions granted for development is contained within criterion (ii), namely “appropriate recreational use”. Indeed, such uses are normally acceptable in Green Belt/Green Wedge designated areas, nor should they be unacceptable in Special Landscape Areas as the nature of the usage is normally that of playing fields as open green spaces. Other than minor features such as goal posts and a slightly more ‘manicured’ appearance, the overall impact in the landscape is normally considered to be minor. Given the obvious educational and community benefits in association with the school located immediately adjacent, it is considered that these benefits would outweigh the marginal change in the appearance of the site and its context within the landscape of the wider area.

However, the main exception to this analysis relates to the cSNIC area to the south-west of the site. This part of the site, in fact, is of the poorest quality as it is marshy and poorly drained: indeed, its use may not be appropriate in purely practical terms because of the threat of flooding and the potential high cost of the physical works required to change the land to reasonable playing field standards. Accordingly, it is considered that the relevant site area should be deleted from the scheme, on the advice of the Council’s Biodiversity Officer. This would reduce the application site area of 18 acres to 14.5 acres approximately.

There are several hedgerows and some mature trees within the remaining site area. Whilst inevitably some of these will need to be removed, a further condition is suggested which would require a future layout/design of the site for playing fields to retain the best such features, wherever possible.

It will also be apparent from the Footpath officers comments that a diversion of the footpath route (for public footpath No. 17 Llanblethian) may also be required, but this matter can be dealt with by an informative. Similarly, because of the requirements of Policy REC12, the route of the former railway line must also be protected and safeguarded for a possible future cycle route, and a condition is imposed to this effect.

Other issues to be considered include the intended flood alleviation scheme intended by the Environment Agency immediately to the west of the application site. However, it is clear from the Environment Agency's comments that this feature should not have any adverse impact on the proposal; indeed, there may be some benefits in that the alleviation scheme is intended to pond back the flood waters at times of flood for gradual release through a sluice control mechanism. There is also an overhead electricity line in the western boundary of the site, and detailed discussions will be required with Western Distribution whenever a detailed layout is submitted for the development of the site. Taking all the above considerations into account, an approval is recommended subject to the conditions set out below.

03893

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 development hereby approved for school playing fields that shall not relate to the area hatched green on the site plan ref 05/00196 REG 3'A' attached to this consent.
3. Full details of the proposed playing fields layout and any intended changes in the level of the land and any associated earthworks shall be submitted to and approved in writing by the Local Planning authority prior to the commencement of any development on the site.
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. 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.
7. Notwithstanding the provisions of Parts 12 or 32 to Schedule 2 of the Town and Country Planning (General Permitted Development) Order 1995 (or any Order revoking or re-enacting that Order), no buildings or structures, including floodlights, shall be erected on the land without first obtaining the formal written consent of the Local Planning Authority.
8. Development shall not begin until drainage works have been carried out in accordance with details to be submitted to and approved in writing by the Local Planning Authority.
9. No surface water or land drainage run-off shall be connected (either directly or indirectly) to the public sewerage system.
10. Where any species listed under Schedules 2 or 4 of The Conservation (Natural Habitats, etc.,) Regulations 1994 is present on the site in respect of which this permission is hereby granted, no works of site clearance, or construction shall take place in pursuance of this permission unless a licence to disturb any such species has been granted in accordance with the aforementioned Regulations and a copy thereof has been produced to the Local Planning Authority.
11. The route of the former railway line which traverses the site from north to south (and marked in blue colour on the site plan ref 05/00196 REG3 'A') shall be protected and safeguarded from future development, including any playing field use, when detailed plans are submitted in accordance with the requirements of Condition No. 3 above.

Reason(s):

1. To comply with the requirements of Section 91 of the Town and Country Planning Act 1990.
2. To safeguard the visual amenities of the area and in the interests of nature conservation as this part of the site is located within a candidate SINC area.
3. To ensure the satisfactory development of the site.
4. To safeguard local visual amenities.
5. To ensure satisfactory maintenance of the landscaped area.
6. To safeguard local visual amenities.
7. In the interests of visual amenity given the location of the site within a Special Landscape Area.
8. To ensure the satisfactory drainage of the site.

9. The prevent hydraulic overloading of the public sewerage system and in the interests of health and safety.
10. In the interest of nature conservation and amenity.
11. To comply with the requirements of Policy REC12 of the Adopted Vale of Glamorgan Unitary Development Plan 2005 which safeguards the future use of this disused railway line as a cycle route.

NOTE:

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

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

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

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

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

05/00282/FUL

Received on 21st February, 2005

Manor House, Sully Road, Penarth, Vale of Glamorgan.
(Goldsworthy Homes Ltd, 1, Burnham Avenue, Sully, Vale of Glamorgan. CF64 5SU)

LAND ADJOINING MANOR HOUSE, SULLY ROAD, PENARTH

To build 11 chalets with parking

SITE DESCRIPTION

The site comprises an area of undeveloped land over 1,700 sq.m and is located in the countryside immediately to the south of Manor House.

DESCRIPTION OF DEVELOPMENT

This is an application for full planning consent for the erection of eleven chalet units to be used in conjunction with the existing hotel/restaurant business at the adjacent Manor House. The proposal entails the construction of two single storey, pitched roof blocks linked by the roof and positioned at right angles to each other. The north-south orientated block, positioned close to the western boundary of the site will measure approximately 38m in length by 7.4m depth, including a roof overhang. The east-west orientated wing will measure approximately 22m in length by 7.4m in depth, again with the roof overhang on the internal elevation. The proposed new units will be constructed to a ridge height of approximately 5m and be finished externally in smooth render with some stone detailing to the end elevations.

Vehicular access will be via the existing entrance off Sully Road and through the existing parking area to the front of the main hotel building. A new car parking area providing for a total of eleven spaces will be constructed to the south of the main car park.

PLANNING HISTORY

87/00564/FUL – Two executive houses. Refused on 21st July, 1987 on grounds of unjustified development in the countryside.

99/01224/FUL – Ten motel bedrooms. Approved on 22nd December, 1999 subject to conditions including restriction of use to Class C1 – Hotels and ancillary to the Manor House Hotel.

02/00498/OUT – Demolition of existing hotel and redevelopment for residential. Refused on 27th June, 2002 for the following reason:

- “1. The proposal would represent an unacceptable form of development in the rural area between Dinas Powys and Penarth where specific policies exist to prevent urban coalescence and would therefore be contrary to Policies H10 of the approved County of South Glamorgan Structure Plan, H1 and E1 of the adopted East Vale Local Plan and HOUS3, ENV1 and ENV3 of the Vale of Glamorgan Unitary Development Plan Deposit Draft (as amended) 1998.”

A subsequent appeal was dismissed on 5th December, 2002. A copy of the Inspector's decision letter is reproduced at Appendix A.

03/01403/FUL – Extensions to chalets to form two additional units – approved on 14th November, 2003 subject to conditions, including restriction of use to Class C1 – Hotels and ancillary to the Manor House Hotel.

CONSULTATIONS

Dinas Powys Community Council – “Objection. Over development of site in rural area.”

Environment Agency – “The Agency has no knowledge of flooding in the vicinity of the proposed development site. The views of your own Drainage Engineers Department should be obtained as they may have knowledge of existing flooding problems in the area (from sources such as culverts, drains and small watercourses, etc.) and would also be able to advise in respect of surface water disposal, (i.e. that the disposal of surface water will not cause or exacerbate any flooding within the locality).

The means of foul drainage must be in accordance with the details specified on the application (mains sewer). Any material change in these details would necessitate re-consultation with the Environment Agency.

The following points should be considered:

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

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

SEWERAGE

Conditions

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

Reason: To protect the integrity of the public sewerage system.

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

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

Reason: To prevent hydraulic overloading of the public sewerage system, to protect the health and safety of existing residents and to 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 01443 331155."

Glamorgan Gwent Archaeological Trust – "Archaeological work undertaken in connection with many planning applications in this area has shown that the extent of the mediaeval settlement appears to have been concentrated around Cogan Hall with the mediaeval village to the east and south of the Hall. The present application area is located to the north west of the centre of mediaeval activity and in an area adjacent to what was a field system which was mediaeval in its style of boundary. Whilst there remains the possibility that archaeological information may be revealed during the ground works required for the development, it is not likely that the archaeological material would be of major importance.

Therefore we recommend, in our role as the archaeological advisors to your Members, that a condition requiring the applicant to appoint an archaeologist to conduct a watching brief be attached to any planning permission granted by your Members. This recommendation is made following the advice given in Welsh Office Circular 60/96, Section 22.

We would suggest that the condition 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 brief can be conducted. The archaeological watching brief will be undertaken to the standards laid down by the Institute of Field Archaeologists. The Local Planning Authority will be informed in writing, at least two weeks prior to 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.

Details of a list of archaeological contractors available to work in Wales are available from our web site, www.ggat.org.uk under the section Services, and then the subfolder Development Control.”

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

REPRESENTATIONS

The occupiers of neighbouring properties were notified on 2nd March, 2005. In addition the application was advertised on site and in the press on 15th March, 2005. Letters of objection have been received from the occupiers of 1, 2 and 3 Cogan Hall Cottages and “Woodlands”, Sully Road. Whilst all the representations are available on file for Committee Members inspection, it is noted that the main points of concern relate to noise, increase in traffic and adverse affect on the character of the original building.

The applicant’s agent has submitted a letter in support of the application. This is reproduced at Appendix B.

REPORT

The proposal amounts to the expansion of existing motel facilities associated with the established Manor House hotel and restaurant business. The existing motel units are sited to the rear and west of the main building within the authorised curtilage of the business premises. The current proposal will extend the hotel use beyond the established boundaries into the countryside to the south. As such the following policy background is relevant to the assessment of the application.

The adopted development plan for the area is the Vale of Glamorgan Unitary Development Plan 2005. Policy ENV1 relates to development in the countryside and states:

“WITHIN THE DELINEATED COUNTRYSIDE PERMISSION WILL ONLY BE GRANTED FOR:

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

The site is also located within a designated Green Wedge. Policy ENV3 has identified a number of Green Wedges throughout the Vale in order to prevent urban coalescence between and within settlements. Development within these areas which prejudice the open nature of the land will not be permitted.

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.”

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

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

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

Policy TOUR4 of the Unitary Development Plan relates to caravan, chalet and tent sites. Again this is a criteria based policy that allows for additional sites outside of the boundary of the Glamorgan Heritage Coast and other parts of the coastal zone. The criteria includes:

- “(i) THE SCALE OF THE PROPOSAL OR ANY PROPOSED EXTENSION IS IN KEEPING WITH SURROUNDING USES;

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

In addition to the above policies, the Council has adopted Supplementary Planning Guidance on Trees and Development. The guidance requires the submission of a land and tree survey where application sites involve existing tree coverage. The guidance also requires the Council to consider the effect of development upon trees and the overall landscape as a material consideration.

National guidance is contained within Planning Policy Wales March 2002. Paragraph 5.1.1 refers to the natural heritage of Wales and states:

"Attractive and ecologically rich environments are important, both for their own sake and for the health and the social and economic wellbeing of individuals and communities."

Paragraph 2.6.14 refers to inappropriate development and states:

"When considering applications for planning permission in green belts or green wedges a presumption against inappropriate development will apply. Local planning authorities should attach substantial weight to any harm which a development would have on a green belt or green wedge."

Paragraph 2.6.16 goes further to confirm that the construction of new buildings in a green belt or locally designated green wedges is inappropriate development unless it is for the following purposes:

- "Justified agricultural and forestry needs (see 9.3.6 to 9.3.10);
- Essential facilities for outdoor sport and outdoor recreation, cemeteries, and other uses of land which maintain the openness of the green belt or green wedge and which do not conflict with the purpose of including land within it;
- Limited extension, alteration or replacement of existing dwellings;

- Limited infilling (in these settlements and other development sites which have been identified for limited infilling in the UDP) and affordable housing for local needs under UDP policies; or
- Small scale diversification within farm complexes where this is run as part of the farm business.”

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

The proposal will result in the expansion of the existing hotel facilities beyond its authorised boundaries into an area of open undeveloped countryside within the identified green wedge between Dinas Powys and Penarth. The proposal will result in much of the land being covered in buildings and car parking on a highly visible and prominent site opposite a road junction. It is considered that the proposed development would detract significantly from the open nature of this undeveloped land which, along with the adjacent paddock, maintains the countryside setting to both Manor House to the north and the small group of houses to the south. Thus it is considered that the proposal would only serve to consolidate urban development in this countryside location.

The site is also considered significant for the existing tree coverage which includes a number of mature pine and sycamore trees protected by the Penarth 1990, No. 3 Tree Preservation Order. It is considered that the construction of both the buildings and car parking area plus through route from the existing parking bays will have an unacceptably harmful impact on the protected trees. Whilst the land and tree surveys required by the Supplementary Planning Guidance on Trees and Development have not been submitted with the application, nevertheless, even with the implementation of a “no dig” construction technique it is clear that the development will result in unacceptable damage to the rooting area of the protected trees.

The applicant has sought to justify the proposal in terms of the tourism accommodation needs in the area. Whilst Policy TOUR4 of the Unitary Development Plan does allow for additional chalet accommodation, this is subject to the stated criteria. It is considered that the proposed development fails to meet all of the criteria, in particular criterion (ii) and criterion (iii). By introducing “inappropriate development”, unjustified for any of the purposes identified in Planning Policy Wales into this green wedge location, the proposal will have an unacceptable adverse affect on interests of landscape and countryside conservation. This proposal will have a seriously damaging impact on the protected trees, and whilst no objections have been raised by the Council's Environmental Health Section, nevertheless it is noted that nearby neighbours have objected on grounds of noise nuisance and increased traffic. The Council's Highway Engineer has not raised a highway objection to the scheme. Thus in terms of criterion (iii) of Policy TOUR4 whilst the proposal may not adversely affect traffic congestion, or significantly increase any existing levels of noise pollution, nevertheless, it is considered certain that it will result in a visually intrusive development that will detract from the amenity and character of this countryside location.

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

RECOMMENDATION (W.R.)

REFUSE

Reason(s):

1. The proposal represents inappropriate and unjustified development in this green wedge location that would result in damage to and loss of statutorily protected trees and seriously detract from the open and undeveloped character of the surrounding countryside contrary to Policies ENV1, ENV3, ENV9, ENV10, ENV25 and TOUR4 of the adopted Vale of Glamorgan Unitary Development Plan 2005; Supplementary Planning Guidance on Trees and Development; and national guidance contained within Planning Policy Wales (March 2002).

05/00367/FUL

Received on 4th March, 2005

Mrs. K. Jacobs, Pen-y-Lan Cottage, Llysworney, Cowbridge, Vale of Glamorgan.
CF71 7NQ

(Mrs. K. Jacobs, Pen-y-Lan Cottage, Llysworney, Cowbridge, Vale of Glamorgan.
CF71 7NQ)

LAND ADJACENT TO PEN-Y-LAN COTTAGE, LLYSWORNEY

New three bedroomed one and a half storey dwellinghouse

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

The application was advertised on 22nd March, 2005.

SITE DESCRIPTION

The application site comprises part of the existing garden curtilage to Pen-y-Lan Cottage. The property is located on the eastern side of the main B4268 highway through the village of Llysworney.

DESCRIPTION OF DEVELOPMENT

This is an application for full planning permission for the construction of a detached, storey and a half, three bedroomed dwelling house. The proposed dwelling, having a footprint of approximately 12m x 6.25m and to a ridge height of approximately 7.6m, will be sited approximately 6m from the boundary with the highway and at right angles to that road within an area of excavated garden. The proposed dwelling will comprise at ground floor a sitting room, kitchen, dining room, utility room, hall and porch, with at first floor 3 No. bedrooms, bathroom and W.C. The dwelling will be of traditional design and include details such as pitched roof gable dormer windows; a pitched roof gable fronted porch; and chimney stacks. It will be finished externally in smooth render with a slate roof. Vehicular access will be via the existing entrance onto the B4268 with 4 No. car parking spaces provided within the forecourt of the proposed dwelling. The application is accompanied by a Design Statement, a full copy of which is available on file for Committee Members inspection with an extract provided at Appendix 'A'.

PLANNING HISTORY

98/00915/OUT. One house. Refused 22nd October, 1998 on the grounds of insufficient information, the application being submitted in outline within the Llysworney Conservation Area.

99/00043/FUL – Erection of a detached bungalow. Refused 19th March, 1999 on the grounds of inappropriate and insensitive infilling detrimental to the character of the Conservation Area and highway safety.

04/00358/FUL – Detached dwelling. Withdrawn 10th May, 2004.

CONSULTATIONS

Llandow Community Council – “We have no objections to this planning application providing it is built at the ground level as in the plan. However, we have some concern regarding access. Should the Council grant planning permission we would wish to be assured that Highways were satisfied that access is safe.”

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.

Glamorgan Gwent Archaeological Trust - Were notified on 5th April, 2005.

The Director of Legal and Regulatory Services (Environmental Health, Pollution Section) No comment.

The Head of Visible Services (Highway Development) – Has objected to the application in principle given the inability to achieve suitable visibility splays and the intensification in the use of the site.

Vale of Glamorgan Conservation Area Advisory Group - Recommend REFUSAL. The group felt that the proposal would be inappropriate and insensitive for infilling which would be detrimental to the character of the conservation area and highway safety. The windows by design were also considered to be very small and would not enhance or preserve the conservation area.

REPRESENTATIONS

The occupiers of neighbouring properties were notified of the application on 14th March, 2005. Letters of objection have been received from the occupiers of “Wolf House”, “White Gables” and 2 Meadow Close, Coychurch.

Whilst all the representations are available on file for Committee Members inspection the letter from “White Gables” is reproduced at Appendix B as being generally indicative of the points raised, which include issues of highway safety, impact on character of the conservation area, privacy and drainage.

REPORT

The application site is located within the residential settlement boundary for Llysworney and within the Llysworney Conservation Area. The application site currently comprises part of the garden curtilage to an existing dwelling Pen-y-Lan Cottage. The following policy background is therefore relevant to the consideration of the application.

The adopted development plan for the area is the Vale of Glamorgan Unitary Development Plan 2005. Policy HOUS2 allows for housing infill within the village of Llysworney subject to the residential development criteria outlined in Policy HOUS9. This policy states:-

“SUBJECT TO THE PROVISIONS OF POLICY HOUS 2, DEVELOPMENT WILL BE PERMITTED WHICH IS WITHIN OR CLOSELY RELATED TO THE DEFINED SETTLEMENT BOUNDARIES PROVIDED THAT IT MEETS ALL THE FOLLOWING CRITERIA:

- (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 TOWNSPACE OR ON AREAS OF HISTORICAL, ARCHAEOLOGICAL OR ECOLOGICAL IMPORTANCE;

- (4) WHEN APPROPRIATE AND FEASIBLE THE PROVISIONS OF POLICY REC 3 ARE MET;
- (5) THE PROVISION OF CAR PARKING AND AMENITY SPACE IS IN ACCORDANCE WITH THE COUNCIL'S APPROVED GUIDELINES;
- (6) ADEQUATE COMMUNITY AND UTILITY SERVICES EXIST, ARE REASONABLY ACCESSIBLE OR CAN BE READILY AND ECONOMICALLY PROVIDED."

In addition Policy HOUS12 refers to residential privacy and space and states:-

"Existing residential areas characterised by high standards of privacy and spaciousness will be protected against over development and insensitive or inappropriate infilling."

Policy ENV15 of the Unitary Development Plan relates to the protection of the built and historic environment it states:

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

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

WILL NOT BE PERMITTED."

Policy ENV18 relates to development in conservation areas and states:-

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

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

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

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

- (i) COMPLEMENTS OR ENHANCES THE LOCAL CHARACTER OF BUILDINGS AND OPEN SPACES;
- (ii) MEETS THE COUNCIL’S APPROVED STANDARDS OF AMENITY AND OPEN SPACE, ACCESS, CAR PARKING AND SERVICING;
- (iii) ENSURES ADEQUACY OR AVAILABILITY OF UTILITY SERVICES AND ADEQUATE PROVISION FOR WASTE MANAGEMENT;
- (iv) MINIMISES ANY DETRIMENTAL IMPACT ON ADJACENT AREAS;
- (v) ENSURES EXISTING SOFT AND HARD LANDSCAPING FEATURES ARE PROTECTED AND COMPLEMENTED BY NEW PLANTING, SURFACE OR BOUNDARY FEATURES;
- (vi) ENSURES CLEAR DISTINCTION BETWEEN PUBLIC AND PRIVATE SPACES;
- (vii) PROVIDES A HIGH LEVEL OF ACCESSIBILITY, PARTICULARLY FOR PUBLIC TRANSPORT, 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.”

In addition to the above Policies the Council also has Supplementary Planning Guidance (SPG), including an SPG on Amenity Standards and an SPG on Conservation Areas in the Rural Vale. In relation to the conservation area there is also the Llysworney Conservation Area Appraisal.

National guidance is contained within Planning Policy Wales March 2002 and TAN 12 Design. Paragraph 9.3.3 of Planning Policy Wales refers to housing infill and states:-

“Insensitive infilling or the accumulative effects of development or redevelopment, including conversion and adaptation, should not be allowed to damage an area’s character and amenity. This includes any such impact on neighbouring dwellings, such as serious loss of privacy or overshadowing.”

In addition paragraph 6.5.15 states:

“If any proposed development would conflict with the objective of preserving or enhancing the character or appearance of a conservation area, or its setting, there will be a strong presumption against the grant of planning permission.”

TAN12 – Design recognises the importance of design in the planning process. It also acknowledges that in conservation areas there should be regard to the desirability of preserving or enhancing their character and appearance. The objective of sustaining character is particularly important and context appraisals should reflect this with key issues including such matters as the setting and views of key buildings, landscape and skylines within, to and from the area and boundary details.

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

One of the primary issues in the consideration of the proposed development is the impact on the character and appearance of the Llysworney Conservation Area. The application site is located alongside the main highway through Llysworney and is a highly visible one on approaches to and from the village.

The site is located within a prominent part of the Llysworney Conservation Area. Both the Conservation Area Appraisal and the SPG identify a number of “Buildings of Note” within the vicinity of the application site. These include Pen-y-Lan Farm and Cottage, White Gables, and Wolf House. These buildings remain important in setting the historic context of the village. Paragraph 3.4 of the Conservation Area Appraisal refers to important open areas within Llysworney Conservation Area and identifies open spaces that should be protected from development in order to protect and enhance the built form of the village. Pen-y-Lan Farm environs is one such area included within key frontages on the approaches to the village where the boundary walls, roadside verges and land behind, enhance the rural character of the village and the simple building forms at its centre.

Paragraph 2.4 of the Appraisal recognises that development of infill plots has taken place in the past, with most of these “gaps” having now been filled and the former loose built assemblage of farm buildings has disappeared. Where development has taken place to the rear of garden walls, and with the benefit of substantial tree cover, the impact is not too great, however, in exposed locations, such as the current application site, the association between new and old is not so successful. Thus rather than setting any precedent it is considered that there is a greater need to protect such areas of space about the historic buildings. Indeed paragraph 2.4.2 of the Appraisal states:

“Opportunities for further development are now limited with remaining open areas sensitive to development.”

Thus it is considered that the construction of the approved new dwelling will not only detract from the garden setting of Pen-y-Lan Cottage itself but has a significant adverse impact on character and appearance of the wider setting of this important part of the Llysworney Conservation Area.

As regards the more specific details of design there are concerns about the approach adopted which is to copy an existing Vale farmhouse. There are inherent problems in such an approach with the key issue being final scale and form. On the submitted design the proportions of the “traditional” windows will need to increase to meet Building Regulation requirements thereby unbalancing the elevational appearance. It is equally problematical to mix the detail of windows from front/rear elevations particularly as these two will be very visible.

It is considered that the loss of spaciousness will not only adversely affect the character of the area but also its general amenities. The introduction of an additional household will serve to increase the hard surfacing parking areas on the site along with the clutter of domestic living, including clothes lines, garden furniture etc. This will serve to increase the general noise and disturbance to neighbouring occupiers.

In addition the Supplementary Planning Guidance on Amenity Standards is not concerned with only the quantity of amenity space but also looks at quality and other issues including privacy, overshadowing and visual amenity. It is noted that the applicant has miscalculated the gross floor area for the proposed new dwelling. Whilst this is not so significant for the proposed dwelling with a sufficient level of garden space still available, it does become more important in relation to the level of provision remaining for the existing dwelling. The area remaining to serve the existing dwelling is significantly reduced in comparison with the existing garden. Whilst there is no direct overlooking between windows, nevertheless, the garden will be severely limited in terms of outlook being bordered by a large car parking area plus the side gable wall of the proposed new dwelling. Thus it is considered that the proposal will have an adverse impact on the current level of residential amenities enjoyed by neighbouring occupiers and detract from the high standards of spaciousness in the area.

Finally on the issue of highways it is noted that the Council's Highway Engineer has raised a highway objection to the proposal in principle. The proposal intends to utilise the existing vehicular access. This is identified as sub-standard with zero visibility on the left hand side leaving the site. Due to the site constraints it is not possible to achieve a suitable visibility splay at this location. It should also be noted that the loss of the boundary wall would not be acceptable from the point of view of the character of the conservation area. The Conservation Area Appraisal identifies the importance of maintaining the stone boundary walls due to the contribution they make to the character of the village. The intensification of the use of the access will create increased traffic hazards to the detriment of highway safety.

In conclusion it is considered that the proposal will result in the loss of an important space within the context of this historic grouping of buildings that would neither preserve nor enhance the character of the Llysworney Conservation Area. In addition the proposal would detract from the current level of residential amenities enjoyed by neighbouring occupiers and be detrimental to highway safety on the adjacent, heavily trafficked B4268 highway.

In view of the above the following recommendation is made.

03861

RECOMMENDATION (W.R.)

REFUSE

Reason(s):

1. In the opinion of the Local Planning Authority the proposal represents an insensitive and inappropriate form of infill development for the following reasons:
 - (i) The proposal will result in the loss of an important open area which sets the context for a number of buildings of note and will therefore neither preserve nor enhance the character of this part of the Llysworney Conservation Area.

- (ii) The proposal will detract from the existing levels of residential amenities currently enjoyed by the neighbouring occupiers.
- (iii) The proposal will result in the intensified use of a sub-standard vehicular access to the detriment of highway safety.

The proposal is therefore considered to be contrary to the aims and objectives of Policies HOUS2, HOUS9, HOUS12, ENV15, ENV18 and ENV25 of the adopted Vale of Glamorgan Unitary Development Plan 2005; Supplementary Planning Guidance on Conservation Areas in the Rural Vale and Amenity Standards; the Llysworney Conservation Area Appraisal and national guidance contained in Planning Policy Wales March 2002 and TAN12 - Design.

05/00369/OUT

Received on 7th March, 2005

C Wall, Hazelcourt Ponds Fishery, Llysworney, Cowbridge, Vale of Glamorgan, CF71 7NQ.

(Land Planning Associates, Thurston Lodge, Thurston, Bury St. Edmonds, Suffolk, IP31 3SD.)

HAZELCOURT PONDS, LLYSWORNEY

Erection of Fishery Managers dwelling.

SITE DESCRIPTION

Hazelcourt ponds Fishery is located to the north of Llysworney adjacent to the B4268, where a 12 rod course fishery was approved in 1995, with associated parking facilities.

DESCRIPTION OF DEVELOPMENT

This is an outline application for the construction of a fishery managers dwelling with all matters reserved (except for access) for subsequent detailed approval.

The proposed dwelling would be sited on the adjacent field to the rear of the existing facility, some 140 metres from the road frontage. The proposed siting is shown adjacent to the existing access track, which is currently used to access the fish hatchery building and barn used in connection with the fishery. The plans submitted indicate the siting of a dwelling within a plot, 30 metres wide by a depth of 20 metres.

In support of the application a report has been submitted on the need for a fishery manager's dwelling

PLANNING HISTORY

The site has been subject to the following planning applications:

02/00154/FUL – Amendments to fish hatchery approved under 01/00734/FUL. Approved 28th March, 2002, subject to conditions.

01/00734/FUL – Provision of fish hatchery building. Approved 7th September, 2001, subject to conditions.

99/00216/FUL – Attendants kiosk and car park extension. Approved 20th August, 1999 subject to conditions.

95/01025/FUL – 12 rod fishing facility. Approved 19th December, 1995, subject to conditions.

CONSULTATIONS

Llandow Community Council - Were consulted on 24th March and have raised a strong objection to the application as the dwelling would fall outside the curtilage of the village and could therefore lead to further development outside the village.

The Head of Visible Services (Highway Development) - Was consulted on the application and has no objection in principle, subject to the applicant satisfying the following conditions:-

1. A turning facility and parking provision in accordance with the South Wales Counties Parking Guidelines shall be provided within the curtilage of the site/for each unit, and retained thereafter. Vehicles must be able to enter and exit the site in a forward gear.
2. The proposal must not compromise the turning and parking provision already existing at this site.
3. 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.

Welsh Water - Were consulted on the application and have no comment to make as the applicant intends to utilise private drainage facilities.

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

The Council's Ecologist has made the following comments:

"Should this application be acceptable on policy grounds there are potential ecological issues that would need to be assessed prior to the granting of any consent. Should the application be considered to be acceptable on policy grounds, please consult again and I will supply details of what is required."

The Council's Agricultural consultant has prepared an appraisal for the proposal which is attached in full as Appendix A, in summary the functional and financial test cannot be satisfied.

REPRESENTATIONS

A site notice was posted on 1st April and to date no letters of representation have been received.

REPORT

In terms of assessing this application the main issues are considered to be whether the construction of a fishery managers dwelling within the countryside can be justified based on an essential need in accordance with both national and local planning policies in respect of development in the countryside, the impact of the proposal on the surrounding rural landscape and the acceptability of the access and impact on highway safety.

The application site is clearly located within the countryside, well away from any settlement of any size, and as such the proposal must be judged against national guidance concerning the erection of new agricultural dwellings in the countryside. Planning Policy Wales (March 2002) states in paragraph 9.3.7 that the following, in particular, should be considered when determining planning applications for agricultural and forestry dwellings:

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

Furthermore, the following paragraphs are also of relevance:

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

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

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

In terms of local policy, Policy HOUS5 of the adopted Vale of Glamorgan Unitary Development Plan 2005 states that the development of new dwellings beyond the identified settlement boundaries designated by Policy HOUS2 in association with agriculture or forestry, will be permitted if:

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

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

The Appraisal

Firstly in order to assess whether there is an essential need, based on a functional and financial test, an assessment must be made of the existing agricultural enterprise and whether the operation of enterprise would be of a sufficient size to fully employ a farm worker.

The fishery extends to an area of 12.95 hectares comprising of 10.93 ha of pasture and 1.21 ha of ponds. The land is laid to pasture and cut for hay. However several of the ponds identified within the application site fall outside of the fishery previously approved in 95/01025/FUL and is currently being investigated by my Enforcement Unit.

Enterprises

The enterprise consists of two principle elements; recreational fishing and the breeding/rearing of fish. The management of the grass is also considered as part of the enterprise.

Fish farming is defined in the G.D.O. and the Planning and Compensation Act 1991 sec.14 as meaning "the breeding, rearing or keeping of fish or shellfish (which includes any kind of crustacean or mollusk)". However in terms of an agricultural enterprise, livestock is classified as fish bred or kept for agricultural purposes. Fish kept directly for recreational fishing do not fall within that definition.

The consultant has sought further information as to whether any of the fish are kept for agricultural purposes as defined under Section 336 of Town and Country Planning Act 1990, which includes for meat or meat breeding stock. Such uses would include breeding for onward sale as fishing stock. However no additional information has been submitted and it has therefore been assumed that there is either no such qualifying stock, or at most this is minimal.

AGRICULTURAL NEED

Given that the site is within open countryside, there is a presumption against the type of development proposed, unless it can be shown that there is an agricultural need for a farm worker to be required on site most times out of necessity. The management of the stock which is not kept for agricultural purposes cannot therefore be included in this assessment. To show agricultural need, two tests must be satisfied, Functional and Financial.

Functional Test

In this case, unless it is shown otherwise from the further information sought, it would appear that the vast majority of the labour requirement (stated as sufficient to employ 1.5 workers) is for non-agricultural activities and the remaining requirement would not fully employ a single farm worker. Even if this turns out not to be the case, it is unlikely that the agricultural element would be sufficient to show a need for a farm worker to be available on site most times out of necessity. Accordingly it is concluded that, on the basis of the information given that there is insufficient evidence of a proven need to satisfy the functional test.

Financial Test

The Agricultural Consultant states that it is possible that there are agricultural elements in the "Fishing" total in the accounts provided and non-agricultural elements in the "Farming" figure. However it is clear that the recreational element makes up the majority of the income from the enterprise.

Criterion 2 of Policy HOUS5 of the above referenced plan above, relates to the scale, siting, design, landscape and external appearance of the proposed new dwelling being compatible with any existing related structures and the surrounding landscape. Whilst this application has been submitted in outline with all matters reserved except for access, the dwelling would be sited in a relatively prominent location on a sloping site with views southwards towards Llysworney and would be visible from the B4268, a classified main road.

With regard to the provision of an acceptable access to the dwelling Criterion 3), the Head of Visible Services (Highways) has not raised an objection to the application subject to a turning facility and parking provision in accordance with the South Wales Counties Parking Guidelines.

Notwithstanding the acceptability of the proposed access in highway terms, given that the applicant has failed to demonstrate that the proposal has an essential need, based on both on a functional and financial test, the proposal is not justified under Policy HOUS5. The proposal therefore relates to the construction of a new dwelling in the countryside where there is no proven agricultural justification. Accordingly Policy ENV1 is relevant as contained within the above referenced Unitary Development Plan. This policy relates to development within the countryside and states that within the delineated countryside permission will only be granted for:

1. 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.
2. Appropriate recreational use.

3. The re-use or adaptation of existing buildings particularly to assist the diversification of the rural economy.
4. Development which is approved under other policies of the plan.

Policy HOUS3 relates more specifically to dwellings in the countryside and states:

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

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

Given the above it is considered that the proposed development would be contrary to the aims and objectives of the Adopted Vale of Glamorgan Unitary Development Plan 2005 and the advice given in Planning Policy Wales (March 2002).

In conclusion both national and local planning policy seeks to preclude against the construction of new dwellings in the countryside unless they can be justified on grounds relating to uses including agriculture and forestry. In the case of this application, the applicant has failed to demonstrate a need an essential agricultural need for the new dwelling.

In light of the above, the proposed new dwelling would both breach and undermine policies which seek to guard against unacceptable and unjustified development in the countryside and the following recommendation is therefore made.

03894

RECOMMENDATION (W.R.)

REFUSE

Reason(s):

1. The applicant has failed to demonstrate an essential agricultural need for the proposed dwelling and therefore the proposal relates to unjustified residential development in the countryside. As such the proposed development is considered contrary to Policies ENV1, HOUS3 and HOUS5 of the adopted Vale of Glamorgan Unitary Development Plan 2005 and advice given in Planning Policy Wales (March 2002).

Vodafone Limited, C/o Agent.
(AWA Limited, Efford Park, Milford Road, Lymington, Hampshire. SO14 0JD)

OFF CLIVE PLACE, PENARTH

Erection of telegraph pole style communication streetworks pole with adjoining apparatus cabinet

The development is situated within the Penarth Conservation Area.

The application was advertised on 31st March, 2005.

SITE DESCRIPTION

The adopted pavement at the corner of Clive Place and Jubilee Lane, Penarth. The site backs onto an electricity sub station at the rear of No. 54a Church Place South and lies within the Penarth Conservation Area and the Residential Settlement Boundary of Penarth.

DESCRIPTION OF DEVELOPMENT

Proposed installation of a 10m high timber telegraph pole with 1 No. 3G tri-sector antenna on top (11.4m pole in total) and a new equipment cabinet mounted on a concrete base. The pole is 26cm in diameter and the equipment cabinet is 1.86m wide by 0.575m deep by 1.33m high and is coloured olive green. The pavement is 2.8m wide and a gap of 2.1m is retained between the cabinet and telecommunications pole and the kerb line.

PLANNING HISTORY

None.

CONSULTATIONS

Penarth Town Council - Were consulted on 1st April, 2005: "The application should be refused as the proposal will have an adverse effect on the character and appearance of the Penarth Conservation Area given its prominent siting within the street scene."

Director of Legal and Regulatory Services (Environmental Health) - Was consulted on 1st April, 2005. No representations have been received to date.

REPRESENTATIONS

Neighbouring occupiers were consulted and the application was advertised on site and in the press on 31st March, 2005.

Twenty five letters of objection have been received to date (21st April, 2005) along with a sixteen name petition. The letters include the following grounds of objection:-

1. The perceived health risks associated with telecommunications masts and the cumulative effect of a new telegraph pole in addition to the existing mast at Glebe Street, particularly in relation to the proximity of the site to residential properties, Albert Primary School and two pre-school nurseries.
2. The visual effect of the 12m high pole on the character and appearance of the Conservation Area.
3. The potential hazard caused to users of the highway between Jubilee Lane and Clive Place.
4. The potential adverse effect on property values in the area.
5. The potential requirement for additional masts in the future for Orange and other mobile phone company users.

Four 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.

This application has been referred to Planning Committee by Councillor Church due to the locally contentious nature of the proposal.

REPORT

The telecommunications operator is Vodafone Ltd. and the equipment is necessary to increase 3G coverage in the Penarth Head area.

The site is located within the Penarth Conservation Area. The proposal can be assessed against Section 12.13 Development Control and Telecommunications of Planning Policy Wales (March 2002); Technical Advice Note 19: Telecommunications; Policies COMM4 – Telecommunication, ENV18 – Development in Conservation Areas and ENV25 – Design of New Development of the Adopted Vale of Glamorgan Unitary Development Plan 2005. The main issues relate to the requirement for and siting of a base station in this area, the visual effect of the mast on the Conservation Area and the perceived risk to the health of neighbouring occupiers.

The proposed installation comprises a single pole of a slim line design at a height of 10m to the underside of the antennae, 11.4m overall. The equipment cabinet is sited at the base of the pole at the back of the footpath. The telegraph pole style equipment and the painting of the cabinet in an olive green colour has been designed in an attempt to minimise its effect on the visual amenities of this part of the Penarth Conservation Area. The installation is situated at the back of the footpath and should not be detrimental to highway safety. The equipment is set in front of an electricity sub station and amongst other forms of street furniture such as lamp posts and telegraph poles as well as street trees and other vegetation. However, the equipment and mast will be sited in front of an existing stonewall which adds character to the Conservation Area, and its siting will introduce clutter into the Conservation Area where none presently exists. Moreover, it is considered that the site and prominence of the 12m pole will represent an alien and visually intrusive feature, which will have an adverse effect on the character and appearance of the conservation area, contrary to Policy ENV18 of the adopted Vale of Glamorgan Unitary Development Plan 2005.

In terms of other considerations, the site is approximately 75m away from the Orchard Day Nursery at No. 46, Clive Place; 290m away from Albert County Infants and Junior School and 135m from St. Augustine's Church and is set in a residential area. In the supporting statement that accompanied the application, the agent has confirmed that eight alternative sites were considered in and around the area but were discounted due to being too close to a school, the pavements were too narrow, the predicted coverage was unacceptable, the landlord was not prepared to enter into an arrangement with Vodafone or the works would have affected a Listed Building (St. Augustine's Church). The site was chosen following pre-application consultation with the Local Planning Authority, Town Council and the Ward Councillor and nearby residential properties and pre-school groups. A voluntary site notice has also been erected on the site.

The equipment is designed to be in full compliance with the requirements of the radio frequency public exposure guidelines of the International Commission on Non-Ionising Radiation Protection (ICINRP). A certificate of compliance was included with the application. The Stewart Report 2000 concluded that "the balance of evidence indicates that there is no general risk to the health of people living near to base stations on the basis that exposures are expected to be small fractions of the guidelines. However, there can be indirect adverse effects on their well being in some cases." The report also states that the possibility of harm cannot be ruled out with confidence and gaps in knowledge are sufficient to justify a precautionary approach. The majority of the letters of objection make reference to the contents of this report and concerns about the impact of these base stations on health. However, the Government's acceptance of a precautionary approach is limited to the specific recommendations of the report including the requirement that emissions from base stations must meet ICNIRP guidelines for public exposure. The applicant has declared that the equipment will operate in full compliance with ICINRP guidelines. In the absence of an objection from Environmental Health and in line with the advice contained in TAN19, and Planning Policy Wales 2002 (paragraph 12.13.8) I do not consider that the potential risk to health can be cited as a sustainable reason for refusing an application for a base station. The scheme accords with Policy COMM4 of the Adopted Vale of Glamorgan Unitary Development Plan 2005 in that alternative sites have been explored and the emissions meet ICNIRP guidelines. The visual harm, however, is such that it fails to accord with criteria (ii) and (iii) of COMM4, or Policy ENV18 of the adopted Vale of Glamorgan Unitary Development Plan 2005.

The adverse impact on property values in the area is not a material consideration in determining an application of this type as it is not for the planning system to protect the private interests of one person against the activities of another.

In summary and conclusion, it is considered that whilst there are currently no sustainable grounds to refuse the proposal on the issue of public health and safety, its adverse impact on the character and appearance of the conservation area is not considered to be acceptable, and accordingly the following recommendation is made:

03890

RECOMMENDATION (W.R.)

REFUSE

Reason(s):

1. The proposed mast and associated equipment would represent an alien and visually intrusive feature within the context of the Penarth Conservation Area and consequently the proposal would neither preserve nor enhance the character and appearance of the Conservation Area, contrary to Policies COMM4 and ENV18 of the Adopted Vale of Glamorgan Unitary Development Plan 2005.

05/00489/FUL

Received on 24th March, 2005

Mr. S. Coco, Trebettyn House, Llansannor, Cowbridge, Vale of Glamorgan. CF71 7RX
(D. A. Oakley, 15, Arlington Road, Porthcawl, CF36 3DF)

SWN-Y-MOR, GLAN Y MOR LANE, WICK

New residential bungalow

SITE DESCRIPTION

The site comprises agricultural land located in the countryside to the south west of Wick.

DESCRIPTION OF DEVELOPMENT

This is an application for full planning permission for the construction of a new build, detached three bedroom bungalow. The proposed bungalow will be four interconnecting wings forming a square with a courtyard garden at its centre. The whole will cover a footprint of approximately 24m x 19m, and will have a ridge height of between 4.1m and 4.4m. The proposed bungalow will accommodate a lounge, dining room, hall, kitchen, utility room, 3 No. bedrooms, 2 No. ensuite, a bathroom, garage and porch.

The external finishes will be stonework and render with a fibrous cement slate roof. Vehicular access will be along a driveway over 100m in length onto Glan y Mor Lane via an existing field gate entrance.

PLANNING HISTORY

91/751 – Former Ogwr Borough Council. Livery stables and associated living accommodation. Refused 13th September, 1991.

91/1083 – Former Ogwr Borough Council. Livery stables and associated living accommodation. Refused 16th January, 1992.

93/0016 – Former Ogwr Borough Council. Outline application for stables and riding centre. Refused 15th April, 1993 on the grounds of contrary to Heritage Coast policies constituting an undesirable intrusion into an area of considerable landscape value. A subsequent appeal to the Welsh Office was allowed on 16th September, 1993.

96/0051 – Stables and riding centre. Approved by former Ogwr Borough Council 13th February, 1996 subject to conditions including hedgerow planting, car parking, access and finishes.

97/00250/FUL – Resiting stable from front of land joining the road to the rear corner. Approved 27th January, 1998 subject to conditions and subject to a S106 Legal Agreement that upon implementation of planning permission 97/00250FUL the previous permissions shall not be implemented or relied upon.

02/01390/FUL – Renewal of planning permission 97/00250/FUL to resite stable block from front to rear of site. Refused 28th January, 2005 for the following reason:-

“In the opinion of the Local Planning Authority the renewal of planning permission 97/00250/FUL, without a fresh Section 106 Legal Agreement, could allow for an additional stable block to be constructed which would have a serious detrimental impact on the generally undeveloped, unspoilt rural character of this part of the Glamorgan Heritage Coast, contrary to Policies LC1 and S3 of the Mid Glamorgan Structure Plan Proposals for Alteration No. 1, 1989; Policies EV1, EV8 and RC1 of the Ogwr Borough Local Plan 1995; Policies ENV1, ENV4 and ENV8 of the Vale of Glamorgan Unitary Development Plan Deposit Draft 1998 (as amended 2003); and national guidance contained within Planning Policy Wales, March 2002.”

CONSULTATIONS

Wick Community Council - Were notified on 6th April, 2005. No representations have been received to date.

Environment Agency - Have submitted their standard “Guidance Note for Developers” only.

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

SEWERAGE

Conditions

As the applicant intends utilizing private drainage facilities we as Network Development Consultants on behalf of Dwr Cymru Welsh Water have no comment to make on the above Planning 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

The occupiers of neighbouring properties were notified on 6th April, 2005. In addition the application was advertised on site and in the press on 20th April, 2005. No representations have been received to date:

The applicants' agent has submitted a "Development Statement" in support of the application. This is reproduced at Appendix 'A'.

REPORTS

The applicant's agent has described the proposal as the "conversion" of an approved stable block. Clearly this is not the case as there are no stable buildings on the site. The proposal therefore amounts to the construction of a new dwelling house within the countryside which also lies within the designated Glamorgan Heritage Coast. As such the following policy background is relevant to the determination of the application.

The adopted development plan for the area is the Vale of Glamorgan Unitary Development Plan 2005.

Strategic Policy 1 of the Unitary Development Plan (UDP) states:-

"THE VALE OF GLAMORGAN'S DISTINCTIVE RURAL, URBAN AND COASTAL CHARACTER WILL BE PROTECTED AND ENHANCED. PARTICULAR EMPHASIS WILL BE GIVEN TO CONSERVING AREAS OF IMPORTANCE FOR LANDSCAPE, ECOLOGY AND WILDLIFE, THE BEST AND MOST VERSATILE AGRICULTURAL LAND AND IMPORTANT FEATURES OF THE BUILT HERITAGE. PROPOSALS WHICH ENHANCE THESE AREAS WILL BE FAVOURED."

POLICY ENV1 OF THE UDP RELATES TO DEVELOPMENT IN THE COUNTRYSIDE AND STATES:-

"WITHIN THE DELINEATED COUNTRYSIDE PERMISSION WILL ONLY BE GRANTED FOR:

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

Policy ENV2 refers to agricultural land and states;

"THE BEST AND MOST VERSATILE AGRICULTURAL LAND (GRADES 1, 2 AND 3A) WILL BE PROTECTED FROM IRREVERSIBLE DEVELOPMENT, SAVE WHERE EXCEPTIONAL OVERRIDING NEED CAN BE DEMONSTRATED. NON AGRICULTURAL LAND OR LAND OF A LOWER QUALITY SHOULD BE USED WHEN DEVELOPMENT IS PROPOSED, UNLESS SUCH LAND HAS A STATUTORY LANDSCAPE, NATURE CONSERVATION, HISTORIC OR ARCHAEOLOGICAL DESIGNATION WHICH OUTWEIGHS AGRICULTURAL CONSIDERATION."

Policy ENV4 relates to the Glamorgan Heritage Coast and states:-

"THE SPECIAL ENVIRONMENTAL QUALITIES OF THE GLAMORGAN HERITAGE COAST WILL BE CONSERVED AND ENHANCED. WITH THE EXCEPTION OF LIMITED INFORMAL RECREATION FACILITIES AT CWM COLHUW, OGMORE-BY-SEA AND DUNRAVEN, THE REMAINDER OF THE AREA WILL BE TREATED AS A REMOTE ZONE WITH PRIORITY BEING GIVEN TO AGRICULTURE, LANDSCAPE AND NATURE CONSERVATION."

Policy ENV9 is a Policy that seeks to conserve the countryside and states:-

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

In addition Policy ENV 25 relates to the design of new development and is a criteria based policy that seeks to ensure that all new development has full regard to the context of the local natural and built environment and its special features.

On the issue of housing Policy HOUS 3 relates to the provision of dwellings in the countryside and states that the erection of new dwellings in the countryside will be restricted to those that can be justified in the interests of agriculture and forestry.

National guidance is contained in Planning Policy Wales March 2002. Paragraph 9.3.6 states:-

"New house building and other new development in the open countryside, away from established settlements, should be strictly controlled."

The guidance also contains a definition of previously developed or "brownfield" land.

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

The applicant's agent in his "Development Statement" claims the site is a "Brownfield" one. This is clearly not the case as the definition of Brownfield is previously developed land. The agent refers to various works undertaken on the site, but these in no way can be argued to amount to the development of the site for a stable block. It is noted that the planning permission for the stable block referred to by the agent was granted consent in January 1998. The Council are aware that certain works were undertaken on site by the previous owner but have at no time acknowledged that these works amount to an implementation of that planning permission. Either way it is evident that no stable block or riding school currently exists on the site and as such it is considered that the authorised use of the land is for agriculture.

The agent goes on to argue in his statement that the livery business would not be a viable proposition, bearing in mind recent developments in the area and Government Legislation regarding fox hunting. The question as to whether or not such a business would be viable is not a matter for the Council to consider in this application. Clearly if the agent's view is accepted then the land will simply remain as undeveloped, agricultural land. Indeed such an outcome would be welcomed in terms of the planning policies for the protection of this Glamorgan Heritage Coast location.

The remainder of the agent's statement includes speculation regarding potential future uses of the site and an explanation of the design concept for the new dwelling. The possible future uses of the site would be for the Council to consider at such time and have no bearing on the consideration of the current application. As regards the proposed design of the new dwelling it is considered that none of the design elements referred to or the fact that it would be in line with Government guidelines for "Renewable Energy" would make the proposal more acceptable, and would certainly not outweigh the strong policy objections for the construction of a new dwelling in this Heritage Coast location.

Thus, it is considered that the agent's claim that the proposal offers "substantial planning gain" is totally refuted. The proposal represents the construction of an unjustified new dwelling within the Glamorgan Heritage Coast. Such a dwelling, along with the extensive curtilage identified on the submitted plans would have a seriously harmful impact on the unspoilt, undeveloped coastal countryside.

In view of the above the following recommendation is made.

03892

RECOMMENDATION (W.R.)

REFUSE

Reason(s):

1. The proposal represents the development of an unjustified new dwelling within the countryside which would neither conserve nor enhance the special environmental qualities of the Glamorgan Heritage Coast, but instead would cause demonstrable harm to the character and appearance of this rural landscape contrary to Policies ENV1, ENV2, ENV4, ENV9, ENV25 and HOUS 3 of the adopted Vale of Glamorgan Unitary Development Plan 2005 and national guidance contained in Planning Policy Wales 2002.