

THE VALE OF GLAMORGAN COUNCIL

PLANNING COMMITTEE : **29 NOVEMBER, 2018**

REPORT OF THE HEAD OF REGENERATION AND PLANNING

1. BUILDING REGULATION APPLICATIONS AND OTHER BUILDING CONTROL MATTERS DETERMINED BY THE HEAD OF REGENERATION AND PLANNING UNDER DELEGATED POWERS

(a) Building Regulation Applications - Pass

For the information of Members, the following applications have been determined:

2018/0881/BN	A	26, Pill Street, Cogan	Single storey kitchen extension with lean to roof
2018/0934/BN	A	29, Coleridge Avenue, Penarth	Single storey extension to create utility room and enlarge lounge
2018/1073/BR	AC	St. Brides Major Church Hall, Southerndown Road, St. Brides Major	Installation of staircase to replace existing loft ladder for access to archive store in loft
2018/1099/BR	AC	2, Evenlode Avenue, Penarth	Construction of four bedroom detached house with integral garage
2018/1106/BR	AC	34, Marine Drive, Barry	Proposed ground floor, first floor and roof extensions. Creation of terrace and other alterations to property
2018/1125/BN	A	123, Wordsworth Avenue, Penarth	Two storey extension
2018/1126/BR	AC	Brookside, 48, Porthkerry Road, Rhoose	Proposed construction of first floor extension and internal alterations to property
2018/1129/BN	A	30, Eagleswell Road, Llantwit Major	Re-roof

2018/1130/BN	A	85A, Fontygary Road, Rhoose. CF62 3DT	Removal of the central chimney breast ground floor only
2018/1131/BN	A	46, Cornerswell Road, Penarth CF64 2WA	Loft conversion into habitable space. Development to include new dormers, WC and bedroom spaces
2018/1133/BN	A	15, Highwalls Avenue, Dinas Powys	Dormer loft conversion
2018/1134/BR	A	35, Romilly Park Road, Barry	First floor balcony to front elevation
2018/1135/BN	A	52, Dock View Road, Barry	Removal of chimney breast wall to open up two rooms - kitchen and dining room
2018/1136/BN	A	8, Hickman Road, Penarth	Repair to rear wall of property. Removal of existing damaged block wall and replace with new
2018/1137/BN	A	Ty Wern, Cross Common Road, Dinas Powys	EWI under 100mm
2018/1138/BN	A	48, Lewis Road, Llandough,	Removal of internal, load bearing wall on the ground floor, to create a combined kitchen and dining room. This will include the installation of an RSJ
2018/1139/BR	A	Flat E, 6, Bradford Place, Penarth	Shower room adaptation, door widening and external drainage
2018/1144/BN	A	4, Croft Street, Cowbridge	Single storey extension to rear
2018/1145/BN	A	2, Hardy Close, Barry	Garage conversion to habitable room
2018/1146/BN	A	18, Samson Street, Llantwit Major	Single storey rear extension
2018/1149/BN	A	21, Clement Place, Barry	Single storey side extension, extending from existing porch area

2018/1151/BN	A	6, Kemeys Road, Rhooose	Patio doors-creating an opening into a conservatory
2018/1152/BN	A	16, Castle Close, Boverton	Replace existing old tiles to front and back of upper half of property with new composite cladding
2018/1153/BN	A	5, Machen Street, Penarth	Internal alterations and new windows
2018/1154/BN	A	91, Dock View Road, Barry	Two rooms into one
2018/1155/BN	A	The Old Malt House, Treerhyngyll	Removal of load bearing wall and installation of steel beams
2018/1156/BN	A	7, Marine Parade, Penarth	Proposed indoor swimming pool with home gym
2018/1157/BN	A	39, Llys Dwynwen, Llantwit Major	Garage conversion, remove garage door and replace with brickwork and window. Damp proof course and insulate
2018/1158/BN	A	Former Jeff White Showroom, Gileston Road, St. Athan	Internal alterations
2018/1159/BN	A	4, Dulverton Drive, Sully	Upgrade of existing polycarbonate plastic conservatory roof to composite tiles, timber frame and Velux windows (x2)
2018/1163/BN	A	46, Brockhill Way, Penarth	Proposed ground floor single storey kitchen extension
2018/1164/BN	A	32, Oxford Street, Barry	Replacement of roof tiles and fascias and guttering

2018/1165/BN	A	13, Elan Close, Barry	Change of use of existing converted loft from room into 3 bedrooms and bathroom. Velux windows are already in place, but more will be added. Also, extension of kitchen into adjoining room by removal of wall and installation of a DEFRA approved wood burning appliance. Electrical work and new boiler to be installed by suitably qualified competent persons
2018/1166/BN	A	20 Tordoff Way, Barry	Demolish and Rebuild Hawksley Bungalow
2018/1167/BN	A	28 Tordoff Way, Barry	Demolish and Rebuild Hawksley Bungalow
2018/1168/BN	A	11, Ash Grove, Barry	Demolish and Rebuild Hawksley Bungalow
2018/1170/BN	A	Broad Street Car Wash, Broad Street, Barry	Erect steel canopy
2018/1172/BN	A	5, Highfield Road, Barry	New roof to house
2018/1173/BR	AC	2, Meliden Road, Penarth	Single storey rear extension to kitchen and living room
2018/1174/BN	A	80, Monmouth Way, Boverton	Garage conversion and small infill extension
2018/1175/BN	A	73, Maes y Cwm Street, Barry	Removal of load bearing walls and install steel beams
2018/1176/BN	A	3, Ham Mews, Llantwit	Garage conversion
2018/1177/BN	A	31, West Terrace, Penarth	Convert main loft to bedroom
2018/1178/BN	A	Flat 2, 77, Main Road, Ogmere By Sea	Garage conversion to expand the living space
2018/1180/BN	A	29, West Walk, Barry	Supply and fit a fire door and frame

2018/1181/BN	A	11, Tensing Terrace, Barry	Supply and fit a fire door and frame
2018/1182/BN	A	26, Crawshay Court, Boverton.	Scrape and re-plaster asbestos ceilings bathroom and kitchen. Supply and fit fire door and frame
2018/1183/BN	A	15, The Meadow, Corntown	Take down an internal wall (bedroom). Re-build wall to make bedroom 3 bigger
2018/1184/BN	A	15, Avon Close, Barry	Remove asbestos ceiling to wet room and re-instate
2018/1185/BR	AC	5, Conway Close, Dinas Powys	Garage conversion and extension
2018/1186/BN	A	Iona, 17, Cae Rex, Llanblethian	Orangery style extension to rear elevation
2018/1191/BN	A	New House, 1a, Neal Street, Barry	Engineering repairs to crack from drying shrinkage in internal wall to be stitched with helical bars
2018/1193/BN	A	Isca Twyncyn, Dinas Powys	Replacement of windows and doors - < 20 windows
2018/1195/BN	A	43, Shakespeare Drive, Llantwit Major	Mezzanine floor extension, added bedroom with Velux windows
2018/1198/BN	A	Cadoxton Methodist Church, Cadoxton, Barry	Access Ramp
2018/1199/BN	A	23, Hillside Drive, Cowbridge	Small single storey extension
2018/1200/BN	A	6, Lombard Street, Barry	Re-roof

(b) Building Regulation Applications - Reject

For the information of Members, the following applications have been determined:

None

(c) The Building (Approved Inspectors etc.) Regulations 2000

For the information of Members the following initial notices have been received:

2018/0158/AI	A	Carrons Pool, Gileston	Replacement of an existing conservatory roof
2018/0159/AI	A	14, Romilly Park Road, Barry	Dormer Loft Conversion, hip to gable and associated works
2018/0160/AI	A	Maesydd Farm, Llangan	Single storey link extension (works to include material alterations to structure, controlled services, fittings and thermal elements)
2018/0161/AI	A	7, Llandaff Close, Penarth	Single storey rear extension, enlarged dormer to rear, front dormer, alterations and associated works
2018/0162/AI	A	Former Jeff White Showroom, Gileston Road, St. Athan	Fit out of developers shell to form convenience store
2018/0164/AI	A	62, Celtic Way, Rhoose	Proposed dormer roof and balcony extension, works to include material alterations to structure, controlled services, fittings and thermal elements
2018/0165/AI	A	49, Dinas Road, Penarth	Single storey rear extension with associated works
2018/0166/AI	A	17, Downs View, Aberthin	Two storey extension and associated works
2018/0167/AI	A	19, Robinswood Close, Penarth	Proposed single storey rear and 2 No. 1st floor extensions with renovation of property, works to include material alterations to structure, controlled services, fittings and thermal elements
2018/0168/AI	A	Copthorne Hotel, Copthorne Way, Culverhouse Cross	Internal alterations to dance studio, replace the terrace roof and guarding

			over the dance studio and associated works
2018/0169/AI	A	8, Maughan Terrace, Penarth	Proposed single storey side extension, works to include material alterations to structure, controlled services, fittings and thermal elements
2018/0170/AI	A	Ty Fry Farm, Llandow	Construction of an enclosed mezzanine floor in kitchen and associated works
2018/0171/AI	A	Units 6 & 7 Waterfront Retail Park, Heol Ceiniog, Barry	Construction of Costa and Burger King Drive Thru, including all associated car park and landscaping works
2018/0172/AI	A	18, Crompton Way, Ogmore By Sea	Removal of external infill wall between two existing windows (works to include material alterations to structure, controlled services, fittings and thermal elements
2018/0173/AI	A	17, Greenfield Avenue, Dinas Powys	Single storey rear extension and associated works
2018/0174/AI	A	10, Hawthorne Avenue, Penarth	Proposed loft conversion and associated works
2018/0175/AI	A	The Bakehouse, Plassey Street, Penarth	Conversion of two storey structure to form a dwelling, construction of new dwelling and associated works
2018/0176/AI	A	16, Meggit Road, Barry	Proposed rear extension with internal alterations to house and associated works

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PLANNING COMMITTEE : **29 NOVEMBER, 2018**

REPORT OF THE HEAD OF REGENERATION AND PLANNING

3. PLANNING APPLICATIONS DETERMINED BY THE HEAD OF REGENERATION AND PLANNING UNDER DELEGATED POWERS

If Members have any queries on the details of these applications please contact the Department.

**Decision Codes**

A - Approved	O - Outstanding (approved subject to the approval of Cadw OR to a prior agreement)
C - Unclear if permitted (PN)	B - No observations (OBS)
EB - EIA (Scoping) Further information required	E - Split Decision
EN - EIA (Screening) Not Required	G - Approved the further information following "F" above (PN)
F - Prior approval required (PN)	N - Non Permittal (OBS - objections)
H - Allowed : Agricultural Condition Imposed : Appeals	NMA – Non Material Amendments
J - Determined by NAFW	Q - Referred to Secretary of State for Wales (HAZ)
L - Approved <u>AND</u> refused (LAW)	S - Special observations (OBS)
P - Permittal (OBS - no objections)	U - Undetermined
R - Refused	RE - Refused (Enforcement Unit Attention)
	V - Variation of condition(s) approved

2012/00055/1/N MA	A	Peak Gen Power Generator Compound, Sully Moors Road, Barry	Non-material Amendment to the original planning permission ref 2012/00055/FUL issued on 14 March 2012 to regularise the installation of the secondary silencers and approval of the as built layout of the generators within the compound dictated by the electricity cable connection to the Western Power Distribution substation.
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2012/01278/1/C D	A	Land at Heol Y Fro and Pentrer Cwrt, Llantwit Major	Discharge of Condition 11 - Landscaping and Condition 12 - Tree Protection of 2012/01278/FUL - Erection of two 4 bed dwellings with double garage on part of the site at Heol Y Fro and Pentrer Cwrt, Llantwit Major and with on site parking to each
2014/00580/1/C D	A	Yr Ysgubor, St Lythans	Discharge of Condition 2 - Details of Materials. Planning permission ref. 2014/00580/FUL: Amendments to previous consent 2013/00272/FUL - Extension to utility area to rear of garage and alterations to existing dwelling and proposed link
2014/00580/2/N MA	A	Yr Ysgubor, St. Lythans	Non Material Amendment Planning Permission Ref 2014/00580/FUL: 1. Slight change in pitch of garden room roof following relocation of internal element of cavity wall. 2. Insert a rooflight/Velux window in the roof of the garden/room/utility area roof, to be located on applicant's side of roof. 3. An additional proposed Velux window /rooflight to be fitted in the East elevation of the roof over the 'Utility Area' to provide light and additional ventilation to the 'Utility Area' .
2016/00778/3/C D	A	The Chapel, Chapel Terrace, Twyn yr Odyn	Discharge of Conditions 6 - Materials, and 20 - Drainage scheme - Residential redevelopment 15 affordable homes with associated works

2016/00809/4/C D	A	Land to the rear of Westgate (East of Eagle Lane), Cowbridge	Discharge of condition 15- Details of any amendments to the existing means of vehicular access - Redevelopment to form 37 apartments for the elderly including communal facilities access, car parking and landscaping
2016/01390/1/N MA	A	The Lodge, Cottrell Park, St Nicholas	Alteration to the wording of Conditions 3 and 4 of Planning Permission ref 2016/01390/FUL : The removal & replacement of the existing apsidal porch to eastern elevation. The removal of existing ceiling joists to entrance lobby, The removal of existing ceiling joists & replacement with 1/2 the floor area to form a gallery
2017/00159/FUL	A	Warren Mill Guest House, Warren Mill, Pendoylan	Proposed extension and conversion of holiday let to managers accommodation
2017/00409/FUL	A	Redlands Farm, Bonvilston	Proposed Change of Use from tourist accommodation to rural offices
2017/00527/1/C D	A	Durell House, 14, Town Mill Road, Cowbridge	Discharge of Condition 4 : Materials sample panel. Planning Permission 2017/00527/FUL : Proposed conservatory
2017/00910/2/N MA	A	The Rectory, Port Road, Wenvoe	Non Material Amendment Removal of condition 03, Planning Permission 2017/00910/FUL : Development of 12 dwellings and associated infrastructure at land at The Rectory, Wenvoe

2017/01126/1/N MA	A	Brynglas, Little Hill, Barry, CF63 1LG	To make the balcony larger in width but shorter in depth
2017/01136/3/C D	A	Former St. Cyres Lower School, Murch Road, Dinas Powys	Discharge of Condition 16 - Habitat Licence - Planning Permission 2017/01136/HYB for residential development for 215 units and associated works
2018/00264/FUL	A	36, Paget Road, Penarth	AMENDED PLANS  Proposed alterations - two storey extension and roof terrace to an existing property
2018/00317/FUL	A	Buckmore, 22, Main Road, Ogmore By Sea	Alterations to the roof, increasing the ridge height to 8.5m. A loft conversion and an extension and alteration to the rear balcony, with associated works
2018/00348/FUL	A	Jeff White Motors Limited, Gileston Road, St. Athan	Installation of new plant to the rear of premises in connection with the Class A1 use and alterations
2018/00392/FUL	A	Land within the curtilage of Kingfisher Hall, A48, St. Nicholas	Erection of a new dwellinghouse with associated works and access arrangements
2018/00395/FUL	A	Berry Meadow, Penllyn	Demolition of existing property and replacement with new dwelling
2018/00401/LAW	A	24, Seaview Drive, Ogmore By Sea	Single storey extension to the rear
2018/00472/FUL	A	The Stables, Beach Road, Marcross	Installation of Bi-fold doors at rear of property

2018/00486/1/C D	A	Hendrescythan, Redway Road, Bonvilston	Discharge of Conditions 3 - Ecology Protection and Management Plan, Condition 4 - Lighting Strategy, Condition 5 - Wildlife and Habitat Protection Details, Condition 7 - Means of Enclosure, Condition 8 - Levels, Condition 11 - Additional Details of boundary walls and gates and Condition 12 - Landscaping Scheme, of Planning Permission 2018/00486/FUL - Proposed replacement dwelling
2018/00515/FUL	A	Landfill at Dow Silicones UK Ltd, Cardiff Road, Barry	Variation of Condition 2 (plans), Condition 3 (landfill levels) and Condition 4 (watercourses) of Planning Permission 1986/00412/FUL to facilitate restoration capping works to former landfill area and associated surface water drainage works
2018/00534/LBC	A	Town Hall, Cowbridge With Llanblethian Town Council, 21, High Street, Cowbridge	Installation of disabled lift
2018/00586/FUL	A	Old Hall Garden and Town Walls, Old Hall Garden, High Street, Cowbridge	Demolition of redundant cattle pens and restoration of respective length of Town Walls. Reduce height of stone wall to back of highway to 1m. Creation of a car park. Installation of all-weather canopy over children's reading area in Old Hall Garden

2018/00605/FUL	A	2, Tair Onen, St. Hilary	1) Demolish existing single storey side extension 5m x 2.5 and replace with a orangery 7m x 5m with lantern roof, walls to be block and render to match existing, black bifold doors to side and rear, black framed window to front; 2) Build a single storey full length extension to the rear of the property 7m x 2.7, walls to be block and render to match existing, pitch roof tiled to match existing main roof with two Velux windows re use existing patio door and window from existing external wall into new external wall
2018/00628/CAC	A	Old Hall Garden and Town Walls, Old Hall Garden, High Street, Cowbridge	Demolition of redundant cattle pens and restoration of respective length of Town Walls. Demolition includes grubbing up of concrete slab associated with cattle pens and reduce height of stone wall to back of highway to 1m.
2018/00664/FUL	A	18, Ash Lane, St. Athan	Proposed ground floor rear extension, car port to side with new highways access. To enable disabled access and internal shower and toilet facilities.
2018/00675/FUL	R	19, Maes Illtuds, Pentre Cwrt, Llantwit Major	Proposed two storey extension to rear of property and single storey extension to side of property
2018/00751/FUL	A	3, Powys Drive, Dinas Powys	Two storey/single storey extensions

2018/00757/FUL	A	Former Lafarge Redland Limited Site, Atlantic Way, Barry Docks, Barry	Extend existing building, installation of associated plant and machinery and other ancillary development including parking and storage provision
2018/00776/FUL	A	4, Milton Close, Llantwit Major	Proposed garden outbuilding, associative boundary fencing and raise of garden level
2018/00801/LEG	A	Redlands Farm, Bonvilston	Modification of legal agreement Schedules 1 and 4 application 2002/01448/FUL to allow change of use from tourist accommodation to rural offices
2018/00815/FUL	A	Glambreck, Broughton Road, Wick	Proposed Stable Block (2 No.) Hay Store, animal feed and Agricultural Implement store area including upgrade of access lane
2018/00824/FUL	A	Tuns Cottage, Cowbridge Road, St. Nicholas	Refurbishment of the existing cottage with a front amenity roof extension
2018/00829/FUL	A	The Moorings, 1, Cold Knap Way, Barry	Detached garage with white rendered walls and dual pitch roof. All materials and finishes to match that used in the existing dwelling
2018/00849/LAW	R	Tudor Lodge, A48, Bonvilston	Proposed free standing wall
2018/00855/FUL	A	15, Nyth Y Dryw, Rhoose	Proposed aluminium / glass roof veranda and brick BBQ housing

2018/00871/FUL	A	28, The Parade, Barry	Proposed single storey side extension to create new kitchen / dining / garden room area with covered courtyard and associated internal alterations. Demolition of existing garage
2018/00920/FUL	A	Carneddi, Greenfield Way, Llanblethian, Cowbridge	Alteration to pitched roof from flat roof. Works to main house already undertaken
2018/00922/FUL	A	The Old Barn, Caer Wigau Isaf, Pendoylan Road, Pendoylan	Demolition of single storey lean-to and replacement with a single storey extension
2018/00925/FUL	A	Hamilton House, 123, Broad Street, Barry	Change of use of existing offices premises into six affordable flats and associated works
2018/00926/RG3	A	Jenner Suite, Jenner Park, Barry Road, Barry	Removal of existing single sheet, steel profile roof. Renew roof covering with double skin steel profile and installation. Lift roof line at apex by 300mm
2018/00927/FUL	A	Woodlands, Beach Road, Southerndown	To form a glass fronted balcony across the second floor to link the existing windows. Also to form a 'Juliet Balcony' from the side window in the gable end
2018/00930/ADV	A	Sycamore Chase, Land north of B4265, Boverton	4 no. flagpoles and 2 no. signs
2018/00933/FUL	A	Former Admiral Public House, Vere Street, Barry	Conversion of storage areas to A1 retail use and cafe are (mixed use)

2018/00935/FUL	A	19, Salisbury Road, Barry	Demolish existing ground floor canopy. Construct new infill ground floor extension to side and rear annexe to rear of property
2018/00937/FUL	A	12, Pound Field, Llantwit Major	Proposed pop up shop on land adjacent to Unit 12, Poundfield
2018/00939/FUL	R	Maesnewydd, Buttrills Road, Barry	Erection of a new four bedroom dwelling
2018/00940/FUL	R	16, Tair Onen, Welsh St. Donats	Demolition of existing stable block and replacement with proposed retirement dwelling
2018/00943/FUL	A	94, Westward Rise, Barry	Single storey side extension
2018/00944/FUL	A	Hare and Hounds Inn, Maendy Road, Aberthin	Change of use of the first floor from flat into 1 No. Bed and Breakfast accommodation with external access stair relocated, and 1 No. private dining room for use by the restaurant below
2018/00946/FUL	A	104, Plymouth Road, Penarth	Removal of shed, construct new detached garage and entrance gates
2018/00947/FUL	A	9, Channel View, Ogmore By Sea	Variation of Condition 2 and removal of Condition 3 of Planning Permission 2017/00602/FUL. Extension to be smaller than approved and no need for privacy screen



2018/00949/FUL	A	15, Spitzkop, Llantwit Major	Single storey ground floor extension (to replace existing conservatory) together with proposal for an additional box and pitched roof dormer to first floor with Juliet balcony to rear
2018/00950/FUL	A	The Colcot Arms, Colcot Road, Barry	Removal of single pitched roof to front of property, originally added to provide a smoking shelter. New picket fence along front to ensure access is from existing family/beer garden only
2018/00951/FUL	A	Bryn Coed, Graig Penllyn	Single storey extension comprising of utility room, shower room & office, to replace existing garage.
2018/00952/FUL	A	284, Holton Road, Barry	Conversion of existing shop unit to new one bedroom flat
2018/00953/FUL	A	Gwynfa, 34, Penlan Road, Llandough, Penarth	Demolition of rear conservatory and erection of new rear extension
2018/00954/FUL	A	Ivy Cottage, Gileston	Proposed two storey side extension to form an additional bedroom at first floor level, plus an enlarged kitchen and breakfast area at ground floor with proposed alterations to the existing garage to form dual pitched roof (from front to rear).
2018/00955/FUL	A	Little Frampton Farm, Frampton, Llantwit Major	Agricultural barn
2018/00956/ADV	A	The Colcot Arms, Colcot Road, Barry	Remove old signs and replace with new signs

2018/00958/FUL	A	246, Holton Road, Barry	Conversion of shop and flat to 5 self contained flats
2018/00959/FUL	A	103, Monmouth Way, Boverton, Llantwit Major	Demolition of existing garage. Proposed construction of two storey side extension, single storey rear extension, porch extension and other alterations to property
2018/00963/FUL	A	Corntown Farm, Corntown	Variation of Condition 2 of Planning Permission 2015/00859/FUL to extend the timeframe of the development from 25 years (as approved) to 30 years
2018/00966/LBC	A	The Old Barn, Caer Wigau Isaf, Pendoylan Road, Pendoylan	Demolition of single storey lean-to and replacement with a single storey extension
2018/00967/FUL	A	1 & 2, Stone House, Dyffryn	Conversion of two semi-detached properties into a single detached property and erection of a sustainable (energy positive) rural exceptions bungalow, new access and associated works
2018/00973/FUL	A	110, Redlands Road, Penarth	Two storey side extension with Juliet balcony and single storey rear extension
2018/00977/FUL	A	2, The Grange, Earl Road, Penarth	Single storey rear extension
2018/00978/FUL	A	10, Yr Efail, Treoes	Proposed single and two storey rear extensions. Proposed alterations, including new windows on both side elevations of the existing property.

2018/00981/FUL	A	Land to rear at Ebbisham Lodge, Llanmaes	Proposed general purpose agricultural building for storage of farm machinery, hay/straw and 1 bay for sheep. An access track from the gate to the proposed building
2018/00984/FUL	A	3 Tresilian Close, Llantwit Major	Remove existing conservatory roof, fit new carbon grey replica roof with tinted toughened glass roof section to existing frames and base
2018/00986/FUL	A	Fernhill, St. Quentins Close, Llanblethian	Proposed alterations and extensions to existing property
2018/00990/FUL	R	21, Station Road, Dinas Powys	First floor rear extension, hip to gable roof extension, front and rear dormers, with balconies to front and rear. Also the creation of an additional second floor flat and external alteration works
2018/00993/FUL	A	Ayres Cottage, 5, The Meadows, Penllyn	Single storey extension with garage conversion and alterations
2018/00994/FUL	A	13, Court Close, Aberthin	Proposed rear conservatory extension
2018/00999/FUL	A	Chigwell House, St Hilary	Proposed alterations and extensions to existing garage including increase in ridge height and insertion of dormers to form first floor self contained unit ancillary to Chigwell House
2018/01003/FUL	A	Greenside, Chapel Road, Wick	Erection of entrance porch and dormer window to front elevation of bungalow

2018/01004/LAW	A	Germonds Farm, Watery Lane, Welsh St Donats	The area marked red on the attached plan notes the part of the site at Germonds Farm having been used since 2001/2002 and continues to be used as a mixed use of agriculture and for the storage of gritting lorries and gritting materials
2018/01005/FUL	A	38A, Britway Road, Dinas Powys	Demolition of existing garage and small extension, erection of new 2 storey front and side extension, external insulation, replacement of all windows and roof, new paved driveway and new entrance gates
2018/01007/FUL	A	12, St. Bleddian Close, Cowbridge	Side extension with front, rear and side dormers and associated fenestration alterations
2018/01008/ADV	A	16, Windsor Road, Penarth	Installation of new fascia sign and projecting sign
2018/01010/FUL	A	3, Uppercliff Drive, Penarth	Conversion of garage to residential accommodation in conjunction with C2 Use
2018/01015/FUL	A	Pen Y Lan Farm, Llysworney	Two storey rear extension & internal alterations
2018/01017/FUL	A	107, Windsor Road, Penarth	Rear and side single storey extension
2018/01021/FUL	A	Arkstone, 25, Mountjoy Avenue, Penarth	Single storey rear and side extension plus associated works
2018/01025/FUL	A	34, Chandlers Way, Penarth	1 Metal balcony to the front of the property

2018/01046/FUL	A	24, Heol Neuadd Cogan, Cavendish Park, Penarth	Removal of existing single storey extension roof to rear elevation. Construct single storey extension to rear elevation including new mono pitch roof
2018/01060/ADV	A	95, High Street, Barry	External hanging swinging and window graphics (applied internally)
2018/01062/FUL	A	1, Burdonshill Cottage, Burdonshill Lane, Wenvoe	Rear dormer extension to existing garage and raised decking
2018/01063/FUL	A	The Breeches, Cross Common Road, Dinas Powys	Demolition of existing stables and construction of detached Granny annexe
2018/01070/FUL	A	96, Dochdwy Road, Llandough, Penarth	Proposed single storey extension to rear with flat roof to enlarge kitchen /dining room
2018/01073/FUL	A	2, Rosebery Place, Penarth	Demolish existing conservatory. Construct new extension, single storey, dual pitched, in place former conservatory to rear of property
2018/01112/FUL	A	8, Paget Road, Penarth	Alterations to fenestration of front elevation. Rear single storey extension and associated works
2018/01115/FUL	A	2, Taynton Mews, Cowbridge	Single storey dining room extension

Agenda Item No.

THE VALE OF GLAMORGAN COUNCIL

PLANNING COMMITTEE : **29 NOVEMBER, 2018**

REPORT OF THE HEAD OF REGENERATION AND PLANNING

4. APPEALS

(a) Planning Appeals Received

L.P.A. Reference No: 2018/00527/FUL  
Appeal Method: Written Representations  
Appeal Reference No: 18/3212970  
Appellant: Ms. N. David  
**Location: Windsor Bank, 37, Main Road, Ogmore By Sea**  
Proposal: Replacement of existing dwelling with new 2 storey dormer-style dwelling  
Start Date: 22 October 2018

L.P.A. Reference No: 2018/00754/FUL  
Appeal Method: Written Representations  
Appeal Reference No: D/18/3214895  
Appellant: Mr. Stuart Pyman  
**Location: Ishton Barn, Lon Cwrt Ynyston, Leckwith**  
Proposal: Rear extension and front hall extension  
Start Date: 1 November 2018

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(b) Enforcement Appeals Received

None

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(c) Planning Appeal Decisions

L.P.A. Reference No: 2017/00395/FUL  
Appeal Method: Hearing  
Appeal Reference No: 18/3205107  
Appellant: Cardiff Lux S.A.R.L  
**Location: Brooklands Retail Park, Culverhouse Cross**  
Proposal: Proposed new Starbucks drive-through unit  
Decision: Allowed  
Date: 16/11/2018  
Inspector: Aidan McCooey  
Council Determination: Committee

## Summary

The main issue was considered by the Inspector to be the effect of the loss of existing parking within the retail park as a result of the proposal on traffic flow and congestion to the possible detriment of highway safety on the nearby highway network.

## Reasons

The Inspector considered the Council's assessment of the proposal and agreed that the nature of the proposal and the location in an existing retail park means that it would comply with the relevant retail policies of the Vale of Glamorgan Local Development Plan and national policy.

Having considered the matters discussed in the hearing, the Inspector considered the principle issue to be whether there would be sufficient parking spaces within the site during the busiest periods if he were to allow the appeal. He noted that the surveys indicate that with the proposal in place the main car park (to the front of B&M and Aldi) would be at or above capacity at the busiest time of the week and that there would be capacity at the Burger King car park. It was agreed that this area of parking was provided when the original units were built and prior to the restaurant's construction. The Inspector noted the Council's concerns, that patrons would not use the Burger King area of parking because, due to its location and poor visibility, they would be unaware of its existence. However, he considered that with appropriate signage patrons leaving the main car park could be directed to turn left to use the Burger King car park, should the main car park be full.

The Inspector also considered the Council's concerns, that the main car park would be the most sought after parking location, but noted that there is around 90m of access road before the first unrestricted parking spaces are reached. He was of the view that this *"should be sufficient to ensure that cars would not queue out onto the main road. There would then remain adequate circulation space within the car park<sup>1</sup> for patrons to look for spaces and exit the main car park if full"*. He was of the view that there is a safe pedestrian route to the main units from the Burger King Car Park and that this car park is quite close to the entrance of the B & M unit.

The Inspector concluded that *"cars would be unlikely to queue out of the site onto the main road adding to congestion and so the fact that the site is next to one of the busiest interchanges in the Cardiff area is not of particular relevance. This conclusion is reinforced by the fact that the peak periods for customer parking do not coincide with the peak traffic congestion hours. This proposal must be assessed in the current circumstances of the uses on site, some of which are intensive in any event."*

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L.P.A. Reference No:	2017/00910/FUL
Appeal Method:	Written Representations
Appeal Reference No:	18/3207515
Appellant:	Redrow Homes (South Wales) Ltd
Location:	<b>Land at The Rectory, Port Road, Wenvoe</b>

Proposal: 12 dwellings and associated infrastructure -  
Appeal against Condition 3 of planning  
permission 2017/00910/FUL (highway works  
and drainage)  
Decision: 14/11/2018  
Date: Allowed  
Inspector: Mr. A. B. Nixon  
Council Determination: Delegated

## Summary

The Inspector stated that his decision was made in the context of the sequence of events leading to the current position. He set those out as follows:

- Full planning permission was originally granted by the Council for a development of 12 dwellings and associated infrastructure on the appeal site in September 2016 (reference 2015/01129/FUL).
- Condition 3 required full engineering drawings of the proposed vehicular/pedestrian accesses to the site, inclusive of the internal road layout.
- The appellant initially submitted the details required by condition 3 of 2015/01129/FUL on 17 September 2016. After lengthy discussions and amendments the submitted details were eventually approved by the Council on 16 January 2018
- The subsequent planning application 2017/00910/FUL was made in August 2017 and sought approval for a change in the house types and garages on certain plots.
- A planning statement submitted with the application stated that in order to permit the changes sought from the original scheme conditions 2, 6-8, 10 and 14 needed to be amended to reflect the submission of the application and the amended drawings.
- The Council approved application 2017/00910/FUL subject to conditions, one of which (condition 3) required again the internal road details. That condition is the subject of the appeal.

The Inspector noted that the Council acknowledged that the application did not propose any change to the previously approved internal highway layout and that the previously approved highway details were submitted with the application by the appellant. The Inspector also noted the Council's reason for re-imposing the condition, that the local highway authority considered it possible that the internal road may be submitted for adoption at some future time and that it had not assessed the internal road constructional details when commenting on the earlier application for approval of highway details because the appellant did not intend to offer the internal roads for public adoption, proposing instead to set up a management company arrangement.



In this regard, the Inspector did not think it right, to seek to impose a planning condition in order to achieve some other purpose which is the subject of other legislative provisions or regulations. He was of the view that if the road was submitted for adoption, such a matter should be to be controlled via a Section 38 agreement under the Highways Act 1980.

The Inspector noted that planning considerations relating to the internal road here have already been considered through the processing of the original planning application and subsequent discharge of the condition. As such, he was of the view that this omits the need for the disputed condition to be imposed.

Finally, the inspector noted that during the course of the appeal the Council had approved a Non Material Amendment application to remove the condition.

In the light of the foregoing, the Inspector concluded that the imposition of condition 3 on the most recent planning permission reference 2017/00910/FUL was not necessary to the grant of that permission, and so failed to satisfy all of the tests for planning conditions set out in Welsh Government Circular 16/2014.

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(d) Enforcement Appeal Decisions

None

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(e) April 2018 – March 2019 Appeal Statistics

		Determined Appeals			Appeals withdrawn /Invalid
		Dismissed	Allowed	Total	
<b>Planning Appeals</b> (to measure performance)	<b>W</b>	11	5	16	-
	<b>H</b>	2	1	3	-
	<b>PI</b>	-	-	-	-
<b>Planning Total</b>		13 (68%)	6 (32%)	19	-
<b>Committee Determination</b>		-	2 (100%)	2	-
<b>Other Planning appeals</b> (inc. appeal against a condition)		-	1	1	-
<b>Enforcement Appeals</b>	<b>W</b>	-	-	-	-
	<b>H</b>	1	-	1	-
	<b>PI</b>	-	-	-	-
<b>Enforcement Total</b>		1	-	1	-
<b>All Appeals</b>	<b>W</b>	11	6	17	-
	<b>H</b>	3	1	4	-
	<b>PI</b>	-	-	-	-
<b>Combined Total</b>		14 (67%)	7 (33%)	21	-

Background Papers

Relevant appeal decision notices and application files (as detailed above).

Contact Officer:

Mrs Justina M Moss, Tel: 01446 704690

Officers Consulted:

HEAD OF REGENERATION AND PLANNING

THE VALE OF GLAMORGAN COUNCIL

PLANNING COMMITTEE : **29 NOVEMBER, 2018**

REPORT OF THE HEAD OF REGENERATION AND PLANNING

5. TREES

(a) Delegated Powers

If Members have any queries on the details of these applications please contact the Department.

**Decision Codes**

A - Approved

R - Refused

E Split Decision

2018/00848/TPO	A	Junction of Paget Place and entrance to Northcliffe Flats, Paget Place, Penarth	Work to Tree covered by TPO No 24 of 1970 - Dismantle Sycamore to ground level and replant more suitable specimen
2018/00995/TPO	A	Rear of 8/10 Heol Gwerthyd, Pencoedtre Village, Barry	Work to tree covered by TPO No 2 of 2002 - Tree T006 (Oak) - Crown thinning and Crown lifting and Crown reduction
2018/01001/TPO	A	13, Laburnum Way, Dinas Powys	Work to tree covered by TPO No 9 of 2012 - Reduce height and spread of Oak Tree
2018/01012/TCA	A	4, Birch Grove, Barry	Work to tree in Barry Marine Conservation Area - Crown reduction of 1 Eucaplyptus Tree in rear garden
2018/01027/TPO	A	Meadow View, 23, Pwll Y Min Crescent, Peterston Super Ely	Works to trees covered by TPO no 2 of 1959

2018/01029/TCA	A	Old School House, Colwinston	Work to Trees: Reduction of Cherry tree by 2/3metres to match smaller Cherry tree at the front of the property
2018/01035/TCA	A	Ty Twyn, Mill Road, Dinas Powys	Complete removal of common ash tree
2018/01036/TPO	A	The Gatehouse, Castle Court, Llandough, Cowbridge	Beech tree; reduce by 2m all round and crown lift off gutter and roofline
2018/01056/TCA	A	2, Marine Parade, Penarth	Pittisporum - fell to a level stump above ground and treat
2018/01058/TCA	A	5, Tower Hill Avenue, Penarth	Conifer - right hand side of drive - fell to ground level
2018/01090/TCA	A	6, Stanwell Road, Penarth	Work to trees in Penarth conservation area
2018/01097/TCA	A	Rose Cottage, 21, Church Avenue, Penarth	Work to trees in Penarth Conservation Area

THE VALE OF GLAMORGAN COUNCIL

PLANNING COMMITTEE : **29 NOVEMBER, 2018**

REPORT OF THE HEAD OF REGENERATION AND PLANNING

7. ENFORCEMENT ACTION

a) **LAND AND BUILDINGS AT 87, SALISBURY ROAD, BARRY**

Executive Summary

1. This report seeks authorisation to issue an Enforcement Notice under section 174 of the Town and Country Planning Act 1990 (as amended) in respect of a raised decking and balustrade that has been constructed without planning permission to the rear of the property at 87, Salisbury Road, Barry. The principle issues are considered to be the impact the development has on the privacy and amenity enjoyed by the adjoining occupiers.
2. The report recommends that an Enforcement Notice is issued requiring the removal of the raised decking and balustrade in its entirety. Authorisation is also sought to pursue legal proceedings in the event that the Enforcement Notice is not complied with.

Background

3. A complaint was received by the Local Planning Authority on 26 June 2018, regarding the erection of raised decking and balustrade in the rear garden at 87, Salisbury Road, Barry.
4. The application property relates to a two storey semi-detached dwelling located within the Barry settlement boundary. The property benefits from off road parking and a rear garden overlooking an area of public open space. The property falls outside any designated conservation area and is not Listed.

Details of the Breach

5. Following an initial site inspection it was noted that raised rear decking measuring approximately 7.5metres in width, 2.6metres in depth with height varying from 0.7 metres- 1.2 metres. The application properties garden levels are such that the garden slopes away from the back wall.
6. Part Development) Order 1995 provides permitted development rights for 1 of Schedule 2 of the Town and Country Planning (General Permitted householders to undertake certain works to their properties without the need to make a planning application. Part E of the schedule allows raised platforms that do not project more than 300mm above the surface of the ground directly below it. The decking that has been erected exceeds the 'permitted

development limits' and therefore is development that requires the benefit of planning permission.

7. A photograph of the decking taken from a public right of way to the north of the site is included below:



#### Action Pursued to Date

7. The Council's Planning Enforcement Officers have been in contact with the homeowner and have requested either the removal of the raised decking or the submission of an application to the retain the structure to be considered by the Local Planning Authority. No application has been submitted to date and a site visit on 06/11/2018 confirms that the decking is still in situ.

#### Planning History

8. None.

#### Policy

#### **Local Development Plan:**

8. Section 38 of The Planning and Compulsory Purchase Act 2004 requires that in determining a planning application the determination must be in accordance with the Development Plan unless material considerations indicate otherwise. The Development Plan for the area comprises the Vale of Glamorgan Adopted Local Development Plan 2011-2026, which was formally adopted by the

Council on 28 June 2017, and within which the following policies are of relevance:

*Strategic Policies:*

POLICY SP1 - DELIVERING THE STRATEGY

*Managing Development Policies:*

POLICY MD2 - DESIGN OF NEW DEVELOPMENT

POLICY MD5 - DEVELOPMENT WITHIN SETTLEMENT BOUNDARIES

**Planning Policy Wales:**

9. National planning guidance in the form of Planning Policy Wales (Edition 9, 2016) (PPW) is of relevance to the determination of this matter.

**Technical Advice Notes:**

10. The Welsh Government has provided additional guidance in the form of Technical Advice Notes. The following are of relevance:
  - Technical Advice Note 12 – Design (2016)

**Supplementary Planning Guidance:**

11. In addition to the adopted Local Development Plan, the Council has approved Supplementary Planning Guidance (SPG). The following SPG are of relevance:
  - Residential and Householder Development

**Other relevant evidence or policy guidance:**

- Welsh Government Circular 016/2014: The Use of Planning Conditions for Development Management
- Welsh Office Circular 24/97 - Enforcing Planning Control
- Welsh Government Development Management Manual – Section 14 Annex “Enforcement Tools”

**Well Being of Future Generations (Wales) Act 2015:**

12. The Well-being of Future Generations Act (Wales) 2015 places a duty on the Council to take reasonable steps in exercising its functions to meet its sustainable development (or wellbeing) objectives. This report has been prepared in consideration of the Council’s duty and the “sustainable development principle”, as set out in the 2015 Act. In reaching the recommendation set out below, the Council has sought to ensure that the needs of the present are met without compromising the ability of future generations to meet their own needs.

## Reasons for Serving an Enforcement Notice

13. Being sited at the back of the property, albeit visible from a public vantage points at the rear, the development does not have a significant detrimental impact on the visual amenity or character of the area. Therefore the main impact in assessing the expediency of serving an Enforcement Notice is considered to be the privacy and amenity of neighbours.
14. An officer's site visit has confirmed that the decking, due to its height, offers unobstructed views at close range into the ground floor rooms of 89, Salisbury Road via the rear ground floor windows, and overlooks their rear garden at close range. Accordingly, the development as built is considered to have a seriously harmful impact on the privacy and living conditions of the occupiers of the adjoining property. It is recognised that a privacy screening of some form at the side of the decked area could be used to mitigate the overlooking impact to a degree. However, the height of such a screen in itself, is likely to be unacceptable in terms of being an oppressive height on the boundary with the neighbour adversely affecting their amenity to an unreasonable degree. This would need consideration should the owner wish to submit an application for such mitigation.
15. Notwithstanding this, the raised decking as built causes an unacceptable harm to the privacy and amenity of 89, Salisbury Road and for this reason does not comply with LDP Policy MD2 - Design of New Developments, Policy 8.12.1 of the Supplementary Planning Guidance on Residential and Householder Development and PPW.

## Conclusions

16. The decking is considered to be an un-neighbourly form of development that allows unobstructed views into the neighbouring property, resulting in a loss of privacy that is seriously detrimental to their living conditions.
17. In view of the issues identified in the paragraphs above, it is considered expedient to pursue action requiring the removal of the decking.

## Resource Implications (Financial and Employment)

18. Any costs involved in drafting and issuing Notices, attending enquiries and undertaking monitoring work can be met within the departmental budget. There are no employment issues.

## Legal Implications (to include Human Rights Implications)

19. If an Enforcement Notice is served, the recipient has a right of appeal under Section 174 of the Town and Country Planning Act 1990 (as amended).
20. The Action is founded in law and would not be considered to breach any of the rights referred to in the Human Rights Act.



## Equal Opportunities Implications (to include Welsh Language Issues)

21. None.

### RECOMMENDATION

- (1) That the Head of Legal Services be authorised to issue an Enforcement Notice under Section 172 of the Town and Country Planning Act 1990 (as amended) to require:
  - (i) The removal of the raised decking platform within the rear garden in its entirety and restore the land to its former condition prior to the unauthorised works taking place.
- (2) In the event of non compliance with the Notice, authorisation is also sought to take such legal proceedings as may be required.

### Reason for Recommendation

- (1) By reason of its size, siting and relationship with neighbouring windows and private space, the decking constitutes an un-neighbourly form of development that has an unacceptable impact upon privacy and amenity of the neighbouring property 89 Salisbury Road. The unauthorised development is, therefore, contrary to the aims of Policy MD2 – Design of New Development of the Vale of Glamorgan Adopted Local Development Plan 2011 - 2026, the advice within the Council's Supplementary Planning Guidance on Residential and Householder Development and Planning Policy Wales 9th Edition.
- (2) It is considered that the decision complies with the Council's well-being objectives and the sustainable development principle in accordance with the requirements of the Well Being of Future Generations (Wales) Act 2015.

### Background Papers

Enforcement File Ref: ENF/2018/0174/PC

Contact Officer - Mr. S. Zahoor, Tel: 01446 704608

### Officers Consulted:

All relevant Chief Officers have been consulted on the contents of this report.

MARCUS GOLDSWORTHY  
HEAD OF REGENERATION AND PLANNING

THE VALE OF GLAMORGAN COUNCIL

PLANNING COMMITTEE : **29 NOVEMBER, 2018**

REPORT OF THE HEAD OF REGENERATION AND PLANNING

7. ENFORCEMENT ACTION

b) **LAND AT BARRY WATERFRONT, SOUTH QUAY PARKSIDE, BARRY**

Executive Summary

1. This report seeks authorisation to issue a Breach of Condition Enforcement Notice under section 174 and a Stop Notice under section 183 of the Town and Country Planning Act 1990 (as amended) in respect of the breach of conditions of the planning permissions for development at the Barry Waterfront. The breach relates to the delivery of certain elements of the District Centre. The principle issues are considered to be the impact of the breach on the delivery of a comprehensive form of redevelopment that is a strategic site within the key settlement of Barry.
2. The report recommends that Breach of Condition Enforcement Notices and Stop notices are issued requiring either the cessation of the occupation of certain units within the development or the cessation of the construction of certain elements of the development until such time as specific retail units within the District Centre are delivered. Authorisation is also sought to pursue legal proceedings in the event that the Enforcement Notice is not complied with.

Details of the Breach

3. The breach relates to planning permission ref: 2009/00946/OUT, which is the outline planning permission granted for the Barry Waterfront development, as well as planning permission reference 2017/00662/RES granted for the westernmost area of the Waterfront phase known as South Quay Waterside.
4. Condition 8 of the 2009/00946/OUT permission states:
  8. *With the exception of the site remediation, land surcharging, related utility works, and Barry Island Link Road, as approved under application 2010/00696/FUL, no development shall commence until a phasing plan has been submitted to and approved in writing by the Local Planning Authority, which plan shall fully detail the timescale for implementation of the development. The plan shall have particular regard to the timing of the construction of the Barry Island Link Road and the linkage to Barry Island car park and other highway works, the delivery of public realm and retail units during Phase 1; the development shall thereafter be carried out in accordance with the phasing plan, unless a revised*

*phasing plan is otherwise agreed in writing by the Local Planning Authority.*

*Reason:*

*To ensure the satisfactory timing of the development of the site and having regard to the principle of sustainable development and the need to limit impact on the surrounding communities, to comply with the requirements of strategic Policies 2 and ENV27 of the Unitary Development Plan and the Vale of Glamorgan Supplementary Planning Guidance on Sustainable Development.*

5. A phasing plan and chart was submitted to the Council and final approval of both was granted on the 2<sup>nd</sup> September, 2014. This states that house building will take place in the area known as South Quay Parkside from March 2017 to November 2018 and that the A3 units (which are part of the area known as the District Centre) will take place from September 2016 to September 2017. Whilst the housing has proceeded at pace, the retail units in the District Centre have not been delivered to date.

6. Condition 19 requires the provision of the District Centre as follows:

*19. The proposed District Centre A3 units hereby permitted shall be built, fitted out to a shell and core specification, to be agreed in writing with the Local Planning Authority, and made available for rent / sale prior to the first occupation of dwellings in the area identified as South Quay Parkside in the Design and Access Statement and these units shall thereafter be marketed for a minimum of two years from such date (or until sold or leased), in accordance with a marketing plan (which will detail tenure, rental levels and types of operator) said plan to first be submitted to and agreed in writing by the Local Planning Authority.*

*Reason:*

*To ensure a comprehensive and mixed use development of the site in accordance with Policy HOUS 1 and the Barry Waterfront Development Principles Document.*

7. The properties in South Quay Parkside have been substantially constructed and most are occupied. The A3 units in the district centre have not been delivered.

8. Officers have been aware of this breach of the conditions for some time and have been negotiating with the developers to try to resolve the breach and agree a revised phasing plan to ensure the timely delivery of the District Centre as soon as possible. By way of background, a Section 73 application was submitted in May 2013 (valid in mid 2014), which initially sought to vary conditions 1, 2 and 3 of the outline permission 2009/00946/OUT (the initial trigger conditions relating to the implementation of the permission). The consortium's then agent subsequently advised that they wished to vary condition 19 of the outline permission (above) to allow the haul route (which crossed the site of the District Centre) to be retained for the duration of

remediation works on South Quay. Officers were prepared to consider the nature of the consortium's proposals, in order to facilitate the more efficient remediation of South Quay. However, the consortium's agent subsequently formalised proposals to vary Condition 19 to a form of wording which sought more substantial delays in the delivery of the District Centre. Since that time, officers have been negotiating with the consortium to agree on an amended Condition 19, which would accommodate the consortium's housing delivery programme and deliver a commercial District Centre in the interest of the proper planning of the area. In April 2018 an agreement was finally reached through discussions and the consortium's agent formally submitted a proposal on behalf of the three house builders, which contains a series of trigger points relating to phases of the District Centre (tied to the construction of limited numbers of dwellings on various residential parcels). That application has not been approved as it requires a variation of the legal agreement which sits alongside the original outline planning permission.

9. Officers have been aware of on-going breaches of Condition 19 during the course of negotiations on how to amend its wording. However, while active discussions have been on-going, officers have delayed taking formal enforcement action in the interests of reasonableness and to try and resolve the matter amicably, and given that remedying that breach would potentially have significant impacts on residents of the dwellings and on the delivery of a strategically important development for the Vale of Glamorgan.
10. During the extent of these negotiations, officers pressed for the submission of a planning application (2017/01356/RES) for the District Centre, which was itself subject to significant negotiations and eventually approved on 24<sup>th</sup> May 2018 but to date no works have started and the Council have not received any applications to discharge conditions. Regrettably this suggests a lack of urgency in implementing the planning permission and we have recently been advised by one of the Consortium that they intend on submitting a revised proposal which will delay matters further.

## 7.0 Character Areas

### Introduction

7.1 The Masterplan has been sub-divided into the following seven character areas:

- ▶ District Centre (1)
- ▶ West Pond (2)
- ▶ South Quay Parkside (3)
- ▶ South Quay Waterside (4)
- ▶ Arno Quay and Quays (5)
- ▶ East Quay (6)

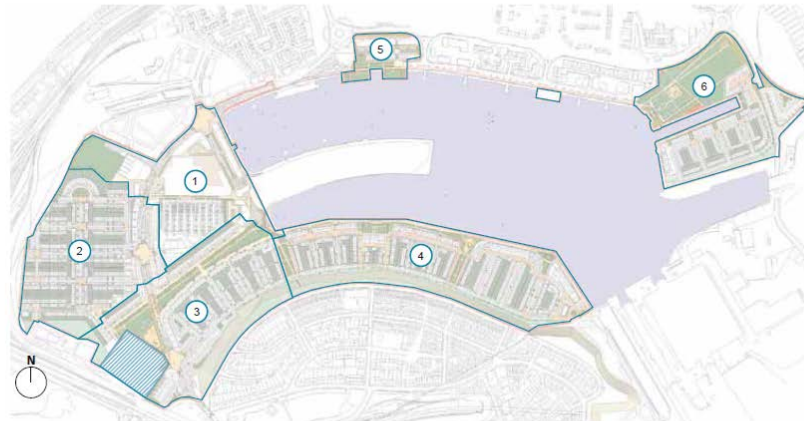


Figure 12: Character Areas

Key	
Planning Application Boundary	1 District Centre
Character Area Boundary	2 West Pond
Area within character area but outside of application boundary	3 South Quay Parkside
	4 South Quay Waterside
	5 Arno Quay & Castle Land Quay
	6 East Quay

11. In addition to the above, the development of the area known as South Quay Waterside (Character area 4 above) has also commenced and a substantial number of units are close to completion on the Western portion of this area. The developer is BDW Trading Limited (also known as Barratt Homes). The Reserved Matters application for this development (reference 2017/00662/RES) was being considered at the same time that significant negotiations were ongoing with the Barry Waterfront Development Consortium regarding revised timings under the S73 application referred to at paragraph 8 above. Therefore, the application was approved subject to the following condition which reflects the agreed phasing / delivery programme at that time:

2. *No more than 61 market units that are the subject of this application shall be commenced until such time as all of the A3 units located within at least one of the blocks identified as Block A, Block B or Block C as shown in application 2017/01356/RES are fitted out to a shell and core specification.*

*No more than 83 market units that are the subject of this application shall be commenced and no more than 101 market units that are the subject of this application shall be occupied until such time as all of the A3 units located within at least two of the blocks identified as Block A, Block B or Block C shown in application 2017/01356/RES are fitted out to a shell and core specification.*

*No more than 105 market units that are the subject of this application shall be commenced and no more than 118 market units that are the subject of this application shall be occupied until such time as all District Centre A3 units within application 2017/01356/RES have been fitted out to a shell and core specification.*

*Reason:*

*To ensure that the development is phased appropriately with the delivery of the District Centre and to ensure compliance with Policies SP1 and MD2 of the LDP.*

12. The first trigger of this condition requires that no more than 61 of the market units at the site are commenced until such time as at least one of the blocks of A3 units in the south east corner of the District Centre are delivered. A recent visit to the site has established that the development of the westernmost portion of the South Quay Waterside development is either at or close to the 61 unit trigger.
13. At this stage it is worth noting that the whole of the Barry Waterfront development has been developed by a consortium of 3 developers, namely Persimmon Homes, BDW Trading and Taylor Wimpey. The outline permission and, therefore, the requirements of condition 8 and 19 of the 2009/00946/OUT permission and condition 2 of the 2017/00662/RES permission in terms of the delivery of the retail units of the District Centre relate to the entirety of the waterfront development and all developers. As such, all three developers within the Consortium responsible for compliance with the conditions in that all three developers are responsible for the delivery of the A3 units.

Action Pursued to Date

14. Negotiations have taken place during the consideration of the current 2014/00229/EAO planning application that seeks to amend some of the conditions of the original outline permission. An amendment to condition 19 has been proposed and has been broadly agreed by all parties (i.e. the Consortium and the Council). This is as follows (although the final wording of the condition is to be finalised):
  - Trigger 1- No more than 684 market dwellings shall be occupied, and construction of no more than 747 market dwellings shall be commenced until such time as development has commenced on the construction of the District Centre.
  - Trigger 2- No more than 831 market dwellings shall be occupied, and construction of no more than 831 market dwellings shall be commenced until such time all of the A3 units located within at least one of the blocks identified as Block A, Block B or Block C on the approved site plan are fitted out to a shell and core specification.
  - Trigger 3- No more than 897 market dwellings shall be occupied, and construction of no more than 951 market dwellings shall be commenced until such time all of the A3 units located within at least two of the blocks identified as Block A, Block B or Block C on the approved site plan are fitted out to a shell and core specification
  - Trigger 4- No more than 963 market dwellings shall be occupied, and construction of no more than 1002 market dwellings shall be commenced until such time as all District Centre A3 units have been fitted out to a shell and core specification”

(each of the above triggers to exclude any market units that form part of planning permission 2017/01356/RES)

- The market units permitted by trigger 2 shall include the occupation or commencement of no more than 61 market units from each of the following planning permissions: 2015/01032/RES, 2017/00647/RES and 2017/00662/RES
  - The market units permitted by trigger 3 shall include the occupation of no more than 83 market units and the commencement of no more than 101 market units from each of the following planning permissions: 2015/01032/RES, 2017/00647/RES and 2017/00662/RES
  - The market units permitted by trigger 4 shall include the occupation of no more than 105 market units and the commencement of no more than 118 market units from each of the following planning permissions: 2015/01032/RES, 2017/00647/RES and 2017/00662/RES
15. This application has not been approved to date and yet the development still continues on site. In fact, a recent site inspection has established that the triggers in this informally agreed replacement condition may have been surpassed by the development on site.
16. On the 19 and 20 of November 2018, under delegated powers, the Council issued Planning Contravention Notices (PCN) on the development consortium members to gather evidence from them about their understanding of the levels of occupation and construction on the relevant parcels to help inform the Council's consideration of this case. They have 21 days to respond.

### Planning History

17. There is extensive planning history relevant to the Waterfront development. The most relevant is the outline permission for the site and the reserved matters application relating to the area identified as South Quay Parkside. Also of relevance is the more recent, and yet undetermined, planning application that seeks to amend some of the conditions of the outline permission, including condition 19. These are as follows:

#### **Outline permission and proposed revision to outline:**

- **2009/00946/OUT:** Land at Barry Waterfront adjacent to Dock No. 1, Barry - Development of vacant land at Barry Waterfront for residential (C3), retail (A1), cafes, bars and restaurants (A3), hotel (C1), offices (B1) and community and leisure uses (D1 and D2). Development of vehicular and pedestrian/cycle access including a new link road, re-grading of site to form new site levels and associated infrastructure works, parking, servicing, landscaping, public realm and public open space provision - Approved 02/03/2012
- **2014/00229/EAO:** Land at Barry Waterfront, adjacent to Dock No. 1, Barry - Deletion of Conditions 1 and 2, Variation of Conditions 3, 5, 19 and 20 of 2009/00946/OUT for the development of vacant land at Barry Waterfront for residential (C3), retail (A1), cafes, bars and restaurants (A3), hotel (C1),

offices (B1) and community and leisure uses (D1 and D2). Development of vehicular and pedestrian/cycle access including a new link road, re-grading of site to form new site levels and associated infrastructure works, parking, servicing, landscaping, public realm and public open space provision at Land at Barry Waterfront adjacent to Dock No. 1, Barry - Not yet determined

#### **Reserve Matters for South Quay Parkside:**

- **2015/01458/RES** : Land at Barry Waterfront, South Quay Parkside, Barry - Reserved matters application for residential development (45 units) - Approved 27/04/2016
- **2015/01305/RES** : Site known as South Quay, Barry Waterfront, Barry - Development of site known as South Quay (Parkside) for residential development and associated infrastructure works, parking servicing and landscape - Approved 17/08/2016
- **2015/01224/RES** : Site known as South Quay (Parkside), Barry Waterfront, Barry - Development of site known as South Quay (Parkside) for residential development and associated infrastructure works, parking, servicing and landscape (76 dwellings) - Approved 05/08/2016
- **2015/01032/RES** : Land at Barry Waterfront, Phase 2, Barry - Approval is sought for the layout, scale, appearance, access and landscaping of Phase 2 (109 dwellings) - Approved 17/08/2017

#### **Reserve Matters for South Quay Waterside (next phase after Parkside)**

- **2017/00647/RES** : Land at Barry Waterfront, Cliffside Road, Barry - The erection of 163 residential dwellings, landscaping, parking and associated infrastructure - Approved 25/04/2018
- **2017/00647/RES** : Land at Barry Waterfront, Cliffside Road, Barry - The erection of 163 residential dwellings, landscaping, parking and associated infrastructure - Approved 25/04/2018
- **2018/00592/RES** : South Haven Phase 2, Barry Waterfront, Barry - Approval is sought for the access, appearance, landscaping, layout and scale for a residential development and associated infrastructure - Not yet determined

#### **Planning permissions for District Centre:**

- **2017/01356/RES** : Land at Barry Waterfront, Barry - Construction of new District Centre comprising of 57 residential apartments, 1,885sq.m food & drink use (A3), 390sq.m flexible commercial use (D1/D2/A3), together with associated infrastructure works, parking and landscaping - Approved 23/05/2018
- **2014/01182/EAR** : Proposed District Centre, Barry Waterfront, Powell Duffryn Way, Barry - Variation of condition 1 of planning permission 2012/00971/EAR and removal of conditions 2, 3 and 4. - Approved 19/11/2014



- **2014/00904/EAR** : Proposed District Centre, Barry Waterfront, Duffryn Way, Barry - Variation of conditions 1, 3 and 4 of Application 2012/00971/EAR - Approved 29/09/2014

### **Enforcement Action:**

In addition to the matters referred to in this report, the Council has a number of other enforcement / monitoring cases open in respect of the Barry Waterfront Development which are being actively investigated and action will be taken where necessary. These include, dust suppression measures, hours of construction, public open space delivery, section 106 planning obligations, and untidy land.

A Breach of Condition Notice in respect of the Construction Traffic Management Plan (specifically routes through Barry) was issued on 5<sup>th</sup> March 2015 and is still being monitored but has not led to formal prosecution to date.

### Policy

#### **Local Development Plan:**

18. Section 38 of The Planning and Compulsory Purchase Act 2004 requires that in determining a planning application the determination must be in accordance with the Development Plan unless material considerations indicate otherwise. The Development Plan for the area comprises the Vale of Glamorgan Adopted Local Development Plan 2011-2026, which was formally adopted by the Council on 28 June 2017, and within which the following policies are of relevance:

#### *Strategic Policies:*

POLICY SP1 – DELIVERING THE STRATEGY  
POLICY SP2 – STRATEGIC SITES  
POLICY SP6 – RETAIL

#### *Managing Growth Policies:*

POLICY MG3 – STRATEGIC SITE AT BARRY WATERFRONT

#### *Managing Development Policies:*

POLICY MD1 - LOCATION OF NEW DEVELOPMENT  
POLICY MD2 - DESIGN OF NEW DEVELOPMENT

#### **Planning Policy Wales:**

19. National planning guidance in the form of Planning Policy Wales (Edition 9, 2016) (PPW) is of relevance to the determination of this application.

#### **Technical Advice Notes:**

20. The Welsh Government has provided additional guidance in the form of Technical Advice Notes. The following are of relevance:

- Technical Advice Note 4 – Retailing and Commercial Development (2016)

- Technical Advice Note 23 – Economic Development (2014)

### **Supplementary Planning Guidance:**

21. In addition to the adopted Local Development Plan, the Council has approved Supplementary Planning Guidance (SPG). The following SPG are of relevance:

- Barry Development Guidelines

### **Other relevant evidence or policy guidance:**

22. Other relevant documents include:

- Welsh Government Circular 016/2014: The Use of Planning Conditions for Development Management
- Welsh Office Circular 24/97 - Enforcing Planning Control
- Welsh Government Development Management Manual – Section 14 Annex “Enforcement Tools”

### **Well Being of Future Generations (Wales) Act 2015:**

23. The Well-being of Future Generations Act (Wales) 2015 places a duty on the Council to take reasonable steps in exercising its functions to meet its sustainable development (or wellbeing) objectives. This report has been prepared in consideration of the Council’s duty and the “sustainable development principle”, as set out in the 2015 Act. In reaching the recommendation set out below, the Council has sought to ensure that the needs of the present are met without compromising the ability of future generations to meet their own needs.

### Reasons for Serving an Enforcement Notice

24. Barry is identified in the adopted LDP as being the Key Settlement within the Vale of Glamorgan Council administrative area. LDP policy SP2 also identifies Barry Waterfront as one of the three strategic sites within the Vale. Paragraph 5.36 of the LDP identifies the importance of the Waterfront development. It states:

*“The strategic mixed use development at Barry Waterfront will help to realise significant regeneration benefits for the town, help to integrate Barry Island, the Waterfront and the town centre and strengthen Barry’s key settlement role in the Capital Region.”*

25. The vision for Barry Waterfront is identified in the same paragraph of the LDP as follows:

*“The creation of a sustainable new urban quarter with distinctive neighbourhoods, attractive places and community facilities that*

*complement, integrate and link with Barry town and Barry Island, whilst taking full advantage of the maritime setting of the No. 1 Dock.”*

26. In recently approving the LDP, the LDP Inspector agreed with the significance placed on the Barry Waterfront Development as a comprehensive mixed use regeneration scheme. The development and the Council's vision for this mixed use regeneration project clearly accords with the sustainable development principles of set out in PPW.
27. Being a vital element of the mixed use scheme, the District Centre is a key component of the Barry Waterfront Development and is intended to create a new retail and entertainment centre to serve the Waterfront development and the wider area. It is a key component of the regeneration of this area and is essential for the delivery of the Council's aspirations for the Waterfront.
28. In view of the importance of the District Centre (the A3 units in particular) condition 19 was imposed in order to ensure the delivery of the A3 units during the course of the development and at a reasonably early stage in its delivery programme.
29. A significant portion of the housing element of the Waterfront development has been delivered and the development has progressed significantly passed the point at which condition 19 requires the delivery of the A3 units. Whilst the supermarket within the District Centre has been delivered, the smaller A3 units specifically referred to in the condition have not. More specifically, construction has commenced on three of the A3 units in the area now referred to as Dockside Quay (along the eastern boundary of the District Centre), but these have not been completed to the specification referred to in condition 19. No works have been undertaken to commence construction of the three A3 blocks in the southeast corner of the District Centre.
30. Notwithstanding the above, formal enforcement action has not been pursued to date in view of the lack of planning permission for the A3 units (subsequently approved 23/05/2018) and due to the negotiation that has taken place in the course of the consideration of the revised outline permission (2014/00229/EAO) in respect of the revised triggers for condition 19. In fact, in the determination of the Reserved Matters applications for the western and central part of the South Quay Waterside area, there was recognition of the reasons for the delay in the delivery of the A3 units and, as such, revised triggers were imposed as conditions on the reserved matters application (2017/00662/RES) referred to above, and on the reserved matters application for the central portion of this area (2017/00647/RES) being developed by Taylor Wimpey.
31. Despite having reached an agreement to the revision of condition 19, as proposed by the consortium themselves via their joint agent, it now transpires that the triggers proposed by the Consortium in respect of the numbers of units built have also been surpassed in the case of the South Quay Parkside Persimmon site. Also, as noted above, it would also appear that the BDW Trading development of the South Quay Waterside area is at or close to the trigger imposed on condition 2 of the reserved matters permission for that development.

32. Having regard to the reasons for the imposition of the conditions and the lack of progress that has been made on the delivery of the units, even in accordance with the revised triggers on the Reserved Matters applications and the revised triggers informally agreed as part of the negotiations on the 2014/00229/EAO application, it is now considered expedient to pursue the matter of the failure of the consortium to comply with the requirements of condition 19 and the phasing plan (condition 8). It is also considered expedient to pursue any failure there may be with regard to compliance with condition 2 of the 2017/00662/RES reserved matters application.
33. In terms of the requirements of the Notices to be issued, the development of the South Quay Parkside area referred to in condition 19 of the 2009/00946/OUT permission has taken place and is near completion. The vast majority of the units have been occupied. The units that are still under construction and are not, therefore, occupied are three blocks of flats in the north east corner of the South Quay Parkside site. It is, therefore, recommended that the Enforcement Notice relating to condition 9 of the 2009/00946/OUT permission require that no further units within the South Quay Parkside area of the development are occupied until such time as all of the District Centre A3 units have been built, fitted out to a shell and core specification, as required by the condition. It is also recommended that the Stop Notice to accompany the Enforcement Notice will prohibit the occupation of all remaining units.
34. If the BDW Trading development at South Quay Waterside progresses to the point where more than 61 market units of the development has commenced, it is recommended that the Enforcement Notice relating to the breach of condition 2 of the 2017/00662/RES permission require the cessation of the development until such time as all of the A3 units located within at least one of the blocks identified as Block A, Block B or Block C as shown in application 2017/01356/RES are fitted out to a shell and core specification. It is recommended that the accompanying Stop Notice prohibit the commencement of the construction of any remaining market units approved by virtue of the 2017/00662/RES reserved matters permission.
35. It should be noted that, whilst the development of the housing approved by virtue of the 2017/00647/RES permission (the Taylor Wimpey South Quay Waterside development) has commenced, this has not progressed to a stage where a breach of the condition relating to the delivery of the District Centre A3 units of that permission is potentially imminent. As such, no action is recommended in respect of this condition at this stage. The development is, however, being closely monitored. Furthermore, the easternmost parcel of the South Quay Waterside area is also to be developed by Persimmon Homes. No development has commenced at this stage and the reserved matters application (2018/00592/RES) is currently being considered by the Council.
36. It should be noted below, that it is only considered expedient to limit the occupation of the market housing units rather than the affordable housing units in recognition of the high level of need for affordable housing in the area.

37. Finally, under the 2015 Act the Council not only have a duty to carry out sustainable development, but must also take reasonable steps in exercising its functions to meet its sustainable development (or wellbeing) objectives. This report has been prepared in consideration of the Council's duty and the "sustainable development principle", as set out in the 2015 Act, in recommending the action below, the Council has sought to ensure that the needs of the present are met without compromising the ability of future generations to meet their own needs.

### Conclusions

38. The failure of the Consortium of developers to deliver the A3 units within the Waterfront District Centre within the time limits specified by conditions results in a form of development that, as a strategic development site, is not sustainable and is considered to conflict with the strategy of the LDP; strategic policies SP1, SP2, SP6 and MG3 as supported by the SPG on Barry Development Guidelines; and the wider principles of good design set out in policies MD1 and MD2. This breach is also considered to conflict with the principles of sustainable development set out in PPW, Technical Advice Note 4 on Retailing and Commercial Development, and Technical Advice Note 23 on Economic Development.
39. In view of the issues identified in the paragraphs above, it is considered expedient to pursue formal enforcement action in the form of Enforcement Notices and Stop Notices in respect of conditions 8 and 19 of planning permission 2009/00946/OUT and condition 2 of 2017/00662/RES.

### Resource Implications (Financial and Employment)

40. Any costs involved in drafting and issuing Notices, attending enquiries and undertaking monitoring work can be met within the departmental budget. There are no employment issues.

### Legal Implications (to include Human Rights Implications)

41. If an Enforcement Notice is served, the recipient has a right of appeal under Section 174 of the Town and Country Planning Act 1990 (as amended).
42. The Action is founded in law and would not be considered to breach any of the rights referred to in the Human Rights Act.

### Equal Opportunities Implications (to include Welsh Language Issues)

43. None.

## RECOMMENDATION

With regard to the breach of conditions 8 and 19 of planning permission reference 2009/00946/OUT, the following is recommended:

- (1) That the Head of Legal Services be authorised to issue a Breach of Condition Enforcement Notice under Section 172 of the Town and Country Planning Act 1990 (as amended) to require that:
  - (i) No further market dwellings are occupied within the area known as South Quay Parkside until such time as all District Centre A3 units have been built, fitted out to a shell and core specification, and made available for rent or sale.
- (2) That the Head of Legal Services be authorised to issue a Stop Notice under Section 183 of the Town and Country Planning Act 1990 (as amended) to require:
  - (i) No further market dwellings are occupied within the area known as South Quay Parkside until such time as all District Centre A3 units have been built, fitted out to a shell and core specification, and made available for rent or sale.
- (3) In the event of non-compliance with the Notice, authorisation is also sought to take such legal proceedings as may be required.

With regard to the breach of condition 2 of planning permission reference 2017/00662/RES, the following is recommended:

- (4) That, in the event that the construction of 61 units or more has commenced in the area of the site subject of the reserved matters permission reference 2017/00662/RES, the Head of Legal Services be authorised to issue an Enforcement Notice under Section 172 of the Town and Country Planning Act 1990 (as amended) to require:
  - (i) The cessation of the commencement of all works of construction of any further market units, including internal construction works, fitting out and decoration.
- (5) That the Head of Legal Services be authorised to issue a Stop Notice under Section 183 of the Town and Country Planning Act 1990 (as amended) to require:
  - (i) The cessation of the commencement of all works of construction of any further market units, including internal construction works, fitting out and decoration.
- (6) In the event of non-compliance with the Notice, authorisation is also sought to take such legal proceedings as may be required.

### Reason for Recommendation

- (1) The failure to deliver the A3 units within the Waterfront District Centre in compliance with conditions 8 and 19 of planning permission reference 2009/00946/OUT and condition 2 of planning permission reference 2017/00662/RES results in a form of development that, as a strategic development, is not sustainable and is considered to conflict with the strategy of the Vale of Glamorgan Adopted Local Development Plan 2011-2026; strategic policies SP1 – Delivering the Strategy, SP2 – Strategic Sites, SP6 - Retail and MG3 Strategic Site at Barry Waterfront of the Plan as supported by the Council's Supplementary Planning Guidance on Barry Development Guidelines; and the wider principles of good design set out in policies MD1 – Location of New Development and MD2 – Design of New Development of the Plan. This breach of planning control is also considered to conflict with the principles of sustainable development set out in Planning Policy Wales (Edition 9), Technical Advice Note 4 on Retailing and Commercial Development and Technical Advice Note 23 on Economic Development.
  
- (2) It is considered that the decision to pursue formal enforcement action complies with the Council's well-being objectives and the sustainable development principle in accordance with the requirements of the Well Being of Future Generations (Wales) Act 2015.

### Background Papers

Enforcement File Ref: ENF/2018/0331/PRO

Contact Officer - Mrs. Justina M. Moss, Tel: 01446 704

### Officers Consulted:

All relevant Chief Officers have been consulted on the contents of this report.

MARCUS GOLDSWORTHY  
HEAD OF REGENERATION AND PLANNING

THE VALE OF GLAMORGAN COUNCIL

PLANNING COMMITTEE: **29 NOVEMBER 2018**

REPORT OF THE HEAD OF REGENERATION AND PLANNING

7. PLANNING APPLICATIONS

There are no planning applications being reported to this Planning Committee