

No.

PLANNING COMMITTEE

Minutes of a meeting held on 29th November, 2018.

Present: Councillor B.T. Gray (Chairman); Councillor V.P. Driscoll (Vice-Chairman); Councillors J.C. Bird, L. Burnett, Mrs. P. Drake, N.P. Hodges, Dr. I.J. Johnson, P.G. King, A.C. Parker, Mrs. R. Nugent-Finn, R.A. Penrose, L.O. Rowlands, N.C. Thomas, E. Williams and Ms. M. Wright.

515 APOLOGIES FOR ABSENCE -

These were received from Councillors Mrs. C.A. Cave and Mrs. M.R. Wilkinson.

Cllr Penrose also passed on his apologies for arriving late to the meeting and as a consequence did not take part in any vote held during the meeting.

516 MINUTES -

RESOLVED - T H A T the minutes of the meeting held on 1st November, 2018 be approved as a correct record.

Dr. I.J. Johnson expressed his disappointment (which was also shared by the Chairman of the Committee) that the meeting on 1st November, 2018 was not webcast due to the scheduling of equipment upgrade works in the Council Chamber and that the current minute structure did not fully reflect the debate held at the meeting. Therefore, Dr Johnson requested that any future improvement works take place at a time that did not affect Planning Committee Meetings and it be noted that he voted against applications 2016/01520/OUT - Land West of Swanbridge Road and 2018/00913/FUL - Corner Plot on Merthyr Street and Belvedere Crescent during the meeting held on 1st November, 2018.

517 DECLARATIONS OF INTEREST -

No declarations were received.

518 SITE INSPECTIONS (MD) -

RESOLVED - T H A T the attendance of the following Members at the sites indicated below on 1st November, 2018 be noted:

Apologies for all site visits (a,b,c and d), were received from Councillors J.C. Bird, L. Burnett, Mrs. C.A. Cave, Dr. I.J. Johnson, P.G. King, Mrs. R. Nugent-Finn, and E. Williams

Apologies were received for sites (a) and (b) from Councillor Mrs. P. Drake.

No.

An apology for site visit (d) was received from Councillor A.C. Parker.

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| (a) Land at Higher End, Llantwit Road, St. Athan | Councillor B.T. Gray (Chairman);
Councillor V.P. Driscoll (Vice-Chairman);
Councillors A.C. Parker, R.A. Penrose, L.O. Rowlands, N.C. Thomas, Mrs. M.R. Wilkinson, and Ms. M. Wright.
Also present: Councillor J. Thomas |
| (b) 22 Porthkerry Road, Rhoose | Councillor B.T. Gray (Chairman);
Councillor V.P. Driscoll (Vice-Chairman);
Councillors A.C. Parker, R.A. Penrose, L.O. Rowlands, N.C. Thomas, Mrs. M.R. Wilkinson, and Ms. M. Wright.
Also present: Councillor G. Kemp. |
| (c) Corner Plot on Merthyr Street and Belvedere Crescent, Barry | Councillor B.T. Gray (Chairman);
Councillor V.P. Driscoll (Vice-Chairman);
Councillors Mrs. P. Drake, A.C. Parker, R.A. Penrose, L.O. Rowlands, N.C. Thomas, Mrs. M.R. Wilkinson, and Ms. M. Wright.
Also present: Councillor J. Aviet. |
| (d) Land West of Swanbridge Road, Rhoose | Councillor B.T. Gray (Chairman);
Councillor V.P. Driscoll (Vice-Chairman);
Councillors Mrs. P. Drake, A.C. Parker, R.A. Penrose, L.O. Rowlands, N.C. Thomas, Mrs. M.R. Wilkinson, and Ms. M. Wright.
Also present: Councillor K.P. Mahoney. |

519 BUILDING REGULATION APPLICATIONS AND OTHER BUILDING CONTROL MATTERS DETERMINED BY THE HEAD OF REGENERATION AND PLANNING UNDER DELEGATED POWERS (HRP) -

RESOLVED -

- (1) T H A T the passed building regulation applications as listed in Section A of the report be noted.
- (2) T H A T the rejected building applications as listed in Section B of the report be noted.
- (3) T H A T the serving of Notices under Building (Approved Inspectors Etc.) Regulations 2000, as listed in Section C of the report, be noted.

No.

520 PLANNING APPLICATIONS DETERMINED BY THE HEAD OF REGENERATION AND PLANNING UNDER DELEGATED POWERS (HRP) -

RESOLVED - T H A T the report on the following applications under the above delegated powers be noted:

Decision Codes

- | | |
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| 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
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No.

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

No.

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

No.

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 dwelling house 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

No.

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

No.

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

No.

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

No.

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)

No.

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

No.

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

No.

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.

No.

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

No.

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

No.

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

521 APPEALS (HRP) -

RESOLVED -

(1) T H A T the appeals received following the refusal of the Council to grant planning permission as detailed in Section A of the report be noted.

(2) T H A T it be noted that no final enforcement appeals had been received at the time of the meeting taking place.

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(3) T H A T the Planning Appeal decisions as detailed in Section C of the report be noted.

(4) T H A T it be noted that no Enforcement Appeals decisions had been received at the time of the meeting taking place.

(5) T H A T the statistics relating to the appeals for the period April 2018 – March 2019 as detailed in Section E of the report be noted.

522 TREES (HRP) -

(i) Delegated Powers -

RESOLVED - T H A T the following applications determined by the Head of Regeneration and Planning under delegated powers be noted:

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 Eucalyptus 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

No.

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

523 ENFORCEMENT ACTION (HRP) -

(i) Land and Buildings at 87 Salisbury Road, Barry -

A complaint had been received by the Local Planning Authority on 26th June, 2018, regarding the erection of raised decking and balustrade in the rear garden at 87 Salisbury Road, Barry.

The Principal Appeals and Enforcement Officer advised that the property in question was a two-storey semi-detached dwelling located within the Barry settlement boundary and the property benefited from off-road parking and a rear garden overlooking an area of public open space. However, the property fell outside any designated Conservation Area and was not listed.

Following an initial site inspection it was noted that raised rear decking measuring approximately 7.5 m in width, 2.6 m in depth with height varying from 0.7 m through to 1.2 m was in situ and the property's garden levels were such that the garden sloped away from the back wall. The Officer added that Part Development Order 1995 provided 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 allowed raised platforms that did not project more than 300 mm above the surface of the ground directly below it. Therefore, the decking that had been erected

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exceeded the permitted development limits and required the benefit of planning permission.

The report sought 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 had been constructed without planning permission to the rear of the property at 87 Salisbury Road, Barry. The principal issue was considered to be the impact the development had on the privacy and amenity enjoyed by the adjoining occupiers.

The report recommended that an Enforcement Notice be issued requiring the removal of the raised decking and balustrade in its entirety. Authorisation was also sought to pursue legal proceedings in the event that the Enforcement Notice was not complied with.

RESOLVED -

(1) T H A T the Head of Legal and Democratic 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) T H A T in the event of non-compliance with the Notice, authorisation is also sought to take such legal proceedings as may be required.

Reasons for decision

(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, Barry. 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 wellbeing objectives and the sustainable development principle in accordance with the requirements of the Wellbeing of Future Generations (Wales) Act 2015.

(ii) Land at Barry Waterfront, South Quay, Parkside, Barry -

The Operational Manager for Planning and Building Control presented the report to seek 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

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1990 (as amended) in respect of the breach of conditions of the planning permissions for development at the Barry Waterfront.

The breach related to the delivery of certain elements of the District Centre and the principle issues were considered to be the impact of the breach on the delivery of a comprehensive form of re-development that was a strategic site within the key settlement of Barry.

The report recommended that Breach of Condition Enforcement Notices and Stop Notices be 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 were delivered. Authorisation was also sought to pursue legal proceedings in the event that the Enforcement Notice was not complied with.

The Officer added that the breach related to planning permission Reference: 2009/00946/OUT, which was the outline planning permissions granted for the Barry Waterfront development, as well as planning permission Reference 2017/00662/RES granted for the western most area of the Waterfront phase known as South Quay Waterside.

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.

A phasing plan and chart was submitted to the Council and final approval of both was granted on the 2nd 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

No.

proceeded at pace, the retail units in the District Centre have not been delivered to date.

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.

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.

Officers had been aware of the breach of the conditions for some time and had 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 had not been approved as it required a variation of the legal agreement which sits alongside the original outline planning permission.

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Officers had been aware of ongoing breaches of Condition 19 during the course of negotiations on how to amend its wording. However, while active discussions had been on-going, officers had 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.

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 24th May 2018 but to date no works had started and the Council had not received any applications to discharge conditions. Regrettably this suggested a lack of urgency in implementing the planning permission and the Council had recently been advised by one of the Consortium that they intend on submitting a revised proposal which would delay matters further.

In addition to the above, the development of the area known as South Quay Waterside had also commenced and a substantial number of units were close to completion on the Western portion of the area. The developer was BDW Trading Limited (also known as Barratt Homes). The Reserved Matters application for the 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.

No.

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.

The first trigger of the 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 had established that the development of the westernmost portion of the South Quay Waterside development was either at or close to the 61 unit trigger.

It was worth noting that the whole of the Barry Waterfront development had 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 related to the entirety of the waterfront development and all developers. As such, all three developers within the Consortium were responsible for compliance with the conditions in that all three developers were responsible for the delivery of the A3 units.

Action Pursued to Date

Negotiations had taken place during the consideration of the current 2014/00229/EAO planning application that sought to amend some of the conditions of the original outline permission. An amendment to condition 19 had been proposed and had been broadly agreed by all parties (i.e. the Consortium and the Council). This was as follows (although the final wording of the condition was 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)

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- 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

The application had not been approved to date and yet the development still continued on site. In fact, a recent site inspection had established that the triggers in the informally agreed replacement condition may have been surpassed by the development on site.

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 the case. The Consortium had 21 days to respond.

In conclusion, the Officer also drew the Committee's attention to a supplementary document tabled at the meeting (a letter from Persimmon) that set out a revised timeline for the delivery of the District Centre dated the day of the meeting.

RESOLVED -

With regard to the breach of Conditions 8 and 19 of planning permission Reference 2009/00946/OUT, the following is resolved -

(1) T H A T the Head of Legal and Democratic 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) T H A T the Head of Legal and Democratic 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.

No.

(3) T H A T 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 resolved -

(4) T H A T , 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) T H A T the Head of Legal and Democratic 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) T H A T in the event of non-compliance with the Notice, authorisation is also sought to take such legal proceedings as may be required.

Reasons for decision

(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.