

PLANNING COMMITTEE

Minutes of a meeting held on 20th November, 2019.

Present: Councillor J.C. Bird (Chairman); Councillor B.T. Gray (Vice-Chairman);
Councillors: L. Burnett, Mrs. C.A. Cave, V.P. Driscoll, S.T. Edwards, N.P. Hodges,
Dr. I.J. Johnson, G.C. Kemp, P.G. King, A.C. Parker, N.C. Thomas,
Mrs. M.R. Wilkinson and E. Williams.

Name of Speaker	Planning Application No. and Location	Reason for Speaking
Mr Jon Hurley	2018/01421/OUT, Land to the North of Heol Y Pentir, Rhoose	The applicant or their representative
Mrs Liz Gooding	2019/00690/FUL, The Spinney, Twyncyn, Dinas Powys	Objectors to the application or their representative
Mr Ieuan Williams	2019/00690/FUL, The Spinney, Twyncyn, Dinas Powys	The applicant or their representative
Mrs Anna Cheney	2019/00796/FUL, The Meadows, Station Rd, Peterston Super Ely CF5 6NE	Objectors to the application or their representative
Ms Sian Kosinski	2019/00796/FUL, The Meadows, Station Rd, Peterston Super Ely CF5 6NE	Objectors to the application or their representative
Mrs Abigail Phillips	2019/00796/FUL, The Meadows, Station Rd, Peterston Super Ely CF5 6NE	The applicant or their representative

Councillor A.R. Robertson spoke on the following application in his capacity as Vale of Glamorgan Member for Dinas Powys, 2019/00690/FUL, The Spinney, Twyncyn, Dinas Powys.

462 ANNOUNCEMENT –

Prior to the commencement of the business of the Committee, the Chairman read the following statement:

“May I remind everyone present that the meeting will be broadcast live via the internet and a recording archived for future viewing.”

463 APOLOGIES FOR ABSENCE –

These were received from Councillors Mrs. P. Drake, L.O. Rowlands and Ms. M. Wright.

464 MINUTES –

RESOLVED – T H A T the minutes of the meeting held on 23rd October, 2019 be approved as a correct record.

465 DECLARATIONS OF INTEREST –

No declarations were received.

466 SITE INSPECTIONS –

RESOLVED – T H A T the attendance of the following Councillors at the site visits held on 23rd October, 2019 be noted:

Apologies for all sites were received from Councillor J.C. Bird (Chairman), Councillors L. Burnett, Mrs. C.A. Cave, Mrs. P. Drake, Dr. I.J. Johnson, P.G. King, L.O. Rowlands, Mrs. M.R. Wilkinson and E. Williams

(a) Beaconsfields, St. Brides Road, Wick, CF71 7QB	Councillor B.T. Gray (Vice-Chairman); Councillors S.T. Edwards, A.C. Parker and N.C. Thomas.
(b) Gileston Manor, Gileston Road, Gileston, CF62 4HX	Councillor B.T. Gray (Vice-Chairman); Councillors V.P. Driscoll, S.T. Edwards, A.C. Parker and N.C. Thomas.

467 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.

468 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

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

2014/00229/3/C D	A	South Quay, Barry Dock, Barry	Discharge of Condition 19 - The development shall at all times be carried out in accordance with the Phasing Plan Document registered on 2 September, 2019 in association with application 2014/00229/1/NMA and the following associated plans, received on 18 June 2019 with application 2014/00229/EAO: Barratt Homes - Occupation Plan, Construction Slab Plan, Construction to First Fix Plan. Taylor Wimpey - First Fix Phasing Plan, Occupation Phasing Plan, Superstructure Phasing Plan. Persimmon Homes - Residual Market Units Plan.
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2014/00229/4/C D	A	Land at Barry Waterfront, Barry	Discharge of Condition 19 - Marketing Strategy - Planning Permission ref. 2014/00229/EAO: 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.
2014/00914/1/C D	A	Former Ogmore by Sea Caravan Park, Main Road, Ogmore by Sea	Discharge of Conditions 5- Vehicular and Pedestrian Access, 7 - Hazelwood Footways, 9 - Details of Footway, 12 - Wheel Washing, 13 - Travel Plan, 14 - Finished Levels, 15 - Drainage, 16 - Surface Water Drainage and 22 - External Lighting. Planning Permission ref. 2014/00914/FUL : Removal of Condition 6 of planning permission 2009/01273/OUT.
2014/01424/3/C D	A	St. James Gardens Residential Development, St. James Road, Wick	Planning Permission Reference: 2014/01424/1/CD Proposal: Discharge of Condition 26 - Public Art Location: Land off St. Brides Road, Wick.

2014/01424/5/N MA	A	St. James Gardens Residential Development, St. James Road, Wick	Non Material Amendment- Update of public art proposals after planning permission has been granted. Planning Permission Ref: 2014/01424/FUL: Change of use of agricultural land to residential development (C3) including the development of 124 residential dwellings, public open space, landscaping, highway improvements and associated engineering works.
2015/01226/3/C D	A	77, Romilly Park Road, Barry	Discharge of Condition 16 - Post construction sound insulation assessment. Planning Permission ref. 2014/00071/FUL: Proposed construction of four dwellings with access, on site parking and amenity facilities.
2016/00305/5/C D	A	A4226, Five Mile Lane, Barry	Discharge of Conditions 7 (Vegetation clearance) and 21 (Landscaping scheme) of Planning Permission ref. 2016/00305/RG3.
2017/00291/1/C D	A	Greenyard Farm, Argae Lane, St. Andrews Major	Discharge of Conditions 7 (Bird Nesting Mitigation), 9 (Drainage Scheme), 10 (Contamination Testing), 11 (Remediation Scheme), 16 (CEMP) and 18 (Bin Waste Collection) of Planning Permission 2017/00291/FUL - Change of use of existing stone barn and timber barn to residential, partial conversion of former milking parlour to garage use, the demolition of the remaining milking parlour and steel framed buildings

			and erection of 12 holiday accommodation units and shower block.
2017/00476/1/C D	A	Westhaven 3 (Dockside Quay), Barry Waterfront, Barry	Discharge of Conditions 2 - Road Construction Details (new residential development), 6 -Schedule of Materials in construction (incl. samples), 9 - NS - details of screen walls, enclosures etc. and 10 -NS - Landscape Management Programme.
2017/00476/4/C D	A	Dockside Quay, Barry Waterfront	Discharge of Conditions 2 - Engineering, 3 - Lighting and 13 - Shop Front Design. Planning Permission ref. 2017/00546/RES: Development of the site known as Dockside Quay for residential development, A3 units and associated infrastructure works, parking, and landscaping.
2017/00564/11/C D	A	Northern Access Road, St. Athan	Discharge of Conditions 3 - Junction Modelling and 4 - Highway Mitigation Measures. Planning Permission ref. 2017/00564/FUL: Proposed construction of a new highway (called the Northern Access Road) with footways and a cycleway, new junctions, lighting, signs, fencing, flood alleviation works, acoustic barriers and other environmental mitigation measures, landscaping, demolition of garage at Rose Cottage, and all associated engineering and building operations.

2017/00564/12/C D	A	Northern Access Road, St. Athan	Discharge of Condition 9 - Highway Condition Survey (Post Construction) and 10 - Repairs to the adopted highway of Planning Application 2017/00564/FUL.
2018/00465/1/N MA	A	7, Marine Parade, Penarth	Non-Material Amendment - Replace part timber cladding with glazing to front elevation. Planning Permission ref. 2018/00465/FUL: Complete demolition of existing garage building to be replaced with new indoor swimming pool structure.
2018/00478/1/N MA	A	13, St. Peters Road, Penarth	Non-Material Amendment - Replacing the large roof window to single storey extension with 2 No. roof lights 3 No. additional roof lights to double storey extension roof. Planning Permission ref. 2018/00478/FUL: Proposed two storey extension, single storey extension and loft conversion with dormer window.
2018/00913/1/C D	A	Corner plot on Merthyr Street and Belvedere Crescent, Barry	Discharge of Condition 12 - Affordable Housing. Planning Ref 2018/00913/FUL: The erection of 9 flatted residential dwellings over 3 storeys and associated works at Corner plot on Merthyr Street and Belvedere Crescent, Barry.
2018/01054/FUL	A	12, Marine Parade, Penarth	Existing coach house to the rear of the property to be altered and renovated, existing driveways to be

			reinstated with additional car parking spaces to the rear of the property and a carport to the rear of the property.
2018/01231/2/N MA	A	Cwrt Canna, Land adjacent to Llangan Primary School, Ruthin Road, Llangan	<p>Non Material Amendment- The applicant is seeking to make amendments to the fenestration of the approved development. As such, an amendment to Condition 02 of Planning Permission 2018/01231/FUL is sought- Planning Permission Ref:- Residential-led mixed use development comprising of 13 affordable homes, 2 additional office buildings, a community building and ancillary development including landscaping, drainage, car parking, creation of a new vehicular access and other associated infrastructure.</p>
2018/01231/3/N MA	A	Canna Studio, Land adjacent to Llangan Primary School, Ruthin Road, Llangan	<p>Amendments are required to the doors and windows of the proposed detached bungalow on Plot No.7. As such, an amendment to Condition No. 2 of Planning Permission 2018/01231/FUL: Residential-led mixed use development comprising of 13 affordable homes, 2 additional office buildings, a community building and ancillary development including landscaping, drainage, car parking, creation of a new vehicular access and other associated infrastructure at Cwrt Canna, land adjacent to Llangan Primary School, Llangan.</p>

2018/01313/FUL	A	University Hospital Llandough, Penlan Road, Llandough	Proposed retention, refurbishment, and extension, of existing building for the All Wales Cystic Fibrosis Centre.
2018/01343/1/N MA	A	The Court House, High Street, Llantwit Major	Non-Material Amendment - To change the timber frame construction to dense blockwork. Planning Permission ref. 2018/01343/FUL: Over cladding of rear, two storey 1950s prefabricated extension with timber studs and render to match existing colour and finish.
2018/01427/FUL	A	Plasnewydd Farm, Cowbridge Road, Llantwit Major	Demolition of existing block built agricultural shed and replacement with modern specification, oriented North-South to improve usable yard space.
2019/00062/FUL	A	Land between Penarth Heights and Terra Nova Way, Penarth	Proposed regrading and engineering works to resolve landslip with associated works and construction of steps.
2019/00080/1/C D	A	Land off Heol Las, Wick	Discharge of Condition 3 (Landscaping) and Condition 5 (Parking Layout) of Planning Permission 2019/00080/FUL.
2019/00162/1/C D	A	Penllyn Estate Farm, Llwynhelig, Cowbridge	Discharge of Condition 8 - Details of Entrance wall and gates. Planning Permission ref. 2019/00162/FUL: Erection of a new building to house a farm shop, cafe and associated facilities along with a new carpark and private access track from the A48. The application is

			a replica of that already approved under 2018/00607/FUL with amendments to the internal layout and the enclosing of the loading bay with a fence.
2019/00178/FUL	A	222, Holton Road, Barry	Conversion of existing building into five apartments including alterations to existing windows and the addition of new windows.
2019/00263/1/N MA	A	23 Station Road, Penarth	Non-material Amendment- To take down party wall 23/24 Station Road and incorporate new cavity wall in proposed extension to both properties. Planning Application- 2019/00263/FUL: Demolish existing lean to utility room/ outbuildings and construct new single storey extension to accommodate sun lounge / breakfast room and toilet.
2019/00276/LBC	A	Gileston Manor, Gileston Road, Gileston	Proposed alterations to listed wall and summerhouse.
2019/00290/FUL	A	Playing Fields, Windmill Lane, Frampton, Llantwit Major	Install a stand containing 150 seats and two dugouts inside ground at Windmill Lane and complete pathed area around the pitch.
2019/00426/1/N MA	A	Gelert West, 2, St. Augustines Crescent, Penarth	NMA - French doors with screen Planning Permission 2019/00426/FUL - Construct single storey sun room to rear.
2019/00435/1/C D	A	Whitmore High School, Port Road West, Barry	Discharge of Condition 9 - CEMP. Planning Application ref.

			2019/00435/RG3: Construction of a replacement secondary school building with associated playing fields and parking at the site of the existing Whitmore High School and the demolition of the existing secondary school building upon completion.
2019/00449/FUL	A	Telephone Exchange, Grove Terrace, Penarth	Installation of aluminium louvres on five windows on the south-west elevation of the exchange.
2019/00588/FUL	A	1, St. Augustines Place, Penarth	Single storey extension to rear of existing house. Demolition of existing garage and construction of new garage with workshop storage and new garden / roof terrace.
2019/00642/FUL	A	Highbury, 7A, Beach Road, Penarth	Ground and first floor extensions to rear of the building and first floor extension on existing lobby, balcony on East elevation with access from the attic.
2019/00713/1/N MA	A	Ty Shwllac, Heol Shwllac, St. Brides Major	Non-Material Amendment - External changes to the approved fenestration and access arrangements. Planning Permission ref. 2019/00713/FUL: Single storey side and rear extension.
2019/00733/FUL	A	Argoed Uchaf, Llanharry	Demolition of the Existing Two Storey Dwelling and Proposed Replacement Dwelling.
2019/00736/FUL	A	Halsden, 172, Port Road, Barry	Proposed single storey extension to side and rear and loft conversion

			including dormer and new gable.
2019/00745/1/N MA	A	2 Pinklands, Church Road, Llanblethian, Cowbridge	Non-Material Amendment - Change external finish from render to Cedar cladding, new French door to first floor rear elevation and new window to side elevation first floor. Planning Permission ref. 2019/00745/FUL: New single storey and two storey extension to rear and new porch to front.
2019/00774/FUL	A	163, Stanwell Road, Penarth	Dropped curve at the front of the house, remove garden wall, to give access to car parking space in front of the house.
2019/00775/FUL	A	6, Baroness Place, Penarth	AMENDED PLANS: Conversion of hip to gable roof with full width dormer to the rear and single storey ground floor extension to the rear, circular window in existing front gable, Velux to front, enlarged first floor WC window at rear and new utility door to side elevation.
2019/00776/LAW	A	Top Flat, 3, Clive Crescent, Penarth	Use of second floor flat, also known as the top flat, as a separate residential dwelling.
2019/00783/FUL	A	Llanquian Road, Aberthin	Provision of 6 holiday log cabins, treatment plant drainage and associated works
2019/00810/FUL	A	35, Llanmaes Road, Llantwit Major	Single storey extension to front, side and rear of the existing dwelling

2019/00813/FUL	A	15, Sully Terrace, Penarth	Proposed bay window and canopy to front elevation. New single storey extension to rear.
2019/00822/FUL	A	Bojangles, 13, Washington Buildings, Stanwell Road, Penarth	Change of Use of existing A1 retail premises to D1 podiatry and chiropody clinic with adjustment to front door location and associated internal alterations.
2019/00826/ADV	R	TimberMart UK Ltd t/a Thomson & Son, 4, Sully View, Cardiff Road, Barry	Mounted on 3.0m high posts, a sign to display company name/description approx. 4.0m wide. Top of sign 3.0m from floor, 1.0m down.
2019/00831/FUL	A	148, Redlands Road, Penarth	Demolition of existing kitchen and bathroom, construction of new kitchen / dining / living room and first floor bathroom together with internal alterations.
2019/00851/FUL	A	Keepers Cottage, Llandough	The application amends a previously consented scheme which was to build a garage and off road parking at road level. This application is to vary the previous scheme by omitting the garage from the proposal and proceeding with the off road parking in isolation.
2019/00859/FUL	A	The Laurels, Graig Penllyn	Change of garage door to a set of bi-folds.
2019/00863/FUL	A	Orchard Cottage, Leckwith Road, Leckwith	Replacement garage.
2019/00864/FUL	A	Orchard Cottage, Leckwith Road, Leckwith	Proposed single storey extension with basement.

2019/00866/FUL	A	Ty Carrig, City	Construction of garage.
2019/00867/FUL	A	25, Pwll Y Min Crescent, Peterston Super Ely	Proposed rear extension and dormer extension.
2019/00868/FUL	A	67, Highwalls Avenue, Dinas Powys	Proposed first floor side extension, loft conversion and other alterations to property.
2019/00870/FUL	R	Baobab, Highlight Lane, Barry	Vehicle access road.
2019/00873/FUL	A	Awel Fan, Aberthin Lane, Aberthin	Demolition of existing flat roof two storey extension and construction of new two storey pitched roof extension to front of existing dwelling as well relocation of detached garage and minor external works.
2019/00897/LBC	A	Dyffryn Gardens, St. Nicholas	Alteration work to the garden and bothies include the removal of a brick wall to create a doorway, the installation of a Belfast sink c/w water supply and drainage. The removal of 1m ² of engineering brick to an internal ramp and replace with a softer brick, the alteration of a modern racking system in the potting shed area. Change one set of double doors, reintroduce one garden entrance door and replace one arched entrance door. Reintroduce a stone finial above the adjoining upper and lower garden door. Introduce a butyl lining to the dipping ponds.
2019/00898/FUL	A	8, Handel Close, Penarth	Demolition of existing rear garage structure and proposed two and single storey extension(s) to rear

			and side, with porch roof structure to frontal elevation; alterations to wall cladding and fenestration details all with associated external works.
2019/00907/FUL	A	10, Borough Avenue, Barry	Double extension on side off existing property.
2019/00908/FUL	A	Dyffryn Gardens, Duffryn Lane, Dyffryn	The reintroduction of a Mawson style green house to the lower walled garden.
2019/00909/LBC	A	Dyffryn Gardens, Duffryn Lane, Dyffryn	The reintroduction of a Mawson style green house to the lower walled garden.
2019/00913/FUL	A	8, The Heathers, Barry	Proposed canopy above main entrance and existing vehicular access widened complete with additional parking to front.
2019/00914/FUL	A	Site to rear of No. 2 Barry Road, Barry	Proposed retention of dwelling as built (Original approval 2011/00429/FUL).
2019/00917/1/C D	A	29, Clevedon Avenue, Sully	Discharge of condition 3 - Samples of metal sheeting and cladding. Planning permission ref. 2019/00917/FUL: The proposal is for a garden room with storage to be installed in the place of a static caravan that was being used as a shed/ for storage.
2019/00923/FUL	A	Danygraig, Sutton Road, Ogmore By Sea	We wish to replace the existing boundary wrought iron fence with a 30 metre breeze block Wall and pillars to match the house, rendered and painted white along the front of our property and install a 1.5 metre wide gate into one end of the wall for access.

2019/00927/FUL	A	24, Elm Grove Road, Dinas Powys	1 storey rear extension, 2 storey infill to the side return with windows added to side elevation. Wall moved to straddle boundary.
2019/00930/FUL	A	Caia Barn, St. Nicholas	Proposed garden room.
2019/00931/FUL	A	Cradleigh, Swanbridge Road, Sully	Two storey side and rear extension with balcony above, external staircase to side and new front access gates.
2019/00933/FUL	A	Land at Spring Meadows, Llandow, Cowbridge	Provision of a ménage.
2019/00935/FUL	A	Dickens, 26, Forrest Road, Penarth	Two storey side extension and single storey front extension.
2019/00940/FUL	R	Elmhurst, Porthkerry	Proposed outbuilding to house existing swimming pool and provide gymnasium / games room.
2019/00944/FUL	A	Cog Moors Wastewater Treatment Works, Cardiff Road, Dinas Powys	Installation of items of plant and equipment, comprising lightning conductor poles and replacement of two previously approved export silos.
2019/00955/FUL	A	5, Grove Place, Penarth	Single storey rear extension and loft conversion with dormer to rear.
2019/00956/FUL	A	17, Cwrt Y Vil Road, Penarth	Single storey rear extension.
2019/00958/FUL	A	Parkstone House, 23, Park Avenue, Barry	Change of use from B1 (offices) to C3 (residential).
2019/00959/FUL	A	143, St. Davids Crescent, Penarth	Construction of single storey rear extension.

2019/00965/FUL	A	13, Station Road, Rhoose	Proposed single storey external store.
2019/00966/FUL	A	12, Archer Terrace, Penarth	Two storey side extension, single storey rear extension and first floor rear extension with alterations to replace an earlier extension to an existing dwelling.
2019/00971/FUL	A	19, Hensol Villas, Hensol	Two storey rear extension with Juliet balcony, first floor side extension and remodelling of existing house including an integral garage, new entrance and bay window to front.
2019/00974/ADV	A	Starbucks Drive Thru, Brooklands Retail Park, Culverhouse Cross, Cardiff	Car park, building and drive thru' signage to a new Starbucks site.
2019/00977/FUL	A	Mayfields, St. Quentins Close, Cowbridge	First floor rear extension with Juliet balconies, two dormers to front, new first floor side elevation windows and other alterations to existing house. Upgrading of garage/storage building to form garage and granny annexe ancillary to main building.
2019/00980/LAW	A	93, Queens Road, Penarth	A flat roof rear dormer loft conversion to include one Velux window to the front elevation. Rendered to match the existing house colour.
2019/00981/FUL	A	186, Redlands Road, Penarth	Two storey extension to side and rear of property.
2019/00982/FUL	A	Rockside, 18 Maes-y-Coed, Barry	To construct new first floor sun lounge located on existing veranda.

2019/00983/LAW	A	Ton Y Pwll, Prisk Lane, Maendy	Alterations to rear and side elevations of property, Footprint to remain the same.
2019/00987/FUL	A	1, Anchor Road, Penarth	Installation of sliding doors to ground floor rear elevation, removal of existing first floor bay window and installation of first floor balcony and patio doors to rear elevation; conversion of part of garage to shower room.
2019/00995/FUL	A	65, Plymouth Road, Penarth	Change the existing windows to both front and rear elevations to white wood grain uPVC Roseville Ultimate Rose double glazed sash windows.
2019/00997/FUL	A	13, Archer Road, Penarth	Replace single glazed timber sash window units to the rear with PVC double glazed units that match the appearance of the original. Door sets to the rear will also be replaced with modern PVC units.
2019/01021/FUL	A	30, Windsor Terrace, Penarth	Proposed single storey extension to rear of property.
2019/01032/FUL	A	Honeysuckle Cottage, Colwinston	A room on the back of the kitchen of 1.5m x 5m wide to house the pump plant.
2019/01051/FUL	A	13, Porlock Drive, Sully	Single storey rear extension and garage conversion to habitable space.
2019/01053/FUL	A	12, Shakespeare Avenue, Penarth	Demolition of existing lean-to conservatory and erection of proposed single storey lean-to rear extension.

2019/01083/FUL	A	Pebbles, 3, Weston Avenue, Sully	Enlargement to front porch, front dormers, rear dormer, single storey rear extension and balcony to rear.
2019/01091/FUL	A	81, Blackberry Drive, Barry	Tiled roof entrance porch to front of dwelling.

469 APPEALS (HRP) -

RESOLVED –

- (1) T H A T the planning appeals received following the refusal of the Council to grant planning permission as set out in Section A of the report be noted.
- (2) T H A T the enforcement appeal received as set out in Section B of the report be noted.
- (3) T H A T the planning appeals decisions as set out in Section C of the report be noted.
- (4) T H A T it be noted that no Enforcement Appeal decisions had been received.
- (5) T H A T the statistics relating to the appeals for the period April 2019 – March 2020 as detailed in Section E of the report be noted.

470 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			

2019/00893/TPO	A	Coopersale House, Llanblethian	Work to trees covered by TPO number 7 of 1973: Crown reduction to Horse Chestnut to reduce branches off property.
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2019/00905/TPO	A	Delta Cottage, Llancarfan	Work to trees covered by TPO no. 24 of 1973 - Removal of a row of Sycamore and Ash trees to ground (T1).
2019/00911/TPO	A	Butleigh, Pendoylan	Works to trees covered by TPO - No. 04, 1972.
2019/00918/TPO	A	Woodside Grange, Wenvoe	Works to trees cover by TPO - No. 07, 1988.
2019/00948/TPO	A	Cross Common Road, Dinas Powys	Work to tree covered by TPO No. 5 of 2014 - Shorten branches of T3 Oak over footpath.
2019/00957/TPO	A	5, Ashgrove, Dinas Powys	Works to trees covered by TPO - No. 02, 1954: Crowning of Oak tree in my back garden.
2019/00961/TPO	A	Marks and Spencer, Copthorne Way, Culverhouse Cross, Cardiff	Works to trees covered by Tree Preservation Order No. 12 1994.
2019/00985/TCA	A	1, Red Lion Cottages, Bonvilston	Work to tree in Bonvilston Conservation Area - Crown lift and deadwood removal for one Sycamore adjacent to 1 Red Lion Cottages and bordering a private drive to the rear of numbers 2, 3 and 4 Red Lion Cottages.
2019/00989/TCA	A	6, Norman Cottages, Michaelston Le Pit	Work to Trees in a Conservation Area: Fell dying Ash tree and replace with Oak in boundary hedge-line at front of property.
2019/01001/TPO	A	The Croft, Methodist Lane, Llantwit Major	Works to trees covered by TPO - No. 03, 1977- Prune away from cable and off driveway to allow vehicle access.

2019/01002/TPO	A	9, Clos Cradog, Penarth	Work to Trees covered by TPO No. 10, 2003 - 2 Field Maples in rear garden - reduce by 2 metres.
2019/01003/TPO	A	1, Lee Close, Dinas Powys	Works to trees covered by Tree Preservation Order No. 08, 2003 reduce Yew by 30% and shape.
2019/01006/TPO	A	1, Red Lion Cottages, Bonvilston	Works to trees covered by TPO 8 of 1973: Crown lift and deadwood removal of three Ash trees adjacent to 1 Red Lion Cottages and bordering a private drive to the rear of numbers 2, 3 and 4 Red Lion Cottages.
2019/01009/TCA	A	6, Raisdale Road, Penarth	Work to Trees in a Conservation Area. 1: Cotoneaster - Remove 2 secondary limbs and trim tertiary branches of the crown by approx. 0.5m. 2: Plum - Remove branches overhanging the garden boundary wall and pond. Reduce Ivy and crown by approx. 2m. 3: Oak Tree - Safely dismantle a couple of the Oak Tree branches overhanging the flat roof of the house, Reduce the overall crown of this tree where it overhangs the boundary line, no more than 1.5-2m.
2019/01022/TCA	A	Tuar Gaer, School Lane, St Nicholas	Work to Trees in a Conservation Area: Removal of Copper Beech from front garden of Tuar Gaer.

2019/01030/TPO	A	Old St. James Churchyard, Leckwith Road, Leckwith	Work to Trees covered by TPO No.4, 1993 : Partial upper crown reduction to shorten back limbs / branches touching and in close proximity to the building and road. Tree affected is one Lime (Tilia Vulgaris) at G1 on plan.
2019/01044/TCA	A	Court Farm, Whitefield Farm Lane, Aberthin, Cowbridge,	Work to Trees in a Conservation Area: Ash tree in front garden; reduce crown by approximately half. Norway Maple in rear garden; re-pollard back to suitable pollard points in lower crown.
2019/01063/TCA	A	Westcross House, 10, Stanwell Road, Penarth	Works to trees in Penarth Conservation Area located in rear of Westcross, 10, Stanwell Road, Penarth.
2019/01069/TCA	A	3, Park Road, Penarth	Work to Trees in a Conservation Area: Holly on the boundary with no 2, fell to ground level.
2019/01074/TCA	A	The Grange, St. Hilary, Cowbridge	T1 Elm bordering and overhanging Abbotswood - dismantle to ground level. T2 Beech on lawn North of Copper Beech on drive - dismantle to ground level.
2019/01082/TPO	A	Sycamore, Sigingstone	Work to Tree covered by TPO no 19 of 2007. Sycamore; re-pollard and reduce large lateral stub back to pollard points.
2019/01092/TCA	A	The Old Brewery, Cowbridge	Work to Trees in Cowbridge Conservation Area: Removal of 5 no. diseased Japanese Larch.

2019/01136/TCA	A	Bonvilston Cottage, Bonvilston	Work to trees in a Conservation Area : Crown reduction to Yew tree.
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471 ENFORCEMENT ACTION (HRP) –

(i) Update Report on Enforcement Action at Land at Barry Waterfront, Barry

The purpose of the report was to update Members of the Planning Committee on the enforcement action recently taken at Barry Waterfront following previous reports for authorisation to ensure compliance with planning conditions and outstanding Section 106 matters.

Planning enforcement action that had been pursued by the Council in respect of the Barry Waterfront development and the failure of the consortium of developers (Persimmon, Taylor Wimpy and BDW) to deliver the A3 units within the District Centre.

Outline planning permission was granted in application 2009/00946/OUT for the comprehensive redevelopment of Barry Waterfront for residential (C3), retail (A1), cafés, 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 by the Council on 2nd March, 2012.

Condition 19 of the outline placed a restriction on the occupation of dwellings in the South Quay Parkside area of the Barry Waterfront development until such time as the A3 units within the District Centre were built, fitted out and made available for rent or sale.

In December 2018, Breach of Condition Enforcement Notices and Stop Notices were issued following the developers' failure to deliver certain elements of the District Centre and these required either the cessation of the occupation of various units within the development or the cessation of the construction of certain elements until works on the retail units within the District Centre progressed.

On 27th June, 2019, following further negotiation with the developers, planning permission was granted under a Section 73 application, which sought to vary a number of conditions on the outline planning permission (2014/00229/EAO refers). Condition 19. of that permission was amended to tie the developers to a revised Phasing Plan Document.

The approved Phasing Plan Document contained a number of restrictions in respect of both the construction / build rate and occupation of each part of the development, the phasing being specifically designed to ensure that the District Centre was delivered alongside the remaining houses. The Phasing Plan Document also set out detailed definitions for each stage of development.

Since application 2014/00229/EAO was granted in June 2019, approving revised trigger points for the whole development, the site has continued to be monitored. In September 2019 a survey of the site confirmed that although the Ground Floor Slabs had been completed on all three blocks of the District Centre (Blocks A, B and C), the First Floor Transfer Slabs, which represented the next trigger point had not been completed. Whilst the residential elements of the development had made significant progress and exceeded that permitted by the Phasing Plan.

A Temporary Stop Notice (TSN) was issued on Barratt Homes on 3rd October, 2019, which sought to stop all development and any further occupation on their site and to enable the Local Planning Authority the opportunity of identifying the most appropriate form of action to be pursued to remedy the breaches of planning control.

Following a request from the developer that some work be permitted for health and safety reasons, written confirmation was provided to Barratt Homes on 8th October, 2019 of the specific works which the Council agreed could be carried out to make the buildings safe.

A further site inspection carried out on 21st October, 2019 confirmed that works had continued that had been specifically prohibited in the email sent to Barratts on 8th October, 2019, in breach of the TSN. Officers were currently considering what legal action was appropriate to take in light of this breach. The initial TSN expired on 31st October, 2019.

Following this, it was considered appropriate that a Breach of Condition Enforcement Notice be issued to require compliance with the outstanding conditions. In accordance with the Scheme of Delegation, following consultation with the Chair of Planning Committee (because reporting to Planning Committee for authorisation would have occasioned detrimental delay), officers served a Breach of Condition Enforcement Notice (BCEN) on Barratt Homes on 30th October, 2019 requiring them to comply with the construction / build rate and occupation restrictions contained within the Phasing Plan Document and associated plans relevant to condition 19 of planning permission 2014/00229/EAO. This Notice took effect on 29th November, 2019, unless an appeal is made against it before that date.

In addition, a further TSN was served on Barratt Homes on 31st October, 2019. It required the developer to cease all construction works and further occupation of any market unit dwellings which exceeded the construction / build restrictions set out in the Phasing Plan Document, save for those already occupied on or before 1st November, 2019. This had the effect of bridging the gap between the expiry of the first TSN and the effect of the BCEN, ensuring compliance with the Phasing Plan Document in the interim.

It should be noted that the development of the Taylor Wimpey site at South Quay Waterside had also marginally surpassed the requirements set out in condition 19 of planning permission 2014/00229/EAO. At present, officers were monitoring their site to ensure that no further work takes place on these units and were considering the expediency of further action. However, the magnitude of Taylor Wimpey's breach of the relevant conditions was significantly less than the magnitude of Barratt Homes'

breach of their relevant conditions.

Officers were continuing to monitor on-site compliance and would consider what further steps were necessary if the developers continued to breach the Phasing Plan Document or comply with these Notices. A site inspection on 8th November confirmed that the First Floor Transfer Slab stage in the District Centre had now been constructed and this remedied some, but not all, of the previously identified breaches.

In addition to the matters referred to above, the Council had a number of other enforcement / monitoring cases open in respect of the Barry Waterfront Development which were being actively investigated and action would be taken where necessary. These included; dust suppression measures, hours of construction, public open space delivery, Section 106 planning obligations, and landscaping delivery.

A Breach of Condition Notice in respect of the Construction and Environmental Management Plan (specifically the hours of working) was issued on BDW and Persimmon Homes, in relation to their development at South Quay Waterside, on the 26th July, 2019 and 5th August, 2019 respectively and was still being monitored but had not led to formal prosecution to date.

The BCEN served on Barratt Homes on 30th October, 2019 (referred to above) also required them to comply with the requirements of conditions 10 (enclosures), 11 (landscaping) and 13 (A3 use / sales office) of planning permission 2017/00662/RES. At the time of writing, some of these matters had since been resolved.

Officers had been successful in securing the following resolutions to other breaches of planning at Barry Waterfront:

- Approval of a satisfactory marketing plan for the commercial units in the development to ensure all reasonable endeavors were made to find suitable 'end users' for these units, including a requirement for quarterly updates to the Council;
- Approval of public open space landscaping and onsite delivery of:
 - o Neighbourhood Equipped Area for Play (NEAP) adjacent to link road
 - o Linear Park (with the exception of LAPs)
 - o Landscaping of Pontoons at Arno Quay (Y Rhoddfa)
 - o South Quay Waterside minor open space area (Taylor Wimpey);
- Approval of shop front details for commercial units at South Quay Parkside site and regularisation on site (i.e. removal of domestic scale openings and block work);
- Approval and implementation of Dockside Quay commercial unit shop fronts;
- Landscaping issues at Arno Quay;
- Progress on District Centre build out.

To date, in addition to the delivery of the link road, and on-site open space and affordable housing, the Consortium of developers had paid the following Section 106 contributions:

Sustainable Transport – the first 3 instalments totalling £542,538
 Public Open Space - £116,643
 Community Facilities - £106,063.

The Council was also due to receive the following instalments imminently:

Off-site highway works £1,967,875
 Community Facilities £242,200.

Furthermore, the Council had successfully negotiated with Persimmon Homes to transfer the children's play area at Clos Tyniad Glo (the original Waterfront development) to the Council with a capital contribution (£40,675) to upgrade the play area and a maintenance contribution of £47,534.51 to thereafter maintain it.

RESOLVED – T H A T the content of the update report on Barry Waterfront be noted.

Reason for decision

To inform Members of the Planning Committee of the latest position in relation to enforcement matters at Barry Waterfront.

472 PLANNING APPLICATIONS (HRP) –

Having considered the applications for planning permission, and where necessary, the observations of interested parties, it was

RESOLVED – T H A T in pursuance of the powers delegated to the Committee, the following applications be determined as indicated and any other necessary action be taken.

2018/01421/OUT

Received on 3 January 2019

(P. 42)

Applicant: Wales & West Housing Association

Agent: Mr Jon Hurley 5th Floor Longcross Court, 47 Newport Road, Cardiff, CF24 0AD

Land to the North of Heol Y Pentir, Rhoose

Outline planning application for residential development (up to 17 units) and all associated works at land to the north of Heol Y Pentir, Rhoose (all matters reserved).

RESOLVED – T H A T, subject to the relevant person(s) first entering into a Section 106 Legal Agreement or undertaking to include the following necessary planning obligations:

- Procure that a minimum of 35% (6) of the dwellings built on the site pursuant to the planning permission are built and thereafter maintained as affordable

housing in perpetuity.

- Pay a contribution of £249,309 for the provision or enhancement of education facilities to meet the needs of future occupiers
- Pay a contribution of £39,100 for the provision or enhancement of sustainable transport
- Make provision for on-site open space or pay a contribution of £45,356 for the provision or enhancement of public open space
- Provide public art on the site to the value of 1% of build costs, in accordance with details to be submitted.
- The Legal Agreement will include the standard clause requiring the payment of a fee to monitor and implement the legal agreement (£6742.05 in this case).

Approved subject to the following conditions:

1. Details of the access, appearance, landscaping, layout, and scale (hereinafter called "the reserved matters") shall be submitted to and approved in writing by the Local Planning Authority before any development begins and the development shall be carried out as approved.

Reason:

To comply with the requirements of Section 92 of the Town and Country Planning Act 1990.

2. Any application for approval of the reserved matters shall be made to the Local Planning Authority not later than three years from the date of this permission.

Reason:

To comply with the requirements of Section 92 of the Town and Country Planning Act 1990.

3. The development shall begin either before the expiration of five years from the date of this permission or before the expiration of two years from the date of approval of the last of the reserved matters to be approved, whichever is the later.

Reason:

To comply with the requirements of Section 92 of the Town and Country Planning Act 1990.

4. The development shall be carried out in accordance with the scale parameters of ridge and eaves height specified in the document entitled Planning Design

and Access Statement, the following scale parameters:

- Ridge height 7.2 metres to 8.2 metres
- Eaves height 4.5 metres to 5.0 metres

Reason:

To comply with the requirements of Section 92 of the Town and Country Planning Act 1990 and to ensure a satisfactory form of development in accordance with Policy / Policies SP1 (Delivering the Strategy) / MD2 (Design of New Development) of the Local Development Plan.

5. The development shall be carried out in accordance with the following approved plans and documents:

Drwg 1962-009 Received on 11 November 2019.

Amended Site Location Plan Received on 11 November 2019.

Transport Statement Received on 21 December 2018.

Site Investigation Report Received on 21 December 2018.

Amended Planning Design & Access Statement Received on 05 November 2019.

Preliminary Ecological Assessment Received on 06 November 2019.

Reason:

For the avoidance of doubt as to the approved development and to accord with Circular 016:2014 on The Use of Planning Conditions for Development Management.

6. No development shall commence until details of existing ground levels within and adjacent to the site and proposed finished ground and floor levels have been submitted to and approved in writing by the Local Planning Authority. The development shall be carried out in accordance with the approved details.

Reason:

To ensure that the visual amenity of the area is safeguarded, and to ensure the development accords with Policies SP1 (Delivering the Strategy) and MD2 (Design of New Development) of the Local Development Plan.

7. Notwithstanding the submitted plans, full engineering details of the new vehicular / pedestrian access points in to the site, any new pedestrian footways and internal roads within the site, turning facilities and vision splays, sections, street lighting, surface water drainage and surface materials, shall be submitted to and approved in writing by the Local Planning Authority before the commencement of development. The development shall be implemented and maintained thereafter in accordance with the approved details.

Reason:

In the interests of highway safety in accord with Policies MD2 and MD5 of the Local Development Plan.

8. No development shall commence until a scheme for the comprehensive and integrated drainage of the site, showing how foul water, surface water and land drainage (including highway drainage) will be dealt with, has been submitted to and approved in writing by the Local Planning Authority. The scheme shall ensure that foul water and surface water discharges shall be drained separately from the site, with no surface water or land drainage run-off allowed to connect (either directly or indirectly) into the public sewerage system. The details shall also include details of infiltration testing and the future perpetual maintenance and management of the drainage system. The scheme as approved shall be implemented prior to the first beneficial occupation of any of the dwellings and so maintained at all times thereafter.

Reason:

To ensure that adequate drainage facilities are in place to serve the development and to protect the integrity and prevent hydraulic overloading of the Public Sewerage System and to ensure compliance with Policies MD2 and MD7 of the Local Development Plan.

9. Prior to the commencement of development, a Construction Traffic Management Plan, including details of parking for construction traffic, wheel washing facilities, the proposed routes for heavy construction vehicles and timings of construction and delivery traffic to and from the site, shall be submitted to and approved in writing by the local planning authority and the management plan shall be implemented at the commencement of any site clearance or temporary access or development works on the site and shall thereafter be complied with for the duration of the construction and laying out of the development.

Reason:

In the interest of highway / public Safety and the free flow of traffic along the adopted highway network, and to meet the requirement of policies SP1 and MD2 of the Local Development Plan.

10. No development should commence, including any works of demolition, until a Construction Environment Management Plan (CEMP) has been submitted to, and approved in writing by, the Local Planning Authority. The CEMP shall include the following details:
 - i) the parking of vehicles of site operatives and visitors;
 - ii) loading and unloading of plant and materials;
 - iii) storage of plant and materials used in constructing the development;
 - iv) the erection and maintenance of security hoarding including decorative displays and facilities for public viewing, where appropriate;

- v) wheel washing facilities;
- vi) measures to control and mitigate the emission of dust, smoke, other airborne pollutants and dirt during construction;
- vii) a scheme for recycling/disposing of waste resulting from demolition and construction works.
- viii) hours of construction; noting there shall be no burning of waste or any other materials on site.
- ix) lighting; including the use of security lighting on site outside normal construction hours
- x) management control and mitigation of noise and vibration; including the use of generators on site outside normal construction hours
- xi) odour management and mitigation;
- xii) diesel and oil tank storage areas and bunds;
- xiii) how the developer proposes to accord with the Considerate Constructors Scheme (www.considerateconstructorscheme.org.uk) during the course of the construction of the development; and
- xiii) a system for the management of complaints from local residents which will incorporate a reporting system.

Due to the potential for noise disturbance to local residents, the development phase should be subject to the following hours of operation which should be included in the CEMP, restrictions should include deliveries;

Monday – Friday	8:00 until 18:00
Saturday	8:00 until 13:00
With no Sunday or Bank Holiday working	

Unless such work is:

- (a) associated with an emergency (relating to health and safety or environmental issues);
- (b) carried out with the prior written approval of the Local Planning Authority.

Should there be a requirement to undertake foundation or other piling or drilling on site to accommodate on site surface water drainage or other works it is advised that these operations are restricted to:

Monday – Friday	8:30 until 17:30
Saturday and Sunday	Nil

The construction of the development shall be undertaken in accordance with the approved CEMP.

Reason:

To ensure that the construction of the development is undertaken in a neighbourly manner and in the interests of the protection of amenity and the environment and to ensure compliance with the terms of Policies MD2 and MD7 of the Local Development Plan.

11. The development shall be carried out in accordance with the recommendations of the submitted Preliminary Ecological Assessment with respect to protected species.

Reason:

To safeguard protected species, in accordance with Policies MD2 and MD9 of the Local Development Plan.

12. All ecological measures, in particular the site clearance strategy for reptiles and/or works shall be carried out in accordance with the details contained in the Preliminary Ecological Assessment, Land Adjacent to Heol y Pentir, Rhoose, Vale of Glamorgan;6 November 2019 by Ecological Services Ltd; V2.0 as submitted with the planning application and agreed in principle with the local planning authority prior to determination.

Reason:

In the interests of ecology and to ensure compliance with Policy MD9 of the LDP.

13. Prior to the commencement of development, an ecological design strategy (EDS) addressing enhancement measures has been submitted to and approved in writing by the local planning authority. The EDS shall include the following:

- a) Details of bird box provision
- b) Details of wildlife friendly drainage features.
- c) Enclosures plans showing small animal access
- d) Plans showing areas for wildflower planting.
- e) Type and source of materials to be used where appropriate, eg UK sourced native species; ideally of local provenance.
- f) Persons responsible for implementing the works.
- g) Details of initial aftercare and long-term maintenance, if appropriate
- h) Details for monitoring and remedial measures, if appropriate

Reason:

In the interests of ecology and to ensure compliance with Policy MD9 of the LDP.

14. No development shall take place until there has been submitted to and approved in writing by the Local Planning Authority a scheme of landscaping. The scheme shall include indications of all existing trees (including spread and species) and hedgerows on the land, identify those to be retained and set out measures for their protection throughout the course of development.

Reason:

To safeguard local visual amenities, and to ensure compliance with the terms

of Policies SP1 and MD2 of the Local Development Plan.

15. All planting, seeding or turfing comprised in the approved details of landscaping shall be carried out in the first planting and seeding seasons following the occupation of the buildings or the completion of the development, whichever is the sooner; and any trees or plants which within a period of 5 years from the completion of the development die, are removed or become seriously damaged or diseased shall be replaced in the next planting season with others of similar size and species.

Reason:

To ensure satisfactory maintenance of the landscaped area to ensure compliance with Policies SP1 and MD2 of the Local Development Plan.

16. Notwithstanding the submitted plans, prior to the first beneficial occupation of any of the dwellings, full details of the lighting to be provided on the highways, footpaths and open space areas within the development, shall be submitted to and approved in writing by the Local Planning Authority. The lighting scheme shall thereafter be carried out in full accordance with the approved details and prior to the first beneficial occupation/use of any part of the site to which the lighting relates.

Reason:

To ensure satisfactory lighting is provided throughout the development, in the interest of public safety and security, in the interests of ecology and to accord with Policies SP1, MD2 and MD9 of the Local Development Plan.

17. All means of enclosure associated with the development hereby approved shall be in accordance with a scheme to be submitted to and approved in writing by the Local Planning Authority prior to their use in the development, and the means of enclosure shall be implemented in accordance with the approved details prior to the part of the development that they relate to being put into beneficial use.

Reason:

To safeguard local visual amenities, and to ensure compliance with the terms of Policy MD2 of the Local Development Plan.

18. No development should be carried out prior to the submission and approval of a Noise Assessment noting the railway track that parallel to the site. Should permission be granted all works should be then carried out in accordance any necessary proposed noise mitigation measures outlined in the approved Noise Assessment prior to the first beneficial occupation of any individual dwelling for which the mitigation measures have been identified.

With regard to the above;

Any scheme to be submitted to and approved in writing by the Local Planning Authority shall provide that all habitable rooms exposed to external road traffic noise in excess of 55dBA Leq 16 hour (free field) during the day (07.00 to 23.00 hours) or 45dBA Leq 8 hour (free field) at night (23.00 to 07.00 hours) shall be subject to sound insulation measures to ensure that all such rooms achieve an internal noise level of 35 dBA Leq 16 hour during the day and 30 dBA Leq 8 hour at night, with the L_{Amaxfast} of 45dB not being exceeded.

The submitted scheme shall ensure that habitable rooms subject to sound insulation measures shall be provided with acoustically treated active ventilation units if necessary.

No habitable room shall be occupied until the approved sound insulation and ventilation measures, should they be required, have been installed in that room. Gardens shall be designed to provide an area which is at least 50% of the garden area for sitting out where the maximum day time noise level does not exceed 50 dBA Leq 16 hour."

Reason:

In order to assess the noise impact as set out in TAN 11 to ensure that future occupants of the residential development are not affected by unacceptable levels of road noise, in accordance with policies MD2 and MD7 of the Local Development Plan.

19. Prior to the commencement of the development a detailed remediation scheme and verification plan to bring the site to a condition suitable for the intended use by removing any unacceptable risks to human health, controlled waters, buildings, other property and the natural and historical environment shall be submitted to and approved in writing by the Local Planning Authority. The scheme shall include all works to be undertaken, proposed remediation objectives and remediation criteria, a timetable of works and site management procedures. The scheme must ensure that the site will not qualify as contaminated land under Part 2A of the Environmental Protection Act 1990 in relation to the intended use of the land after remediation.

All work and submissions carried out for the purposes of this condition must be conducted in accordance with DEFRA and the Environment Agency's 'Model procedures for the Management of Land Contamination, CLR 11' (September 2004) and the WLGA / WG / NRW guidance document 'Land Contamination: A guide for Developers' (2017), unless the Local Planning Authority agrees to any variation.

Reason:

To ensure that any unacceptable risks from land contamination to the future users of the land, neighbouring land, controlled waters, property and ecological systems are minimised, and to ensure that the development can be carried out safely without unacceptable risks to workers, neighbours and other offsite receptors in accordance with Policies SP1 (Delivering the Strategy) /

MD7 (Environmental Protection) of the Local Development Plan.

20. The remediation scheme approved by condition 19 (PC14B above) must be fully undertaken in accordance with its terms prior to the occupation of any part of the development unless otherwise agreed in writing by the Local Planning Authority. The Local Planning Authority must be given two weeks written notification of commencement of the remediation scheme works.

Within 6 months of the completion of the measures identified in the approved remediation scheme, a verification report that demonstrates the effectiveness of the remediation carried out must be submitted to and approved in writing by the Local Planning Authority.

All work and submissions carried out for the purposes of this condition must be conducted in accordance with DEFRA and the Environment Agency's 'Model procedures for the Management of Land Contamination, CLR 11' (September 2004) and the WLGA / WG / NRW guidance document 'Land Contamination: A guide for Developers' (2017), unless the Local Planning Authority agrees to any variation.

Reason:

To ensure that any unacceptable risks from land contamination to the future users of the land, neighbouring land, controlled waters, property and ecological systems are minimised, and to ensure that the development can be carried out safely without unacceptable risks to workers, neighbours and other offsite receptors. in accordance with Policies SP1 (Delivering the Strategy) / MD7 (Environmental Protection) of the Local Development Plan.

21. In the event that contamination is found at any time when carrying out the approved development that was not previously identified it must be reported in writing within 2 days to the Local Planning Authority, all associated works must stop, and no further development shall take place unless otherwise agreed in writing until a scheme to deal with the contamination found has been approved. An investigation and risk assessment must be undertaken and where remediation is necessary a remediation scheme and verification plan must be prepared and submitted to and approved in writing by the Local Planning Authority. Following completion of measures identified in the approved remediation scheme a verification report must be submitted to and approved in writing by the Local Planning Authority. The timescale for the above actions shall be agreed with the LPA within 2 weeks of the discovery of any unsuspected contamination.

Reason:

To ensure that any unacceptable risks from land contamination to the future users of the land, neighbouring land, controlled waters, property and ecological systems are minimised, and to ensure that the development can be carried out safely without unacceptable risks to workers, neighbours and other offsite receptors in accordance with Policies SP1 (Delivering the Strategy) /

MD7 (Environmental Protection) of the Local Development Plan.

22. Any topsoil [natural or manufactured], or subsoil, to be imported shall be assessed for chemical or other potential contaminants in accordance with a scheme of investigation which shall be submitted to and approved in writing by the Local Planning Authority in advance of its importation. Only material approved by the Local Planning Authority shall be imported. All measures specified in the approved scheme shall be undertaken in accordance with the relevant Code of Practice and Guidance Notes.

Subject to approval of the above, sampling of the material received at the development site to verify that the imported soil is free from contamination shall be undertaken in accordance with a scheme and timescale to be agreed in writing by the LPA.

Reason:

To ensure that the safety of future occupiers is not prejudiced in accordance with Policy MD7 (Environmental Protection) of the Local Development Plan.

23. Any aggregate (other than virgin quarry stone) or recycled aggregate material to be imported shall be assessed for chemical or other potential contaminants in accordance with a scheme of investigation which shall be submitted to and approved in writing by the Local Planning Authority in advance of its importation. Only material approved by the Local Planning Authority shall be imported. All measures specified in the approved scheme shall be undertaken in accordance with the relevant Code of Practice and Guidance Notes.

Subject to approval of the above, sampling of the material received at the development site to verify that the imported material is free from contamination shall be undertaken in accordance with a scheme and timescale to be agreed in writing by the LPA

Reason:

To ensure that the safety of future occupiers is not prejudiced in accordance with Policy MD7 (Environmental Protection) of the Local Development Plan.

24. Any site won material including soils, aggregates, recycled materials shall be assessed for chemical or other potential contaminants in accordance with a sampling scheme which shall be submitted to and approved in writing by the Local Planning Authority in advance of the reuse of site won materials. Only material which meets site specific target values approved by the Local Planning Authority shall be reused.

Reason:

To ensure that the safety of future occupiers is not prejudiced in accordance with Policy MD7 (Environmental Protection) of the Local Development Plan.

25. Prior to the commencement of the construction of any of the dwellings, a scheme, including details of the timing, for the provision and maintenance of the Public Open Space shall be submitted to and approved in writing by the Local Planning Authority, and the public open space shall thereafter be provided in accordance with the agreed details.

Reason:

To ensure the timely provision of open space in the interests of the amenity of future occupiers and the wider area and to ensure compliance with Policy MD3 of the Local Development Plan.

26. Prior to the first beneficial occupation of any dwelling hereby approved, full details of the public art strategy and the timing of its provision, shall be submitted to and approved in writing by the Local Planning Authority. The Public Art shall thereafter be implemented on the site in accordance with the approved details.

Reason:

To ensure the delivery of Public Art on the site in accordance with the Council's Public Art Supplementary Planning Guidance, and to ensure compliance with Policy MD2 of the Local Development Plan.

27. Prior to the first beneficial occupation of the development hereby approved, a Travel Plan shall be submitted to and approved in writing by the Local Planning Authority. The Travel Plan shall be prepared to include a package of measures tailored to the needs of the site and its future users, which aims to widen travel choices by all modes of transport, encourage sustainable transport and cut unnecessary car use. The Travel Plan shall thereafter be implemented in accordance with the approved details.

Reason:

To ensure the development accords with sustainability principles and that site is accessible by a range of modes of transport in accordance with policies MD1 and MD2 of the Local Development Plan.

Reasons for decision

The decision to recommend planning permission has been taken in accordance with Section 38 of The Planning and Compulsory Purchase Act 2004, which 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.

Having regard to Policies SP1-Delivering the Strategy, SP3-Residential Requirement, SP4-Affordable Housing Provision, MG1-Housing Supply in the Vale of Glamorgan, MG4-Affordable Housing, MD2-Design of New Development, MD3-

Provision for Open Space, MD4-Community Infrastructure and Planning Obligations, MD5-Development Within Settlement Boundaries, MD6-Housing Densities, MD7-Environmental Protection and MD9-Promoting Biodiversity of the Vale of Glamorgan Adopted Local Development Plan 2011-2026; Supplementary Planning Guidance, including Residential and Householder Development, Affordable Housing, Biodiversity and Development (2018) Model Design Guide for Wales, Parking Standards, Planning Obligations, Public Art, Sustainable Development and Travel Plan (2018) and national guidance contained in Planning Policy Wales, TAN1-Joint Housing Land Availability Study, TAN2-Planning for Affordable Housing, TAN5-Nature Conservation and Planning, TAN11-Noise and TAN12-Design, it is considered that the proposal represents an acceptable form of residential redevelopment of the site that should not result in any significant harm to the visual amenity of the area. The proposal is also considered acceptable in respect of neighbouring and general residential amenity, highway and pedestrian safety, affordable housing and infrastructure. In addition, subject to appropriate conditions, there should be no detriment to ecology interests on the site, drainage/flood risk and noise/contamination

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.

2019/00690/FUL

Received on 8 October 2019

(P. 75)

Mr. J. Powell The Spinney, Twyncyn, Dinas Powys, Vale of Glamorgan, CF64 4AS
Ieuan Williams Reading Agricultural Consultants, Gate House, Beechwood Court,
Long Toll, Woodcote, Reading, RG8 0RR

The Spinney, Twyncyn, Dinas Powys

Temporary change of use from Granny annexe and studio, to a school (class D1) until 31st July, 2020.

APPROVED subject to the following condition(s):

1. The development shall be carried out in accordance with the following approved plans and documents:

RAC-8510_Location Plan (amended)
636.01.02.10.11 Site Plan
636.03 proposed elevations and 636.04 Proposed floor plans
Walking bus_risk_audit vers 2.0
Amended Noise report vers.02 Final
RAC-8510_Location Plan with walking bus route (amended)
RAC-8510_Land associated with school use only (amended)
Planning Statement The Spinney School - Final vers 1.1
Parking layout - Bowls Club
DWT197 - Travel Technical Note
DWT197 - Travel Plan

email from agent setting out enclosures received 11/11/2019

Reason:

For the avoidance of doubt as to the approved development and to accord with Circular 016:2014 on The Use of Planning Conditions for Development Management.

2. The use of the annex building and any associated land as a school shall accommodate no more than 20 pupils (as set out within the application documents) and shall cease to operate on or before 30th July, 2020, after which time the annex building and land shall only be used for purposes ancillary to the residential use of The Spinney.

Reason:

To ensure that local amenities are safeguarded and to enable the authority to maintain control over the use of the dwelling within this residential area and to ensure the development accords with Policies SP1 (Delivering the Strategy), MD1 (Location of New Development), MD2 (Design of New Development) and MD7 (Environmental Protection) of the Local Development Plan.

3. Pupil(s) shall only enter or leave the site (The Spinney) by foot (except when car sharing with any one of two members of staff) and at no time shall any pupil(s) shall be brought onto/leave the site using motorised transport.

Reason:

In the interest of highway and pedestrian safety and to ensure a satisfactory form of access to serve the development, and to ensure compliance with the terms of Policies SP1 (Delivering the Strategy) and MD2 (Design of New Developments) of the Local Development Plan.

4. Pupil(s), in connection with the use of the site as a school, shall only be dropped off/picked up at the Dinas Powys Bowls Club car park, St Andrews Road.

Reason:

To ensure that satisfactory vehicle parking facilities are provided and to ensure pupil safety and to ensure compliance with the terms of Policies SP1 (Delivering the Strategy) and MD2 (Design of New Developments) of the Local Development Plan.

5. The use of the site (at The Spinney) as restricted under Condition 6 as a school shall not be carried out outside the hours of 10:00 to 16:30 Monday to Friday and not at any time on Saturdays and Sundays.

Reason:

To ensure that pupil safety is safeguarded and to ensure compliance with the terms of Policies SP1 (Delivering the Strategy) and MD2 (Design of New Developments) of the Local Development Plan.

6. The use of the school and associated activities shall be strictly limited to the area defined within the orange land shown on Plan ref. RAC/8510/1 "Land Area Associated with School Use".

Reason:

To ensure that the amenities of the area are safeguarded and to ensure appropriate controls over the use of the land/building used in connection with the school and to ensure compliance with the terms of Policies SP1 (Delivering the Strategy) and MD2 (Design of New Developments) of the Local Development Plan.

7. The staff and visitor parking areas as shown in Fig 6 of the Planning Statement shall be available at all times during the permitted hours of operation for the specified use, which be retained for the period as set out within this temporary consent under Condition 2.

Reason:

To ensure that satisfactory vehicle parking on site to serve the development, and to ensure compliance with the terms of Policies SP1 (Delivering the Strategy) and MD2 (Design of New Developments) of the Local Development Plan.

8. The boundary shown in orange on Plan ref. RAC/8510/1 "Land Area Associated with School Use" shall along its north-west and east/south-east boundaries, be enclosed in accordance with the approved details (email from agent setting out enclosures received 11/11/2019) which be retained at all times for the operational period of the school.

Reason:

To ensure that the amenities of the area are safeguarded and to ensure appropriate controls over the use of the land/building used in connection with the school and to ensure compliance with the terms of Policies SP1 (Delivering the Strategy) and MD2 (Design of New Developments) of the Local Development Plan.

Reasons for decision

The decision to recommend planning permission has been taken in accordance with Section 38 of The Planning and Compulsory Purchase Act 2004, which 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.

Having regard to Policies SP1 – Delivering the Strategy, SP10 – Built and Natural Environment, MG6 – Provision of Educational Facilities, MG7 – Provision of Community Facilities, MD1 - Location of New Development, MD2 - Design of New Development, MD5 - Development within Settlement Boundaries and MD7 - Environmental Protection, the temporary use of the site as a school, subject to conditions to limited its operations, is considered acceptable having regard to its impact on the amenities of nearby residential occupiers and highway impacts, including pedestrian safety and visual impact.

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.

2019/00796/FUL

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(P. 101)

Applicant: Mrs. Katie Thomas The Meadows, Station Road, Peterston Super Ely, Vale of Glamorgan, CF5 6NE

Agent: Mrs. Emma Langmaid Prospero Planning, The Gate, Keppoch Street, Cardiff, CF24 3JW

The Meadows, Peterston Super Ely

Demolition of the existing dwellings and associated out buildings. Replacement dwelling with new ancillary buildings and open air swimming pool

APPROVED subject to the following condition(s):

1. The development shall begin no later than five years from the date of this decision.

Reason:

To comply with the requirements of Section 91 of the Town and Country Planning Act 1990.

2. The development shall be carried out in accordance with the following approved plans and documents:

- 19/682/E001 Rev C (Existing Site Location Plan);
- 19/682/P001 Rev F (Proposed Site Location Plan);
- 19/682/P002 Rev I (Proposed Site Block Plan);
- 19/682/P003 Rev B (Proposed Access and Boundary Treatment);
- 19/682/P100 Rev G (Proposed Ground Floor and Pool House Plans);
- 19/682/P101 Rev G (Proposed First Floor Plan);
- 19/682/P102 Rev D (Proposed Second Floor and Roof Plans);
- 19/682/P110 Rev F (Proposed Coloured Front & Rear Elevations);
- 19/682/P111 Rev E (Proposed Side Elevations);
- 19/682/P112 Rev B (Proposed Front and Rear Elevations);
- 19/682/P120 Rev B (Proposed Section A-A to Show Level Alterations);
- 19/682/P200 Rev B (Proposed Ground Floor & Roof Plan – Garage);
- 19/682/P210 Rev B (Proposed Ground Floor Plan – Garage).

Reason:

For the avoidance of doubt as to the approved development and to accord with Circular 016:2014 on The Use of Planning Conditions for Development Management.

3. Notwithstanding the submitted details, a schedule (consisting of high-quality images and/or samples) of materials to be used in the construction of the development hereby approved shall be submitted to and approved in writing by the Local Planning Authority. The development shall be completed in accordance with the approved details before the approved replacement house is occupied.

Reason:

To safeguard local visual amenities, as required by policies SP1 (Delivering the Strategy), MD2 (Design of New Development), SP10 (Built and Natural Environment), MG17 (Special Landscape Areas) and MD12 (Dwellings in the Countryside) of the Local Development Plan.

4. Prior to work commencing on the external facing of the development hereby permitted, a sample panel of a minimum of 1 square metre of the proposed stone and detail of the mortar type and pointing shall be prepared and made available for inspection and final written approval by the Local Planning Authority. Construction work shall only commence once written approval has been given, and the approved panel shall be retained throughout the period of development and shall form the basis of work to walls and external surfaces of the development.

Reason:

To enable the quality of the stonework, coursing and pointing to be inspected in the interests of the visual quality of the work and to accord with the objectives of Policies SP1 (Delivering the Strategy), MD2 (Design of New Development), SP10 (Built and Natural Environment), MG17 (Special Landscape Areas) and MD12 (Dwellings in the Countryside) of the Local

Development Plan.

5. No above-ground development shall take place until details of both hard and soft landscape works have been submitted to and approved in writing by the Local Planning Authority. These details shall include:

- i) Earthworks showing existing and proposed finished levels or contours;
- ii) Means of enclosure and retaining structures;
- iii) Other vehicle and pedestrian access and circulation areas;
- iv) Hard surfacing materials;
- v) Minor artefacts and structures (e.g. furniture, play equipment, refuse or other storage units, signs, etc.); and
- vi) Water features.

Soft landscape works shall include: planting plans; written specifications (including cultivation and other operations associated with plant and grass establishment); schedules of plants noting species, plant supply sizes and proposed numbers/densities where appropriate; an implementation programme (including phasing of work where relevant).

The approved landscaping scheme must be carried out in full before the approved replacement dwelling is occupied.

Reason:

To safeguard local visual amenities, and to ensure compliance with the terms of policies SP1 (Delivering the Strategy), SP10 (Built and Natural Environment), MG17 (Special Landscape Areas), MD1 (Location of New Development), MD2 (Design of New Developments) and MD12 (Dwellings in the Countryside) of the Local Development Plan.

6. No development, demolition works or site clearance shall take place until there has been submitted to and approved in writing by the Local Planning Authority details of a scheme for the protection of trees shown to be retained on drawing number 19/682/P002 Rev I (Proposed Site Block Plan). The approved scheme shall be carried out during the demolition of the buildings and throughout the course of the development.

Reason:

In order to avoid damage to trees on or adjoining the site which are of amenity value to the area and to ensure compliance with policies SP1 (Delivering the Strategy), SP10 (Built and Natural Environment), MG17 (Special Landscape Areas), MD1 (Location of New Development), MD2 (Design of New Developments) and MD12 (Dwellings in the Countryside) of the Local Development Plan.

7. Notwithstanding the provisions of schedule 2, Part 1, Classes A, B, and C of the Town and Country Planning (General Permitted Development) Order 1995 (as amended for Wales) (or any order revoking and re-enacting that order with

or without modification), the development hereby approved shall not be altered or extended in any way not expressly authorised by this permission, and no buildings shall be erected other than those expressly authorised by this permission.

Reason:

To enable the Local Planning Authority to control the scale of development and to ensure compliance with policies SP1 (Delivering the Strategy), MG17 (Special Landscape Areas), MD2 (Design of New Developments) and MD12 (Dwellings in the Countryside) of the Local Development Plan.

8. No development shall commence until details of existing ground levels within and adjacent to the site, proposed finished ground and floor levels, and existing and proposed levels of eaves and roofs (for all buildings) have been submitted to and approved in writing by the Local Planning Authority. The development shall be carried out in accordance with the approved details.

Reason:

To protect the character and appearance of the site and its surroundings, including the Ely Valley & Ridge Slopes SLA, in accordance with policies SP1 (Delivering the Strategy), MG17 (Special Landscape Areas), MD2 (Design of New Development) and MD12 (Dwellings in the Countryside) of the Local Development Plan.

9. Before the approved replacement dwelling is occupied, a scheme for enhancing biodiversity on the site must be submitted to, and approved in writing by, the planning authority. The approved scheme must be implemented in full before the replacement dwelling is occupied. After that, the approved biodiversity-enhancement measures must be retained and maintained at all times in accordance with the approved details.

Reason:

To enhance biodiversity on the site, in accordance with policy MD9 (Promoting Biodiversity) of the Local Development Plan.

10. In the event that contamination is found at any time when carrying out the approved development that was not previously identified it must be reported in writing within 2 days to the Local Planning Authority, all associated works must stop, and no further development shall take place until a scheme to deal with the contamination found has been submitted to and approved in writing by the Local Planning Authority. An investigation and risk assessment must be undertaken and where remediation is necessary a remediation scheme and verification plan must be prepared and submitted to and approved in writing by the Local Planning Authority. Following completion of measures identified in the approved remediation scheme a verification report must be submitted to and approved in writing by the Local Planning Authority. The timescale for the above actions shall be agreed with the LPA within 2 weeks

of the discovery of any unsuspected contamination.

Reason:

To ensure that any unacceptable risks from land contamination to the future users of the land, neighbouring land, controlled waters, property and ecological systems are minimised, and to ensure that the development can be carried out safely without unacceptable risks to workers, neighbours and other offsite receptors in accordance with policies SP1 (Delivering the Strategy) and MD7 (Environmental Protection) of the Local Development Plan.

11. Any aggregate (other than virgin quarry stone) or recycled aggregate material to be imported shall be assessed for chemical or other potential contaminants in accordance with a scheme of investigation which shall be submitted to and approved in writing by the Local Planning Authority in advance of its importation. Only material approved by the Local Planning Authority shall be imported. All measures specified in the approved scheme shall be undertaken in accordance with Pollution Control's Imported Materials Guidance Notes. Subject to approval of the above, sampling of the material received at the development site to verify that the imported soil is free from contamination shall be undertaken in accordance with a scheme and timescale to be agreed in writing by the LPA.

Reason:

To ensure that the safety of future occupiers is not prejudiced in accordance with policies SP1 (Delivering the Strategy) and MD7 (Environmental Protection) of the Local Development Plan.

12. Any topsoil [natural or manufactured], or subsoil, to be imported shall be assessed for chemical or other potential contaminants in accordance with a scheme of investigation which shall be submitted to and approved in writing by the Local Planning Authority in advance of its importation. Only material approved by the Local Planning Authority shall be imported. All measures specified in the approved scheme shall be undertaken in accordance with Pollution Control's Imported Materials Guidance Notes. Subject to approval of the above, sampling of the material received at the development site to verify that the imported soil is free from contamination shall be undertaken in accordance with a scheme and timescale to be agreed in writing by the LPA.

Reason:

To ensure that the safety of future occupiers is not prejudiced in accordance with policies SP1 (Delivering the Strategy) and MD7 (Environmental Protection) of the Local Development Plan.

13. Any site won material including soils, aggregates, recycled materials shall be assessed for chemical or other potential contaminants in accordance with a sampling scheme which shall be submitted to and approved in writing by the Local Planning Authority in advance of the reuse of site won materials. Only

material which meets site specific target values approved by the Local Planning Authority shall be reused.

Reason:

To ensure that the safety of future occupiers is not prejudiced in accordance with policies SP1 (Delivering the Strategy) / MD7 (Environmental Protection) of the Local Development Plan.

14. Notwithstanding the submitted plans, details of a means of the enclosure between the application site and the agricultural land lying beyond (which shall be a post and wire/rail fence) shall be submitted to and agreed in writing by the Local Planning Authority. The means of enclosure shall be completed in accordance with the approved details prior to the first beneficial use of the replacement dwelling and thereafter retained.

Reason:

To safeguard local visual amenities, as required by policies SP1 (Delivering the Strategy), MD2 (Design of New Development), SP10 (Built and Natural Environment), MG17 (Special Landscape Areas) and MD12 (Dwellings in the Countryside) of the Local Development Plan.

Reasons for decision

The decision to recommend that planning permission be granted has been taken in accordance with Section 38 of The Planning and Compulsory Purchase Act 2004, which requires that a planning application be determined 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.

Having regard to policies SP1 (Delivering the Strategy), SP9 (Minerals), SP10 (Built and Natural Environment), MG17 (Special Landscape Areas), MG22 (Development in Minerals Safeguarding Areas), MD1 (Location of New Development), MD2 (Design of New Development), MD7 (Environmental Protection), MD9 (Promoting Biodiversity) and MD12 (Dwellings in the Countryside), the development is considered acceptable and would have an acceptable effect on visual amenity of the area and the Special Landscape Area, residential amenity, highway safety, European protected species, the risk of flooding in the area, and mineral resources.

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.