

PLANNING COMMITTEE

Minutes of a meeting held on 13th March, 2014.

Present: Councillor F.T. Johnson (Chairman); Councillor J. Drysdale (Vice-Chairman); Councillors Ms. R. Birch, J.C. Bird, Mrs. P. Drake, E. Hacker, H.C. Hamilton, Mrs. V.M. Hartrey, K. Hatton, N.P. Hodges, H.J.W. James, A. Parker, R.A. Penrose, A.G. Powell, Mrs. A.J. Preston, Ms. R.F. Probert, G. Roberts, R.P. Thomas, E. Williams and M.R. Wilson.

943 MINUTES -

RESOLVED - T H A T the minutes of the meeting held on 13th February, 2014 be approved as a correct record.

944 DECLARATIONS OF INTEREST -

Councillor A. Parker declared an interest in Planning Application No. 2014/00037/FUL as he was the architect for the application. Councillor Parker vacated the room whilst this item was under consideration.

945 VALE OF GLAMORGAN CONSERVATION AREA ADVISORY GROUP -

The following report of a meeting held on 20th February, 2014 was submitted:

Present: Councillor F.T. Johnson (Vice-Chairman); Councillor Ms. T. Alexander (Penarth Town Council); Councillor Mrs. P. Lancaster (Llantwit Major Town Council) and Mr. C. Robertson (The Penarth Society).

Also present: Mrs. J. Crofts.

(a) Apology for Absence:

No apologies for absence were received.

(b) Minutes -

AGREED – T H A T the minutes of the meeting held on 23rd January, 2014 be noted.

(c) Feedback –

There was no feedback presented to the Group.

(d) Applications in Conservation Areas –

(i) 2014/00055/FUL (Received on 15 January 2014)

Wales and West Housing Association, 3 Alexandra Gate, Ffordd Pengam, Tremorfa, Cardiff, CF24 2UE
Spring Design Consultancy, Unit 3, Chapel Barns, Merthyr Mawr, Bridgend, CF32 0LS

Redwood Close, Boverton, Llantwit Major

Construction of 12 new dwellings

RECOMMENDED – REFUSAL, in view of grave concern regarding the loss of trees and the lack of replacement which was not considered to mitigate for the scale of loss of trees on the site.

(ii) 2014/00028/FUL (Received on 9 January 2014)

Dr. Richards Davies, 25b Archer Road, Penarth, Vale of Glamorgan, CF64 3HJ
Lapider, 41 High Street, Penarth, Vale of Glamorgan, CF64 1EY

25b Archer Road, Penarth

Form new extension to side of the property and internal alterations. Front window to be changed back to the original style timber framed windows. Enlarge first floor to form room in roof over new extension.

RECOMMENDED – REFUSAL as the development does not respect the scale, form and detailing of the host dwelling and is therefore detrimental to the character and setting of the conservation area.

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RESOLVED - T H A T the contents of the report be noted.

946 SITE INSPECTIONS (MD) -

RESOLVED - T H A T the attendance of the following Councillors at the sites indicated below on 13th February, 2014 be noted:

Apologies for absence were received from Councillors J.C. Bird, J. Drysdale, R.A. Penrose, A.G. Powell and R.P. Thomas.

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|---|--|
| (a) Site of Former Quarry, Leckwith Road, Llandough | Councillor F.T. Johnson (Chairman);
Councillors Mrs. P. Drake, Ms. K. Edmunds, E. Hacker, H.C. Hamilton, Mrs. V.M. Hartrey, K. Hatton, A. Parker, G. Roberts and M.R. Wilson. |
| (b) 10A Royal Buildings, Stanwell Road, Penarth | Councillor F.T. Johnson (Chairman);
Councillors Mrs. P. Drake, Mrs. V.M. Hartrey, K. Hatton, E. Hacker, H.J.W. James, A. Parker, G. Roberts and M.R. Wilson. |
| (c) Holmhurst Cottage, The Common, Dinas Powys | Councillor F.T. Johnson (Chairman);
Councillors Mrs. P. Drake, Mrs. V.M. Hartrey, K. Hatton, H.J.W. James, A. Parker and G. Roberts. |
| d) Haydock House, 1 Holton Road, Barry | Councillor F.T. Johnson (Chairman);
Councillors Mrs. P. Drake, Mrs. V.M. Hartrey, K. Hatton, H.J.W. James, A. Parker and G. Roberts. |

947 BUILDING REGULATION APPLICATIONS AND OTHER BUILDING CONTROL MATTERS DETERMINED BY THE DIRECTOR UNDER DELEGATED POWERS (DDS) -

RESOLVED -

- (1) T H A T the Building Regulation Applications as listed in the report be noted.
- (2) T H A T the service of Notices under the Buildings (Approved Inspectors Etc) Regulations 2000 as listed in the report be noted.

948 PLANNING APPLICATIONS DETERMINED BY THE DIRECTOR UNDER DELEGATED POWERS (DDS) -

RESOLVED - T H A T the report on the following applications determined under 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 | Q - Referred to Secretary of State for Wales |

J	-	Determined by NAFW	(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
2012/01276/LBC	A	Swanbridge House, St. Marys Well Bay Road, Swanbridge, Penarth		To refurbish external and internal finishes, new replacement roof covering selected existing internal door openings to be raised in height.
2013/00916/FUL	A	23, Cedar Way, Penarth		Two storey extension to rear of property with single storey lean to
2013/01102/LBC	A	Fonmon Castle, Fonmon, Nr. Rhoose		Roof repairs to brew house roof
2013/01171/FUL	A	Plot 160, The Hedgerows, White Farm, Barry		Proposed alteration of approved dwelling to include rear conservatory extension
2013/01188/LBC	A	Red House, 60, Victoria Road, Penarth		Replacement of uPVC windows and reinstatement of chimneystack (non-functioning).
2013/01189/FUL	R	Land at Cross Common Road, Dinas Powys		Access to field including gate
2013/01190/FUL	A	Treetops, Romilly Park Road, Barry		Proposal to construct double storey extension to side of existing dwelling
2013/01195/FUL	A	1, Greenfield Avenue, Dinas Powys		New single storey extension
2013/01210/FUL	A	Llandough House, Llandough, Cowbridge		Single storey side pitched roof extension
2013/01211/FUL	A	20, Penarth Portway, Penarth Marina, Penarth		Conversion of garage to habitable room and alteration works to front and rear elevations

2013/01214/PNT	A	Land at Cowbridge Road outside MOD St. Athan, St. Athan	Existing telecommunications installation on area of adopted highway verge
2013/01215/ADV	A	Cafe Nia, Penny Lane, Cowbridge	New signage to shopping arcade
2013/01220/FUL	A	Bryn Awel, The Lane, The Downs, St. Nicholas	Single storey porch extension to front elevation plus replacement of 2 no. existing single storey rear/side conservatories with masonry construction extensions
2013/01221/LAW	A	9, Rockrose Way, Cogan, Penarth	Dormer to rear elevation
2013/01226/FUL	A	1, Is Y Coed, Wenvoe	Installation of photovoltaic solar panels on the rear south facing roof
2013/01228/FUL	A	Coetref, Welsh St. Donats	New single storey extension to replace conservatory. New first floor extension over part of existing flat roof. New extension to front of garage and alterations to roof over garage to include canopy
2013/01232/PNT	A	Land at Redlands Road, Penarth	Existing telecommunications installation on area of adopted highway footway
2013/01233/FUL	A	Barn at Welford Farm, Rhoose	Barn conversion to residential property
2013/01244/FUL	A	Waitrose Ltd, Palmerston Road, Barry	Proposed horticulture unit
2013/01253/LAW	A	8, Maillards Haven, Penarth	Rear ground floor extension 4000mm depth from original main house plus conversion of part of existing garage with new window to front

2013/01258/FUL	A	Ger Y Mor, Slon Lane, Ogmore by Sea	Construct carport for 3 cars/external secure storage. Convert garage to home gymnasium. Adjust driveway to provide landscape beds. Minor internal alterations. Extend master bedroom to form dressing room. Replace existing substandard windows with weather resistant glazing. Render existing facing brickwork
2013/01267/FUL	A	2, Coastguard Cottages, Llantwit Major	Extend existing kitchen with an infill construction
2013/01271/FUL	A	Fernlea, Port Road West, Barry	Construct entrance porch to front elevation
2012/00787/FUL	A	Land at Penarth Heights, Penarth	Regularisation of ground stabilisation works and submission of associated landscaping scheme
2013/00611/ADV	A	10A, Royal Buildings, Stanwell Road, Penarth	Glass etching or vinyl logo on one window, Cafe Nomad text above door
2013/00615/FUL	A	18, Westgate, Cowbridge	Extension to outbuilding and a rear extension to house
2013/00959/LAW	A	Slade Paddocks, Llanmaes	Certificate of Lawfulness - The Dwelling house has been built and occupied in non-compliance with the approved scheme for a period exceeding four years
2013/01181/FUL	A	9, Augusta Road, Penarth	Alteration and extensions including demolition of existing rear single storey and chimney stack, and construction of rear two storey extension

2013/01184/FUL	A	Downcross, Turkey Street, Llantwit Major	Renovation and extension to listed cottage to rear of Downcross House to form new 4 bed dwelling.
2013/01185/LBC	A	Downcross, Turkey Street, Llantwit Major	Renovation and extension to listed cottage to rear of Downcross House to form new 4 bed dwelling.
2013/01197/ADV	A	Waitrose Ltd, Birds Lane, Cowbridge	External cafe banners and stainless steel support posts
2013/01209/FUL	R	44, Westbourne Road, Penarth	Removal of rear fence and hedge and replace with fence
2013/01222/FUL	A	Dyffryn Gardens, Dyffryn, Cardiff	A composting site is to be improved. The project is to improve the site by putting down a concrete slab, open bays defined by walls, a drain to collect any excess moisture a tank.
2013/01223/FUL	A	Former Fire Station, Court Road, Barry	Conversion of former fire station into eight flats
2013/01224/LBC	A	Former Fire Station, Court Road, Barry	Conversion of former fire station into eight flats
2013/01227/FUL	A	Land at Penarth Heights, Penarth	Change of use of amenity space opposite No. 37, St. Josephs Mews, Penarth Heights (phase 1) to private garden land for Plot 288 (phase 2). Retention of fences and decking structures (retrospective).
2013/01229/FUL	A	66, Plymouth Road, Penarth	Rebuild front boundary wall and alterations to front garden

2013/01238/FUL	A	Ty Bont, Peterston Super Ely	Removal of rear garden room with a single storey utility room extension and extended garage with bedroom above
2013/01239/FUL	A	Plot of land in front of Castlebrook, Llanmaes	Erection of one house and double garage at land in front of Castlebrook, Llanmaes (Renewal of 2008/01477/FUL)
2013/01240/PNT	A	Land at Darren Hill, Cowbridge	Existing telecommunications installation on area of adopted highway verge
2013/01245/PNT	F	Land at Elfed Avenue, Penarth	Existing telecommunications installation on area of adopted highway verge
2013/01246/FUL	A	18, Le Sor Hill, Peterston Super Ely	Ground floor extension to accommodate single bed/ensuite toilet/shower accommodation necessary on medical grounds
2013/01255/FUL	A	Barclays Bank Plc, 2, Windsor Road, Penarth	Installation of enclosure around rear fire escape and reorganisation of car park
2013/01262/ADV	A	Wilkinsons, Holton Road, Barry	Numerous fascia panels and signs
2013/01283/FUL	A	7, Castle Court, Llantwit Major	Extension to side of property and demolition of existing garage with small extension
2014/00017/FUL	A	16, St. Michaels Close, St. Athan	Proposed rear and side additions to existing dwelling to ground floor
2014/00051/SC1	EN	Land at the Grange, St. Brides	Construction of a single wind turbine
2014/00052/SC1	EN	Land at Llancadle Farm, Llancadle	8MW solar farm

2013/00991/OUT	A	11, Llantwit Major Road, Cowbridge	Construction of new detached house in grounds of existing
2013/01230/FUL	A	Stone Court, Bonvilston	Construction of new garden wall
2013/01236/FUL	A	Post Office, St. Brides Road, Wick	Change of use of part of ground floor 90 sq m from Retail A1 to a Dwelling C3
2013/01254/LAW	A	46, Coleridge Avenue, Penarth	Single storey rear extension, installation of bifolding doors to rear elevation and installation of large roof light to flat roof.
2013/01256/FUL	A	Orchard Cottage, Leckwith, Cardiff	Single storey rear extension; front/side ground floor kitchen extension; new roof over kitchen, first floor en-suite bathroom extension on the front removing rear porch
2013/01264/FUL	A	24, Robinswood Close, Penarth	Alteration and extension to existing dormer roof to create two bedrooms and conversion of existing bedroom to bathroom.
2013/01265/FUL	A	Dryslwyn, Trepit Road, Wick	Demolish existing house/garage. Construct replacement dwelling and garage
2013/01268/FUL	A	42, Llwyn Passat, Portway Marina, Penarth	Proposed garage conversion and erect a balcony
2013/01269/FUL	A	Byways, Twyncyn, Dinas Powys	New detached garage
2013/01273/FUL	R	Mill Barn, Boverton	Change of use involving new access track to Barn 3 and retention of parking area to provide off-street spaces for Barns 1 and 2

2013/01274/FUL	A	Stone Court, Bonvilston	Proposed two storey annex containing gym and granny flat
2013/01281/FUL	A	48, Dock View Road, Barry	Change of use - dwelling to two residential units
2014/00019/FUL	A	12, St. Annes Avenue, Penarth	Erection of single storey extension to rear of bungalow
2014/00035/FUL	A	9, Lougher Place, St Athan	Conservatory to rear of dwelling
2014/00044/FUL	A	45, Colcot Road, Barry	Gable fronted conservatory to rear
2014/00110/OBS	B	Toys R Us, Olympian Drive, Grangetown, Cardiff	Variation of condition 28(c) of 85/00615/C to allow greater range of goods to be sold
2014/00069/SC1	EN	Land at Biglis Farm, Barry	4mw solar farm
2012/00971/EAR	A	Powell Duffryn Way, Barry Waterfront, Barry	Development of Phase 1 of District Centre comprising Asda foodstore and two non food retail units, with associated petrol filling station, car parking, access works and landscaping
2013/00755/FUL	A	St. Brides Court, St. Brides Major	Proposed replacement barn (garage and store)
2013/00883/LAW	E	Land off Weycock Road (A4226), Barry	Continued use of land and building for the keeping of horses (sui generis)
2013/01023/FUL	A	Traherne, Dyffryn Gardens, Dyffryn	Change of use from guest/conference accommodation to residential flat. Associated internal alterations. Re-roofing with change to lead rolls. Two new window openings, flue pipe. Change from external cement render to lime.

2013/01178/FUL	A	Greenway Cottage, Greenway Lane, Bonvilston	Proposed two storey extension to form living room and master bedroom to first floor
2013/01192/FUL	A	38, Windsor Road, Penarth	Change of use from Class A1 (Shops) to Class A3 (Hot Food Takeaway) and external alterations, including the installation of ventilation and extraction equipment
2013/01203/FUL	A	Redlands Court Farm, Five Mile Lane, Bonvilston	Provision of private stables
2013/01261/FUL	A	Carwyn, St. Brides Major	Two storey side extension with lower ground floor garage created, single storey front and rear extensions and refurbishment of existing house
2013/01272/FUL	A	1, Vale View Crescent, Llandough, Penarth	Single storey side extension to dwelling to provide garage, wc, utility and study
2013/01278/FUL	A	44, Marine Drive, Barry	Proposed side and rear extensions plus internal alterations to remodel the dwelling
2014/00009/FUL	A	52, Hastings Avenue, Penarth	Proposed loft conversion and increased driveway
2014/00022/FUL	A	RAF St. Athan, St Athan	Application to vary Conditions 7 and 8 of planning permission 2013/00699/FUL
2014/00029/FUL	A	7, Downs View, Aberthin	Single storey rear extension
2014/00041/FUL	A	South Lodge, St. Andrews Major	Replace existing car port with new double garage with workshop over

2014/00045/FUL	A	31, Jewel Street, Barry	Replace existing workshop/store with a standalone conservatory
2014/00046/FUL	A	6, Pioden For, Barry	New porch
2014/00049/FUL	A	57, The Parade, Barry	Decking, gazebo, shed and summerhouse
2014/00141/SC1	EN	Land to the rear of St. Davids Church in Wales Primary School, Colwinston	65 Dwellings

949 APPEALS (DDS) -

RESOLVED -

(1) T H A T the list of Appeals received arising from the refusal of the Council to grant planning permission as detailed in the report be noted.

(2) T H A T the statistics relating to appeals April 2013 to March 2014 as detailed in the report be noted.

950 TREES (DDS) -

(i) Delegated Powers -

RESOLVED - T H A T the following applications determined by the Director under delegated powers be noted:

Decision Codes

A - Approved

R - Refused

E Split Decision

2013/01051/TPO	A	Roxburgh Garden Court, Plymouth Road, Penarth	Chestnut - Re-pollard
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2013/01086/TPO	A	The Old Vicarage, Church Road, Llanblethian	Crown lift G64 Cypress, remove G66 Cypress, reduce overhanging limbs to G66 Ash reduce lowest limb to G65 Yew, fell G65 Sycamore, crown thin and reduce by no more than 20% G65 Chinese Tulip tree
2013/01088/TPO	A	The Coach House, Castle Court, Llandough	Crown lift Ash tree
2013/01160/TPO	A	St. Illtyd's Church, Llantwit Major	Remove two Yew trees and one Palm tree
2013/01248/TCA	A	The Old Rectory, Drope Road, St. Georges Super Ely	Crown reduce by 3-4m and crown thin by 15% Beech tree nearest to house and reduce height of Conifer by Walnut tree
2013/01260/TCA	A	Brynheulog, Llangan, Bridgend	TG1- Cypress & Elder; Works- Remove Cypress (possibly more than one tree) and Elder treating the stump of the latter to inhibit re growth
2013/01280/TCA	A	6, Wenvoe Close, Wenvoe	Fell three lime trees next to the neighbouring property
2014/00002/TPO	A	3, Orchard Close, Sigingstone	Fell Acer tree

951 PLANNING APPLICATIONS (DDS) -

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

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

2013/00856/OUT Received on 4 September 2013

(P30)

Mrs S W Jenkins

WYG Group Floor 5, Longcross Court, 47 Newport Road, Cardiff, Glamorgan, CF24 0AD

Land off Badgers Brook Rise, Ystradowen, Cowbridge

Residential development, comprising the erection of dwellings (up to 40) and garages and the construction of roads, footways, footpath and cycleway, drainage and services, landscaping and all associated building and engineering operations.

RESOLVED - T H A T subject to the interested person(s) first entering into a Section 106 Legal Agreement to include the following necessary planning obligations:

- The developer shall enter into appropriate Agreement(s) to carry out the necessary alterations/modifications to the adopted highway to create a safe access to the site.
- Procure that 35% of the dwellings built on the site pursuant to the planning permission are built and thereafter maintained as affordable housing units in perpetuity, of which at least 80% would be social rented properties, and the remaining 20% would be intermediate properties.
- Pay a contribution of £347,906.48 for the provision or enhancement of education facilities and school transport
- Provide Public Open Space on site (for approval at Reserved Matters stage) of an area of no less than 2216 sq. m. to include :
 - A Local Area of Play.
 - The phasing for the provision of the Public Open Space
 - A scheme to ensure appropriate provision for future maintenance for the open space.
- Pay a contribution of £26,765.43 to provide or enhance off site Public Open Space.
- Pay a contribution of £39,540 to provide or enhance community facilities.
- Provide public art on the site to the value of 1% of build costs, in accordance with details to be submitted for approval at reserved matters stage.
- Pay a contribution of £80,000 to provide or enhance sustainable transport facilities in the vicinity of the site.

- The Legal Agreement will include the standard clause requiring the payment of a fee to monitor and implement the legal agreement (£9884.23 in this case).

APPROVED subject to the following conditions(s):

1. Approval of the layout, scale, appearance and landscaping of the development (hereinafter called `the reserved matters`) shall be submitted to and approved by the Local Planning Authority before any development is commenced.

Reason:

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

2. Application for the approval of the reserved matters hereinbefore referred to must be made not later than the expiration of 3 years beginning with 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 to which this permission relates must be begun not later than whichever is the later of the following dates:

- (a) The expiration of five years from the date of this permission.
- (b) The expiration of two years from the date of the final approval of the reserved matters or, in the case of approval on different dates the final approval of the last such matters to be approved.

Reason:

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

4. Plans and particulars of the reserved matters referred to in condition 1 above shall be submitted in writing to the Local Planning Authority and shall be carried out as approved.

Reason:

The application was made for outline planning permission and to comply with the requirements of Section 92 of the Town and Country Planning Act 1990.

5. Notwithstanding the submitted plans and prior to the commencement of any works on site, full engineering drawings and design calculations of the

proposed vehicular, pedestrian and cycle access to the site to include vision splays, sections, drainage and gradients details, shall be submitted to and approved in writing by the Local Planning Authority. The access shall thereafter be constructed in accordance with the approved details.

Reason:

To ensure the provision on safe access for the site to serve the development in the interests of highway safety, and to ensure compliance with the terms of Policy ENV27 of the Unitary Development Plan.

6. Prior to the commencement of any works on site full details of a scheme of traffic calming along and at the junctions of Badgers Brook Rise, Badgers Brook Drive, St Owains Crescent and Sandy Lane shall be submitted to and approved in writing by the Local Planning Authority, and shall include a timescale for construction. The traffic calming measures hereby approved shall be implemented prior to the beneficial occupation of the first dwelling on the site.

Reason:

In the interests of highway safety, and to ensure compliance with the terms of Policy ENV27 of the Unitary Development Plan.

7. No development shall commence on site until a detailed scheme for the drainage of the site, showing how road and roof/yard water will be dealt with has been submitted to and approved in writing by the Local Planning Authority; the approved scheme shall be implemented prior to beneficial occupation.

Reason:

To ensure that effective drainage facilities are provided for the proposed development and that flood risk is not increased elsewhere in accordance with Policy ENV27 of the Unitary Development Plan.

8. The implemented drainage scheme for the site should ensure that all foul and surface water discharges separately from the site and that no surface water or land drainage run-off shall discharge, either directly or indirectly, into the public sewerage system.

Reason:

To prevent hydraulic overloading of the public sewerage system and to protect the health and safety of existing residents and ensure no detriment to the environment and to comply with the terms of Policies ENV27 and ENV29 of the Unitary Development Plan.

9. A scheme providing for the fencing of the trees and hedgerows to be retained and showing details of any excavations, site works, trenches, channels, pipes,

services and areas of deposit of soil or waste or areas for storage shall be submitted to and agreed in writing with the Local Planning Authority prior to the commencement of development. No development, including any site clearance, shall be commenced on site until the approved protection scheme has been implemented and the scheme of tree protection shall be so retained on site for the duration of development works.

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 ENV11 and ENV27 of the Unitary Development Plan.

10. No Development shall take place until there has been submitted to, and approved in writing by the Local Planning Authority a Construction Environmental Management Plan (CEMP). The CEMP shall include details of how noise, wheel washing, lighting, dust and other airborne pollutants, vibration, smoke, and odour from construction work will be controlled and mitigated. The CEMP will utilise the Considerate Constructors Scheme (www.considerateconstructorscheme.org.uk). The CEMP will include a system for the management of complaints from local residents which will incorporate a reporting system. The construction of the Development shall be completed in accordance with the approved CEMP unless otherwise agreed in writing with the Local Planning Authority.

Reason:

To ensure that the construction of the development is undertaken in a neighbourly manner and in the interests of the protection of amenity, highway safety, and the environment and to ensure compliance with the terms of Policy ENV27 of the Unitary Development Plan.

11. Prior to the commencement of development a Landscape and Ecological Method Statement (LEMP) shall be submitted to and approved in writing by the Local Planning Authority. The content of the LEMP shall include the following (in particular with reference to hedgerows):
- a) a description and evaluation of features to be managed;
 - b) ecological trends and constraints on site that might influence management;
 - c) aims and objectives of management;
 - d) appropriate management options for achieving aims and objectives;
 - e) prescriptions for management actions;
 - f) preparation of a work schedule (including an annual work plan capable of being rolled forward over a five-year period);
 - g) details of the body of organisation responsible for implementation of the plan;
 - h) ongoing monitoring and remedial measures.

The LEMP shall also include details of the legal and funding mechanism(s) by which the long-term implementation of the plan will be secured by the developer with the management body(ies) responsible for its delivery. The plan shall also set out (where the results from monitoring show that conservation aims and objectives of the LEMP are not being met) how contingencies and/or remedial action will be identified, agreed and implemented so that the development still delivers the fully functioning biodiversity objectives of the originally approved scheme. The approved plan will be implemented in accordance with the approved details.

Reason:

To safeguard protected species and biodiversity at or near the site, in accordance with Policies ENV27 and ENV16 of the Unitary Development.

12. The Reserved Matters application to follow this approved Outline application should be supported by a lighting strategy for the development, which should include reference to ecology matters such as safeguarding light sensitive species. The development shall thereafter be in accordance with the approved lighting strategy.

Reason:

To ensure suitable lighting strategy and to safeguard protected species in accordance with policies ENV 27 and ENV16 of the Unitary Development Plan.

13. The development hereby approved shall be carried out strictly in accordance with the recommendations of the submitted 'Extended Phase 1 Habitat Survey, Badger Survey, Great Crested Newt Habitat Suitability Index and Daytime Bat Assessment of Trees' (WYG Environment - August 2013), 'Reptile Presence/Absence Survey' (WYG Environment - August 2013) and 'Bat Emergence/Return Activity Survey' (WYG Environment - October 2013) unless otherwise agreed in writing by the Local Planning Authority. Details of the recommendations shall be submitted with any subsequent Reserved Matters application relating to this approval.

Reason:

To ensure protection for protected species, in accordance with Policy ENV16 of the Unitary Development Plan.

14. Each new dwelling hereby permitted shall be constructed to achieve a minimum Code for Sustainable Homes Level 3 and achieve a minimum of 1 credit under category 'Ene1 - Dwelling Emission Rate' in accordance with the requirements of Code for Sustainable Homes: Technical Guide November 2010. The development shall be carried out entirely in accordance with the approved assessment and certification.

Reason:

To ensure the development attains the sustainable building standards required by Planning Policy Wales and TAN22 - Planning for Sustainable Buildings.

15. Construction of any dwelling hereby permitted shall not begin until an 'Interim Certificate' has been submitted to the Local Planning Authority, certifying that a minimum Code for Sustainable Homes Level 3 and a minimum of 1 credit under 'Ene1 - Dwelling Emission Rate', has been achieved for that individual dwelling or house type in accordance with the requirements of the Code for Sustainable Homes: Technical Guide November 2010.

Reason:

To ensure the development attains the sustainable building standards required by Planning Policy Wales and TAN22 - Planning for Sustainable Buildings.

16. Prior to the occupation of the individual dwelling hereby permitted, a Code for Sustainable Homes 'Final Certificate' shall be submitted to the Local Planning Authority certifying that a minimum Code for Sustainable Homes Level 3 and a minimum of 1 credit under 'Ene1 - Dwelling Emission Rate', has been achieved for that dwelling in accordance with the requirements of the Code for Sustainable Homes: Technical Guide November 2010.

Reason:

To ensure the completed development attains the sustainable building standards required by Planning Policy Wales and TAN22 - Planning for Sustainable Buildings.

17. No development shall commence until a comprehensive survey to determine the existence, depth, extent and character of any filled ground and the existence, extent and concentrations of any landfill gas that may have the potential to reach the application site and details of mitigation for any landfill gas reaching the site has been submitted to and approved in writing by the Local Planning Authority. The development shall thereafter be carried out in full accordance with the approved survey and mitigation measures.

Reason:

In the interests of public safety, and to ensure compliance with Policy ENV7 of the Unitary Development Plan.

18. Any soils or similar material to be imported on to the site shall be assessed for chemical and other potential contaminants in accordance with a scheme of investigation to be submitted to and approved in writing by the Local Planning Authority prior to its importation. All measures specified in the approved

scheme shall be undertaken in accordance with the relevant Code of Practice and Guidance Notes.

Reason:

In the interests of public safety, and to ensure compliance with Policy ENV7 of the Unitary Development Plan.

19. Prior to any commencement of any site clearance a lighting design strategy for biodiversity' for the site shall be submitted to and approved in writing by the local planning authority. The strategy shall:
- a) Identify those areas/features on site that are particularly sensitive for bats and that area likely to cause disturbance in or around their breeding sites and resting places or along important routes used to access key areas of their territory, for example, for foraging; and
 - b) Show how and where external lighting will be installed (through the provision of appropriate lighting contour plans and technical specifications) so that it can be clearly demonstrated that areas to be lit will not disturb or prevent the above species using their territory or having access to their breeding sites and resting places.

All external lighting shall be installed in accordance with the specifications and locations set out in the strategy, and these shall be maintained thereafter in accordance with the strategy. Notwithstanding the terms of the Town and Country Planning (General Permitted Development) (Amendment) (Wales) Order 2013 no other external lighting be installed without the consent of the Local Planning Authority.

Reason:

To maintain biodiversity and in the interests of protected species in accordance with Policy ENV16 of the Unitary Development Plan.

2013/01013/FUL Received on 21 October 2013

(P84)

Mr. Rhys Probert, Tinkinswood Farm, Duffryn Lane, St. Nicholas, Vale of Glamorgan., CF5 6TA

CLC Design, The Design Office, 19 Heol Y Deri, Rhiwbina, Cardiff., CF14 6HA

Tinkinswood Farm, Duffryn Lane, St. Nicholas

Demolition of dwelling house, construction of replacement dwelling house

APPROVED subject to the following condition(s):

1. The development hereby permitted shall be begun before the expiration of five years from the date of this permission.

Reason:

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

2. This consent shall relate to the following schedule of plans and documents:

- Site edged red/blue location plan, Drwg. PA/11, received 21 October 2013;
- Site survey, Drwg. PA/12, received 21 October 2013;
- Site survey - Demolition plan, Drwg. PA/13, received 21 October 2013;
- Site layout plan, Drwg. PA/14 received 21 October 2013;
- Existing floor and roof plans, Drwg.s PA/15, PA/16 and PA/17, received 21 October 2013;
- Existing elevations, Drwg.s PA/18 and PA/19, received 21 October 2013;
- Proposed ground and first floor plans, Drwg.s PA/01 and PA/02, received 21 October 2013;
- Proposed roof plans, sections and elevations, Drwg.s PA/04 A, PA/06 A, PA/07 A, PA/08 A, PA/09 A amended plans received 12 December 2013;
- Proposed second floor plan, sections and elevations, Drwg.s PA/03 B, PA/05 B and PA/10 B, amended plans received 29 January 2014;
- Design and Access Statement, received 21 October 2013 and part amended 12 December 2013;
- Amended Bat Report by Richard Watkins, December 2013 Version 1.1, received 19 December 2013;
- Amended Application for a Licence - Bats Method Statement, received 7 February 2014;
- Structural Statement prepared by CLC Consultants, received 12 December 2013;
- Tree Survey prepared by Treescene, dated 31 October 2013 and received 5 November 2013; and

- Code for Sustainable Homes, Pre-Assessment Report by Andrew Goodland, received 21 October 2013.

Reason:

For the avoidance of doubt as to the approved plans and documents and in the interests of the character and appearance of the area and protected species in accordance with Policies HOUS7-Replacement and Extension of Dwellings in the Countryside, ENV16-Protected Species, ENV17-Protection of Built and Historic Environment, and ENV27-Design of New Developments of the Unitary Development Plan.

3. Before their use on site a full schedule of the external finishes of the development hereby permitted, including samples, shall be submitted to and approved in writing with the Local Planning Authority. The development shall be implemented thereafter in accordance with the approved details.

Reason:

In the interests of the character and appearance of the area in accordance with Policies HOUS7-Replacement and Extension of Dwellings in the Countryside, ENV17-Protection of Built and Historic Environment, and ENV27-Design of New Developments of the Unitary Development Plan.

4. Notwithstanding the provisions of the Town and Country Planning (General Permitted Development) (Amendment) (Wales) Order 2013 (or any Order revoking and re-enacting that Order with or without modification) the dwelling hereby approved shall not be extended or altered in any way without the prior written consent of the Local Planning Authority.

Reason:

To enable the Local Planning Authority to control the scale of development, in the interests of the character and appearance of the surrounding Special Landscape Area and the nearby historic setting of the Scheduled Ancient Monument and Dyffryn Gardens Historic Park in accordance with Policies ENV4-Special Landscape Areas, HOUS7-Replacement and Extension of Dwellings in the Countryside, ENV10-Conservation of the Countryside, ENV17-Protection of Built and Historic Environment and ENV27-Design of New Developments of the Unitary Development Plan.

5. The existing trees on the site that are not identified for removal within the Tree Survey (dated 31 October 2013, and received on 5 November 2013), shall be protected before the commencement of works, including demolition, and for the duration of the construction works, in accordance with the recommendations for tree protection within the said Tree Survey (as recommended by B.S. 5837:2012 Trees and Construction). The protected area shall at no time be breached by the storage of any materials, vehicles or other such equipment.

Reason:

To ensure the trees are safeguarded in the interests of the character and appearance of the area in accordance with Policies ENV10-Conservation of the Countryside, ENV11-Protection of Landscape Features and ENV27-Design of New Developments of the Unitary Development Plan.

6. The development hereby approved shall be implemented in accordance with the recommendations for ecological measures and/or works as outlined in the accompanying reports by Richard Watkins Consultant and amended plans, i.e. amended Bat Report December 2013 Version 1.1 received 19 December 2013; amended Application for a Licence - Bats Method Statement received 7 February 2014; and Drwg. No.s PA/03B, PA/05B & PA/10B received 29 January 2014.

Reason:

In the interests of safeguarding protected species in accordance with Policy ENV16-Protected Species of the Unitary Development Plan and TAN5-Nature Conservation and Planning.

7. Notwithstanding the terms of the Town and Country Planning (General Permitted Development) (Amendment) (Wales) Order 2013 or any Order amending, revoking re-enacting that Order and before the commencement of development, further details of any artificial external lighting for the replacement dwelling and its surrounds, which shall be low level lighting, and appropriate siting of lights to ensure roost access points are not illuminated to avoid disturbance to bat flight paths, shall be submitted to and approved in writing with the Local Planning Authority. The development shall be implemented in accordance with the approved lighting details, which shall be retained and maintained as such thereafter, and no other external lighting shall be installed unless otherwise agreed in writing with the Local Planning Authority.

Reason:

In the interests of safeguarding protected species in accordance with Policy ENV16-Protected Species of the Unitary Development Plan and TAN5-Nature Conservation and Planning.

8. No work to remove the roof of the existing dwelling shall commence until the local planning authority has been provided with a copy of the licence issued by Natural Resources Wales pursuant to Regulation 53 of The Conservation of Habitats and Species Regulations 2010 (as amended) authorising the specified activity/development to go ahead; or a statement in writing from the relevant licensing body to the effect that it does not consider that the specified activity/development will require a licence.

Reason:

In the interests of safeguarding protected species in accordance with Policy ENV16-Protected Species of the Unitary Development Plan and TAN5-Nature Conservation and Planning.

9. No development approved by this permission shall commence until the applicant, or their agents or successors in title, has secured the implementation of a programme of archaeological work in accordance with a written scheme of investigation which shall be submitted by the applicant and approved in writing by the Local Planning Authority and the programme and scheme shall be fully implemented as defined in the approved details.

Reason:

In order that archaeological operations are undertaken to an acceptable standard and that legitimate archaeological interest in the site is satisfied and to ensure compliance with Policies ENV18 and ENV19 of the Unitary Development Plan.

10. The new dwelling hereby permitted shall be constructed to achieve a minimum Code for Sustainable Homes Level 3 and achieve a minimum of 1 credit under category 'Ene1 - Dwelling Emission Rate' in accordance with the requirements of Code for Sustainable Homes: Technical Guide November 2010. The development shall be carried out entirely in accordance with the approved assessment and certification.

Reason:

To ensure the development attains the sustainable building standards required by Planning Policy Wales and TAN22 - Planning for Sustainable Buildings.

11. Construction of the dwelling hereby permitted shall not begin until an 'Interim Certificate' has been submitted to the Local Planning Authority, certifying that a minimum Code for Sustainable Homes Level 3 and a minimum of 1 credit under 'Ene1 - Dwelling Emission Rate', has been achieved for that dwelling or house type in accordance with the requirements of the Code for Sustainable Homes: Technical Guide November 2010.

Reason:

To ensure the development attains the sustainable building standards required by Planning Policy Wales and TAN22 - Planning for Sustainable Buildings.

12. Prior to the occupation of the dwelling hereby permitted, a Code for Sustainable Homes 'Final Certificate' shall be submitted to the Local Planning Authority certifying that a minimum Code for Sustainable Homes Level 3 and a minimum of 1 credit under 'Ene1 - Dwelling Emission Rate', has been

achieved for that dwelling in accordance with the requirements of the Code for Sustainable Homes: Technical Guide November 2010.

Reason:

To ensure the completed development attains the sustainable building standards required by Planning Policy Wales and TAN22 - Planning for Sustainable Buildings.

2013/01099/FUL Received on 13 November 2013

(P101)

Mr. Tim Leavers

Asbri Planning Ltd., 1st Floor, Westview House, Oak Tree Court, Cardiff Gate Business Park, Cardiff, Glamorgan., CF23 8RS

12, Park Road, Penarth

Proposed demolition of existing dwelling and associated outbuildings and construction of two detached dwellings and associated works

APPROVED subject to the following condition(s):

1. The development hereby permitted shall be begun before the expiration of five years from the date of this permission.

Reason:

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

2. Before their use on site a full schedule of external finishes (including samples), for the houses, boundary treatment and hard surfacing of on-site car parking and turning facilities, shall be submitted to and agreed in writing with the Local Planning Authority. The development shall be implemented thereafter in accordance with the agreed details.

Reason:

In the interests of visual amenity and the character and appearance of this part of the Penarth Conservation Area in accordance with Policies ENV20-Development in Conservation Areas, ENV27-Design of New Development and HOUS8-Residential Development Criteria of the Unitary Development Plan.

3. Notwithstanding the submitted plans no development shall commence until further details of the proposed new access and vehicular crossover to Plot 12B are submitted to and approved in writing with the Local Planning Authority. The details shall include a minimum width of access of 3.66m; an Arboricultural report on the adjacent street tree and measures for its

protection; and the precise siting of the adjacent telegraph pole which will be relocated at the developer's expense should it be deemed to interfere with highway visibility. The development shall be implemented thereafter in accordance with the approved details.

Reason:

In the interests of highways safety, visual amenity and the character and appearance of the Penarth Conservation Area in accordance with Policies ENV20-Development in Conservation Areas, ENV27-Design of New Development and HOUS8-Residential Development Criteria of the Unitary Development Plan.

4. The proposed on-site car parking/turning areas for each of the dwellings hereby permitted, as indicated on Drwg. No. 003, Rev D Proposed Site Layout shall be fully implemented before the first beneficial occupation of the associated dwelling. The parking/turning areas shall thereafter be retained and maintained at all times for the parking and manoeuvring of motor vehicles associated with the use of the houses hereby permitted.

Reason:

To ensure an adequate level of car parking to serve the development in the interests of highway safety in accordance with Policies TRAN10-Parking and ENV27-Design of New Developments of the Unitary Development Plan.

5. Notwithstanding the submitted plans before the commencement of development further details of the proposed landscaping of the site shall be submitted to and agreed in writing with the Local Planning Authority. The proposed landscaping scheme shall provide full details of the siting, species and specimen size of the replacement tree planting, plus measures for the protection during demolition and construction works of those to be retained.

Reason:

In the interests of visual amenity and the character and appearance of this part of the Penarth Conservation Area in accordance with Policies ENV11-Protection of Landscape Features, ENV20-Development in Conservation Areas and ENV27-Design of New Developments of the Unitary Development Plan.

6. 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 first occupation of the associated dwelling or the completion of the development, whichever is the sooner; and any trees or plants which within a period of five years from the completion of the development die, are removed or become seriously damaged or diseased shall be replaced in the next planting season with others of similar size and species, unless the Local Planning Authority gives written consent to any variation.

Reason:

To ensure satisfactory maintenance of the landscaped area and in the interests of the character and appearance of this part of the Penarth Conservation Area in accordance with Policies ENV11-Protection of Landscape Features, ENV20-Development in Conservation Areas and ENV27-Design of New Developments of the Unitary Development Plan.

7. Notwithstanding the provisions of the Town and Country Planning (General Permitted Development) (Amendment) (Wales) Order 2013 (or any Order revoking and re-enacting that Order with or without modification) the dwellings hereby approved shall not be extended or altered in any way without the prior written consent of the Local Planning Authority.

Reason:

To enable the Local Planning Authority to control the scale of development in the interests of the character and appearance of this part of the Penarth Conservation Area in accordance with Policies ENV20-Development in Conservation Areas and ENV27-Design of New Developments of the Unitary Development Plan.

8. Notwithstanding the provisions of the Town and Country Planning (General Permitted Development) (Amendment) (Wales) Order 2013 (or any Order revoking and re-enacting that Order) no building, structure or enclosure required for a purpose incidental to the enjoyment of a dwelling-house shall be constructed, erected, or placed within the curtilage of the dwellings hereby approved without the prior written consent of the Local Planning Authority.

Reason:

To enable the Local Planning Authority to control the scale of development in the interests of the character and appearance of this part of the Penarth Conservation Area in accordance with Policies ENV20-Development in Conservation Areas and ENV27-Design of New Developments of the Unitary Development Plan.

9. Notwithstanding the provisions of the Town and Country Planning (General Permitted Development) (Amendment) (Wales) Order 2013, or any Order revoking or re-enacting that Order, no windows other than those expressly authorised by this permission shall be inserted in the side elevations of either of the dwellings hereby permitted without the prior written consent of the Local Planning Authority.

Reason:

To safeguard the privacy of neighbouring occupiers in accordance with Policies HOUS8-Residential Development Criteria and ENV27-Design of New Developments of the Unitary Development Plan.

10. Before the commencement of works on the first of the new dwellings hereby permitted further details of the finished levels of the site in relation to existing ground levels and finished ground levels shall be submitted to and approved in writing by the Local Planning Authority and the development shall be carried out in full accordance with the approved details.

Reason:

In the interests of the character and appearance of this part of the Penarth Conservation Area and neighbouring amenity in accordance with Policies ENV20-Development in Conservation Areas, ENV27-Design of New Development and HOUS8-Residential Development Criteria of the Unitary Development Plan.

11. Each new dwelling hereby permitted shall be constructed to achieve a minimum Code for Sustainable Homes Level 3 and achieve a minimum of 1 credit under category 'Ene1 - Dwelling Emission Rate' in accordance with the requirements of Code for Sustainable Homes: Technical Guide November 2010. The development shall be carried out entirely in accordance with the approved assessment and certification.

Reason:

To ensure the development attains the sustainable building standards required by Planning Policy Wales and TAN22 - Planning for Sustainable Buildings.

12. Construction of any dwelling hereby permitted shall not begin until an 'Interim Certificate' has been submitted to the Local Planning Authority, certifying that a minimum Code for Sustainable Homes Level 3 and a minimum of 1 credit under 'Ene1 - Dwelling Emission Rate', has been achieved for that individual dwelling or house type in accordance with the requirements of the Code for Sustainable Homes: Technical Guide November 2010.

Reason:

To ensure the development attains the sustainable building standards required by Planning Policy Wales and TAN22 - Planning for Sustainable Buildings.

13. Prior to the occupation of the individual dwelling hereby permitted, a Code for Sustainable Homes 'Final Certificate' shall be submitted to the Local Planning Authority certifying that a minimum Code for Sustainable Homes Level 3 and a minimum of 1 credit under 'Ene1 - Dwelling Emission Rate', has been achieved for that dwelling in accordance with the requirements of the Code for Sustainable Homes: Technical Guide November 2010.

Reason:

To ensure the completed development attains the sustainable building standards required by Planning Policy Wales and TAN22 - Planning for Sustainable Buildings.

14. The implemented drainage scheme for the site should ensure that all foul and surface water discharges separately from the site and that no surface water or land drainage run-off shall discharge, either directly or indirectly, into the public sewerage system.

Reason:

To prevent hydraulic overloading of the public sewerage system, pollution of the environment and to protect the health and safety of existing residents and ensure no detriment to the environment and to comply with the terms of Policy ENV27 of the Unitary Development Plan.

15. This consent shall relate to the plans registered on 13th November 2013 other than where amended by plans reference 006 Revision C, 007 revision D and 008 revision C received on 23rd January 2014.

Reason:

To ensure a satisfactory form of development in the conservation area, for the avoidance of doubt as to the approved plans and to meet the requirements of policies ENV17, ENV20 and ENV21 of the Unitary Development Plan..

16. Prior to the commencement of any works on site an appropriately qualified Ecologist shall be utilised to give a 'toolbox talk' to contractors carrying out the demolition works. The Ecologist shall directly oversee the stripping of certain parts of the roof as detailed in the David Clements Ecology Ltd letter of 8 June 2012.

Reason:

In the interests of safeguarding protected species in accordance with Policy ENV16-Protected Species of the Unitary Development Plan.

17. The proposed demolition works shall be undertaken outside of the bird breeding season, which is generally recognised to be from March to August inclusive, unless a method statement for works is submitted to and agreed in writing with the Local Planning Authority and fully implemented prior to the commencement of works.

Reason:

In the interests of safeguarding protected species in accordance with Policy ENV16-Protected Species of the Unitary Development Plan.

2013/01100/CAC Received on 13 November 2013

(118)

Mr. Tim Leavers

Asbri Planning Ltd., 1st Floor, Westview House, Oak Tree Court, Cardiff Gate
Business Park, Cardiff, Glamorgan., CF23 8RS

12, Park Road, Penarth

Proposed demolition of existing dwelling and associated outbuildings and
construction of two detached dwellings and associated works

APPROVED subject to the following condition(s):

1. The works hereby permitted shall be begun before the expiration of five years from the date of this permission.

Reason:

To comply with the requirements of Section 75 of the Planning (Listed Buildings and Conservation Areas) Act 1990.

2. The demolition of building(s) shall not be undertaken before a contract for the carrying out of the works for redevelopment of the site has been entered into in accordance with the proposals which have received planning permission under reference 2013/01099/FUL. The Local Planning Authority shall be advised as to the signing of such a contract prior to the demolition taking place, and written approval of the phasing and timing of works involved shall be given by the local planning authority before any part of the demolition hereby approved first commences. All works shall then be carried out in accordance with the approved timetable.

Reason:

To ensure that the demolition only occurs as the immediate precursor to redevelopment, having regard to the location of the site in the Penarth Conservation Area, and to accord with advice in Welsh Office Circular 61/96 and Policies ENV20-Development in Conservation Areas and ENV21-Demolition in Conservation Areas of the adopted Unitary Development Plan.

3. This consent shall relate to the plans registered on 13 November 2013 other than where amended by plans reference 006 Revision C, 007 Revision D and 008 revision C received on 23 January 2014.

Reason:

To ensure a satisfactory form of development in the conservation area, for the avoidance of doubt as to the approved plans and to meet the requirements of Policies ENV17, ENV20 and ENV21 of the Unitary Development Plan.

4. Prior to the commencement of any works on site an appropriately qualified Ecologist shall be utilised to give a 'toolbox talk' to contractors carrying out the demolition works. The Ecologist shall directly oversee the stripping of certain parts of the roof as detailed in the David Clements Ecology Ltd letter of 8 June 2012.

Reason:

In the interests of safeguarding protected species in accordance with Policy ENV16-Protected Species of the Unitary Development Plan.

5. The proposed demolition works shall be undertaken outside of the bird breeding season, which is generally recognised to be from March to August inclusive, unless a method statement for works is submitted to and agreed in writing with the Local Planning Authority and fully implemented prior to the commencement of works.

Reason:

In the interests of safeguarding protected species in accordance with Policy ENV16-Protected Species of the Unitary Development Plan.

2013/01152/OUT Received on 27 November 2013
(P128)

Carlton Communications Ltd, 200, Grey's Inn Road , London., WC1X 8HF
RPS Planning & Development, Park House, Greyfriars Road, Cardiff., CF10 3AF

Land Off Old Port Road, Culverhouse Cross (ITV)

Demolition of existing buildings and redevelopment of site for residential purposes.

RESOLVED - T H A T subject to the interested person(s) first entering into a Section 106 Legal Agreement to include the following necessary planning obligations:

- The developer shall enter into appropriate Agreement(s) under Section 278 of the Highways Act to undertake highway alterations and improvements to create a safe access to the site.
- Procure that 24% of the dwellings built on the site pursuant to the planning permission are built and thereafter maintained as affordable housing units in perpetuity, of which at least 80% would be social rented properties, and the remaining 20% would be intermediate properties.
- Pay an off-site Affordable Housing Contribution equivalent to the developer subsidy for 11% of the total number dwellings permitted by the planning application, on the basis of at least 80% social rented properties and the remaining 20% intermediate properties.

- Pay a contribution of £3344.81 per dwelling for the provision or enhancement of education facilities and school transport.
- A scheme of public open space shall be submitted for approval at reserved matters stage to include:
 - Children's play space which will be provided on site at a ratio of no less than 13.9sqm per dwelling of which at least 4.6sqm per dwelling shall be equipped play space.
 - An area of informal outdoor sport.
 - The phasing for the provision of the play space and informal outdoor sport area.
 - A scheme to ensure appropriate provision for future maintenance for the open space.
- Pay a contribution of £988.50 per dwelling to provide or enhance community facilities.
- Provide public art on the site to the value of £50,000 in accordance with details to be submitted for approval at reserved matters stage.
- Pay a contribution of £2,000 per dwelling to provide or enhance sustainable transport facilities in the vicinity of the site.
- The Legal Agreement will include the standard clause requiring the payment of a fee to monitor and implement the legal agreement (£31,780 in this case).

APPROVED subject to the following condition(s):

1. Approval of the layout, scale, appearance and landscaping of the development (hereinafter called `the reserved matters`) shall be submitted to and approved by the Local Planning Authority before any development is commenced.

Reason:

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

2. Application for approval of the reserved matters hereinbefore referred to must be made not later than the expiration of three years beginning with the date of this permission.

Reason:

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

3. The development to which this permission relates must be begun not later than whichever is the later of the following dates:
 - (a) The expiration of five years from the date of this permission.
 - (b) The expiration of two years from the date of the final approval of the reserved matters or, in the case of approval on different dates the final approval of the last such matters to be approved.

Reason:

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

4. Plans and particulars of the reserved matters referred to in Condition No. 1 above shall be submitted in writing to the Local Planning Authority and shall be carried out as approved.

Reason:

The application was made for outline planning permission and to comply with the requirements of Section 92 of the Town and Country Planning Act 1990.

5. No Development shall take place until there has been submitted to, and approved in writing by the Local Planning Authority a Construction Environmental Management Plan (CEMP). The CEMP shall include details of construction hours, details of how noise, lighting, dust and other airborne pollutants, vibration, smoke, and odour from site clearance, demolition works and construction work will be controlled and mitigated. The CEMP will utilise the Considerate Constructors Scheme (www.considerateconstructorscheme.org.uk). The CEMP will include a system for the management of complaints from local residents which will incorporate a reporting system. The construction of the Development shall be completed in accordance with the approved Plan unless otherwise agreed in writing with the Local Planning Authority.

Reason:

To ensure that the construction of the development is undertaken in a neighbourly manner and in the interests of the protection of amenity, the environment and highway safety and free flow of traffic and to ensure compliance with the terms of Policies ENV27 and ENV29 of the Unitary Development Plan.

6. Full details of a drainage scheme for the site ensuring that all foul and surface water discharges separately from the site and that land drainage and surface water does not discharge, either directly or indirectly, into the public sewerage system shall be submitted to and approved in writing by the Local

Planning Authority and the development shall thereafter be carried out in full accordance with the approved drainage scheme.

Reason:

To prevent hydraulic overloading of the public sewerage system, pollution of the environment and to protect the health and safety of existing residents and ensure no detriment to the environment and to comply with the terms of Policies ENV27 and ENV29 of the Unitary Development Plan.

7. Prior to or at the same time as the submission of the first of the reserved matters, full engineering details of all highway alterations including the proposed signalised junction at the Old Port Road / A4050 Port Road / Brooklands Terrace junction and the associated pedestrian crossings, internal site access details and all associated lighting and drainage to the site have been submitted to and approved in writing by the Local Planning Authority and the development shall not be brought into beneficial use and no dwelling shall be occupied until such time as that junction has been constructed and completed in accordance with the approved details.

Reason:

In the interest of highway safety and to ensure a satisfactory form of access to serve the development, and to ensure compliance with the terms of Policy ENV27 of the Unitary Development Plan.

8. No development approved by this permission shall be commenced until a contaminated land assessment and associated remedial strategy have been submitted to and approved in writing by the Local Planning Authority. The assessment shall contain the following elements and follow the guidance contained in 'Contaminated Land: A Guide for Developers' :
- a) A Phase I Preliminary Risk Assessment (Desk Study) shall be submitted to the Local planning Authority for their written approval. The desk study shall detail the history of the site uses and identify and evaluate all potential sources and impacts of land and/or groundwater contamination;
 - b) Where the preliminary risk assessment identifies potentially unacceptable risks at the site, a suitably qualified and accredited person shall carry out a site investigation, including relevant soil, soil-gas, surface and groundwater sampling in accordance with a quality assured sampling and analysis methodology which shall have been agreed in writing by the Local Planning Authority before any site surveys are commenced.
 - c) A site investigation report detailing all investigative works and sampling on site, together with the results of any analysis, risk assessment to any receptors and a proposed remediation strategy shall be submitted to and approved in writing by the e Local Planning Authority prior to

any remediation commencing on site. The works shall be of such a nature as to render harmless the identified contamination given the proposed end-use of the site and surrounding environment including any controlled waters.

- d) The approved remediation works shall be carried out in full on site under a quality assurance scheme to demonstrate compliance with the proposed methodology and best practice guidance. If during the works contamination is encountered which has not previously been identified then the additional contamination shall be fully assessed and an appropriate remediation scheme agreed in writing with the Local Planning Authority .
- e) Upon completion of the works, a verification report shall be submitted to and agreed in writing by the Local Planning Authority. The verification report shall include details of the completed remediation works and include quality assurance certificates to show that the works have been carried out in full and in accordance with the approved methodology. Details of any post-remedial sampling and analysis to show the site has reached the required clean-up criteria shall be included in the verification report together with the necessary documentation detailing what waste materials have been removed from the site.

Reason:

To ensure the health and safety of current and future occupiers during and post construction and to meet the requirements of Policy ENV29 of the Unitary Development Plan.

- 9. Prior to the first beneficial occupation of the development hereby approved, a Travel Plan shall have been submitted to and approved in writing by the Local Planning Authority. Such plan shall include a package of measures tailored to the needs of the site and its future users and which measures shall aim to widen travel choices by all modes of transport, encourage sustainable transport and cut unnecessary car use and details of the timescales for their implementation. The Travel Plan shall be implemented in accordance with the approved details and timescales of that plan.

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 2, 8 and ENV27 of the Unitary Development Plan.

- 10. The proposed landscaping scheme shall include details of an ecological enhancement of the site, and any ecological enhancements thereby identified shall be implemented in the first planting season following the completion of the development unless otherwise agreed with the Local Planning Authority.

Reason:

To increase the biodiversity value of the site and to meet the requirements of Policy ENV16 of the Unitary Development Plan.

11. Details of a phasing plan shall be submitted to and approved in writing by the Local Planning Authority and the development shall be carried out in accordance with this phasing plan unless an alternative phasing is submitted to and approved in writing by the Local Planning Authority.

Reason:

To ensure an orderly form of development and to meet the requirements of Policy ENV27 of the Unitary Development.

12. Prior to the first beneficial occupation of any dwelling on site details of the maintenance and management of the pond and landscaped embankment shall be submitted to and approved in writing by the Local Planning Authority and the approved scheme of maintenance and management shall be carried out in full accordance with the approved details, thereafter unless otherwise agreed with the Local Planning Authority.

Reason:

In the interests of the visual amenity of the site and future occupiers of the development and to ensure compliance with the aims of Policy ENV27 of the Unitary Development Plan.

13. Details of a parking scheme to serve the development shall be submitted to and approved in writing by the Local Planning Authority; the approved scheme of parking shall be laid out in accordance with the approved details prior to the first beneficial use of the dwelling which it serves and the parking space(s) shall thereafter be so retained at all times to serve the development hereby approved.

Reason:

To ensure the provision on site of parking to serve the development in the interests of highway safety, and to ensure compliance with the terms of Policy ENV27 of the Unitary Development Plan.

14. The detailed site layout plan submitted at the reserved matters stage shall indicate the protection zone for the mains pipeline running through the site which shall remain clear of development unless otherwise agreed in writing by the Local Planning Authority.

Reason:

To safeguard the line of the mains pipeline to ensure that electricity supplies to the area are not adversely affected and to meet the requirements of Policy ENV27 of the Unitary Development Plan.

15. Prior to the commencement of development details of the finished levels of the dwellings and site roads in relation to existing ground levels and finished ground levels, including cross section details, shall be submitted to and approved in writing by the Local Planning Authority and the development shall be carried out in full accordance with the approved details.

Reason:

To ensure that the visual amenities and highway safety are safeguarded, and to ensure the development accords with Policy ENV27 of the Unitary Development Plan.

16. The detailed site layout plan shall indicate all existing trees covered by Tree Preservation Order No. 7, 2012 and measures for their protection in the course of the development, and the protection scheme shall be implemented in accordance with the approved details prior to any site clearance or demolition and shall thereafter be so retained for the duration of the development unless the Local Planning Authority gives prior written consent for any variation.

Reason:

To safeguard the protected trees and in the interests of the visual amenities of the area and to meet the requirements of Policies ENV11 and ENV27 of the Unitary Development Plan.

17. Each new dwelling hereby permitted shall be constructed to achieve a minimum Code for Sustainable Homes Level 3 and achieve a minimum of 1 credit under category 'Ene1 - Dwelling Emission Rate' in accordance with the requirements of Code for Sustainable Homes: Technical Guide November 2010. The development shall be carried out entirely in accordance with the approved assessment and certification.

Reason:

To ensure the development attains the sustainable building standards required by Planning Policy Wales and TAN22 - Planning for Sustainable Buildings.

18. Construction of any dwelling hereby permitted shall not begin until an 'Interim Certificate' has been submitted to the Local Planning Authority, certifying that a minimum Code for Sustainable Homes Level 3 and a minimum of 1 credit under 'Ene1 - Dwelling Emission Rate', has been achieved for that individual

dwelling or house type in accordance with the requirements of the Code for Sustainable Homes: Technical Guide November 2010.

Reason:

To ensure the development attains the sustainable building standards required by Planning Policy Wales and TAN22 - Planning for Sustainable Buildings.

19. Prior to the occupation of the individual dwelling hereby permitted, a Code for Sustainable Homes 'Final Certificate' shall be submitted to the Local Planning Authority certifying that a minimum Code for Sustainable Homes Level 3 and a minimum of 1 credit under 'Ene1 - Dwelling Emission Rate', has been achieved for that dwelling in accordance with the requirements of the Code for Sustainable Homes: Technical Guide November 2010.

Reason:

To ensure the completed development attains the sustainable building standards required by Planning Policy Wales and TAN22 - Planning for Sustainable Buildings.

20. Notwithstanding the provisions of the Town and Country Planning (General Permitted Development) (Amendment) (Wales) Order 2013 (or any Order revoking or re-enacting that Order with or without modification) details of all gates, fences, walls (including any retaining walls) or other means of enclosure shall be submitted to and approved in writing by the Local Planning Authority and the approved scheme of enclosure and any gates shall be fully implemented on site prior to the first beneficial occupation of the phase of development served.

Reason:

To safeguard local visual amenities of the area including the adjoining green wedge and Special Landscape Area, and to ensure compliance with Policy ENV27 of the Unitary Development Plan.

21. Prior to the commencement of development, including any site clearance and demolition works, a detailed mitigation plan for the protection of slow worm shall be submitted to and approved in writing by the Local Planning Authority and the approved scheme of mitigation shall be fully complied with at all times thereafter.

Reason:

To safeguard protected species and to meet the requirements of Policy ENV16 of the Unitary Development Plan.

22. Development works to which this consent applies (including demolition and vegetation clearance), shall not take place between 1 March and 31 August, unless it can be demonstrated that nesting birds are absent in a report prepared by a qualified ecologist (immediately prior to development commencing) or a method statement for works is submitted to and approved in writing by the Local Planning Authority and where a method statement is agreed that it is fully implemented.

Reason:

To comply with Unitary Development Plan Policy ENV16 to secure the long-term protection of the species and to demonstrate Local Authority compliance with S40 of the NERC Act 2006.

23. No phase of development as approved in accordance with Condition No. 11 of this consent hereby permitted shall be brought into beneficial use until such time as the site roads serving that phase have been constructed and completed in accordance with the approved details.

Reason:

In the interests of highway safety and to ensure compliance with the terms of Unitary Development Plan Policies ENV27.

24. All reports identified in the recommendations of the Geo-technical desk study completed by Ove Arup and Partners job number 214664 dated January 2007 shall be submitted to Local Planning Authority at the time of the first reserved matters application, and the report's findings shall guide the design of the development as submitted in the reserved matters.

Reason:

In order to ensure that risks from contamination are managed and to protect future users of the land and to ensure compliance with Policies ENV7, ENV26, ENV27 and ENV29 of the Unitary Development Plan.

2013/01217/FUL Received on 9 December 2013

(P174)

Mr. C. Davies

Plan R Ltd., 25, Preswylfa Court, Bridgend., CF31 3NX

Yard adj Vicarage Field, Southerndown Road, St. Brides Major

Proposed new rural enterprise dwelling incorporating bed and breakfast in connection with Vale Carriages and change of use of land for two shepherds huts for visitors

DEFERRED

Site Visit

2013/01241/FUL Received on 16 December 2013
(P200)

Mr. and Mrs. S. Short,
Churchill Property Services 1 Heol Y Wern, Caerphilly, Caerphilly, CF83 3EY

Forty Farm, St. Brides Super Ely

Demolition of existing farmhouse and attached/detached outbuildings and erection of replacement dwelling, detached garaging and altered access.

Members were advised that the Council had received notice that an appeal had been submitted with regard to this application as it had not been determined within 8 weeks and that determination of the application would now take place through the Appeals process. Members were therefore advised that they were considering the report in relation to agreeing the Council's stance in respect of the subsequent appeal rather than a determination of the application.

RESOLVED - T H A T Members note the content of the report and that a Non-Determination Appeal had now been submitted by the Applicant. Members agreed that the following reasons should form the basis of the Council's case in resisting the Appeal.

Reason for decision

1. In the opinion of the Local Planning Authority the proposal represents an insensitive and inappropriate form of replacement dwelling that will appear as an intrusive, urbanising feature within the rural landscape and cause significant harm to the character and appearance of the surrounding countryside and special landscape of the Ely Valley and Ridge Slopes Special Landscape Area, contrary to Policies ENV1-Development in the Countryside, ENV4-Special Landscape Areas, ENV10-Conservation of the Countryside, ENV11-Protection of Landscape Features, ENV17-Protection of Built and Historic Environment, ENV27-Design of New Developments, HOUS3-Dwellings in the Countryside, HOUS7-Replacement and Extension of Dwellings in the Countryside, and Strategic Policy 1-The Environment of the Vale of Glamorgan Adopted Unitary Development Plan 1996-2011; Supplementary Planning Guidance on Design in the Landscape; and national guidance contained in Planning Policy Wales, and TAN12-Design.

2014/00037/FUL Received on 15 January 2014
(P214)

Mrs C Harries The Old Vicarage, Penmark, Vale of Glamorgan, CF62 3BP
Andrew Parker Architect, The Great Barn, Lillypot, Bonvilston, Vale of Glamorgan.,
CF5 6TR

The Old Vicarage, Penmark

Proposed new dwelling in garden of property on site of existing tennis court

DEFERRED Site Visit

2014/00078/FUL Received on 21 January 2014
(P229)

Mr. K. Williams, c/o 12, Acacia Avenue, Newton, Porthcawl, Bridgend., CF36 5BJ
Mr. Andrew Worthington, 229, New Road, Porthcawl, Bridgend., CF36 3BG

Elmhurst, Porthkerry

Erection of a two-storey detached cottage style dwelling

REFUSED (written representations)

1. By reason of its siting and surrounding context, and the absence of an agricultural/forestry/rural enterprise justification, the proposal represents an unjustified and unacceptable form of development in the open countryside, which would detract from the site's undeveloped character and rural context, and the wider character of the green wedge. The development is therefore contrary to Policies ENV1 - Development in the Countryside, ENV3 - Green Wedges, ENV10 - Conservation of the Countryside, ENV11 - Protection of Landscape Features, ENV27 - Design of New Developments, HOUS3 - Dwellings in the Countryside, and Strategic Policies 1 & 2-The Environment and 8-Transportation of the Vale of Glamorgan Adopted Unitary Development Plan 1996-2011; Supplementary Planning Guidance on Sustainable Development; and national guidance contained in Planning Policy Wales, TAN6-Planning for Sustainable Communities and TAN12-Design.
2. By reason of its design, form and siting, the proposal would be detrimental to the visual amenities of the Porthkerry Conservation Area and the setting of Elmhurst, which is a designated 'County Treasure'. The proposed development is, therefore, contrary to Policies ENV17- Protection of the Built and Historic Environment, ENV20- Development in Conservation Areas and ENV27- Design of New Developments of the Vale of Glamorgan Adopted Unitary Development Plan 1996-2011, the Council's Porthkerry Conservation Area Appraisal and Management Plan 2009 and the advice contained within Planning Policy Wales 6th Edition.
3. By virtue of its isolated position outside of any defined settlement boundary, the site is considered to be in an unsustainable and unsuitable location where the new dwelling would be remote from day to day amenities/services and occupiers would be over-reliant on the private car. The proposal is consequently contrary to strategic policies 2 and 8, and Policy ENV27 - Design of New Developments of the Vale of Glamorgan Unitary Development Plan (1996-2011) and the national policies regarding sustainable development contained within Planning Policy Wales Ed. 6 2014.

2014/00097/FUL Received on 27 January 2014

(P240)

Wales and West Housing, 3, Alexandra Gate, Ffordd Pengam, Tremorfa, Cardiff.,
CF24 2UD

Franks and Toms Architects, 8, St. Andrews Crescent, Cardiff., CF10 3DD

Bridgeman Court, Bridgeman Road, Penarth

New door opening in place of existing window and installation of new ramp to allow for level access into the building to accommodate new scooter store.

APPROVED subject to the following condition(s):

1. The development hereby permitted shall be begun before the expiration of five years from the date of this permission.

Reason:

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

952 MATTERS WHICH THE CHAIRMAN HAD DECIDED WERE URGENT -

RESOLVED T H A T the following matters which the Chairman had decided were urgent for the reasons given beneath the minute headings be considered.

953 ENFORCEMENT ACTION - LAND BETWEEN THE A48 ROAD AND PANT WILKIN STABLES, EAST OF COWBRIDGE AND KNOWN AS 40 ACRE FIELD, PWLL Y DARREN FARM UNAUTHORISED QUARRYING AND ENGINEERING OPERATIONS (DDS)

(Urgent by reason of the need to make a decision prior to the next Committee)

On the 13 September 2005, planning permission was granted under planning reference 2005/00769/FUL, for a large agricultural barn building on land at Pwll y Darren Farm which is located some 2.5km east of Cowbridge. The proposals also required the excavation of a large void in order to level the ground to site the proposed barn. That void would require excavating into the ground by as much as 6mts in depth on its one south side but with an element of fill on its north side. The outer dimensions of the void would be some 56mts wide and 100mts long.

In November 2006, a complaint was received that alleged unauthorised quarrying and waste recycling operations were on-going at the Pwll y Darren Farm. Investigations confirmed that the quarrying operations were those broadly approved by the above referenced planning permission, nevertheless it did appear visually that the excavations were already excessive. In addition, a review of the planning file also confirmed that a number of planning conditions attached to that consent had not been discharged, especially Condition No. 8 of application ref 2005/00769/FUL (see below) was a pre-commencement condition (details of excavations and fill) wherein

the failure to satisfy its terms before works commenced was considered fatal to the planning permission. As a consequence, that consent was considered to have fallen, and permission did not therefore exist for the works.

Condition 8:

Prior to any excavation on-site details of cross-sections for the site showing the extent of excavation and fill areas and full details of the disposal of any excess material or waste from the site shall be submitted to and approved in writing by the Local Planning Authority and the development shall thereafter be carried out in accordance with the approved details.

Reason:

To safeguard the amenities of this rural location and to ensure a satisfactory form of development.

As a result of the above, a new planning application was received in February 2007 for an enlarged complex of buildings. However, that application was withdrawn in favour of an alternative scheme, which after several further amendments, finally proposed four agricultural barns to be located within an enlarged excavated void. The excavated area then considered necessary to accommodate the new farm complex of four buildings was shown on the submitted plan as being 7mts deep at its maximum depth with a top-of excavation width of 85mts x 145mts.

That application, file reference 2007/01059/FUL was approved on the 23 July 2009 and was issued subject to a Unilateral Undertaken (UU) wherein it was required that the first phase of the development comprising two buildings must be implemented and put to use within 6 months of the decision date. That UU was considered necessary in order to ensure the approval was fully implemented and was not left as just an excavated or quarried pit. At the time of writing and over 4 years since first phase, implementation should have been achieved, no building works had been undertaken.

Notwithstanding the above however, while the site had been regularly monitored since the date of the July 2009 determination, which has confirmed there have been long periods of little activity, at an inspection in September 2013, measurements were taken that confirmed the maximum depth of excavations were well in excess of the 7mts approved and possibly by as much as 5mts or more in places.

In view of the above, the applicant was advised of the Council's stance and opinion that as the depth of excavation was wholly out of accord with the permission granted planning permission issued under file reference 2007/01059/FUL, then that consent could no longer be relied upon and had now in effect, fallen in total. As such, while expressing concerns on acceptability, the only option available was to re-apply again for the whole farm complex and based on the extant excavated ground levels. However, after receiving a complaint of renewed activity in late February 2014 and in the absence of any new application being made, the site was re-inspected and it was clearly evident that excavation works had recommenced and were progressing rapidly at the same unauthorised depth.

It was clearly evident that the site excavations were well in excess of those approved in the two previous applications and despite the ground having been heavily disturbed as a consequence of the excavations the entire site had actually been excavated to well below previous ground levels.

The submitted plan detailing the site in cross-section can be scaled to show a maximum depth of excavation of 7mts along its southern edge with an element of fill along its northern edge. However, as reported above, there was little or no evidence of any fill, just excavation across the whole site. Even if making a generous allowance for both the accuracy of that plan and the site measurements taken, a variation of some 5mts or more in the depth of excavation, which equates to a near 70% increase in depth over the 7mts approved, can only be read as being a clear and significant variation away from the approval.

In light of the above, the current and on-going operations of excavating to a depth well in excess of those approved could no longer be considered as falling within the compass of planning permission reference 2007/01059/FUL. As such, as that planning permission is now clearly no longer capable of being implemented in its approved form, nor could it be revisited again even if remediation works were undertaken to re-instate the ground back to approved levels, it was considered to have now fallen in total.

As such, with no planning permission now in place, the on-going excavations can only be viewed as a wholly unauthorised quarrying operation that was subject to planning control.

In addition to the applicant being informed in writing on a number of occasions over the past 4 years of the continued breach of the terms of Unilateral Undertaken, since it was first realised that excavations were well in excess of those approved in September 2013, three further letters had been written outlining the planning situation and the Council's stance, opinion and intentions in this matter. These included the fact that the works were no longer covered by the planning permission granted for the 4 building farm complex. However, excavation works had and were still clearly continuing and progressing rapidly outward toward the boundaries of the planning permission.

RESOLVED -

(1) T H A T the Head of Legal Services be authorised to serve an Enforcement and Stop Notice under Section 172 of the Town and Country Planning Act 1990 (as amended) to require:

- (i) The cessation of all ongoing quarrying activities/works.
- (ii) The cessation of all stone processing, stockpiling activities, and exporting.
- (iii) The removal of the weighbridge, screens/stone crushers and all associated equipment and machinery.

- (iv) The infilling of the quarried areas with natural clean stone, sub soil and top soil, to a level to match the surround natural ground level.
- (2) T H A T in the event of non-compliance with the Notice, authorisation is also granted to take such legal proceedings as may be required.
- (3) T H A T officers are authorised to investigate the possibility of pursuing the owner of the land under the Proceeds of Crime Act 2002 with regard to any income that may have accrued from the unauthorised quarrying.

Reason for decisions

The unauthorised quarrying works being undertaken without the necessary conditions to enable the Local Planning Authority to control the size, environmental impacts, extent and how all aspects of the quarrying activities operate to include aftercare and restoration, then the unauthorised and uncontrolled nature of the development together with all its associated and related activities is considered to amount to an inappropriate and wholly unacceptable development, harmful to the character and appearance of the countryside and for which no agricultural, forestry, rural enterprise or mineral resource justification exists or could be made. As such, the development is considered contrary to Strategic Policy 1 : The Environment, Policies ENV1: Development in the Countryside and ENV29 : Protection of Environmental Quality, Policies EMP7 : Farm Diversification and EMP8 : Agricultural Enterprise and Associated Development and mineral planning policies MIN1 : Mineral Exploration, MIN4 : New or Extended Mineral Working Sites and Reserves, MIN5 : Preferred Order of Release of Reserves, MIN6 : Environmental Impact, MIN8: Restoration and Aftercare and MIN9 : Environmental Control (Secondary Materials).

954 GENERAL PLANNING MATTER - LAND AT BARRY WATERFRONT ADJACENT TO DOCK NO. 1, BARRY - PLANNING PERMISSION 2009/00946/OUT (DDS) -

(Urgent by reason of the need to make a decision prior to the next Committee)

The Planning Committee received the report in order to agree a variation to the terms of the original Legal Agreement entered into with the developers consortium consisting of BDW Trading Limited, Taylor Wimpey UK Ltd and Persimmon Homes Limited ("the Developer") under Section 106 of the Town and Country Planning Act, dated 2nd March 2012 in relation to outline planning permission ref. 2009/00946/OUT at Barry Waterfront approved on 2 March 2012.

The proposed deed of variation would also include supplementary obligations to reflect the terms of a separate loan agreement that was being progressed in order to seek to bring forward the provision of the new link road to Barry Island in advance of the current requirements governed by the relevant planning conditions. It was currently proposed that both the loan agreement and the deed of variation be completed before the end of March and the completion of the proposed deed of variation shall be conditional upon the completion of the loan agreement.

The original s.106 agreement related to outline planning permission ref. 2009/00946/OUT for the development of vacant land at Barry Waterfront for residential (C3), retail (A1), cafes, bars and restaurants (A3), hotel (C1), offices (B1) and community and leisure uses (D1 and D2). The development included vehicular and pedestrian/cycle access including a new link road, re-grading of the site to form new site levels and associated infrastructure works, parking, servicing, landscaping, public realm and public open space provision.

The site subject to the agreement related to a total area of previously developed land of approximately 43 Hectares which surrounded the No. 1 Dock at Barry Waterfront. Apart from an area to the south of the dock, identified as the South Quay, the site comprised most of the land that remained undeveloped from the earlier outline consent, reference 94/00144/OUT.

The Developer had requested that consideration be given to amending the existing obligations relating to the provision for affordable housing delivery within the first phase of the development.

The original agreement provided for affordable housing to be provided at a level of 15% of the overall housing numbers. Of this 15%, 80% (or 12% of the total 15% figure) are to be social rented housing Units and 20% (or 3% of the 15%) are to be intermediate housing units.

For clarity and completeness Schedule 7 – Affordable Housing (pages 32-40) of the Agreement was attached as Appendix A to the report, which set out in full the Affordable Housing provisions and delivery mechanisms for the site. This also set out (and was relevant to the report) the delivery mechanism for Social Rented Housing Units and Intermediate Housing Units, procedures for Sale Notice, clauses for transfer of units to a registered social landlord (RSL) and disposal of Intermediate Housing as open market dwellings with payments.

The principal change proposed within the Deed of Variation was an amendment to the mix of Affordable Housing Units in Phase 1.

Members noted that the overall provision to deliver 15% Affordable Housing units on the site remained unchanged, and it was the manner in which this 15% was subdivided in Phase 1 that the Consortium was seeking to vary.

The Developer sought to amend the terms current agreement with regard to phase 1 as follows:

- The 15% provision with regard to phase 1 would provide a split of 50% Social Rented Housing Units (or 7.5% of the overall 15%) with the remaining 50% of Dwellings to be Intermediate Housing Units.

The agreement would retain the previously approved 80% Social Rented Housing Units, 20% Intermediate Housing split of Affordable Housing units in subsequent Phases 2, 3, 4 and 5 (in relation to the 15% overall Affordable Housing provision).

Having regard to the above and in consideration of the change to the split of Affordable Housing units, the Council considered it necessary to amend the mechanism by which the Intermediate Housing within Phase 1 can be sold on the Open Market should suitable purchasers/occupiers fail to come forward within the required timescale. It was noted that partner Registered Social Landlords (RSL) working in partnership with the Council had already committed to purchase the first 12 units of intermediate housing.

In terms of the remaining intermediate housing if suitable purchasers/occupiers failed to come forward (individual buyers or RSL's) then it was proposed that these properties can be sold on the Open Market. This would however, be conditional on the Developer providing the replacement number of Intermediate Housing units in subsequent phases, after a 12 month period (but not more than 48 months) had elapsed. This was to ensure that there was no "net loss" of affordable housing across the site.

Members noted that this approach related to Phase 1 only. In addition it was noted that the original S106 agreement included an appraisal mechanism which was intended to assess the ongoing profitability of the project and this mechanism was not affected by the proposed amendments.

The terms of a loan agreement to facilitate the early delivery of the new link road were in the final stages of negotiation. In broad terms, the agreement aimed to secure the bringing forward of the construction of the final stage of the Link Road. The terms of the agreement would allow a maximum period of a year for the Developer to obtain necessary consents. Upon receipt of consents, the Developer must have commenced works within a year and have completed the construction of the road to adoptable standard within a period of 18 months from commencement, subject to "force majeure" provisions.

Members recognised that the provision of the Link Road to the Island would allow a second means of access to a major visitor destination in Barry and the Vale of Glamorgan. Currently, the only means of vehicular access to the Island was via the Causeway. The ongoing improvements to the Island in recent years and the current regeneration scheme, had resulted in increased popularity of the Island as a destination for visitors. The provision of a second direct road to the Island was seen as fundamental to linking the Island with the Town and providing an alternative direct means of access.

It was proposed that supplemental planning obligations be entered into by the developer via the proposed deed of variation to reflect the terms of the loan agreement, once finalised.

The proposed deed of variation would also amend other minor drafting elements of the original agreement in order to reflect the key amendments set out above.

RESOLVED - T H A T subject to the loan agreement between the Council and the Developer as referred to in the report being entered into, the terms of the Section 106 Agreement relating to 2009/00946/OUT be amended to reflect the following:

- Amendments to the affordable housing provisions as set out in the report
- The inclusion of supplemental obligations to require the construction of the Barry Island Link Road in accordance with the terms of the proposed loan agreement, once concluded.