

PLANNING COMMITTEE

Minutes of a meeting held on 28th March, 2019.

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

Also Present: Councillor G.D.D. Carroll.

| Name of Speaker | Planning Application No. and Location | Reason for Speaking |
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| Councillor L. Barrowclough | 2018/01023/FUL – Land north of Leckwith Road, Llandough | Representative of the Town and Community Council |
| Dr. M. Misra | 2018/01023/FUL – Land north of Leckwith Road, Llandough | Objector to the application or their representative |
| Mrs. L. Merrett | 2018/01023/FUL – Land north of Leckwith Road, Llandough | Objector to the application or their representative |
| Mr. G. John | 2018/01023/FUL – Land north of Leckwith Road, Llandough | Applicant or their representative |

Councillor G.D.D. Carroll spoke on the following application in his capacity as a Vale of Glamorgan Member and Ward Member for Llandough, 2018/01023/FUL – Land north of Leckwith Road, Llandough.

882 ANNOUNCEMENT –

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

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

883 MINUTES –

RESOLVED – T H A T the minutes of the meeting held on 28th February, 2019 be approved as a correct record.

884 DECLARATIONS OF INTEREST –

Councillor P.G. King declared an interest in respect of Application No. 2018/01023/FUL – Land north of Leckwith Road, Llandough. The nature of the interest was that Councillor King was also a Member of Llandough Community Council and advised that he had a dispensation from the Standards Committee to

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speak and vote on matters relating to the Community Council, however, the Councillor also advised that he had not taken part in any consideration of the item at Community Council meetings.

885 SITE INSPECTIONS –

RESOLVED – T H A T the attendance of the following Councillors at the site visit indicated below on 28th February, 2019 be noted:

Apologies for Site Visits (a), (b) and (c) were received from Councillors J.C. Bird, L. Burnett, Mrs. C.A. Cave, P.G. King, A.C. Parker and R.A. Penrose.

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| (a) Land at Subway Road, Barry | Councillor B.T. Gray (Chairman); Councillor V.P. Driscoll (Vice-Chairman); Councillors Mrs. P. Drake, N.P. Hodges, Dr. I.J. Johnson, Mrs. R. Nugent-Finn, N.C. Thomas and Mrs. M.R. Wilkinson |
| (b) The Goods Shed, Hood Road, The Innovation Quarter, Barry | Councillor B.T. Gray (Chairman); Councillor V.P. Driscoll (Vice-Chairman); Councillors Mrs. P. Drake, N.P. Hodges, Dr. I.J. Johnson, Mrs. R. Nugent-Finn, N.C. Thomas and Mrs. M.R. Wilkinson |
| (c) Land East of The Goods Shed, Hood Road, The Innovation Quarter, Barry | Councillor B.T. Gray (Chairman); Councillor V.P. Driscoll (Vice-Chairman); Councillors Mrs. P. Drake, N.P. Hodges, Dr. I.J. Johnson, Mrs. R. Nugent-Finn, N.C. Thomas and Mrs. M.R. Wilkinson |

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

RESOLVED –

(1) T H A T the passed building regulation applications as listed in Section A of the report be noted.

(2) T H A T the rejected building applications as listed in Section B of the report be noted.

(3) T H A T the serving of Notices under Building (Approved Inspectors Etc.) Regulations 2000, as listed in Section C of the report, be noted.

(4) T H A T the serving of Notices under Section 32 of the Building Act 1984, as listed in Section D of the report, be noted.

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887 PLANNING APPLICATIONS DETERMINED BY THE HEAD OF REGENERATION AND PLANNING UNDER DELEGATED POWERS (HRP) –

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

Decision Codes

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

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| 2014/01079/6/N MA | A | St. Lythans Park, (Former ITV Studios), Culverhouse Cross, Cardiff | Non Material Amendment - To regularise that built on site - amend the brick previously indicated on the garages for plots 28/29 and that used on the house type for plot 47. All bricks proposed have been approved previously but not specifically on these plots. Hanson Red Multi Brick for garages for plots 28/29 and Forterra Nottingham Red Rustic from plot 47. Forterra Oakthorpe Buff Multi was previously specified for both: Planning permission ref. 2014/01079/RES : Proposed residential development for 224 new dwellings, associated highways and landscaping |
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| 2016/00078/1/N MA | A | Mill Barn, 1, Mill Road, Boverton | Non Material Amendment : Additional window opening, (retaining an existing opening). Lean to roof angle on extension increased to 16 degrees and slate (rain screen) roof finish. Powder coated aluminium external joinery throughout instead of mix on powder coated aluminium and hardwood. Planning Permission 2016/00078/FUL Change of use and extension of existing barn to create residential dwelling. |
| 2016/00397/1/N MA | A | 1, Seaview Court, 90, Fontygary Road, Rhoose | Changes to wording of Conditions 3, 4, 6, 10, 11, 17, 18 to regularise all matters in regard to Planning Permission ref. 2016/00397/FUL. |
| 2016/00778/5/C D | A | Chapel Terrace, Twyn Yr Odyn | Discharge of Condition 7 - Details of garden sheds and bin store area. Planning Permission 2016/00778/FUL residential redevelopment for 15 affordable homes and associated works. |
| 2016/00809/11/C D | A | Land to the rear of Westgate, Cowbridge | Discharge of Condition 18 - Cycle Parking - Redevelopment to form 37 apartments for the elderly. |
| 2016/00809/12/C D | A | Land to the rear of Westgate, Cowbridge | Discharge Condition 16 - Traffic Regulation Order amendments - Redevelopment to form 37 apartments for the elderly. |

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| 2016/00809/9/C D | A | Land to the rear of Westgate (East of Eagle Lane), Cowbridge | Discharge of Conditions 8 - Levels and 10 - Drainage - Redevelopment to form 37 apartments for the elderly. |
| 2016/00833/1/C D | A | Land to the rear of No. 5, Westgate, Cowbridge | Discharge of Conditions 2- Bat licence and 3- Restoration of site - Permission 2016/00833/CAC- Redevelopment to form 37 retirement apartments for elderly and associated works. |
| 2016/01070/1/C D | A | Waterfront Retail Park, Heol Ceiniog, Barry | Discharge of Condition 9 - Details of finished levels of site. Planning Permission ref. 2016/01070/FUL. |
| 2017/00112/1/C D | A | 8, Cliff Parade, Penarth | Discharge of Condition 3- Schedule of Materials - planning permission 2017/00112/FUL for replacement dwelling. |
| 2017/00112/1/N MA | A | 8, Cliff Parade, Penarth | Non Material Amendment - Omission of garage window, pedestrian door to garden, bin store, external spiral stair. Reduced garden paving. Amended kitchen east window position. Front garden planters to ground level. Garden wall changed to fence. |
| 2017/00385/1/C D | A | 36, Pencoedre Road, Barry | Discharge of conditions 3, 4, 6, 7, 8, 9, and 10. |
| 2017/00564/2/N MA | A | St. Athan Northern Access Road | Non Material Amendment- The following amendments are proposed to planning condition 10 (additional text underlined and deleted text struck through): Following the construction of the development and prior to |

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| | | | <p>the new road being opened for public use, the developer shall carry out any repairs to the adopted highway identified as being necessary in the second survey required by Condition No. 9 above. The repair works, if required, are to be completed within 5 months following construction of the new road. Planning Permission 2017/00564/FUL-Proposed construction of a new highway (called the Northern Access Road) with footways and a cycleway, new junctions, lighting, signs, fencing, flood alleviation works, acoustic barriers and other environmental mitigation measures, landscaping, demolition of garage at Rose Cottage, and all associated engineering and building operations.</p> |
| 2017/00594/1/N MA | A | Dinas Powys Library and Activity Centre, Fair Oaks, Dinas Powys | <p>Enlargement of existing window on rear (north) elevation and minor alterations to the approved internal layout of the space. Planning ref: 2017/00594/FUL. Alterations and Glazed Extension to front elevation of existing library to create Dinas Powys Library and Activity Centre.</p> |
| 2018/00214/1/N MA | A | 19, Robinswood Close, Penarth | <p>Non Material Amendment – Reduction in size of windows; re-position dormer; omit glazed gable; retain existing windows in extended dormer; render in place of hanging tiles;</p> |

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| | | | French doors to lounge; new roof; and block up one side window - Planning permission 2018/00214/FUL - Proposed works to existing bungalow. |
| 2018/00279/1/C D | A | Rear of 2, Stanwell Road, Penarth | Discharge of Condition 4 - Ground Levels- Planning permission 2018/00279/FUL - pair of semi-detached 2 bedroom dwellings. |
| 2018/00330/1/N MA | A | The Stables, Redway Road, Bonvilston | Non-material Amendment to increase the size of the previously approved utility/day room - ref: 2018/00330/FUL to renew planning permission for the use of land for the stationing of caravan (with tourer) for residential purposes for one Gypsy pitch and associated works. |
| 2018/00398/1/C D | A | Brecon Court, Barry | Discharge of Condition 10 - Construction Environmental Management Plan (CEMP). Planning permission ref. 2018/00398/RG3 : Proposed residential development comprising 28 dwellings along with associated parking, highway and ancillary works. |
| 2018/00607/1/C D | A | Penllyn Estate Farm, Llwynhelig, Nr. Cowbridge | Discharge of Condition 10 - Landscape Details and 12 - Programme of Archaeological Work of Planning Permission reference No: 2018/00607/FUL - Erection |

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| | | | of a new building to house a farm shop, cafe and associated facilities along with a new carpark and private access track from the A48. The access track is a replica of information already provided to Council and being considered under a different planning application, it exits the A48 off the proposed new roundabout at Penllyn Estate Farm, Llwynhelig, Nr. Cowbridge. |
| 2018/00735/1/C D | A | Land at Nant Rhydhalog, Cowbridge Road, Talygarn | Discharge of Conditions 5 – Car Parking, Condition 6 – Entrance Gates and Condition 7 – Landscaping, of Planning Permission 2018/00735/FUL – Proposed new cattery. |
| 2018/00735/1/N MA | A | Land at Nant Rhydhalog, Cowbridge Road, Talygarn | Non-Material Amendment - Move proposed isolation pens nearer to cat kennels. Relocate bin store. Change materials to windows and doors to upvc, colour Chartwell Green. Planning permission ref. 2018/00735/FUL - New cattery and grooming parlour. |
| 2018/00826/FUL | A | 20, Cedar Road, Eglwys Brewis | Proposed single storey extension to rear of property. Proposed single storey extension to include garage and utility room to side of property. |
| 2018/00860/FUL | A | 37, Cornerswell Road, Penarth | Rear extension, internal remodelling and external bike shed and store. |

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| 2018/00982/FUL | A | Land to the East of St. Nicholas | Replan of Plots 51-55 inclusive of 2015/00249/FUL. |
| 2018/01009/FUL | A | Rhostyn, Coldbrook Road West, Barry | Proposed outbuilding to accommodate garage for caravan, storage space and gym. |
| 2018/01078/FUL | A | 23, Rhodfa Sweldon, Barry | New conservatory style porch area. |
| 2018/01116/FUL | A | 17, Cwm Barry Way, Barry | Single storey wrap around extension. Partial demolition of rear conservatory. |
| 2018/01125/FUL | A | The Hawthorns, St. Brides Road, St. Brides Super Ely | Material alteration to scheme previously approved 2017/01285/FUL including alterations to windows in East Elevation, extended canopy over entrance, air source heat pump. |
| 2018/01164/FUL | A | 38, Purcell Road, Penarth | Two storey rear extension with Juliet balcony and two dormer extensions |
| 2018/01192/FUL | A | The Hawthorns, 9, Kymin Terrace, Penarth | The erection of a single garage. |
| 2018/01220/FUL | A | 22, Uppercliff Close, Penarth | Retrospective planning application for the retention of engineering works including the raising of ground levels to create a rear garden and patio, boundary walls and fencing and proposed additional trellis fencing along the neighbouring boundary wall. |
| 2018/01228/FUL | A | Lignia Wood Company Ltd., Unit 10, Atlantic Trading Estate, Barry | Construction and operation of two wood drying kiln blocks, a boiler house, bunded tanks for resin and |

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| | | | water storage and ancillary works. |
| 2018/01233/FUL | A | 32, Drylla, Dinas Powys | Proposed first floor extension above existing previously approved side and rear extension to include additional bedroom and en-suite bathroom. |
| 2018/01251/FUL | A | Former St. Cyres Lower School, Murch Road, Dinas Powys | Retention of substation associated with residential development approved via planning permission reference: 2017/01136/HYB. |
| 2018/01267/FUL | A | Store rear of 12-14, Railway Terrace, Penarth | Change of use from B8 Builders storage and distribution yard with detached office to a Class D1 physiotherapy clinic, and a Class D2 Pilates studio, plus external alterations. |
| 2018/01294/FUL | A | 43, Plas Taliesin, Penarth | Proposed balcony to first floor. |
| 2018/01311/LBC | A | Chantry House, Burial Lane, Llantwit Major | To re-build a small section of boundary wall (approx.. 1.6m ²). |
| 2018/01337/FUL | A | 25, Fonmon Park Road, Fontygary, Rhoose | Demolition of side garage and erection of two storey side extension. |
| 2018/01338/FUL | A | 19, Afal Sur, Barry | Extend existing detached garage in height and use as granny annex. |
| 2018/01350/FUL | A | 3, Coates Road, Penarth | Single/double storey rear extension. |
| 2018/01352/LBC | A | 29, High Street, Cowbridge | Change of canopy and additional sign. |

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| 2018/01355/FUL | A | Claygate House, Sully Road, Penarth | Proposed new replacement dwelling. |
| 2018/01369/FUL | A | 16, Heol Dewi Sant, Barry | Demolition and removal of existing concrete block/timber/steel garage, incl. floor slab and foundations. Removal of existing steel storage shed. Construction of new insulated steel garage, including new floor slab and foundations. |
| 2018/01370/FUL | A | 107, Wordsworth Avenue, Penarth | Proposed single storey extension and detached store/gym to the rear of the property. |
| 2018/01374/FUL | A | Pen Y Bryn, 13, Cae Rex, Llanblethian, Cowbridge | New garage and gym space extension to side of property. |
| 2018/01377/FUL | A | 105, Monmouth Way, Boverton, Llantwit Major | Removal of a single storey garage, construction of a two storey side extension and alterations to porch. |
| 2018/01381/FUL | A | Rock Cottage, Tair Cross, Ewenny | Demolition of existing sectional garage and proposed erection of new timber frame garage. New kitchen extension to side of dwelling. |
| 2018/01385/FUL | A | 32, Hastings Avenue, Penarth | Hip to gable roof extension and loft conversion with rear dormer. |
| 2018/01386/FUL | A | 22, Britway Road, Dinas Powys | Proposed loft conversion with side and rear dormers and single storey rear extension. |
| 2018/01388/FUL | A | The Old Barn, A48, Bonvilston | Material alterations to the facade and roof, including feature extension. |

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| 2018/01390/FUL | A | 22, Heol Pentre Felin, Llantwit Major | Single storey extension to the rear elevation. |
| 2018/01391/FUL | A | 52, Llanmead Gardens, Rhoose | Proposed single storey side and rear extension. |
| 2018/01393/FUL | A | 7, Alberta Place, Penarth | Internal alteration as well as double storey extension to the back of the property to square off rear elevation. Existing garage door to be removed and replaced with 2 new timber doors. Existing redundant chimney to be removed. Existing windows to be replaced with new powder coated aluminium windows and doors. |
| 2018/01400/FUL | A | Countisbury, St. Lythans Road, St. Lythans | Proposed two storey side and rear extension. |
| 2018/01401/FUL | A | 28, Hawthorn Road, Barry | Retention of single storey orangery to rear of property. |
| 2018/01405/FUL | A | 5, Glanmor Crescent, Barry | Double storey side extension, proposed porch to the front and alteration to vehicle access |
| 2018/01406/FUL | A | 23, Westbourne Road, Penarth | Demolition of existing rear lean to structure at rear of the house, and rebuild in rendered concrete block work. New structure at approximately 1.25m ² larger. |
| 2018/01407/FUL | A | Plas Hen, Bonvilston | Ground floor rear and side extension. |
| 2018/01411/FUL | A | Pen Y Garth Mansion, 2, Stanwell Road, Penarth | Retention of amended parking layout, widened access and gates to Rectory Road, and gates to Stanwell Road. |

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| 2018/01415/FUL | A | Glen Usk, Wick Road, St. Brides Major | Single storey extension to the rear of the existing property. |
| 2018/01422/FUL | A | Valegate Retail Park, Culverhouse Cross, Cardiff | External refurbishment, including removal of existing entrance structures, with replacement entrances, new signage zones and with all other associated works. |
| 2018/01423/FUL | A | The Quad, Sheepcourt Barns, A48, Bonvilston | Demolition of dilapidated outbuilding. Extensions to main barn to form larger bedroom / ensuite bathroom, garaging and ancillary accommodation within new courtyard. |
| 2018/01424/FUL | A | Greystone House, Llanmaes | New indoor pool extension to existing garage and stable block, and terraces. |
| 2018/01425/FUL | A | Gwel Y Don, Southerndown | Removal of pre cast concrete garage, and lean-to utility room to create extension to house consisting, kitchen, utility room and storage shed. |
| 2018/01426/FUL | A | Cwrt Yr Ala Cottage, Michealston Le Pit Road, Michaelston Le Pit | Extension. |
| 2018/01428/RG3 | A | 1, Castle Green, St. Georges Super Ely | Structural refurbishment of existing dwelling including demolition and reconstruction of external walls, demolition and replacement of existing rear extension, alterations to the existing fenestrations and removal of chimney. |
| 2018/01429/RG3 | A | 2, Castle Green, St. Georges Super Ely | Structural refurbishment of existing dwelling including demolition and |

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| | | | reconstruction of external walls, demolition and replacement of existing rear extension, alterations to the existing fenestrations and removal of chimney. |
| 2018/01430/RG3 | A | 4, Castle Green, St. Georges Super Ely | Structural refurbishment of existing dwelling including demolition and reconstruction of external walls, demolition and replacement of existing rear extension, alterations to the existing fenestrations and removal of chimney. |
| 2019/00001/FUL | A | The Croft, Burdons Hill Lane, Wenvoe | Construction of garage. |
| 2019/00008/FUL | A | 2, Countess Place, Penarth | Hip to gable roof extension. |
| 2019/00011/FUL | A | Rogerstan, 15, Smithies Avenue, Sully | Single storey front extension, alterations to existing flat roof dormer plus internal alterations and all associated works. |
| 2019/00013/FUL | A | 23, Cae Garw, Dinas Powys | Proposed two storey extension. |
| 2019/00015/FUL | A | 11, Matthew Road, Rhoose | Single storey side extension, garage conversion and adaptations, including Juliet balcony to rear. |
| 2019/00018/FUL | A | Dunnock House, Chapel Road, Broughton | Single storey extension to rear of property. |
| 2019/00019/HR | A | Coslech Sewage Treatment Works, Dwr Cymru Welsh Water, Peterston Road, Groesfaen, Pontyclun | Hedgerow Removal. |

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| 2019/00024/FUL | A | 77, Westbourne Road, Penarth | Conversion of integral garage to a bedroom. Construction of bay window and gable to ground floor elevation. |
| 2019/00026/FUL | A | 88, Greenacres, Barry | Demolition of playroom, proposed two storey extension. |
| 2019/00028/FUL | A | 17, Tudor Place, Llantwit Major | Single storey extension to the rear of the property for kitchen and dining room with window and bi-folding doors. |
| 2019/00031/LAW | A | 43, Gwern Close, St. Lythans | Rear single storey extension within residential curtilage. |
| 2019/00033/FUL | R | Cwmeldeg, Llancadle | Extension to front of property to provide double garage and games room/ bedroom. |
| 2019/00036/FUL | A | 60, Redlands Road, Penarth | Garage conversion and refurbishment. External alterations to existing property. |
| 2019/00039/FUL | A | 25, Field View Road, Barry | Two storey side extension and alteration works. |
| 2019/00040/FUL | A | Holly Barn, East Aberthaw | Retrospective planning to retain gas tank in its present location. The gas tank is presently visible from the public highway. Proposal is to provide an appropriate screen by planting laurel trees at 50cm intervals, each laurel being 60cm in height adjacent to the road within the property boundary. |

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| 2019/00044/PNA | A | Yard at Brynsych, Morfa Lane, Llantwit Major | Temporary round liquid fertiliser store 2.5m high x 12m diameter. |
| 2019/00053/FUL | A | 11, Cwrt-Y-Vil Road, Penarth | Front Elevation - Remove front elevation single glazed timber sashes and replace with new Hardwood double glazed. |
| 2019/00074/OBS | B | Land East of the A48, (Crack Hill) Brocastle, Bridgend | Approval of details for condition 3 of P/18/237/RES. |
| 2019/00102/OBS | B | Special Areas of Conservation •Pen Lleyn a'r Sarnau SAC •Carmarthen Bay and Estuaries SAC •Pembrokeshire Marine SAC •Menai Strait and Conwy Bay SAC •Cardigan Bay SAC | Natural Resources Wales Application for All Wales Marine Benthic Invertebrate / Sediment Grab Sampling Programme 2019-2021. |

888 APPEALS (HRP) -

RESOLVED –

- (1) T H A T the appeals received as detailed in Section A of the report be noted.
- (2) T H A T the enforcement appeals as received in Section B of the report be noted.
- (3) T H A T the Planning Appeal decisions as listed in Section C of the report be noted.
- (4) T H A T it be noted that no Enforcement Appeal decisions had been received.
- (5) T H A T the statistics relating to the appeals for the period April 2018 – March 2019 as detailed in Section E of the report be noted.

889 TREES (HRP) –

(i) Delegated Powers –

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

Decision Codes

A - Approved

R - Refused

E Split Decision

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| 2018/01207/TPO | A | Cwrt Y Cadno, Llancarfan | Work to trees covered by TPO No. 24 of 1973. |
| 2018/01384/TPO | A | 14, Le Sor Hill, Peterston Super Ely | Work to trees covered by TPO No 6 of 2012 - 30% all over crown reduction to three Sycamore trees. |
| 2019/00003/TPO | A | Adjacent to Plot 43, St Lythans, Culverhouse Cross, Cardiff | Work to tree covered by TPO No.7 of 2012 - Work to T20 mature Oak. |
| 2019/00016/TCA | A | 42, Victoria Road, Penarth | Work to trees in Penarth Conservation Area - Reduce crown of Sycamore and re-pollard two Lime trees. |
| 2019/00021/TCA | A | Ashdene, St. Nicholas | Work to tree in St Nicholas Conservation Area - Reduction 15-20% of a mature Silver Birch, back to previous reduction points. |
| 2019/00034/TCA | A | Highfields, Bradford Place, Penarth | Work to trees in Penarth Conservation Area - Removal of two Monterey Cyprus trees. |

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| 2019/00035/TCA | A | Hundred House, Church Street, Llysworney | Work to Trees in Llysworney Conservation Area - Crown reduction to No.1 Apple and No.1 Goat Willow and removal of No.1 Ash. |
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890 ENFORCEMENT ACTION (HRP) –

(i) Land and Buildings to the South of Sigingstone

A complaint was received by the Local Planning Authority on 30th October, 2017, alleging that a river boat was being stored in an agricultural building on a parcel of land to the South of Sigingstone.

The Land was located approximately 300m south of the rural village of Sigingstone, outside of the settlement boundary. The building subject of the complaint was contained within a large parcel of land approximately 4.7Ha in area.

Following an initial site inspection it was noted that the agricultural barn was being used for the storage of a river boat rather than for an agricultural use. It also appeared that some works of repair were being undertaken to the boat. There did not appear to be an agricultural use of the barn taking place at the time of the site visit. It was understood that the use of the agricultural barn for this purpose commenced in November 2017, based on the photographs that had been submitted with the complaint.

The planning permission was granted in 2013 for the construction of a barn on the site. The 2012/00916/FUL permission was subject to a condition that sought to limit the use to of the building to an agricultural use. Whilst the current use of the building would be in breach of that condition, an inspection of the site had revealed that the building constructed on site did not accord with the approved scheme of development as it had been rotated by approximately 90 degrees. Consequently the 2012 permission had not been implemented. As such, enforcement action could not be pursued in respect of the use condition. The building itself was considered to be lawful but having been designed and built for the purposes of agriculture, that was considered to be the lawful use of the building.

Notwithstanding the above, the use of the agricultural barn for the storage and repair of a river boat amounted to a B2 use which would constitute a material change of use of the barn under section 55 of the Town and Country Planning Act 1990 (as amended). Planning permission had not been granted for this use and, as such, the use was unauthorised and in breach of planning control.

On receipt of the complaint, contact was made with the land owner and the site was visited to inspect the agricultural barn. It was noted that the barn was being used for the storage and repair of a river boat. The land owner was advised that this would

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constitute an unauthorised change of use of the building for which he, as the land owner, would be liable. The land owner had co-operated in the investigation of the matter, but had been reluctant to take action himself to move the river boat which he had suggested belonged to a friend.

In summary, the storage and repair of a river boat in the agricultural barn constituted a material change of use which would require the benefit of planning permission, as no such permission had been approved the storage of the boat was a breach of planning control. The maintenance of this use was considered to be contrary to Policies MD1, MD2, MD11, MD14 and MD17 of the LDP as well as national guidance in the form of PPW and TAN6.

RESOLVED –

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

- (i) Cessation of the use of the building for a use falling within the use class B2 of the Town and Country Planning (Use Classes) Order 1987 including the storage and repair of a river boat.

(2) T H A T in the event of non-compliance with the Notice, authorisation be granted to take such legal proceedings as may be required.

Reason for decisions

(1) The material change of use of the building to a use falling within use class B2 of the Town and Country Planning (Use Classes) Order 1987, including the storage and repair of a river boat, was not considered to be a diversification of a rural enterprise benefitting from the provisions of Policy MD17 – Rural Enterprise of the Vale of Glamorgan Adopted Local Development Plan 2011-2026. The use was considered to result in an unsustainable form of development that had an unacceptable impact on highway safety; failed to reinforce the role of existing settlements and allocated employment areas; and may give rise to the need for replacement buildings resulting in a proliferation of development in this undeveloped rural location. Such a use was, therefore, contrary to Policies MD1 – Location of New Development, MD2 – Design of New Development, MD11 – Conversion and Renovation of Rural Buildings and MD14 – New Employment Proposals of the Vale of Glamorgan Adopted Local Development Plan 2011-2026, as well as the Council's adopted Supplementary Planning Guidance on the Conversion and Renovation of Rural Buildings, and national planning guidance in the form of Planning Policy Wales (Edition 10) and Technical Advice Note 6 on Planning for Sustainable Rural Communities.

(2) It was considered that the decision complied with the Council's well-being objectives and the sustainable development principle in accordance with the requirements of the Well Being of Future Generations (Wales) Act 2015.

No.

(ii) Land and Buildings at Chantry House, Church Lane, Llantwit Major

A complaint had been received by the Local Planning Authority on 4th October, 2018 regarding the demolition of a boundary wall at Chantry House, Church Lane, Llantwit Major. Chantry House was designated as a Grade II listed building on 16th December, 1952. The wall in question formed a means of enclosure to this Listed Building.

The site was approximately 60m south of the Church of St. Illtud. Dating from circa 1600, the application building was much altered and rebuilt in the nineteenth and early twentieth century.

The site was also within the Llantwit Major Conservation Area and was also a County Treasure.

Following an initial site inspection it was noted that a section of the stone boundary wall had been demolished. The owner had stated that wall was damaged by a delivery lorry and partly removed to make it safe. The stone from the wall had been stored on site in anticipation for its rebuilding.

The wall subject of the application was not a listed building in its own right. However, section 1(5) of the Act defined "listed building" as:

"...a building which is for the time being included in a list compiled or approved by the Secretary of State under this section; and for the purposes of this Act -

- (a) any object or structure fixed to the building;
- (b) any object or structure within the curtilage of the building which, although not fixed to the building, forms part of the land and has done so since before 1st July 1948,"

It was therefore considered that the wall formed part of the listed building. As such, any works to the wall that affected the character of the building as one of special interest would require the benefit of Listed Building Consent.

The stone boundary wall contributed to the character of this historical streetscene and formed an important element within the wider medieval landscape. Furthermore, the wall formed part of the listed building and was protected for its special historical interest.

Whilst it was acknowledged that the partial demolition of the wall was not intentional, nevertheless the accident and the subsequent works to make it safe had resulted in an alteration to the listed building that was considered to affect the special character of the building.

Those works had been carried out without the consent of the Council. As such, an offence was considered to have been committed. In addition to any legal proceeding the Council may bring, it was also open to the Council to issue a Listed Building

No.

Enforcement Notice. As the alteration to the wall was an accident, it was not considered reasonable to bring legal proceedings in this case. The report did, however, recommend action that would mitigate the harm caused by the accident.

The owner was notified that the wall was listed and that Listed Building Consent would be required for the rebuilding. A Listed Building Application was subsequently submitted and approved for the re-building of the wall on 6th February, 2019. The works to reconstruct the wall had not, however, taken place to date.

The partially demolished wall had been left in a particularly ruinous state. The incident that left the wall in its current appearance caused notable harm to the interest of this feature and the contribution it makes to the significance of the listed building. The rebuilding of the wall, as approved by virtue of the 2018/01311/LBC consent, would mitigate the harm that had been caused. Accordingly, in view of the special architectural and historic interest of the building itself, the rebuilding of the wall was considered necessary to protect this heritage asset.

Whilst the owner of the property had indicated that the works would be undertaken shortly, there was no guarantee that these works would be undertaken. The owner had been asked when he intended to undertake the works to repair and rebuild the wall. It was recommended that the Notice, if authorised, be only issued in the event that the works were not undertaken within the timeframe suggested by the owner.

RESOLVED –

(1) That the Head of Legal Services be authorised to issue a Listed Building Enforcement Notice under Section 38 of the Planning (Listed Buildings and Conservation Areas) Act 1990 to require:

- (i) Within three months of the date of this Notice, the reinstatement of the boundary wall in accordance with the details approved under Listed Building Consent reference 2018/01311/LBC.

(2) T H A T in the event of non-compliance with the Notice, authorisation be granted to take such legal proceedings as may be required.

Reasons for decisions

(1) The stone boundary wall formed part of the land and was, therefore, a feature of the building. By virtue of section 1(5) of the Planning (Listed Building and Conservation Areas) Act 1990, the feature was to be treated as part of the listed building for the purposes of the 1990 Act.

(2) The stone boundary wall formed an important feature of the building, being a curtilage structure to the main roadside frontage of the site. Accordingly, this feature was of special architectural and historic interest and made a positive contribution to the significance of Chantry House..

(3) Having regard to the duty imposed under section 16(1) of the 1990 Act, the

No.

partial demolition of the wall caused harm to the interest of this feature and the contribution it made to the significance of the listed building, in conflict with the guidance provided in Planning Policy Wales (Edition 10) and Technical Advice Note 24 on The Historic Environment. In addition, the unauthorised works represented an alteration to the building in such a manner as to affect its character as a building of architectural or historic interest, within the meaning of section 7 of the 1990 Act.

(4) It was considered that the decision complied with the Council's well-being objectives and the sustainable development principle in accordance with the requirements of the Well Being of Future Generations (Wales) Act 2015.

(iii) Land at Cottage Farm, Michaelston Le Pit

The report sought authorisation to issue an Enforcement Notice under section 174 of the Town and Country Planning Act 1990 (as amended) in respect of the depositing of hardcore / re-profiling of land and construction of hard surfacing. The principle issues were considered to be the impact on the visual amenities of the countryside and the Cwrt-yr-Ala Basin Special Landscape Area.

The report recommended that an Enforcement Notice be issued requiring the removal of the deposited hardcore material and bring the land back to its former level and condition. Authorisation was also sought to pursue legal proceedings in the event that the Enforcement Notice was not complied with.

A complaint was received by the Local Planning Authority on 20th January 2019, regarding the depositing of waste material on land at Cottage Farm, Michaelston-Le-Pit and levelling of land to create a hard surfaced area.

The land was located adjacent to the dwellings at the former Cottage Farm complex. Planning permission was granted in 2015 for the demolition of stables and the construction of a work/live dwelling adjacent to the application site. This dwelling had now been constructed and the land subject of the unauthorised works was directly adjacent to this dwelling.

The context of the site was formed by the village of Michelston-le-Pit to the west and north-west and undeveloped open countryside generally to the east. The land sloped to a watercourse to the east of the site and, as such, the site could be viewed from the public right of way no. 12 to the east.

The site was located directly adjacent to the Michaelston Le Pit Conservation Area and was within the Cwrt-yr-Ala Basin Special Landscape Area. Part of the site fell within a mineral safeguarding zone for sand and gravel.

Following an initial site inspection it was noted that soil excavated from the adjoining site in connection with the new dwelling at Cottage Farm was used to re-profile grazing land. Furthermore road cuttings and rubble had also been deposited to increase the level of the land and create a large hard standing area.

No.

The land related to an agricultural field located within the open countryside. The owner of the land had intimated that he would like to construct stables on the land and would require hard standing for the associated parking.

Part 6 of the General Permitted Development Order 1995 provided permitted development rights for agricultural holdings. The keeping and stabling of horses did not constitute agriculture and it had been confirmed on site that there was no agricultural holding or use at this site. The land was not part of the residential curtilage of the adjoining dwelling and, therefore, did not benefit from any householder permitted development rights. The depositing of hardcore and re-profiling of the land, therefore, required the benefit of planning permission.

The site was visible from the adopted highway and wider rural landscape. The engineering works had a significant impact on the visual amenity and character of the wider area which formed a special landscape area. The residential development on site in the form of barn conversions and new dwellings were all contained within the historic agricultural footprint / courtyard of the former farm. However the engineering works subject to the report had resulted in an intrusion of built development into the adjoining agricultural field and resulted in an unacceptable extension of development into the countryside in a highly visible location.

In addition, the site was visible from a public right of way (No 12) and, given its siting at the brow of the land, the works were considered to have seriously harmful impact on the visual amenity of the wider rural setting and Cwrt-Y Ala Special Landscape Area and as a result would be contrary to Policies SP1, SP10, MG17, MD1 and MD2 of the LDP.

Finally, the development had resulted in the loss of agricultural land. Policy MD7 required development proposals to demonstrate that they would not result in the unacceptable impact on, *inter alia*, the best and most versatile agricultural land. This was supported by national planning guidance in the form of PPW and TAN6. The predictive Agricultural land Classification for this area indicated that the site was likely to be classified as Grade 3B, which was not considered to be the best and most versatile. Accordingly, the development was not considered to conflict with Policy MD7 or national planning guidance in this regard. This matter was not, however, to be regarded as a benefit of the scheme and did not impact upon the negative assessment of the development, as set out above.

The depositing of hardcore and erection of hard landscaping was considered to cause significant harm to the visual amenity of this rural location and the Cwrtyr-Ala Basin Special Landscape Area. In the absence of any assessment of the impact upon biodiversity in the area, the development was assumed to have had a negative impact upon any biodiversity in the locality.

RESOLVED –

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

No.

- (i) The removal of the deposited material in its entirety and restoration of the land to its former condition prior to the unauthorised works being undertaken.

(2) T H A T in the event of non-compliance with the Notice, authorisation be granted to take such legal proceedings as may be required.

Reasons for decisions

(1) The deposit of hardcore, re-profiling of land and creation of a hardstanding area was inappropriate development in the countryside that resulted in serious detrimental impact on the unspoilt rural character of the surrounding area, recognised for its special landscape value. In the absence of any assessment of the impact the development has had upon biodiversity in the area, the development was assumed to have had a negative impact upon any biodiversity in the locality. As such, the works were considered to be contrary to policies SP1 (Delivering the Strategy), SP10 (Built and Natural Environment), MG17 (Special Landscape Area), MD1 (Location of New Development), MD2 (Design of New development) and MD9 (Promoting Biodiversity) of the Vale of Glamorgan Adopted Local Development Plan 2011-2026, as well as the Council's Adopted Supplementary Planning Guidance on Design in the Landscape and Biodiversity and Development, and national policy and guidance contained within Planning Policy Wales (Edition 10, 2018) and Technical Advice Note 6 Planning for Sustainable Rural Communities.

(2) It was considered that the decision complied with the Council's well-being objectives and the sustainable development principle in accordance with the requirements of the Well Being of Future Generations (Wales) Act 2015.

- (iv) Land and buildings at Greenfields Farm (Allt Isaf Alpacas), Peterston Super Ely

Planning permission was granted on appeal on 20th January, 2015, for the construction of a temporary dwelling on land known as Greenfields Farm, Peterston Super Ely. The site was also known as Allt Isaf Alpacas. The permission was granted for a temporary period of three years. That period expired on 20th January, 2018. The dwelling, constructed in accordance with the 2012 permission, was still in situ and was, therefore, on site in breach of planning control.

The dwelling in question had been erected on a field parcel of approximately 1.5 Ha and was accessed from the main highway from the village of Peterston Super Ely (to the south) to the M4 and Groes-Faen (to the north). The occupier of the site was also understood to own or control and area of woodland adjacent and to the north of the field parcel. The dwelling was located close to the eastern boundary of the site, close to the adopted highway.

The dwelling in question was a single storey timber building with a centrally ridged roof.

No.

As noted above, the building was constructed following the grant of a temporary planning permission at appeal. The dwelling was permitted as a rural enterprise dwelling and, as such, a condition was imposed restricting its occupation to a person solely or mainly working on the rural enterprise at Greenfields Farm.

Condition 4 of the planning permission states as follows:

4. The building hereby approved and any associated paraphernalia/ chattels associated with its use including any fencing delineating the curtilage of the building shall be removed from Greenfields Farm in their entirety on or before three years from the date of this permission. The land shall be restored to its former condition within 90 days of the three year period specified in this Condition.

This condition meant that the permission expired on 20th January, 2018. As the permission had expired and no further application had been submitted or approved for the retention of the building, the breach of planning control in this case was the dwelling (i.e. operational development) as a whole.

The owner / occupier of the site had been contacted and advised of the breach and the need for planning permission, should he wish to retain the dwelling. No application had been submitted to date.

As noted from the planning history, the dwelling on site was granted for a temporary period. The Appeal Inspector considered there to be sufficient evidence to satisfy the TAN6 functional and financial test for a new rural enterprise, on the basis that the dwelling was constructed and occupied in association with the enterprise at Greenfields Farm

The rural enterprise considered at the appeal comprised of 47 alpacas (including 16 breeding females), saddleback sows, "micro-pig" sows, breeding pygmy goats and free range poultry.

The three year temporary permission expired over a year ago. Accordingly, if the dwelling was still required to support the rural enterprise at Greenfields farm, the owner of the property must submit an application for planning permission together with the necessary evidence to satisfy the functional and financial tests for a permanent dwelling set out in TAN6. In doing so the owner must firstly demonstrate that there still was a functional need for him to be on site 24/7. This would include the submission of details of how the enterprise had developed since the appeal; details of stock levels and turnover of stock over this period; and details of how the enterprise now operated in comparison with the situation considered at appeal.

There was no evidence at present that the dwelling was required in connection with the Rural Enterprise at Greenfields Farm and that it complied with the relevant tests set out in Technical Advice Note 6: Planning for Sustainable Rural Communities for Rural Enterprise Dwellings.

No.

Furthermore, if the dwelling remained on site without the benefit of planning permission, it was not possible for the Council to have any control over the occupancy of the dwelling or the permitted development rights granted under The Town and Country Planning (General Permitted Development) Order 1995 (as amended) that would allow for the alteration or extension of the dwelling or the construction of outbuildings and structures within the curtilage of the dwelling.

Accordingly, the dwelling was considered to be an unjustified and unsustainable form of development that caused unnecessary harm to this rural location, recognised for its landscape value, without there being any benefit associated with its controlled occupation by a rural enterprise worker or a person qualifying for Affordable Housing in this area. As such, the development was considered to conflict with LDP policies SP1, MG17, MD1 AND MD2, as supported by PPW and TAN6.

RESOLVED –

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

- (i) The cessation of the use of the land for residential purposes;
- (ii) The removal from the land of the dwelling;
- (iii) Works necessary to return the land to its former condition;

(2) T H A T in the event of non-compliance with the Notice, authorisation be granted to take such legal proceedings as may be required.

Reasons for decisions

(1) There was no evidence at present that the dwelling was required in connection with the Rural Enterprise at Greenfields Farm and that it complied with the relevant tests set out in Technical Advice Note 6: Planning for Sustainable Rural Communities for Rural Enterprise Dwellings. Furthermore, if the dwelling remained on site without the benefit of planning permission, it was not possible for the Council to have any control over the occupancy of the dwelling or the permitted development rights granted under The Town and Country Planning (General Permitted Development) Order 1995 (as amended) that would allow for the alteration or extension of the dwelling or the construction of outbuildings and structures within the curtilage of the dwelling. Accordingly, the dwelling was considered to be an unjustified and unsustainable form of development that caused unnecessary harm to this rural location, recognised for its landscape value, without there being any benefit associated with its controlled occupation by a rural enterprise worker or a person qualifying for Affordable Housing in this area. For these reasons the development was considered to conflict with policies SP1 – Delivering the Strategy, MG17 – Special Landscape Areas, MD1 – Location of New Development, and MD2 – Design of New Development of the Vale of Glamorgan Adopted Local Development Plan 2011-2026, as supported by Planning Policy Wales (Edition 10) and Technical Advice Note 6 – Planning for Sustainable Rural Communities (2010).

No.

(2) It was considered that the decision complied with the Council's well-being objectives and the sustainable development principle in accordance with the requirements of the Well Being of Future Generations (Wales) Act 2015.

(v) Land and Buildings at Tinkins Hall, St. Nicholas

The report sought authorisation to issue an Enforcement Notice under section 174 of the Town and Country Planning Act 1990 (as amended) in respect of the unauthorised use of the building as a dwellinghouse (C3). The principal issues were considered to be the principle of residential development, any impact from the loss of a community facility, the effect on neighbouring and general residential amenities; and any detriment to highway / pedestrian safety.

The report recommended that an Enforcement Notice be issued requiring the cessation of the use of the building as a dwelling. Authorisation was also sought to pursue legal proceedings in the event that the Enforcement Notice was not complied with.

A complaint had been received by the Local Planning Authority on 11th October, 2018, regarding the use of the community hall as a residential dwelling at the St. Nicholas Community Hall.

The building on site related to a single storey semi-detached building located on the A48 within the settlement of St. Nicholas. The property was bound by residential property to the sides and a residential garden to the rear with a number of trees close to the boundary subject to Tree Preservation Orders (TPO). There was also an electricity substation located adjacent to the side boundary of the property. The property was separated by the properties opposite by the A48.

The property was Grade II Listed, a county treasure and located within the St Nicholas Conservation Area.

A site plan within the report showed the context of the site. The green areas represented Tree Preservation orders and the Brown Line was the limit of the defined Settlement Boundary.

Following an initial site inspection it was noted that the dwelling was being occupied by the owner of the property as a residential dwelling. The existing hall had been subdivided with insulation boards to form a smaller living room and furnished with a sofa and television, a room to the rear of the building was furnished with bedroom furniture, and the building's wcs had been fitted with a shower.

The owner of the property had advised the Council's Enforcement Officer that he had recently purchased the property and had been residing at the property with his partner.

The Town and Country Planning (Use Classes) Order 1987 (as amended) places uses in various categories and allowed changes between uses in some instances

No.

without the need for planning permission. The community hall subject to the report fell within a D1 use class, a dwellinghouse fell within a C3 use class. There were no permitted changes allowed from a D1 use to C3 and therefore the material change of use required planning permission.

The Council's Planning Enforcement Officers had been in contact with the owner of the site, requesting cessation of the use. A retrospective application to retain the use was submitted on 5th December, 2019. This application had been due to be considered at this Planning Committee meeting with a recommendation for refusal, but was withdrawn on 18th March, 2019.

The main issues to consider were the principle of residential development in this location, the loss of community facility, the impact on the surrounding area, including the impact on the St. Nicholas Conservation Area and the Listed Building and setting, any detriment to highway / pedestrian safety, the effect on neighbouring and general residential amenities and S106 obligations.

As aforementioned, the property related to a single storey community hall building previously serving the St. Nicholas settlement. The property was marketed by the previous owners as a community hall, with potential for conversion subject to the necessary consents. The marketing also included a copy of a pre application enquiry in which the Council suggested that the loss of a community use would need to be fully justified should an application for a change of use be submitted. The site was purchased in June 2017 and occupied as a residential dwelling without first obtaining planning consent.

Whilst the application that was submitted to retain the residential use was withdrawn, a planning statement was submitted with the application, which made reference to a marketing exercise carried out by the owner. This was in the form of a leaflet drop in the vicinity offering the property for sale at £300,000. No further details had been provided in respect of this. Notwithstanding this, the property was purchased by the applicant months prior to the marketing exercise for £110,000.

Given that no offers came forward and that the applicant had lived at the property for 18 months without a community use, a community facility provided by this building was not required. It went further to suggest that the sale by the previous owners reinforced this view.

The LDP allocated 117 residential units within St. Nicholas over the plan period and based upon past build rates within St. Nicholas it was estimated 30 windfall residential units would come forward during the plan period.

The Community Facilities Assessment (2019) confirmed that the loss of the community hall would result in a deficit of 138m² of community facilities within the settlement of St. Nicholas.

Notwithstanding the above, it was noted that there were two churches within the settlement of St. Nicholas. Whilst it was accepted that these would fall within the definition of community facilities, as defined in the appendix of the LDP, these did not

No.

provide facilities that were comparable to the Community Hall that was the subject of the report. Trehill Chapel provided a small meeting room for hire whilst St. Nicholas Anglican Church did not provide any facilities for meetings or gatherings. In this regard, these facilities did not provide an appropriate or comparable alternative to the facilities that the hall would provide. Furthermore, it would not be reasonable to conclude that these facilities were preferable to that which would be lost in the site.

The building subject of the report did not benefit from any on-site car parking. It was noted during site visits that the owner parked his vehicles on the pavement outside the property. This was not understood to be in the ownership or control of the occupier of the Hall. This land did not, therefore, make adequate provision for off street parking to serve this dwelling. In addition to this, the use of this area for parking may well have highway safety implications for drivers exiting from the adjoining Mawsons Mews small housing estate and for pedestrians using the footway. The parked vehicle(s) were within the visibility splay for the Mawsons Mews access and, therefore, obstructed views to the east from this access. Accordingly, the dwellinghouse at Tinkins Hall resulted in a need for on street parking within the vicinity of the site.

In this regard, it was noted that the highway adjoining the site (A48) was a classified road marked with double white lines at the centre of the road. As such, it was illegal to park on this section of the highway, unless for dropping off and picking up. These incidents in themselves would increase with a residential use and would cause a highway safety issue as a result. Parking would have to be found elsewhere.

The building was adjacent to the busy A48 and, as such, any occupiers of the dwelling were subjected to the noise from traffic on that highway. The Council's Environmental Health section were consulted on the planning application that sought retention of the residential use and expressed concern that the noise levels from the road experienced within the former hall would exceed what was considered acceptable, resulting in an unacceptable impact on the amenity and / or health of the occupiers of the dwelling. They requested the submission of a noise assessment to establish the noise levels experienced from within the hall, which would have guided their final comments and recommendations on the application, in accordance with the TAN 11 Guidance.

RESOLVED –

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

(i) The cessation of the use of the building as a residential dwelling.

(2) T H A T in the event of non-compliance with the Notice, authorisation be granted to take such legal proceedings as may be required.

Reasons for decisions

(1) The unauthorised change of use of the building to a dwelling resulted in the loss of a local community facility in a rural location, which was considered to be detrimental to the well-being of the local community and resulted in the loss of a facility that played an important role in social cohesion of the settlement of St. Nicholas. In this regard the use of the building as a dwelling was contrary to policies MG7 (Provision of Community Facilities); MD2 (Design of New Development) and MD5 (Development within Settlement Boundaries) of the Vale of Glamorgan Adopted Local Development Plan 2011-2026, as well as Planning Policy Wales Edition 10 (2018) and the Well-being of Future Generations (Wales) Act 2015.

(2) The unauthorised residential use was not served with on-site parking provision and relied upon on-street parking that, in this location, was considered to be detrimental to highway / pedestrian safety. The use of the building as a dwelling was, therefore, considered contrary to Policies MD2 (Design Of New Development) and MD5 (Development within Settlement Boundaries) of the Vale of Glamorgan Adopted Local Development Plan 2011-2026; the Council's adopted Supplementary Planning Guidance on Parking Standards; and national guidance contained in Planning Policy Wales (2018), Manual for Streets 1 and 2, Technical Advice Note 18 on Transport and the Well-being of Future Generations (Wales) Act 2015.

(3) The change of use of the building to a residential use was considered to be noise sensitive development. In the absence of an assessment on the noise experienced within the building from traffic on the A48 and the ability to require the submission of noise mitigation measures, the residential use was considered to have an unacceptable impact on the health and / or amenity of the occupiers of the dwelling, contrary to policy MD7 (Environmental Protection) of the Vale of Glamorgan Adopted Local Development Plan 2011-2026 and national guidance contained in Planning Policy Wales (2018) and Technical Advice Note 11 Noise.

891 PLANNING APPLICATIONS (HRP) -

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

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

2018/01023/FUL Received on 14 September 2018
(P. 81)

Applicant: Mr. T. Harris, Jehu Group and Hafod Housing Association, 1, Waterton Park, Bridgend

Agent: Mr. Geraint John, Geraint John Planning Ltd., Office 16 (House 1, 2nd Floor), The Maltings, East Tyndall Street, Cardiff, CF24 5EA

No.

Land North of Leckwith Road, Llandough

Proposed residential development comprising 40 affordable units (comprising a mix of 1 and 2 bed apartments) along with associated parking, highway and ancillary works.

APPROVED subject to the following condition(s):

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

Reason:

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

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

2093/601 'Bin Store- Residential for Block 1 and 2'; 2093/602 'Bin Store - Residential for Block 3'; 2093/603 'Cycle Store Details' Design and Access Statement dated September 2018; Pre-application consultation statement dated September 2018; Tree Survey prepared by Treescene; Design Strategy Report dated September 2018; Reptile Mitigation Strategy prepared by David Clements Ecology LTD dated February 2018; letter from David Clements Ecology LTD dated 25th June 2018 received 14 September 2018

Technical Note prepared by Acstro; 2093-401 Rev D 'Street Scene Elevations Coloured'; 2093-405 'Street Scene Elevation Pavement Level'; 2093-501 Rev B 'Sketch Site Sections 01'; 2093-502 Rev C 'Sketch Site Sections 02'; 'Site Survey' prepared by Senior Surveys; 2093-201 Rev A 'Proposed Block One Floor Plans'; 2093-211 Rev B 'Proposed Block Two Floor Plans'; 2093-321 Rev B 'Block Three Elevations'; 2093-221 Rev A 'Proposed Block Three Floor Plans'; Design and Access Statement Addendum dated January 2019; received 15 January 2019

Ecological Assessment dated January 2019 prepared by David Clements Ecology Ltd

Transport Statement Rev B dated February 2019 prepared by Spring Design received 13 February 2019

Email from agent regarding ecological mitigation; 2093-101 Rev H 'Proposed Site Layout Plan'; 2093-301 Rev C 'Block One Elevations'; 2093-311 Rev D 'Block Two Elevations'; Tree Constraints Plan received 25 February 2019

Letter from Acoustic Consultants LTD dated 28th February 2019

No.

Reason:

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

3. Notwithstanding the submitted details, a schedule and sample of materials to be used in the construction of the development hereby approved shall be submitted to and approved in writing by the Local Planning Authority. The development shall be completed in accordance with the approved details prior to the beneficial occupation of the respective part of the development.

Reason:

To safeguard local visual amenities, as required by Policies SP1 (Delivering the Strategy), SP10 (Built and Natural Environment) and MD2 (Design of New Development) of the Local Development Plan.

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

Reason:

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

5. All means of enclosure associated with the development hereby approved shall be completed in accordance with a scheme to be submitted to and agreed in writing by the Local Planning Authority. The means of enclosure shall be completed in accordance with the approved details prior to the first beneficial use of the development.

Reason:

To safeguard local visual amenities, and to ensure compliance with Policies SP1 (Delivering the Strategy) and MD2 (Design of New Development) of the Local Development Plan.

6. Prior to beneficial occupation of any of the dwellings, a scheme for the provision of affordable housing shall be submitted to and approved in writing by the Local Planning Authority. The affordable housing shall be delivered by a zoned Housing Association Partner (Hafod Housing, Newydd Housing, United Welsh Housing or Wales & West Housing) of the Vale of Glamorgan Council, and shall be provided in accordance with the approved scheme and shall remain in perpetuity as affordable housing as defined in Annex B of the

No.

Welsh Government Technical Advice Note 2 on Affordable Housing or any future guidance that replaces it. The scheme shall include:

- i) the arrangements for the management of the affordable housing;
- ii) the arrangements to ensure that such provision is affordable for both first and subsequent occupiers of the affordable housing; and
- iii) the occupancy criteria to be used for determining the identity of occupiers of the affordable housing and the means by which such occupancy criteria shall be enforced.

Reason:

To ensure that the development is kept in perpetuity as an affordable housing scheme, and to ensure compliance with PPW and TAN 2.

7. Prior to any construction work (excluding site clearance) being undertaken on site, full details of a scheme of foul, land and surface water drainage (including construction details and proposed ongoing management) has been submitted to and agreed in writing by the Local Planning Authority. The scheme shall be completed in accordance with the approved details prior to the beneficial use of the development and retained in perpetuity.

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 SP1 (Delivering the Strategy) and MD1 (Location of New Development) of the Local Development Plan.

8. Notwithstanding the submitted details, no development shall take place, including site clearance, until a scheme of biodiversity and enhancement has been submitted to and approved in writing by the local planning authority. The wildlife & habitat protection plan shall include (but not exclusively limited to):
- i) Details of sensitive site clearance with respect to reptiles and breeding birds;
 - ii) Details of newt/wildlife friendly drainage.
 - iii) A plan showing wildlife and habitat protection zones and details of habitat replacement in the identified 'Ecological Area' and northern boundary to replaced loss of woodland floor and scrub (details to include means of mitigation/compensation, planting list, translocation details and protection measures);
 - iv) Details of development and construction methods within wildlife and habitat protection zones and measures to be taken to minimise the impact of any works;
 - v) Details of the management of ecology features to maximise biodiversity;
 - vi) Measures to be undertaken to enhance biodiversity on site;

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- vii) A lighting scheme for the site in order to ensure minimal light spillage onto adjoining vegetation; and
- viii) A minimum of 100mm gap at the bottom of all fencing used on site.
- ix) Details of bat and bird boxes (minimum 14 boxes, of which 50% should be swift boxes)

The protection and management plan shall then be completed in accordance with the timings approved by the local planning authority.

Reason:

In the interests of ecology and to ensure compliance with Policies SP1 (Delivering the Strategy), MD9 (Promoting Biodiversity) and MG21 (Sites of Importance for Nature, Regionally Important Geological and Geomorphological Sites and Priority Habitats and Species) of the Local Development Plan.

9. No development shall commence, including any works of site clearance, until a Construction Environment Management Plan (CEMP) has been submitted to, and approved in writing by, the Local Planning Authority. The CEMP shall include the following details:
- i) the parking of vehicles of site operatives and visitors;
 - ii) loading and unloading of plant and materials;
 - iii) storage of plant and materials used in constructing the development;
 - iv) the erection and maintenance of security hoarding including decorative displays and facilities for public viewing, where appropriate;
 - v) wheel washing facilities;
 - vi) measures to control and mitigate the emission of dust, smoke, other airborne pollutants and dirt during construction;
 - vii) a scheme for recycling/disposing of waste resulting from demolition and construction works.
 - viii) hours of construction;
 - ix) lighting;
 - x) management, control and mitigation of noise and vibration;
 - xi) odour management and mitigation;
 - xi) diesel and oil tank storage areas and bunds;
 - xii) how the developer proposes to accord with the Considerate Constructors Scheme (www.considerateconstructorscheme.org.uk) during the course of the construction of the development; and
 - xiii) a system for the management of complaints from local residents which will incorporate a reporting system.

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

No.

Reason:

To ensure that the construction of the development is undertaken in a neighbourly manner and in the interests of the protection of amenity and the environment and to ensure compliance with the terms of Policies SP1 (Delivering the Strategy) and MD7 (Environmental Protection) of the Local Development Plan.

10. Prior to the commencement of any development a scheme to investigate and monitor the site for the presence of gases being generated at the site or land adjoining thereto, including a plan of the area to be monitored, shall be submitted to the Local Planning Authority for its approval. Following completion of the approved monitoring scheme, the proposed details of any appropriate gas protection measures which may be required to ensure the safe and inoffensive dispersal or management of gases and to prevent lateral migration of gases into or from land surrounding the application site shall be submitted to and approved in writing to the LPA. All required gas protection measures shall be installed and appropriately verified before occupation of any part of the development which has been permitted and the approved protection measures shall be retained and maintained until such time as the Local Planning Authority agrees in writing that the measures are no longer required.

Reason:

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

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

Reason:

To ensure that any unacceptable risks from land contamination to the future users of the land, neighbouring land, controlled waters, property and ecological systems are minimised, and to ensure that the development can be carried out safely without unacceptable risks to workers, neighbours and other

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offsite receptors in accordance with Policies SP1 (Delivering the Strategy) and MD7 (Environmental Protection) of the Local Development Plan.

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

Reason:

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

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

Reason:

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

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

No.

Reason:

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

15. Prior to the commencement of development or any site clearance, a Construction Traffic Management Plan shall be submitted to and approved in writing by the Local Planning Authority. The Management Plan shall include details of parking for construction traffic, the proposed routes for heavy construction vehicles, timings of construction traffic and means of defining and controlling such traffic routes and timings. The development shall be carried out in accordance with the approved Management Plan.

Reason:

To ensure that the parking provision and highway safety in the area are not adversely affected by the construction of the development and to meet the requirements of Policies SP1 (Delivering the Strategy), MD2 (Design of New Developments) and MD7 (Environmental Protection) of the Local Development Plan.

16. Notwithstanding the submitted plans and prior to the commencement of the construction of the site access and internal site roads, further details of:
- the proposed access into the site (including gradients and visibility splays)
 - details of site lighting
 - the 3.5m footway/cycleway along the frontage of the site on Leckwith Road
 - details of the location and design of the relocated gateway feature on Leckwith Road
 - all surface materials to be used in the parking areas and carriageways within the site,

Shall be submitted to and approved in writing by the Local Planning Authority. The development shall thereafter be carried out prior to beneficial occupation of the development and thereafter maintained in accordance with the approved details.

Reason:

In the interests of highway safety and to ensure compliance with Policies MD1 'Location of New Development' and MD2 'Design of New Development' of the Local Development Plan.

17. No development or site clearance shall take place until there has been submitted to and approved in writing by the Local Planning Authority a scheme of landscaping. The scheme shall include indications of all existing trees (including spread and species) and hedgerows on the land, identify

No.

those to be retained and set out measures for their protection throughout the course of development.

Reason:

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

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

Reason:

To ensure satisfactory maintenance of the landscaped area to ensure compliance with Policies SP1 (Delivering the Strategy), SP10 (Built and Natural Environment), MG17 (Special Landscape Areas), MD1 (Location of New Development) and MD2 (Design of New Developments) of the Local Development Plan.

19. Notwithstanding the provisions of the Town and Country Planning (General Permitted Development) Order 1995 (as amended for Wales) (or any order revoking and re-enacting that Order with or without modification), no fences, gates or walls shall be erected within the site (other than those approved under condition 5 of this consent).

Reason:

To safeguard local visual amenities, and to ensure compliance with Policies SP1 (Delivering the Strategy) and MD2 (Design of New Developments) of the Local Development Plan.

20. Notwithstanding the submitted details, further details of the noise mitigation measures within the buildings shall be submitted to and approved in writing by the Local Planning Authority prior to the commencement of development. The submitted scheme shall ensure that all rooms achieve an internal noise level of 35dBA by day and 30dBA by night and that a L_{Amax}fast of 45dB is not exceeded. The mitigatory measures identified shall be implemented in accordance with the approved details prior to the beneficial occupation of the dwellings and thereafter retained and maintained at all times.

No.

Reason:

In the interests of the amenities of future occupiers of these dwellings in accordance with policies MD2 (Design of New Developments) and MD7 (Environmental Protection) of the Development Plan and the advice contained within Technical Advice Note 11: Noise.

Reason for decision

The decision to recommend planning permission has been taken in accordance with Section 38 of The Planning and Compulsory Purchase Act 2004, which requires that, in determining a planning application the determination must be in accordance with the Development Plan unless material considerations indicate otherwise. The Development Plan for the area comprises the Vale of Glamorgan Adopted Local Development Plan 2011-2026.

Having regard to policies SP1 – Delivering the Strategy, SP3 – Residential Requirement, SP4 – Affordable Housing Provision, SP10 – Built and Natural Environment, MG1 – Housing Supply in the Vale of Glamorgan, MG4 – Affordable Housing, MD1 – Location of New Development, MD2 – Design of New Development, MD3 – Provision for Open Space, MD4 – Community Infrastructure and Planning Obligations, MD5 – Development within Settlement Boundaries, MD6 – Housing Densities, MD7 – Environmental Protection, MD8 – Historic Environment, MD9 – Promoting Biodiversity and MD16 – Protection of Existing Employment Sites and Premises of the Vale of Glamorgan Adopted Local Development Plan 2011-2026, Planning Policy Wales (Edition 10), Technical Advice Notes 2, 12, 15, 16, 18 and 24, the Council’s Supplementary Planning Guidance on Residential and Householder Development, Affordable Housing, Biodiversity and Development, Parking Standards (Interactive Parking Standards Zones Map), Planning Obligations, Public Art and Sustainable Development – A Developer’s Guide, the proposed development is considered acceptable in respect of the design, scale and visual impact on the buildings, impact on residential amenity and privacy, parking, highway safety, traffic, ecology and drainage.

It is considered that the decision complies with the Council’s well-being objectives and the sustainable development principle in accordance with the requirements of the Well-being of Future Generations (Wales) Act 2015.

2019/00068/FUL Received on 24 January 2019
(P. 113)

Applicant: Mr. Gavin Henson Brynawel, St. Brides Major, Vale of Glamorgan, CF32 0TA

Agent: Mr. Paul Watkin PDW Building Designs, 7, Blackmill Road, Bryncethin, Bridgend, CF32 9YW

Brynawel, St. Brides Major, Bridgend

Proposed access track, stables yard and ménage

REFUSED AND AUTHORISE ENFORCEMENT ACTION

1. That planning permission for the retention and completion of the works as be refused.
2. That the Head of Legal Services be authorised to serve an Enforcement Notice under Section 172 of the Town and Country Planning Act 1990 (as amended) to require:
 - (i) The removal of any works associated with the construction of the development that is the subject of this planning application, including material that has been laid as part of the construction of the track and turning area to the side of the stables.
 - (ii) The re-instatement of the land to its former condition immediately prior to the commencement of the unauthorised works.
3. In the event of non-compliance with the Notice, authorisation is also sought to take such legal proceedings as may be required.

Reason for decision

1. The proposed stable building, by virtue of its scale, design and materials would have a harmful and visually intrusive impact on the character and appearance of the countryside and it would detract from the landscape quality of the wider Castle Upon Alun Special Landscape Area. The development is therefore contrary to Policies SP1 – Delivering the Strategy, SP10 – Built and Natural Environment, MG17 – Special Landscape Areas, MD1 – Location of New Development and MD2 – Design of New Development of the Vale of Glamorgan Adopted Local Development Plan 2011-2026, Supplementary Planning Guidance on Design in the Landscape, Planning Policy Wales (Edition 10, 2018) and Technical Advice Note 12- Design.
2. The proposed access track, stables, yard and ménage, by virtue of their scale and design would result in the loss of best and most versatile agricultural land (Grade 2) and would therefore adversely affect the supply and availability of high quality agricultural land in the Vale of Glamorgan. The development is therefore contrary to Policies MD1 – Delivering the Strategy and MD7 – Environmental Protection of the Vale of Glamorgan Adopted Local Development Plan 2011-2026 and Planning Policy Wales (Edition 10. 2018).

892 MATTER WHICH THE CHAIRMAN HAD DECIDED WAS URGENT --

RESOLVED – T H A T the following matter which the Chairman had decided was urgent for the reason given beneath the minute heading be considered.

No.

893 LAND AND BUILDINGS AT SOUTH HAVEN PHASE 2, BARRY WATERFRONT, BARRY (HRP) –

(Matter which is urgent by reason of the need to take immediate enforcement action that is authorised by Planning Committee)

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

Officers were currently considering the Reserved Matters application for the area of Barry Waterfront, known as South Haven Phase 2 which was owned by Persimmon Homes Limited.

The application was yet to be determined and yet a recent site visit revealed the development on the site had commenced in earnest. The report presented to members related to the development of that area of the site.

As noted from the planning history, outline planning permission had been granted for a housing development on this site, subject to a number of conditions including the submission of reserved matters details. Also an application for the approval of reserved matters had been submitted and was currently being considered for the details of the development of the South Haven site (reference 2018/00592/RES). The application was, in principle, acceptable and matters such as design, drainage, highways, landscaping etc. had been resolved to the degree that a favourable recommendation could be made. The only outstanding issue and reason for the lack of a decision on that application was the matter of the agreement of a phasing plan for the remainder of the development.

Accordingly, and having regard to the fact that Officers were, on the whole, satisfied with the form of development proposed by virtue of the 2018 reserved matters application, the principle matter to consider in the report was the expediency of pursuing formal enforcement action in view of the lack of any agreement on the matter of the phasing of the remainder of the Waterfront Development.

It was accepted that the Council had revised the development phasing agreed on the Outline application in two of the most recent reserved matters applications approved for the South Quay Waterside site (applications reference 2017/00662/RES and 2017/00647/RES). Nevertheless, the development as a whole had either exceeded this revised phasing or was close to exceeding it, and yet very little progress had been made to deliver the District Centre units required by the original conditions 8 and 19 of the outline permission. This was despite the Enforcement Action regarding this matter having commenced in early November 2018.

The development that was now underway on the South Haven site had taken the nature of the authorised development at the Barry Waterfront to an unprecedented level. It exceeded the revised phasing plan; it had been undertaken without the benefit of planning permission; and had been commenced while active negotiations

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were still ongoing with regard to the second revision of the phasing plan that the Council and all consortium members needed to agree.

It was essential that the Council had the certainty of a full planning permission for the South Haven site in order to ensure that, amongst all other matters, the district centre was delivered and in a timely manner. It was accepted that both the principle and the detail of the development that had been undertaken at the South Haven site was acceptable. However, without the certainty of an enforceable phasing plan for the remainder of the development, which would come from an approved reserved matters and the approval of the revised outline planning application for the development as a whole, it was considered expedient to put a stop to any further development on the site. The continuation of the development without any certainty would render the development unsustainable and, therefore, in conflict with the strategy of the LDP; strategic policies SP1, SP2, SP6 and MG3 as supported by the SPG on Barry Development Guidelines; and the wider principles of good design set out in policies MD1 and MD2. The breach of planning control in this case was also considered to conflict with the principles of sustainable development set out in PPW, Technical Advice Note 4 on Retailing and Commercial Development, and Technical Advice Note 23 on Economic Development.

Accordingly, in view of the issues identified in the paragraphs above, it was considered expedient to pursue formal enforcement action in the form of an Enforcement Notice and Stop Notice in respect of the unauthorised construction of dwellings and associated works on the area of the Barry Waterfront development known as South Haven, South Quay Waterside.

RESOLVED –

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

(i) The cessation of the works to construct all dwellings and associated development.

(2) T H A T the Head of Legal Services be authorised to issue a Stop Notice under Section 183 of the Town and Country Planning Act 1990 (as amended) to require:

(i) The cessation of the works to construct all dwellings and associated development.

(3) T H A T in the event of non-compliance with the Notice, authorisation be granted to take such legal proceedings as may be required.

Reasons for decisions

In view of the failure to deliver the A3 units within the Waterfront District Centre in compliance with conditions 8 and 19 of planning permission reference

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2009/00946/OUT and without the approval of a revised phasing plan for the delivery of those A3 units, the unauthorised development, as part of a strategic development site, was not considered to be sustainable and was considered to conflict with the strategy of the Vale of Glamorgan Adopted Local Development Plan 2011-2026; strategic policies SP1 – Delivering the Strategy, SP2 – Strategic Sites, SP6 – Retail and MG3 Strategic Site at Barry Waterfront of the Plan and the wider principles of good design set out in policies MD1 – Location of New Development and MD2 – Design of New Development of the Plan. This breach of planning control was also considered to conflict with the principles of sustainable development set out in Planning Policy Wales (Edition 10), Technical Advice Note 4 on Retailing and Commercial Development and Technical Advice Note 23 on Economic Development.

It was considered that the decision to pursue formal enforcement action complies with the Council's well-being objectives and the sustainable development principle in accordance with the requirements of the Well-Being of Future Generations (Wales) Act 2015.