

THE VALE OF GLAMORGAN COUNCIL

Town and Country Planning Act 1990

Town and Country Planning (General Development Procedure) Order 1995

FULL PLANNING PERMISSION

Agent:

Crest Nicholson (SW) Ltd.,
Crest House,
Lime Kiln Close,
Stoke Gifford,
Bristol. BS34 8ST

Applicant:

Crest Nicholson (SW) Ltd.,
Crest House,
Lime Kiln Close,
Stoke Gifford,
Bristol. BS34 8ST

To demolish the existing flats and construct 377 residential units and associated highway infrastructure and open space at Penarth Heights, off Harbour View Road, Penarth

The Council in pursuance of its powers under the above mentioned Act and Order hereby **GRANTS PERMISSION** for the carrying out of the proposed development as described above and in accordance with the application and plans registered by the Council on 28 February 2007 subject to the following condition(s):

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

Reason:

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

2. This consent shall only relate to the following plans as detailed on the schedule below and the development shall be carried out strictly in accordance with these details.

Nicholas Pearson Associates Drawings:

NPA 10050 201; 202, 203 Rev C, 204, 205 Rev A, 206 Rev A, Figure M, Figure F, Figure A Rev A.

Gary Gabriel Associates Drawings:

18280 SK 101 Rev P11, SK102 Rev P11, SK103 Rev P11, SK 104 Rev P1, SK105 Rev P1, SK106 Rev P1.

Edward Cullinan Architects Ltd. Drawings:

P01 Rev B, P02 Rev A, P03, P04, P05, P06, P07, P08 Rev A, P09, P10, P11, P12.1 Rev A, P12.2 Rev A, P21, P22, P23, P24, P25, P26, P27, P31 Rev A, P32, P33, P34, P35, P36, P37, P40.1, P40.2, P41.1, P42.1, P42.2, P43.1, P44.1, P45.1, P45.2, P46.1 Rev A, P47.1, P47.2, P48.1, P48.2, P49.1, P49.2, P50.1, P50.2, P51.1, P51.2, P52.1, P52.2, P52.3, P53.1, P53.2, P54.1, P54.2, P55.1, P56.1, P57.1, P58.1, P58.2, P59.1, P60.1.

Reason:

To ensure a satisfactory form of development and for the avoidance of doubt as to the approved plans.

3. Prior to the commencement of demolition on site details of the provision of parking for construction traffic and the routes for heavy construction vehicles, and means of defining and controlling such traffic routes, shall be submitted to and approved in writing by the Local Planning Authority and the demolition and development of the site shall be carried out in accordance with the approved details unless the Local Planning Authority gives prior written consent to any variation.

Reason:

To ensure that the parking provision and highway safety in the area are not adversely affected and to meet the requirements of Policies TRAN10 and ENV27 of the Unitary Development Plan.

4. Prior to the construction of any roads or paths on the site full details, including sections, details of drainage and materials for the surface finish and samples of such, shall be submitted to and approved in writing by the Local Planning Authority and the development shall thereafter be carried out in accordance with the approved details unless the Local Planning Authority gives prior written consent to any variation.

Reason:

To ensure the provision of an acceptable and safe highway layout and to meet the requirements of Policies HOUS8 and ENV27 of the Unitary Development Plan.

5. Prior to their installation on site details of all means of external lighting for the site shall be submitted to and approved in writing by the Local Planning Authority and the approved means of lighting shall be fully implemented on site prior to the first beneficial occupation of that part of the development which it serves unless the Local Planning Authority gives written consent to any variation.

Reason:

In the interests of safety, visual amenity and ecology in the area and to meet the requirements of Policies ENV16, ENV27 and HOUS8 of the Unitary Development Plan.

6. Notwithstanding the submitted plans and prior to their construction on site full details, including cross sections, of all retaining walls and samples of the materials for their external finish, shall be submitted to and approved in writing by the Local Planning Authority and the development shall thereafter be carried out in accordance with the approved details unless the Local Planning Authority gives prior written consent to any variation.

Reason:

In the interests of the visual amenities of the area and to meet the requirements of Policies ENV27 and HOUS8 of the Unitary Development Plan.

7. Notwithstanding the submitted details this consent shall not relate to fencing on the boundaries of the development with the public open spaces and amended details shall be submitted and implemented in accordance with Condition No. 8 below.

Reason:

To ensure that an acceptable means of enclosure is provided in the interests of the visual amenities of the area and the privacy and amenities of occupiers and to meet the requirements of Policies ENV27 and HOUS8 of the Unitary Development Plan.

8. Notwithstanding the submitted details full details, including sections to a scale of 1:, 1:10, 1:20 of all fences, walls (other than as required by condition 6 above), railings and balconies shall be submitted to and approved in writing by the Local Planning Authority prior to their erection, construction or placement on site and the approved means of enclosure shall be carried out prior to the first beneficial occupation of the development to which it relates unless the Local Planning Authority gives prior written consent to any variation.

Reason:

In the interests of the privacy of occupiers of the site and the visual amenities of the area in general to meet the requirements of Policies ENV27 and HOUS8 of the Unitary Development Plan.

9. Notwithstanding the submitted details and prior to their use on site samples of the bricks, roofing materials, timber cladding and window and door materials and details, to a scale of 1:1, 1:10 and 1:20 as appropriate, shall be submitted to and approved in writing by the Local Planning Authority and the development shall thereafter be carried out in accordance with the approved details unless the Local Planning Authority gives prior written consent to any variation.

Reason:

To ensure that the visual amenities of the area are enhanced and to meet the requirements of Policies ENV27 and HOUS8 of the Unitary Development Plan.

10. The landscaping of the site shall generally be in accordance with the layout as detailed on drawing Nicholas Pearson NPA10050 203 REV. C and full details of plant species, density and size at planting shall be submitted to and approved in writing by the Local Planning Authority.

Reason:

To ensure landscaping of the site in order to meet the requirements of Policies ENV27 and HOUS8 of the Unitary Development Plan.

11. 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 five years from the completion of the development die, are removed or become seriously damaged or diseased shall be replaced in the next planting season with others of similar size and species, unless the Local Planning Authority gives written consent to any variation.

Reason:

To ensure satisfactory maintenance of the landscaped area to ensure compliance with Policies ENV11 and ENV27 of the Unitary Development Plan.

12. Prior to any demolition works or development on the site details showing a scheme of tree and watercourse protection shall be submitted to and approved in writing by the Local Planning Authority and the scheme of protection shall be fully implemented for the phase of development to which it relates prior to the commencement of demolition or work on that phase.

Reason:

To ensure that trees are protected in the interests of the visual amenities of the area and the watercourses on the site are not adversely affected and to meet the requirements of Policies ENV12 and ENV29 of the Unitary Development Plan.

13. Notwithstanding the submitted details of tree felling no trees shall be felled on site until a schedule of all trees on the site and those to be retained and those to be felled have been submitted to and agreed in writing by the Local Planning Authority and only those trees as agreed shall be felled unless the Local Planning Authority gives written consent to any variation.

Reason:

In the interests of the visual amenities of the area and to meet the requirements of Policies ENV12, ENV27 and HOUS8 of the Unitary Development Plan.

14. No phase of the development hereby approved shall be brought into beneficial use until such time as the parking areas, including all associated access and turning areas associated with that part of the development, have been laid out in full accordance with the details shown on the approved plans and the parking, access and turning areas shall thereafter be so retained at all times to serve the development hereby approved.

Reason:

To ensure the provision on site of parking and turning facilities to serve the development in the interests of highway safety, and to ensure compliance with the terms of Policies HOUS8, TRAN10 and ENV27 of the Unitary Development Plan.

15. Full details of secure parking on site for bicycles shall be submitted to and approved in writing by the Local Planning Authority and the approved scheme of parking for bicycles shall be fully implemented on site prior to the first beneficial occupation of the phase of development, as identified in Condition No. 14 above, to which it relates.

Reason:

To ensure that satisfactory parking for bicycles is provided on site to serve the development, and to ensure compliance with the terms of Policies ENV27, HOUS8 and TRAN9 of the Unitary Development Plan.

16. The demolition and development on site shall be carried out in accordance with the approved phasing scheme as shown on drawing Edward Cullinan Architects Ltd., Ref: P07 unless the Local Planning Authority gives prior written consent to any variation.

Reason:

To ensure a satisfactory form of development in the interests of the amenities of occupiers in the vicinity of the site and to meet the requirements of Policy ENV29 of the Unitary Development Plan.

17. Prior to the commencement of demolition works, details of noise levels at the boundaries of the site with the nearest noise sensitive areas, with details of mitigation measures for the control of noise and dust during demolition and construction works and details of wheel washing facilities, shall be submitted to and approved in writing by the Local Planning Authority and the demolition and construction works shall be undertaken in full accordance with the approved mitigation measures unless the Local Planning Authority gives prior written consent to any variation.

Reason:

To ensure that the amenities of occupiers in the vicinity of the site are safeguarded and to meet the requirements of Policy ENV29 of the Unitary Development Plan.

18. The development shall be carried out in accordance with the findings of the ecology reports submitted with the application and all appropriate mitigation measures as detailed in the surveys shall be undertaken at the time of the development to safeguard and enhance the habitat and species of any protected species on the site.

Reason:

To ensure that protected species and their habitats are not adversely affected by the development and to meet the requirements of Policy ENV16 of the Unitary Development Plan.

19. The demolition and development of the site shall be undertaken in accordance with the method statements for the removal of contamination and waste and a verification report, including post-remedial sampling and analysis shall be submitted to the Local Planning Authority at the completion of the development.

Reason:

To ensure a safe environment for existing and future occupiers and to meet the requirements of Policy ENV29 of the Unitary Development Plan.

20. Operational hours of work for demolition and construction shall be Monday to Friday 08.00 -18.00 hours, Saturday 08.00 - 13.00 hours and there shall be no working on Sundays and Bank Holidays unless the Local Planning Authority give prior written approval to any variation.

Reason:

To safeguard the amenities of nearby occupiers and to meet the requirements of Policy ENV29 of the Unitary Development Plan.

21. Details of the method of gas protection for residential units on the site as identified in the Geotechnical Remediation Statement submitted with the application shall be submitted to and approved in writing by the Local Planning Authority prior to their construction on site and the residential units shall thereafter be constructed with the gas mitigation measures as approved.

Reason:

To safeguard the health and amenities of the occupiers of the units and to meet the requirements of Policy ENV29 of the Unitary Development Plan.

22. Prior to the first beneficial use of any phase of the site as approved under Condition No.16 above, oil interceptors shall be installed on each phase of the site in accordance with details which shall have been submitted to and approved in writing by the Local Planning Authority.

Reason:

To prevent contamination and to meet the requirements of Policy ENV29 of the Unitary Development Plan.

23. The development shall be carried out in accordance with the details, aims and principles of the Sustainability Statement submitted with the application other than as amended by the details submitted under cover of the letter dated 10 December 2007 from the applicants, which letter relates to specific elements of the construction of the residential units.

Reason:

To meet the aims of the Council's Sustainability Supplementary Planning Guidance and Strategic Policy 2 of the Unitary Development Plan.

24. No demolition shall take place outside the months of October to March other than with the prior written consent of the Local Planning Authority.

Reason:

To safeguard Protected Species present on the site and to meet the requirements of Policy ENV16 Protected Species.

25. Notwithstanding the requirements of Condition No. 18 above further details of mitigation measures for bats shall be submitted to and approved in writing by the Local Planning Authority prior to the erection of any buildings on the site.

Reason:

To enhance the ecological value of the site and protect the habitats of protected species on the site to meet the requirements of Policy ENV16 'Protected Species'.

Reason for Granting Planning Permission

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 comprises the Vale of Glamorgan Adopted Unitary Development Plan 1996-2011.

Having regard to policies strategic Policies 1, 2 and 3; ENV11 - Protection of Landscape Features; ENV12 - Woodland Management; ENV16 - Protected Species; ENV24 - Conservation and Enhancement of Open Space; ENV25 - Regeneration of Urban Areas; ENV26 - Contaminated Land and Unstable Land; ENV27 - Design of New Developments; ENV28 - Access for Disabled People; ENV29 - Protection of Environmental Quality; HOUS2 - Additional Residential Development; HOUS8 - Residential Development Criteria; HOUS11 - Residential Privacy and Space; HOUS12 - Affordable Housing; TRAN9 - Cycling Development; TRAN10 - Parking; REC3 - Provision of Open Space Within New Residential Developments; REC4 - Provision for the Disabled and Elderly; REC6 - Children's Playing Facilities;

REC12 - Public Rights of Way and Recreational Routes; COMM5 - Retention of Community Facilities and all other material planning considerations the scale, form and design of the development is considered to present an enhanced form of development which contributes to the visual amenities of the area. The development is considered to have an acceptable access and level of on-site parking to the extent that highway safety is not considered to be compromised and the development, subject to the conditions listed will not detract from the level of privacy and amenity currently experienced by occupiers of the area in general. The development is considered to provide enhanced public open space provision and sufficient private amenity space for the proposed occupiers.

NOTE:

- 1. This consent does not convey any authorisation that may be required to gain access onto land not within your ownership or control.**
- 2. In accordance with the advice of the National Assembly for Wales regarding development of contaminated land I am giving you notice that the responsibility for safe development and secure occupancy of a site rests with the developer. Whilst the Council has determined the application on the information available to it, this does not necessarily mean that the land is free from contamination.**
- 3. The attention of the applicant is brought to the fact that a public right of way is affected by the proposal. The grant of planning permission does not entitle one to obstruct, stop or divert a public right of way. Development, in so far as it affects a right of way, must not be commenced until the necessary legal procedures have been completed and confirmed for the diversion or extinguishment of the right of way.**
- 4. You are advised that there are species protected under the Wildlife and Countryside Act, 1981 within the site and thus account must be taken of protecting their habitats in any detailed plans. For specific advice it would be advisable to contact: The Countryside Council for Wales, 7 Castleton Court, Fortran Road, Cardiff; telephone number 02920 772400.**
- 5. Please note that a legal agreement/planning obligation has been entered into in respect of the site referred to in this planning consent. Should you require clarification of any particular aspect of the legal agreement/planning obligation please do not hesitate to contact the Local Planning Authority.**
- 6. Please note that as the tree(s) referred to in this application are not situated on land in your ownership you are strongly advised to contact the owner in order to obtain their permission as necessary prior to carrying out the works hereby approved.**

- 7. Where the work involves the creation of, or alteration to, an access to a highway the applicant must ensure that all works comply with the appropriate standards of the Council as Highway Authority. For details of the relevant standards contact the Visible Services Division, The Vale of Glamorgan Council, The Alps, Wenvoe, Nr. Cardiff. CF5 6AA. Telephone 02920 673051.**
- 8. The applicants are advised that all necessary consents/ licences must be obtained from the Environment Agency prior to commencing any site works.**
- 9. The Environment Agency has stated that provision must be made to ensure that no polluting discharge from haul roads and disturbed areas enter any watercourse.**
- 10. This consent does not convey any authorisation that may be required to gain access onto land not within your ownership or control.**
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18. The Environment Agency has stated that provision must be made to ensure that no polluting discharge from haul roads and disturbed areas enter any watercourse.

Please note that this consent is specific to the plans and particulars approved as part of the application. Any departure from the approved plans will constitute unauthorised development and may be liable to enforcement action. You (or any subsequent developer) should advise the Council of any actual or proposed variations from the approved plans immediately so that you can be advised how to best resolve the matter.

In addition, any conditions that the Council has imposed on this consent will be listed above and should be read carefully. It is your (or any subsequent developers) responsibility to ensure that the terms of all conditions are met in full at the appropriate time (as outlined in the specific condition).

The commencement of development without firstly meeting in full the terms of any conditions that require the submission of details prior to the commencement of development will constitute unauthorised development. This will necessitate the submission of a further application to retain the unauthorised development and may render you liable to formal enforcement action.

Failure on the part of the developer to observe the requirements of any other conditions could result in the Council pursuing formal enforcement action in the form of a Breach of Condition Notice.

Dated: 20 April 2010



Head of Planning and Transportation

**IT IS IMPORTANT THAT YOU SHOULD READ THE NOTES
ATTACHED TO THIS FORM.**