

**Version 2**

**THE VALE OF GLAMORGAN COUNCIL**

Town and Country Planning Act 1990  
Planning and Compulsory Purchase Act 2004  
The Town and Country Planning (Development Management Procedure) (Wales)  
Order 2012

**FULL PLANNING PERMISSION**

Agent:  
Mrs. Barbara Wells,  
23, Parc-y-Fro,  
Creigiau,  
Cardiff,  
CF15 9SD

Applicant:  
Mr. Michael Brinkard,  
The Gate House,  
Windmill Industrial Estate,  
Wimbourne Road,  
Barry.  
CF63 3DH

**Planning application in respect of two additional units within an existing development at Windmill Industrial Estate : Original application No 05/01112/FUL at Windmill Industrial Estate, Wimborne Road, Barry**

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 25 January 2016 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 plans specified below

A001 Rev E Site plan received 13 January 2016  
A002 Rev C Site survey received 13 January 2016  
A003 Rev C Enabling Works received 13 January 2016  
A004 Rev D Proposed Plans Unit 11 received 13 January 2016  
A005 Rev A Proposed Plan Unit 12 received 08 December 2014  
A006 Rev A Proposed Foundation Plan Unit 12 received 08 December 2014  
A007 Rev C Proposed sections unit 11 received 13 January 2016  
A008 Rev C Proposed elevations unit 11 received 13 January 2016  
A009 Rev A Proposed sections unit 12 received 8 December 2014  
A010 Rev A Proposed sections unit 12 received 8 December 2014  
A011 Rev C Proposed structure unit 11 received 13 January 2016  
A012 Rev A Proposed structure unit 12 received 8 December 2014  
A013 Rev A Proposed elevations unit 12 received 8 December 2014

Flood Consequences Assessment prepared by Sanderson Associates dated November 2014 received 08 December 2014

The development shall be carried out strictly in accordance with these details.

Reason:

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

3. No development shall commence on site until a detailed scheme for the surface water drainage of the site, showing how road and roof / yard water will be dealt with has been submitted to and approved in writing by the Local Planning Authority. Details shall include existing drainage systems across the site and any connections to this system. Any calculations for onsite attenuation or discharge should also be included. Details shall also be provided on the perpetual management and maintenance of the proposed drainage scheme for the lifetime of the development. The approved scheme must be implemented prior to beneficial occupation and as built drawings should be submitted to the Local Planning Authority.

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

4. The implemented drainage scheme for the site should ensure that no surface water and/or land drainage run-off shall discharge, either directly or indirectly, into the public sewerage system.

Reason:

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

5. Prior to their use in the construction of the development hereby approved, a schedule of the proposed materials to be used (including details of hardstandings and footways) shall be submitted to and approved in writing by the Local Planning Authority and the development shall thereafter be carried out in accordance with the approved details.

Reason:

To ensure a satisfactory standard of development and to ensure compliance with Policy ENV27 of the Unitary Development Plan.

**2014/01433/1/CD**

**Details approved on 9th January 2019**

**Plans 'A001 Rev E', 'Design\_L(0) 01', 'A008 Rev C', 'A013 Rev A' and 'Topomix Permeable Tarmac' details submitted on 30 July 2018**

6. No part 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, and the improved footway and crossing point to the front of the site have been laid out in full accordance with the details shown on Proposed site plan 'A001 Revision E'. The parking, access, footways and turning areas shall thereafter be so retained at all times to serve the development hereby approved and the existing units on the site.

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 Policy ENV27 of the Unitary Development Plan.

7. Prior to the commencement of development, details of the finished levels of the site and the buildings approved in relation to existing ground levels shall be submitted to and approved in writing by the Local Planning Authority and the development shall be carried out in full accordance with the approved details.

Reason:

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

**2014/01433/1/CD**

**Details approved on 9th January 2019**

**Plan 'A1-Design\_L(0) 02' submitted on 4th October 2018**

8. The development permitted by this planning permission shall only and at all times be carried out in strict accordance with the Flood Consequences Assessment (FCA) accompanying this application dated November 2014, produced by Sanderson Associates.

Reason:

In order to minimise flood risk within the site and within the flood catchment area, and to ensure compliance with the requirements of Policy ENV7 of the Unitary Development Plan and Technical Advice Note 15 - Development and Flood Risk.

9. All means of enclosure (including retaining works) associated with the development hereby approved shall be in accordance with a scheme to be submitted to and agreed in writing by the Local Planning Authority prior to the commencement of development, and the means of enclosure shall be implemented in accordance with the approved details prior to the development being put into beneficial use.

2014/01433/FUL

Reason:

To safeguard local visual amenities, and to ensure compliance with the terms of Policy ENV27 of the Unitary Development Plan.

**2014/01433/1/CD**

**Details approved on 9th January 2019**

**Plans 'A001 Rev E', 'Design\_L(0) 01' submitted on 30 July 2018 and Plan 'A1-Design\_L(0) 02' submitted on 4th October 2018**

10. If, during development, contamination not previously identified is found to be present at the site then no further development shall be carried out until the developer has submitted a remediation strategy to the Local Planning Authority detailing how this unsuspected contamination shall be dealt with and approved in writing by the Local Planning Authority. The remediation strategy shall be implemented as approved.

Reason:

To protect sensitive groundwater at the site in accordance with policy ENV7 of the Development Plan.

11. A landscaping scheme shall be submitted to and approved in writing by the Local Planning Authority prior to the first beneficial occupation of the units.

Reason:

To safeguard local visual amenities, and to ensure compliance with the terms of Policy ENV27 of the Unitary Development Plan.

**2014/01433/1/CD**

**Details approved on 9th January 2019**

**Plan 'A001 Rev E', 'Design\_L(0) 01' submitted on 30 July 2018**

12. 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.

### 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 Local Development Plan 2011-2026.

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

Having regard to the provisions of policies ENV7 – Water Resources, ENV26 – Contaminated Land and Unstable Land, ENV27 – Design of New Developments, ENV29 – Protection of Environmental Quality, EMP2 – New Business and Industrial Development, EMP3- General Industry, EMP6 – Development Adjacent to Hazardous Industrial Uses and TRAN10 – Parking, it is considered that the proposed development would be acceptable, not resulting in unacceptable detriment to the countryside, water resources, impact upon amenity of neighbouring residential properties or highway safety issues.

### NOTE:

- 1. The proposed development site is crossed by a public sewer. No development (including the raising or lowering of ground levels) will be permitted within the safety zone which is measured either side of the centre line. For details of the safety zone please contact Dwr Cymru Welsh Water's Network Development Consultants on 0800 9172652.**

**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: 21 March 2016

**M. J. Goldsworthy**

Head of Regeneration and Planning

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

NOTES

Notification to be sent to an applicant when a Local Planning Authority refuse planning permission or grant it subject to conditions.

Appeals to the Welsh Government:

- If you are aggrieved by the decision of the Local Planning Authority to refuse permission for the proposed development or to grant it subject to conditions, then you can appeal to the Welsh Government under Section 78 of the Town and Country Planning Act 1990 (as amended).
- If you want to appeal, then you must do so within six months of the date of this notice, using a form which you can get from The Planning Inspectorate, Crown Buildings, Cathays Park, Cardiff CF10 3NQ.
- The Welsh Government can allow a longer period of an appeal, but will not normally be prepared to use this power unless there are special circumstances which excuse the delay in giving notice of appeal.
- The Welsh Government need not consider an appeal if it seems that the Local Planning Authority could not have granted planning permission for the proposed development or could not have granted it without the conditions they imposed, having regard to the statutory requirements, to the provisions of any Development Order and to any directions given under a Development Order.
- In practice, the Welsh Government does not refuse to consider appeals solely because the Local Planning Authority based their decision on a direction given by them.

Purchase Notices:

- If either the Local Planning Authority or the Welsh Government refuses permission to develop land or grants it subject to conditions, the owner may claim that he/she can neither put the land to a reasonable beneficial use in its existing state nor render the land capable of a reasonably beneficial use by the carrying out of any development which has been or would be permitted.
- In these circumstances, the owner may serve a Purchase Notice on the Council. This notice will require the Council to purchase his/her interest in the land in accordance with the provisions of Part VI of the Town and Country Planning Act 1990 (as amended).

PLEASE NOTE: THIS NOTICE RELATES ONLY TO A PLANNING DECISION AND DOES NOT RELATE TO OTHER LEGISLATION INCLUDING ANY LEGISLATION UNDER:

BUILDING REGULATIONS  
LISTED BUILDING LEGISLATION  
HIGHWAY LEGISLATION

IF PLANNING CONSENT HAS BEEN GRANTED IT IS ADVISABLE TO ESTABLISH WHETHER ANY OTHER FORM OF CONSENT IS REQUIRED AND TO OBTAIN SUCH CONSENT BEFORE COMMENCING DEVELOPMENT

**Please quote the application number in all correspondence.**