

15 00044 FUL

2009/01205/FUL

THE VALE OF GLAMORGAN COUNCIL

Town and Country Planning Act 1990
Town and Country Planning (General Development Procedure) Order 1995

FULL PLANNING PERMISSION

Agent:
Andrew Parker Architect,
The Great Barn,
Lillypot,
Bonvilston,
Vale of Glamorgan.
CF5 6TR

Applicant:
Mr. James Law,
The Retreat,
St. Nicholas,
Vale of Glamorgan.
CF5 6SJ

RECEIVED

14 JAN 2015

ENVIRONMENTAL
AND ECONOMIC
REGENERATION

Proposed new low energy dwelling at Land adjacent The Retreat, St. Nicholas

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 11 November 2009 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. Notwithstanding the submitted details, this permission does not relate to the first floor windows in the east elevation, (serving the two en-suite rooms, the family bathroom and storeroom,) and these windows are therefore not considered part of this approval.

Reason:

In the interests of safeguarding the privacy of neighbouring occupiers and to meet the requirements of Policies ENV27 and HOUS 11 of the Unitary Development Plan.

3. A scheme of alternative natural lighting for the first floor en-suite rooms, the family bathroom and storeroom is to be submitted to and approved in writing by the Local Planning Authority prior to the commencement of development. The development shall then be implemented in accordance with these approved details.

Reason:

In the interests of visual amenity and in accordance with Policies ENV27 of the Unitary Development Plan.

4. Notwithstanding the submitted details, the dwelling hereby permitted shall be rendered in a white or other similar light colour. Full details of this render type and colour 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 prior to the first beneficial use of the property.

Reason:

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

5. The development shall be carried out in accordance with the submitted sustainability statement unless the Local Planning Authority gives prior written consent to any variation.

Reason:

To meet the requirements of Strategic Policy 2 to ensure a sustainable form of development.

6. Notwithstanding the submitted plans, the flat roof over the garage of the replacement dwelling hereby approved shall not be used at any time as an additional amenity space / balcony area

Reason:

To protect the privacy and amenity of neighbouring properties and to ensure compliance with the terms of Policies ENV27 and HOUS11 of the Unitary Development Plan.

7. The attached garage hereby approved shall not be physically altered or converted to any other domestic purpose without first obtaining the formal consent of the Local Planning Authority. The garage shall be available at all times for the parking of private motor vehicles associated with the approved dwelling.

Reason:

To ensure that adequate off-street parking provision and garaging facilities are retained for the proposed dwelling, in accordance with Policy TRAN 10 of the Unitary Development Plan .

8. No part of the development hereby approved shall be brought into beneficial use until such time as the parking, turning and access areas have been laid out in full accordance with the details shown on approved Drawing No. 474/P/11 and the parking, access and turning areas shall thereafter be so retained at all times to serve the development hereby approved.

Reason:

15 00044 FUL

To ensure that satisfactory parking provision of vehicles is provided on site to serve the development, and to ensure compliance with the terms of Policies ENV27 and TRAN 10 of the Unitary Development Plan.

9. No surface water from the site shall drain onto the adopted highway or into the highway drainage system.

Reason:

In the interests of highway safety.

10. The developer shall ensure that a suitably qualified archaeologist is present during the undertaking of any ground disturbing works in the development area, so that an archaeological watching brief can be conducted. The archaeological watching brief shall be undertaken to the standards of the Institute of Field Archaeologists. The Local Planning Authority shall be informed, in writing, at least two weeks prior to the commencement of development of the name of the said archaeologist and no work shall begin until the Local Planning Authority has confirmed that the proposed archaeologist is suitable. A copy of the watching brief report shall be submitted to the Local Planning Authority within two months of the fieldwork being completed by the archaeologist.

Reason:

To identify and record any features of archaeological interest discovered during the works, in order to mitigate the impact of the works on the archaeological resource.

11. Notwithstanding the provisions of the Town and Country Planning (General Permitted Development) Order, 1995 (or any Order revoking and re-enacting that Order) the dwelling hereby approved shall not be extended or altered in any way without the prior written consent of the Local Planning Authority.

Reason:

To enable the Local Planning Authority to control the scale of development and to ensure compliance with the terms of Policy ENV27 of the Unitary Development Plan.

12. Notwithstanding the provisions of the Town and Country Planning (General Permitted Development) Order, 1995 (or any Order revoking and re-enacting that Order) no building, structure or enclosure required for a purpose incidental to the enjoyment of a dwelling-house shall be constructed, erected, or placed within the curtilage as hereby extended without the prior written consent of the Local Planning Authority.

Reason:

15 00044 FUL

To enable the Local Planning Authority to control the scale of development, and to ensure compliance with the terms of Policy ENV27 of the Unitary Development Plan.

13. Notwithstanding the details submitted as part of the application hereby approved, no development shall commence on site until such time as the possibility of a connection to the main sewer has been fully investigated and the following steps are undertaken:
- i. Formally approach the sewerage undertaker regarding a connection under Section 106 or a requisition under Section 98 of the Water Industry Act (WIA) 1991.
 - ii. Serve notice for connection under Section 106 of the WIA 1991 if the sewerage undertaker has refused connection.
 - iii. Provide details of the reasons given by the sewerage undertaker if it has refused connection under Section 98 of the WIA 1991 and confirmation that they have appealed against this decision.
 - iv. Demonstrate that it is not reasonable to connect to the public foul sewer.

Reason:

To ensure suitable and adequate drainage for the site, and to ensure compliance with the terms of Policy ENV27 of the Unitary Development Plan.

14. Having regard to the requirements of Condition No. 13 above, no development shall commence until full details of the scheme for foul and surface water drainage shall be submitted to and approved in writing by the Local Planning Authority and the approved scheme shall be fully implemented in accordance with the approved details prior to first beneficial use of the dwelling hereby approved.

Reason:

To ensure suitable and adequate drainage for the site, and to ensure compliance with the terms of Policy ENV27 of the Unitary Development Plan.

15. The windows annotated in approved Plan Nos. 474/P/13 and 474/P/14 as being obscure glazed shall be fitted with obscure glazing at the time of the construction of the development hereby approved and prior to the first beneficial use of replacement dwelling and shall thereafter be so maintained at all times.

Reason:

To ensure that the privacy and amenities of adjoining occupiers are safeguarded, and to ensure compliance with the terms of Policy ENV27 of the Unitary Development Plan.

15 00044 FUL

16. The proposed means of access shall have a hard surface of concrete or bituminous material for a minimum distance of 6.0m from the highway boundary.

Reason:

In the interests of highway safety.

17. Full details of the proposed means of enclosure for all boundaries of the site shall be submitted to and approved in writing by the Local Planning Authority prior to their construction on site, and such approved boundary treatment shall be constructed / provided on site prior to first beneficial use of the dwelling hereby approved, and thereafter retained in accordance with such approved details unless otherwise agreed in writing by the Local Planning Authority.

Reason:

In the interests of visual amenity, and to protect the character and appearance of the area as required by Policies HOUS8 and ENV27 of the adopted Unitary Development Plan.

18. The implemented drainage scheme for the site should ensure that all foul and surface water discharges separately from the site and that land drainage run-off shall not discharge, either directly or indirectly, into the public sewerage system.

Reason:

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

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.

15 00044 FUL

Having regard to Policies HOUS2 – Additional Residential Development; HOUS8 – Residential Development Criteria; HOUS11 – Residential Privacy and Space; ENV4 – Special Landscape Area; ENV27 – Design of New Developments; and TRAN10 – Parking, of the Vale of Glamorgan Adopted Unitary Development Plan 1996-2011; Supplementary Planning Guidance on Amenity Standards; and national guidance contained in Planning Policy Wales March 2002 (as amended by MIPPS) and TAN12 - Design, the dwelling is considered acceptable in terms of its siting, scale, massing, design and materials, in relation to its impact on the street scene of this part of St. Nicholas and the wider amenity of the area. The proposal is not considered to have an overbearing impact or result in any loss of privacy to adjoining and nearby residential occupiers. Furthermore the proposal is considered acceptable in relation to access and parking and provides adequate, usable and private amenity space to serve the proposed dwelling and the existing dwelling known as the retreat.

NOTE:

1. It is an offence under the Wildlife and Countryside Act 1981 (Section 1) to take, damage or destroy the nest of any wild bird. Therefore, it is advised that the felling of any trees in association with the new dwelling hereby approved shall only be undertaken outside the nesting season, which is generally recognised as being from March to August inclusive.

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.

15 00 044 FUL

2009/01205/FUL

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: 5 February 2010



Head of Planning and Transportation

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

15 00044 FUL

Date/Dyddiad: 6th May 2010

Ask for/Gofynwch am: Mr. Steven Rennie

Telephone/Rhif ffon: (01446) 704653

Fax/Ffacs: (01446) 704847

Your Ref/Eich Cyf:

My Ref/Cyf: P/DC/2009/01205/FUL

e-mail/e-bost: Planning&Transport@valeofglamorgan.gov.uk

The Vale of Glamorgan Council
Dock Office, Barry Docks, Barry CF63 4RT
Tel: (01446) 700111

Cyngor Bro Morgannwg
Swyddfa'r Doc, Dociau'r Barri, Y Barri CF63 4RT
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VALE of GLAMORGAN



Andrew Parker Architect,
The Great Barn,
Lillypot,
Bonvilston,
Vale of Glamorgan.
CF5 6TR

Dear Sir,

Town and Country Planning Act, 1990 (as amended)
Planning Permission Reference: 2009/01205/FUL
Proposal: Proposed new low energy dwelling
Location: Land adjacent The Retreat, St. Nicholas

I refer to the above referenced planning permission approved on 29th March 2010 and the details submitted in respect of the conditions of that permission. The plan submitted addresses the details of the boundary enclosure of the approved dwelling, though the plan does not indicate the retention of the existing boundary fence along the boundary where the beech hedgerow (Detail F) is indicated on the plan. This fence should be retained alongside the proposed hedgerow. Subject to the retaining of the existing fence to the eastern boundary between the site and the neighbour at Trehill Farm House, I can confirm that the plan number 474/P/250, showing the details of the enclosure of the approved dwelling, submitted with your letter dated 29th March 2010, are approved in compliance with the requirements of the following condition:

17. *Full details of the proposed means of enclosure for all boundaries of the site shall be submitted to and approved in writing by the Local Planning Authority prior to their construction on site, and such approved boundary treatment shall be constructed / provided on site prior to first beneficial use of the dwelling hereby approved, and thereafter retained in accordance with such approved details unless otherwise agreed in writing by the Local Planning Authority.*

Reason:

In the interests of visual amenity, and to protect the character and appearance of the area as required by Policies HOUS8 and ENV27 of the adopted Unitary Development Plan.

This condition will, of course, be fully discharged when the development is completed in accordance with the details hereby approved and in conjunction with the approved plans and decision notice.

Correspondence is welcomed in Welsh or English/Croesawir Gohebiaeth yn y Gymraeg neu yn Saesneg

John Maitland Evans, Chief Executive/Prif Weithredwr

Directors/Cyfarwyddwyr: Sian Davies, Finance, ICT & Property Services/Cyllid, TGC ac Eiddo; Peter Evans, Legal, Public Protection and Housing Services / Gwasanaethau Cyfreithiol Amddiffyn-y-cyhoeddathai; Bryan Jeffreys, Learning & Development/Dysgu a Datblygu; Rob Quick, Environmental & Economic Regeneration/Adnewyddu Amgrychddol ac Economaidd; Phil Evans, Social Services/Gwasanaethau Cymdeithasol.

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Please note that the following conditions remain to be discharged:

4. Notwithstanding the submitted details, the dwelling hereby permitted shall be rendered in a white or other similar light colour. Full details of this render type and colour 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 prior to the first beneficial use of the property.

Reason:

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

10. The developer shall ensure that a suitably qualified archaeologist is present during the undertaking of any ground disturbing works in the development area, so that an archaeological watching brief can be conducted. The archaeological watching brief shall be undertaken to the standards of the Institute of Field Archaeologists. The Local Planning Authority shall be informed, in writing, at least two weeks prior to the commencement of development of the name of the said archaeologist and no work shall begin until the Local Planning Authority has confirmed that the proposed archaeologist is suitable. A copy of the watching brief report shall be submitted to the Local Planning Authority within two months of the fieldwork being completed by the archaeologist.

Reason:

To identify and record any features of archaeological interest discovered during the works, in order to mitigate the impact of the works on the archaeological resource.

13. Notwithstanding the details submitted as part of the application hereby approved, no development shall commence on site until such time as the possibility of a connection to the main sewer has been fully investigated and the following steps are undertaken:

i. Formally approach the sewerage undertaker regarding a connection under Section 106 or a requisition under Section 98 of the Water Industry Act (WIA) 1991.

ii. Serve notice for connection under Section 106 of the WIA 1991 if the sewerage undertaker has refused connection.

iii. Provide details of the reasons given by the sewerage undertaker if it has refused connection under Section 98 of the WIA 1991 and confirmation that they have appealed against this decision.

iv. Demonstrate that it is not reasonable to connect to the public foul sewer.

Reason:

To ensure suitable and adequate drainage for the site, and to ensure compliance with the terms of Policy ENV27 of the Unitary Development Plan.

14. Having regard to the requirements of Condition No. 13 above, no development shall commence until full details of the scheme for foul and surface

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water drainage shall be submitted to and approved in writing by the Local Planning Authority and the approved scheme shall be fully implemented in accordance with the approved details prior to first beneficial use of the dwelling hereby approved.

Reason:

To ensure suitable and adequate drainage for the site, and to ensure compliance with the terms of Policy ENV27 of the Unitary Development Plan.

Failure to discharge these conditions may result in formal enforcement action being pursued.

Yours faithfully,



Head of Planning and Transportation

15 00044 FUL

Correspondence is welcomed in Welsh or English/Croesawir Gohebiaeth yn y Gymraeg neu yn Saesneg

John Maitland Evans, Chief Executive/Prif Weithredwr
Directors/Cyfarwyddwyr: Sian Davies, Finance, ICT & Property Services/Cyflid, TGC ac Elddo; Peter Evans, Legal, Public Protection and Housing Services /
Gwasanaethau Cyfreitholol Amddiffyn-y-cyhoeddathai;
Bryan Jeffreys, Learning & Development/Dysgu a Datblygu; Rob Quick, Environmental & Economic Regeneration/Adnewyddu Amgylcheddol ac Econïomaidd,
Phil Evans, Social Services/Gwasanaethau Cymdeithasol.