

Version 3

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:
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Vale of Glamorgan.
CF64 1BB

Applicant:
Loosemore Bryneithin Ltd
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Vale of Glamorgan.
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Retention of the development for 24 residential units granted planning permission by virtue of applications 2015/00954/FUL and 2016/00494/FUL with an amendment to the parking layout to serve that development at Bryneithin Home for the Elderly, St. Andrews Road, Dinas Powys

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 24 May 2017 subject to the following condition(s):

1. The development shall be completed in accordance with the following approved plans and documents:
 - 39314:AP27 - Site Location Plan
 - 39314:AP32 Rev B - Site Layout Plan
 - 39314:AP19 - House Types
 - 39314:AP20 - House Types
 - 39314:AP21 - House Types
 - 39314:AP24 - Rev B House Types
 - BS5837 2012 Tree Information Report 1.2015 prepared by James Pinder
 - BS 5837 Tree data plan dated 23/05/2016
 - Tree Survey and Arboriculture Impact Assessment for Revised Parking dated 03/07/2017
 - Tree Survey and Arboriculture Impact Assessment for Revised Parking dated 11/09/2017
 - 39314:AP07 Rev. A. Plan to accompany Tree Survey and Arboriculture Impact Assessment for Revised Parking
 - BS5837 Tree Data and document 'Tree Protection Fencing for rooting areas and CEZ'
 - TDA.2204.01 Rev A - Landscaping Plan
 - 'Texas Best Fence' and 'Si00:x Gallery' - Fencing Details
 - Construction Environmental Management Plan dated May 2016

- Construction Traffic Management Plan dated 14/06/2016
- IN0020/LP-01/ - Site Logistics Plan
- Vehicle Wheel Cleaning / Washing During the Construction note
- Addendum to Site Logistics Plan - showing wheel washing area
- 39314:AP25 – Details of Bat Boxes
- Wildlife Protection Plan dated April 2017
- C15241 505 C2 Drainage Construction Details Sheet 1
- C15241 506 C3 Drainage Construction Details Sheet 2
- C15241 507 C4 Drainage Construction Details Sheet 3
- C15241 508 C1 Drainage Construction Details Sheet 4
- C15241 Rep01 A SUDS Maintenance Strategy
- C15241 500 C3 Drainage Layout
- G/PC060/03 Approximate Location of Site Investigation Works
- PC060 Summary of rates of infiltration rates
- Micro Drainage Infiltration Details
- 39314:SITE/03 - Refuse Store
- C15241-702-C5 (Surfacing and kerbing)
- C15241-703-C6 (Construction details)

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.

2017/00497/1/NMA

Condition 1 amended 12 August 2019

2. All planting, seeding or turfing comprised in the details of landscaping shown on drawing number TDA.2204.01 Rev A 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), MD1 (Location of New Development) and MD2 (Design of New Developments) of the Local Development Plan.

3. The scheme of tree protection shall be implemented and retained in accordance with plan number BS5837 Tree Data and the document entitled 'Tree Protection Fencing for rooting areas and CEZ' for the duration of the completion of the development.

Reason:

In order to avoid damage to trees on or adjoining the site which are of amenity value to the area and to ensure compliance with Policies SP1 (Delivering the Strategy), SP10 (Built and Natural Environment), MD1 (Location of New Development) and MD2 (Design of New Developments) of the Local Development Plan.

4. All works within the vicinity of the trees identified as T4 to T7 on the plan that accompanied both documents entitled 'Tree Survey and Arboriculture Impact Assessment for Revised Parking' dated 03/07/2017 and 11/09/2017 shall be carried out in accordance with recommendation 8 d) of the Tree Survey and Arboriculture Impact Assessment for Revised Parking dated 11/09/2017 in that the works within the root protection areas of those trees shall be carried out using the "No Dig" method in accordance with BS5837:2012.

Reason:

In order to avoid damage to trees on or adjoining the site which are of amenity value to the area and to ensure compliance with Policies SP1 (Delivering the Strategy), SP10 (Built and Natural Environment), MD1 (Location of New Development) and MD2 (Design of New Developments) of the Local Development Plan.

5. All works to be undertaken within the Root Protection Area of the trees identified within the group G3 on the Plan that accompanied the documents entitled 'Tree Survey and Arboriculture Impact Assessment for Revised Parking' dated 03/07/2017 and 11/09/2017 shall be carried out in accordance with an Arboricultural Method Statement, the details of which shall have first been submitted to and approved in writing by the Local Planning Authority.

Reason:

In order to avoid damage to trees on or adjoining the site which are of amenity value to the area and to ensure compliance with Policies SP1 (Delivering the Strategy), SP10 (Built and Natural Environment), MD1 (Location of New Development) and MD2 (Design of New Developments) of the Local Development Plan.

2017/00497/1/CD

Details approved 23/07/2018 - Vale of Glamorgan Council

Arboricultural Method Statement dated 8th March, 2018, and the Tree protection Plan dated 02/2018 received 21/03/2018

6. No works shall be undertaken within the Root Protection Area of the tree identified as T2 and the north-western most trees within the group identified as G3 on the Plan that accompanied the documents entitled 'Tree Survey and Arboriculture Impact Assessment for Revised Parking' dated

03/07/2017 and 11/09/2017 until such time as a scheme of remedial arboricultural works to those trees has been completed, the details of which shall have first been submitted to and approved in writing by the Local Planning Authority.

Reason:

In order to avoid damage to trees on or adjoining the site which are of amenity value to the area and to ensure compliance with Policies SP1 (Delivering the Strategy), SP10 (Built and Natural Environment), MD1 (Location of New Development) and MD2 (Design of New Developments) of the Local Development Plan.

2017/00497/1/CD

Details approved 23/07/2018 - Vale of Glamorgan Council

Arboricultural Method Statement dated 8th March, 2018, and the Tree protection Plan dated 02/2018 received 21/03/2018

7. By no later than 1st September 2019, the traffic calming close to the entrance of the site shall be completed in accordance with drawing numbers C15241-702-C5 (Surfacing and kerbing) and C15241-703-C6 (Construction details) and shall thereafter be retained in perpetuity.

Reason:

In the interest of highway safety, including that within the site, to ensure a satisfactory form of access to serve the development, and to ensure compliance with the terms of Policies SP1 (Delivering the Strategy) and MD2 (Design of New Developments) of the Local Development Plan.

2017/00497/1/NMA

Condition 7 amended 12 August 2019

8. Prior to the occupation of the development all areas of external hard surfacing shall be completed in accordance with the details shown on plan number 39314:AP32 Rev B, save for the areas identified as 'Passing Bay' and 'Chippings for Manoeuvring' which shall be completed prior to the occupation of the development in a bound material to match the 'Golden Gravel' material details provided on plan number 39314:AP32 Rev B.

Reason:

To ensure that satisfactory form of internal highway, vehicle parking and turning facilities are provided on site to serve the development, and to ensure compliance with the terms of Policies SP1 (Delivering the Strategy), MD2 (Design of New Developments) of the Local Development Plan.

9. The development shall not be occupied until the parking spaces have been laid out within the site in accordance with drawing no 39314:AP32 Rev B. All parking spaces shall thereafter be kept available for the parking of vehicles in perpetuity.

Reason:

To ensure that satisfactory vehicle parking and turning facilities is provided on site to serve the development, and to ensure compliance with the terms of Policies SP1 (Delivering the Strategy) and MD2 (Design of New Developments) of the Local Development Plan.

10. All fencing comprised in the means of enclosure shown on plan number 39314:AP32 Rev B shall be constructed with a 15cm high gap at the base of the fence and shall be retained thereafter as such in perpetuity.

Reason:

In the interests of ecology and to ensure compliance with Policies SP1 (Delivering the Strategy) and MD9 (Promoting Biodiversity) of the Local Development Plan.

11. All bat boxes shown on plan number 39314:AP25 and all works recommended in part 2 of the 'Wildlife Protection Plan' dated April 2017 shall be completed prior to the occupation of the development.

Reason:

In the interests of ecology and to ensure compliance with Policies SP1 (Delivering the Strategy) and MD9 (Promoting Biodiversity) of the Local Development Plan.

12. Notwithstanding the provisions of schedule 2, Part 1, classes A, B, C, D and E 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), the development hereby approved shall not be altered in any way.

Reason:

To enable the Local Planning Authority to control the scale of development and to ensure compliance with Policies SP1 (Delivering the Strategy) and MD2 (Design of New Developments) of the Local Development Plan.

13. 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 on site other than those expressly authorised by this permission.

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.

14. The construction of the development hereby approved shall be completed in accordance with the Construction Environmental Management Plan dated May 2016 Construction Traffic Management Plan dated 14/06/2016.

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), MD2 (Design of New Developments) and MD7 (Environmental Protection) of the Local 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 Policies SP1 – Delivering the Strategy, MG1 – Housing Supply in the Vale of Glamorgan, MG4 – Affordable Housing, MG20 – Nationally Protected Sites and Species, MG21 – Sites of Importance for Nature Conservation, Regionally Important Geological and Geomorphological Sites and Priority Habitats and Species, 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 and MD9 - Promoting Biodiversity, as well as Supplementary Planning Guidance in the form of Amenity Standards, Affordable Housing, Biodiversity and Development , Model Design Guide for Wales, Parking Standards (Interactive Parking Standards Zones Map), Planning Obligations, Public Art, Sustainable Development - A Developer's Guide, and Trees and Development and national planning guidance in the form of Planning Policy Wales (Edition 9, 2016), Technical Advice Note 2 – Planning and Affordable Housing (2006), Technical Advice Note 5 – Nature Conservation and Planning (2009), Technical Advice Note 12 – Design (2016), Technical Advice Note 15 – Development and Flood Risk (2004), Technical Advice Note 16 - Sport, Recreation and Open Space (2009), Technical Advice Note 20 – Planning and the Welsh Language (2017), and Manual for Streets 1 & 2, the retention and completion of the development as proposed is considered acceptable in planning terms, including in respect of the details of its design, effect on highway safety,

impact on protected trees, impact on visual amenities of the wider area and impact on ecology and protected species.

NOTE:

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: 15 June 2018

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 or you can access their website here: <https://gov.wales/planning-appeals>
- 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.