

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

REFUSAL OF PLANNING PERMISSION

Agent:
Mr Dominic Phillips
Richard Andrews Architects Ltd
The Stables
The Estates Office
25-26 Gold Tops
Newport
NP20 4PG

Applicant:
Mr John Mcilhiney
Java Properties (South Wales) LTD
Bryngolwg
Watford Rd
Caerphilly
CF83 1NE

Change of use from a hairdressers (Class E) to a dwelling house (Class C3(a) Studio Apartment). The proposal involves utilising the extra space underneath the ground floor. Creating a mezzanine bedroom and splitting the apartment into 3 levels. at 20, Plymouth Road, Barry

In accordance with the application and plans registered on 7 November 2023 the Council in pursuance of its powers under the above mentioned Act and Order hereby **REFUSES TO PERMIT** the proposed development for the following reason(s):

1. The proposed scheme fails to provide adequate provision of usable and private amenity space to serve the proposed residential use of the 20, Plymouth Road. As such, the proposals would fail to accord with the provisions of Policy MD2 (Design of New Development) of the Local Development Plan, that amongst other things, seek the provision of amenity space in accordance with Council standards (criterion 9), that includes the adopted Residential and Householder Development SPG.

NOTE:

The decision to refuse 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 and Future Wales – the National Plan 2040.

Having regard to the Council's duties under the Equality Act 2010 the proposed development does not have any significant implications for, or effect on, persons who share a protected characteristic.

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.

The appropriate marine policy documents have been considered in the determination of this application in accordance with Section 59 of the Marine and Coastal Access Act 2009.

Dated: 24 January 2024

Ian Robinson

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Head of Sustainable Development

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

Note for applicant/agent

THESE NOTES SHOULD ALWAYS BE REPRODUCED WITH
COPIES OF THE DECISION NOTICE

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 the statutory period using a form which you can get from Planning and Environment Decisions Wales (PEDW), Crown Buildings, Cathays Park, Cardiff CF10 3NQ or you can access their website here: <https://www.gov.wales/planning-and-environment-decisions-wales>. The statutory period for appeal submissions are dependent on the type of appeal and the circumstances, detailed below.
- Appeals in respect of the;
 - Householder and 'minor commercial' development must be received within **12 weeks** from the date of the decision notice;
 - Advertisement consent applications must be received within **8 weeks** from the date of the decision notice; and,
 - Other types of planning application must be received within **6 months** from the date of the decision notice.
- 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 - call 01446 704842 or visit

https://www.valeofglamorgan.gov.uk/en/living/planning_and_building_control/building_control/Making-an-Application.aspx

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