

Version 4

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:
Miss Llinos Hallett
Asbri Planning Ltd.
Unit 9
Oak Tree Court
Cardiff Gate Business Park
Cardiff
CF23 8RS

Applicant:
Barry Waterfront Consortium
C/o Agent

The construction of a new primary school, access, car parking, landscaping and associated works at Land at Barry Waterfront

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 20 April 2021 subject to the following condition(s):

1. The development shall begin no later than five years from the date of this decision.

Reason:

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

2. The development shall be carried out in accordance with the following approved plans and documents:

- C4238 PDA V1 XX DR A 05 1000 Rev K
- C4328 JUB XX XX DR C 902 Rev P6
- C4328 JUB XX XX DR C 903 Rev P1
- C4328 PDA XX XX DR A 05 1010 Rev B
- C4328 PDA V1 XX DR A 05 1100
- C4328 PDA V1 RF DR A 05 1003 Rev E
- C4328 PDA V1 01 DR A 05 1002 Rev E
- C4328-PDA-XX-00-DR-A-20-2000_Rev P03
- C4328 PDA V1 XX DR A 05 3000 Rev A
- C4328-PDA-XX-XX-DR-A-20-2003_Rev P04
- C4294 JUBB XX XX DR Cs 0500 Rev P2

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.

2021/00379/2/NMA

Condition 2 amended- 18/10/22

2021/00379/1/NMA

Condition 2 amended 2/2/22

3. The development shall be carried out and maintained in accordance with the materials as prescribed on drawing C4328-PDA-XX-XX-DR-A-20-2003_Rev P04, or an alternative schedule of materials, details of which shall be submitted to and approved in writing by the Local Planning Authority prior to their use.

Reason:

To safeguard local visual amenities, as required by Policies SP1 and MD2 of the Local Development Plan.

2021/00379/1/NMA

Condition 3 amended 2/2/22

4. The development shall at all times be undertaken in accordance with the Galliford Try Construction Environmental Management Plan submitted 18/3/21.

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) and MD7 (Environmental Protection) of the Local Development Plan.

5. The development shall at all times be carried out in accordance with the recommendations contained within the Soltys Brewster Preliminary Ecology Appraisal July 2019.

Reason:

In the interests of ecology and to ensure compliance with Policy MD9 of the LDP.

6. Prior to the first occupation of the development, a scheme of ecological enhancements (and timescales for their delivery) shall be submitted to and approved in writing by the Local Planning Authority. The enhancements shall thereafter be delivered in accordance with the approved timescales and retained at all times thereafter.

Reason:

In the interests of ecology and to ensure compliance with policy MD9 of the LDP.

2021/00379/2/CD

Details approved 19/10/22- Vale of Glamorgan Council

Soltys Brewster Enhancement Note and Plan E0811607/DR01 Rev C

7. The landscaping of the site shall be in accordance with plan RMA-XX-XX-DR-L-470/1 Rev 01. 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 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 and MD2 of the Local Development Plan.

8. The school shall be operated in accordance with the Jubb Travel Plan Ref 20111 March 2021.

Reason:

To ensure the development accords with sustainability principles and that site is accessible by a range of modes of transport in accordance with Policies SP1 (Delivering the Strategy), MD1 (Location of New Development) and MD2 (Design of New Developments) of the Local Development Plan.

9. All means of enclosure associated with the development hereby approved shall be completed in accordance with those shown on plan C4328-PDS-V1-XX-DR-A-05-1000 Rev H, other than in respect of the front boundary fence, which shall be a maximum of 1.8m high for the extent of site boundary between the vehicular site access and the play area referred to on the plan as 'Main Play Area 02'.

Reason:

To safeguard local visual amenities, and to ensure compliance with Policies SP1 and MD2 of the Local Development Plan.

10. Prior to the first occupation of the school and prior to the completion of the playing field areas, details of existing ground levels within and adjacent to the site and proposed finished ground and floor levels have been submitted to and approved in writing by the Local Planning Authority. The development shall be carried out in accordance with the approved details.

Reason:

To ensure that residential amenity is safeguarded, and to ensure the development accords with Policies SP1 (Delivering the Strategy) and MD2 (Design of New Development) of the Local Development Plan.

2021/00379/2/CD

**Details approved 19/10/22- Vale of Glamorgan Council
Plan C4328-JUB-XX-XX-DR-C-0109 P2**

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 for the area comprises the Vale of Glamorgan Adopted Local Development Plan 2011-2026 and Future Wales – the National Plan 2040.

Having regard to Policies SP1, SP7, MG6, MD2, MD5, MD7 and MD9 of the Vale of Glamorgan Adopted Local Development Plan 2011-2026, PPW 10, TANs 11, 12, 16 and 18 and the Council's SPG on Biodiversity and Development, Parking Standards, Sustainable Development - A Developer's Guide and Travel Plans, the proposed development is considered acceptable in principle, and in respect of design, residential amenity, highway safety, parking, ecology and drainage.

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.

NOTE:

- 1. The applicant may need to apply to Dwr Cymru / Welsh Water for any connection to the public sewer under S106 of the Water Industry Act 1991. If the connection to the public sewer network is either via a lateral drain (i.e. a drain which extends beyond the connecting property boundary) or via a new sewer (i.e. serves more than one property), it is now a mandatory requirement to first enter into a Section 104 Adoption Agreement (Water Industry Act 1991). The design of the sewers and lateral drains must also conform to the Welsh Ministers Standards for Gravity Foul Sewers and Lateral Drains, and conform with the publication "Sewers for Adoption"- 7th Edition. Further information can be obtained via the Developer Services pages of www.dwrcymru.com**

The applicant is also advised that some public sewers and lateral drains may not be recorded on DCWW maps of public sewers because they were originally privately owned and were transferred into public ownership by nature of the Water Industry (Schemes for Adoption of Private Sewers) Regulations 2011.

The presence of such assets may affect the proposal. In order to assist DCWW in dealing with the proposal the applicant may contact Dwr Cymru Welsh Water on 0800 085 3968 to establish the location and status of the apparatus. Under the Water Industry Act 1991 Dwr Cymru Welsh Water has rights of access to its apparatus at all times.

- 2. New developments of more than one dwelling or where the area covered by construction work equals or exceeds 100 square metres as defined by The Flood and Water Management Act 2010 (Schedule 3), will require SuDS Approval Body (SAB) approval prior to the commencement of construction.**

Further information of the SAB process can be found at our website or by contacting our SAB team: sab@valeofglamorgan.gov.uk

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: 22 July 2021

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 - 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.

