

Application No: 18/02523/MNR

PERMISSION FOR DEVELOPMENT

To:
Mrs Needham
Volute Architects
22 Merton Green
Caerwent
NP26 5AT

Town and Country Planning Act 1990 (As Amended)
Town and Country Planning (Development Management Procedure) (Wales) Order 2012

WHEREAS you submitted an application for Full Planning Permission received on 26/10/2018 for: DEMOLITION OF PART OF THE 1990'S CONSTRUCTION WHICH PROVIDES THE PRINCIPAL ENTRANCE AND CONSTRUCTION OF A NEW LINK BUILDING BETWEEN THE 1968 PHASE OF THE CHURCH AND THE 1990'S SCHOOL ROOM TO PROVIDE AN EXTENDED COMMUNITY HALL. KITCHEN, STORE, TOILETS AND LOBBY. NEW RETAINING WALL. ALTERATIONS TO THE WEST GABLE OF THE 1968 PHASE OF THE CHURCH INCLUDING THE WEST WINDOW AND EXTERNAL CHURCHYARD TO THE NORTH AND WEST. NEW WINDOWS TO THE SOUTH ELEVATION OF THE SCHOOL ROOM. at ST EDWARD'S CHURCH, WESTVILLE ROAD, PENYLAN, CARDIFF, CF23 5DE (hereinafter called "the development");

CARDIFF COUNTY COUNCIL, as the Local Planning Authority for the County of Cardiff, in pursuance of its powers under the above mentioned Act and Orders, hereby PERMITS the development to be carried out in accordance with the application and plans submitted therewith, subject to compliance with the conditions specified hereunder:

1. The development permitted shall be begun before the expiration of five years from the date of this planning permission.
Reason: In accordance with the provisions 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 additional information:
 - Drawing No.101 Rev B – Site Plan as Existing with Removals and Clearance
 - Drawing No 202 Rev F Ground Floor Plan as Proposed
 - Drawing No 203 Rev D Roof Plan as Proposed

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- Drawing No 204 Rev D Elevations as Proposed
- Drawing No 205 Rev B Sections as Proposed
- Drawing No 301 A West Windows Alterations
- Drawing No 302 Detail Section through west window and entrance lobby as proposed (south windows)
- Drawing No 303 Rev A Section through New Roof
- Drawing no 701 Rev A – Exterior Finished Schedule (in respect of Roofs, Walls, Windows, Retaining Wall and Paths only)
- Drawing No. 703 Rev A – Window, Rooflight and Internal Screen Schedule
- Drawing No.704 Rev A – Door Schedule as Proposed
- Drawing no 200 P1 – Proposed section
- Initial Arboricultural Survey Report (dated 22.1.19)
- Soft Landscaping, Planting and Maintenance Schedule (dated 12.2.19)

Reason: To ensure satisfactory completion of the development and for the avoidance of doubt in line with the aims of Planning Policy Wales to promote an efficient planning system.

3. Notwithstanding the provisions of the Town and Country Planning (General Permitted Development) (Amendment) (Wales) Order 2013 (or any Order amending, revoking or re-enacting that Order) no windows shall be inserted in any wall in the extension other than those hereby approved.

Reason : To ensure that the privacy of adjoining occupiers is protected in accordance with Policy KP5 of the Cardiff Local Development Plan 2006-2026.

4. The materials to be used in the construction of the external surfaces of the extension hereby permitted shall be as specified on the approved drawings and as outlined on Drawing no 701 Rev A - Exterior Finishes Schedule (in respect of Roofs, Walls, Windows, Retaining Wall and Paths only), and that the finish of replacement timber window frames to the south elevation of the School Room shall match the existing colour of the windows as outlined in



the email from the agent dated 11th March 2019 unless otherwise agreed with the local planning authority.

Reason : To ensure the external materials harmonise with the existing building in the interests of the visual amenity of the area in accordance with Policy KP5 of the Cardiff Local Development Plan 2006-2026.

5. No development shall take place until a sample of the proposed brick associated with the walls of the extension have been submitted to and approved by the Local Planning Authority. The development shall be carried out in accordance with the approved details.

Reason: To ensure that the finished appearance of the development is in keeping with the area in accordance with Policy KP5 of the Cardiff Local Development Plan 2006-2026.

6. No development whatsoever shall commence until details of a scheme for the disposal of surface water has been submitted to and agreed in writing by the local planning authority. The scheme shall include an assessment of the potential disposal of surface water via sustainable means. Where a sustainable drainage scheme is to be provided the submitted detail shall:

- i. Provide information about the design storm period and intensity, the method employed to delay and control the surface water discharged from the site and the measure taken to prevent pollution of the receiving groundwater and/or surface waters;
- ii. Include a period for its implementation; and
- iii. Provide a management and maintenance plan of the development which shall include the arrangements for adoption by any public authority or statutory undertaker and any other arrangements to secure the operation of the scheme throughout its lifetime.

Reason: To ensure disposal of surface water via possible sustainable means, in accordance with EN14 of the Cardiff Local Development Plan 2020-26.

7. No development shall commence until a drainage scheme for the site has been submitted to and approved in writing by the Local Planning Authority. The scheme shall provide for the disposal of foul, surface and land water, and include an assessment of the potential to dispose of surface and land water by sustainable means. Thereafter the scheme shall be implemented in accordance with the approved details prior to the occupation of the development and no further foul water, surface water and land drainage shall be allowed to connect directly or indirectly with the public sewerage system.

Reason: To prevent hydraulic overloading of the public sewerage system, to protect the health and safety of existing residents and ensure no pollution of or detriment to the environment.

8. In the event that contamination is found at any time when carrying out the approved development that was not previously identified it must be reported in writing within 2 days to the Local Planning Authority, all associated works must stop, and no further development shall take place unless otherwise agreed in writing until a scheme to deal with the contamination found has been approved. An investigation and risk assessment must be undertaken and where remediation is necessary a remediation scheme and verification plan must be prepared and submitted to and approved in writing by the Local Planning Authority. Following completion of measures identified in the approved remediation scheme a verification report must be submitted to and approved in writing by the Local Planning Authority. The timescale for the above actions shall be agreed with the LPA within 2 weeks of the discovery of any unsuspected contamination.

Reason: To ensure that any unacceptable risks from land contamination to the future users of the land, neighbouring land, controlled waters, property and ecological systems are minimised, and to ensure that the development can be carried out safely without unacceptable risks to workers, neighbours and other offsite receptors in accordance with policy EN13 of the Cardiff Local Development Plan.

9. Any topsoil [natural or manufactured], or subsoil, to be imported shall be assessed for chemical or other potential contaminants in accordance with a scheme of investigation which shall be submitted to and approved in writing by the Local Planning Authority in advance of its importation. Only material approved by the Local Planning Authority shall be imported. All measures specified in the approved scheme shall be undertaken in accordance with the relevant Code of Practice and Guidance Notes.

Subject to approval of the above, sampling of the material received at the development site to verify that the imported soil is free from contamination shall be undertaken in accordance with a scheme and timescale to be agreed in writing by the LPA.

Reason: To ensure that the safety of future occupiers is not prejudiced in accordance with policy EN13 of the Cardiff Local Development Plan.

10. Any aggregate (other than virgin quarry stone) or recycled aggregate material to be imported shall be assessed for chemical or other potential contaminants in accordance with a scheme of investigation which shall be submitted to and approved in writing by the Local Planning Authority in advance of its importation. Only material approved by the Local Planning

Authority shall be imported. All measures specified in the approved scheme shall be undertaken in accordance with the relevant Code of Practice and Guidance Notes.

Subject to approval of the above, sampling of the material received at the development site to verify that the imported material is free from contamination shall be undertaken in accordance with a scheme and timescale to be agreed in writing by the LPA.

Reason: To ensure that the safety of future occupiers is not prejudiced in accordance with policy EN13 of the Cardiff Local Development Plan.

11. No clearance of trees, bushes or shrubs to take place between 1st March and 15th August unless otherwise approved in writing by the Local Planning Authority. This approval will be given if it can be demonstrated that there are no birds nesting in this vegetation immediately (48 hrs) before works commence.

Reason: To avoid disturbance to nesting birds which are protected under the Wildlife and Countryside Act 1981: Part 1, 1(1)(b), it is an offence to intentionally take, damage or destroy the nest of any wild bird while that nest is in use or being built.

12. No development shall take place which is not in accordance with the submitted Arboricultural Method Statement (AMS) (22nd January 2019), the Soft Landscaping, Planting and Maintenance Schedule (12th February 2019) and until a Finalised Tree Protection Plan (TPP) in the form of a scale drawing showing the finalised layout and the tree and landscaping protection methods detailed in the AMS that can be shown graphically has been submitted to and approved in writing by the Local Planning Authority (LPA) in accordance with the current British Standard 5837.

Unless written consent is obtained from the LPA, the development shall be carried out in full conformity with the approved AMS, Soft Landscaping, Planting and Maintenance Schedule and TPP.

Reason: To enable the Local Planning Authority to assess the effects of the proposals on existing trees and landscape; the measures for their protection; to monitor compliance and to make good losses.

13. All planting shown on the approved plans and within the Soft Landscaping, Planting and Maintenance Schedule shall be carried out in the first planting season following the completion of the development.

Any newly planting which within a period of 5 years from the completion of the development dies, is removed, becomes seriously damaged or diseased, or in the opinion of the Local Planning Authority (LPA) otherwise defective, shall be replaced in the first available planting season and to the specification shown on approved plans and in supporting documents, unless the LPA gives written consent to any variation.



Reason: To maintain and improve the amenity and environmental value of the area, in accordance with Policy KP16 and Policy EN8 of the Local Development Plan.

All policies and proposals in the Development Plan which are relevant to this decision are listed in the report on the Application.

IT IS IMPORTANT THAT YOU SHOULD READ THOSE NOTES ON THE ATTACHED SHEET WHICH ARE RELEVANT TO THIS TYPE OF APPLICATION.

Dated: 25/04/2019



James Clemence
HEAD OF PLANNING

County Hall, Cardiff, CF10 4UW

It should also be noted that:

1. The applicant be advised that no work should take place on or over the neighbour's land without the neighbour's express consent and this planning approval gives no such rights to undertake works on land outside the applicants ownership.
2. Natural Resources Wales advise the applicant that it is their responsibility to ensure that they secure all permits/consents relevant to their development.
3. The contamination assessments and the affects of unstable land are considered on the basis of the best information available to the Planning Authority and are not necessarily exhaustive. The Authority takes due diligence when assessing these impacts, however you are minded that the responsibility for
 - (i) determining the extent and effects of such constraints;
 - (ii) ensuring that any imported materials (including, topsoils, subsoils, aggregates and recycled or manufactured aggregates/ soils) are chemically suitable for the proposed end use. Under no circumstances should



controlled waste be imported. It is an offence under Section 33 of the Environmental Protection Act 1990 to deposit controlled waste on a site which does not benefit from an appropriate waste management license. The following must not be imported to a development site;

- Unprocessed / unsorted demolition wastes.
- Any materials originating from a site confirmed as being contaminated or potentially contaminated by chemical or radioactive substances.
- Japanese Knotweed stems, leaves and rhizome infested soils. In addition to section 33 above, it is also an offence under the Wildlife and Countryside Act 1981 to spread this invasive weed; and
- (iii) the safe development and secure occupancy of the site rests with the developer.

Proposals for areas of possible land instability should take due account of the physical and chemical constraints and may include action on land reclamation or other remedial action to enable beneficial use of unstable land.

The Local Planning Authority has determined the application on the basis of the information available to it, but this does not mean that the land can be considered free from contamination.

- 4 The applicant be advised that a 975x600mm public combined sewer runs through the rear access lane. Under the Water Industry Act 1991 Dwr Cymru Welsh Water has rights of access to its apparatus at all times and therefore a protection zone is required to ensure that sufficient access can be maintained and to ensure no additional loading is placed on the sewer. 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). No new direct connection would be permitted to the brick egg drain. 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 our 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. Under the Water Industry Act 1991 Dwr Cymru Welsh Water has rights of access to its apparatus at all times.

6. It is advised that if archaeological features are disturbed during the course of the work please contact The Gwent Glamorgan Archaeological Trust.



HAVE YOU CHECKED TO SEE IF YOU NEED BUILDING REGULATION APPROVAL?

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**APPLICATIONS FOR PLANNING PERMISSION, APPROVAL OF RESERVED MATTERS AND
CERTIFICATE OF LAWFUL USE**

(i) Appeals

An appeal can be made to the National Assembly for Wales against the City of Cardiff's refusal of planning permission for the proposal or to grant it subject to conditions (see Section 78 of the Town and Country Planning Act 1990). This must be made within 6 months for most applications, and 12 weeks for household applications and A1, A2 and A3 commercial applications.

The Secretary of State may not consider an appeal if it appears that the City could not have granted planning permission for the proposal, or could not have granted it without the conditions it imposed, having regard to the statutory requirements or to the provisions and directions of the development order.

(ii) Purchase Notices

The land or property owner may be able to serve a purchase notice on the City if it has refused permission to develop land or has granted it subject to conditions. In order to serve a purchase notice the owner must show that the land can neither be put to a reasonably beneficial use in its existing state and is not capable of reasonably beneficial use by the carrying out of other development which has been or would be permitted.

A purchase notice will require the City to buy the owner's interest in the land in accordance with the provisions of Part VI of the Town and Country Planning Act 1990.

(iii) Compensation

It may be possible to claim compensation from the City if permission is refused, or granted subject to conditions by the Secretary of State on appeal or on reference of the application to him (see Section 137 and related provisions of the Town and Country Planning Act 1990).

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APPLICATIONS FOR CONSENT TO DISPLAY ADVERTISEMENTS

- (i) All advertisements (and any site used for the display of advertisements) granted consent must:
- (a) be maintained in a clean, tidy and safe condition;
 - (b) not be displayed without the permission of the owner of the site or any person with an interest in the site entitled to grant permission; and
 - (c) not be displayed or sited so as to obscure or hinder the ready interpretation of any road traffic sign, railway signal or aid to navigation by water or air, or so as otherwise to make hazardous the use of any highway, railway, waterway or aerodrome.

Any existing advertisements which need to be removed shall be removed to the reasonable satisfaction of the City.

- (ii) Appeals can be made to the Planning Inspectorate, if consent is refused by the City or is granted subject to conditions, or for less than 5 years. Appeals must be made within 8 weeks from the date of the decision. Appeals must include copies of the application with all relevant submitted plans, correspondence and the decision notice (see Town and Country Planning (Control of Advertisements) Regulations 1992).

APPLICATIONS FOR LISTED BUILDING CONSENT OR CONSERVATION CONSENT

(i) Appeals

An appeal can be made to the Planning Inspectorate (normally within 6 months or 12 weeks for household applications and A1, A2 and A3 commercial applications) against the City's decision to refuse consent for the proposal or to grant consent subject to conditions (see regulation 8 of the Planning (Listed Buildings and Conservation Areas) Regulations 1990).

(ii) Purchase Notice

The property owner may be able to serve a purchase notice on the City if it has refused consent or granted it subject to conditions. In order to serve a purchase notice the owner must show that the property can neither be put to a reasonably beneficial use in its existing state and is not capable of reasonably beneficial use by the carrying out of other development which has been or would be permitted.

A purchase notice will require the City to buy the owner's interest in the property in accordance with Section 32 of the Planning (Listed Buildings and Conservation Areas) Act 1990.

(iii) Compensation

It may be possible to claim compensation from the City if consent is refused, or granted subject to conditions by the Planning Inspectorate on appeal or on reference of the application to him (see Section 27 of the Planning (Listed Building and Conservation Area) Act 1990).

ACCESS TO BUILDINGS FOR DISABLED PERSONS

Please consider adequate provision for access to buildings which disabled persons are likely to use such as shops, offices, factories, railway premises and educational establishments. (See Section 76 of the Town and Country Planning Act 1990). Please contact the Building Control Division, SPHT&T, County Hall, Atlantic Wharf, Cardiff, CF10 4UW for further advice. (Phone :029 2233 0381/2/3).

PLEASE CONTACT THE NATIONAL ASSEMBLY FOR WALES, PLANNING INSPECTORATE, CROWN BUILDING, CATHAYS PARK, CARDIFF, CF10 3NQ FOR DETAILS OF APPEAL PROCEDURES AND FORMS:

TEL : 0303 444 5940

Email: wales@pins.gsi.gov.uk