

No.

## PLANNING COMMITTEE

Minutes of a remote meeting held on 4<sup>th</sup> November, 2020.

The Committee agenda is available [here](#)

Present: Councillor: J.C. Bird (Chairman); Councillor B.T. Gray (Vice-Chairman);  
Councillors: Ms. R.M. Birch, Mrs. C.A. Cave, Mrs. P. Drake, V.P. Driscoll,  
S.T. Edwards, N.P. Hodges, Dr. I.J. Johnson, G.C. Kemp, A.C. Parker,  
L.O. Rowlands, N.C. Thomas, E. Williams and M.R. Wilson.

Also present: Councillor L. Burnett.

<b>Name of Speaker</b>	<b>Planning Application No. and Location</b>	<b>Reason for Speaking</b>
Dr. Imran Kassam	2020/00257/FUL - 4 Arcot Street, Penarth	The Applicant or their Representative
Mrs. Jillian Lias (represented by Mr. Jonathan Hill, Barrister, Pendragon Chambers)	2020/00881/FUL - 98 South Road, Sully	The Applicant or their Representative

### 156 ANNOUNCEMENT –

Prior to the commencement of the business of the Committee, the Chairman read the following statement:

*“May I remind everyone present that the meeting will be recorded via the internet and this recording archived for future viewing.”*

### 157 APOLOGIES FOR ABSENCE –

These were received from Councillors Mrs. M.R. Wilkinson and Ms. M. Wright.

### 158 MINUTES –

RESOLVED – T H A T the minutes of the meeting held on 30<sup>th</sup> September, 2020 be approved as a correct record.

### 159 DECLARATIONS OF INTEREST –

No declarations were received.

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160 PLANNING APPLICATIONS (HRP) –

Having considered the applications for planning permission, and where necessary, the observations of interested parties, it was

RESOLVED – T H A T in pursuance of the powers delegated to the Committee, the following applications be determined as indicated and any other necessary action be taken.

**2020/00257/FUL** Received on 6 March 2020

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**APPLICANT** : Mr. Kassam c/o Agent

**AGENT** : Mr. D. Thomas DTB Design, Temple Court, 13a, Cathedral Road, Cardiff, CF11 9HA

**4, Arcot Street, Penarth**

Conversion of ground floor and lower ground floor to 4 duplex apartments

APPROVED 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:

CVV6/3/b - Lower Ground Floor Proposed - Received 20/10/20

CVV6/4/a - Proposed Ground Floor Plan - Received 27/02/20

CVV6/5/a - Proposed Elevations - Received 27/02/20

Proposed Section Plan - Received 18/08/20

CVV/6/6 - Site plan - Received 20/10/20

CVV6/1 - Site Location Plan - Received 20/10/20

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.

3. Any part of the rear elevation ground floor (first floor when viewed at rear) windows (lounge kitchen window and bedroom window serving Flat 1) that are below 1.7m in height above the level of the floor in the room that it

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serves shall be obscurely glazed to a minimum of level 3 of the "Pilkington" scale of obscuration and fixed pane at the time of installation, and so retained at all times thereafter.

Reason:

To ensure that the privacy and amenities of adjoining occupiers are safeguarded, and to ensure compliance with Policies SP1 (Delivering the Strategy) and MD2 (Design of New Developments) of the Local Development Plan.

4. The development shall not be occupied until the bin store and Sheffield cycle stands have been provided as in accordance with the approved plan CVV6/3/b - Lower Ground Floor Proposed - Received 20/10/20 and they shall be retained in perpetuity.

Reason:

To ensure that satisfactory parking for cycles and bin storage facilities are provided on site to serve the development, and to ensure compliance with the terms of Policies SP1 (Delivering the Strategy), MD1 (Location of New Development) and MD2 (Design of New Developments) of the Local Development Plan.

#### Reason for decision

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.

Having regard to Policies SP1 – Delivering the Strategy, MD1 - Location of New Development, MD2 - Design of New Development and MD5 – Development within Settlement Boundaries, of the Vale of Glamorgan Adopted Local Development Plan 2011- 2026 and the advice contained within the Council's Supplementary Planning Guidance on Residential and Householder Development, Planning Obligations and Affordable Housing, Planning Policy Wales 10th Edition and Technical Advice Note 12 – Design (2016), the proposal is considered acceptable in terms of its scale, design, impact on neighbours and amenity space provision and parking.

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.

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**2020/00511/FUL** Received on 29 June 2020

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**APPLICANT** : Mr. Ryan Pen Trading Ltd, Beachcliff Fish and Chips, Unit 4, The Esplanade, Penarth, Vale of Glamorgan, CF63 3AS

**Agent** : Ms. Carolyn Jones Carolyn Jones Planning Services, 58, Lyric Way, Thornhill, Cardiff, CF14 9BP

#### **Unit 4, Beachcliff, The Esplanade, Penarth**

Variation of Condition 8 of Planning Permission Reference: 2013/00629/FUL to allow the takeaway element of the business to continue to operate from the premises, and the regularisation of outstanding conditions from that consent

APPROVED subject to the following condition(s):

1. The development shall be retained in accordance with the following approved plans and documents:

- CAJ/2020/40Q-01/B, Site Location Plan, Received 16/10/20
- Floor Plan of Unit 4, Received 19/05/20

Drainage Details

- GP-DMI-STD-2 Product Data Sheet, Received 10/08/20

Architectural Details/ Windows and Doors Details/ Shop Front Details/  
External Materials Details

- Beachcliff Outstanding Planning Conditions (1), Received 10/08/20
- External Window/Door Schedule 01 08 05 (1), Received 10/08/20
- C\_AC004 (A), New Shop Fronts (Ground Floor), Received 12/08/20
- C\_AC005 (A), New Shop Fronts/Doors (Ground Floor), Received 12/08/20
- C AC006, Condition 5 (New Shop Fronts), Received 12/08/20
- C\_AD431, Exterior Wall (Brickwork Coursing), Received 12/08/20
- C\_AD443, Section Detail (Apron Roof above Bay Window), Received 12/08/20
- C\_AD445, Typical Chimney Section Plan and Elevation, Received 12/08/20
- C\_AD453, (A) Section Detail (Setting out Blockwork), Received 12/08/20
- C\_AD459, Section Details (Head Detail 2nd Floor Bay Win), Received 12/08/20
- C\_AD462, Section Detail (Head Detail 2nd Floor Flush Win), Received 12/08/20
- C\_AD468, Section Detail (Flat Roof Above 1st Floor Bay Windows), Received 12/08/20
- C\_AD469, Section Gable (Gable Ridge G/L 4/8), Received 12/08/20
- C\_AD472, Detail Section (Roof Ridge), Received 12/08/20
- C\_AD474, Detail Section (Roof Valley), Received 12/08/20

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- AS615 (A), Section C-C (Hotel Service Core), Received 12/08/20

Fume Extraction Details

- 303.1392.005 (C), ELEVATION F-J, Received 03/09/20
- DE-008, Item 12.03 Air Replacement Canopy, Received 03/09/20
- Quote Letter dated 02/09/20, Received 03/09/20
- 303.1392.001, Ground Floor General Arrangement Layout, Received 03/09/20
- 303.1330.000, Ground Floor Catering Design Layout Issue, Received 10/08/20
- Scope of Works Carried Out, Received 05/08/20

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.

2. Any new means of enclosure, including any gates or piers, associated with the development hereby approved shall be in accordance with a scheme which shall have first been submitted to and approved in writing by the Local Planning Authority, prior to their erection or construction on site. Notwithstanding the terms of the Town and Country Planning (General Permitted Development ) Order 1995 or any order amending ,revoking, or re-enacting that order the approved means of enclosure shall not be replaced with any alternative enclosure, gate or pier without the prior written consent of the Local Planning Authority.

Reason:

To safeguard local visual amenities, and to ensure compliance with the terms of Policies MD2 (Design of New Development, MD5 (Development within Settlement Boundaries) and MD8 (Historic Environment) of the adopted Local Development Plan.

3. With the exception of Unit 4 (identified shaded green on plan ref. CAJ/2020/40Q-01/B Site Location Plan, Received 16/10/20) the units indicated as commercial uses for purposes falling within class A3 (Food and Drink) of the Town and Country Planning (Use Classes) Order 1987 as amended shall not be used for purposes of a takeaway unless the Local Planning Authority give prior written consent. Notwithstanding the terms of the Town and Country Planning (General Permitted Development) Order 1995 Part 3, or any order amending revoking or re-enacting that order, the A3 uses hereby approved shall not be changed to any other permitted use.

Reason:

To control the precise nature of the use of the site in the interests of highway safety and to ensure compliance with the terms of Policy MD5

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(Development within Settlement Boundaries) of the Local Development Plan.

4. There shall be no use of adhesive film or vinyl graphics sheets as a form of window treatment on any of the new ground floor front windows at any time and a window display shall be provided at all times unless the Local Planning Authority give written consent to any variation.

Reason:

To avoid the creation of a 'dead frontage' and to ensure compliance with Policies MD2 (Design of New Development), MD5 (Development within Settlement Boundaries) and MD8 (Historic Environment) of the adopted Local Development Plan.

5. 5 refuse bins shall be sited to the front of Unit 4 (Identified shaded green on plan ref. CAJ/2020/40Q-01/B Site Location Plan, Received 16/10/20), as stated in the email received from Carolyn Jones (Agent) dated 28/06/20 at all times when that unit is operating as a takeaway.

Reason:

To protect the environmental quality of the locality and comply with the requirements of Policy MD5 (Development within Settlement Boundaries) of the adopted Local Development Plan.

6. The fume extraction systems identified in plans and documents ref.:

- 303.1392.005 (C), ELEVATION F-J, Received 03/09/20
- DE-008, Item 12.03 Air Replacement Canopy, Received 03/09/20
- Quote Letter dated 02/09/20, Received 03/09/20
- 303.1392.001, Ground Floor General Arrangement Layout, Received 03/09/20
- 303.1330.000, Ground Floor Catering Design Layout Issue, Received 10/08/20
- Scope of Works Carried Out, Received 05/08/20

shall be maintained and retained on site at all times.

Reason:

To mitigate the impact of smells and odours on surrounding occupiers and comply with the requirements of Policy MD5 (Development within Settlement Boundaries)

#### Reason for decision

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

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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.

Having regard to Policies SP1 Delivering the Strategy, SP10 Built and Natural Environment, MD2 Design of New Development, MD5 Development within Settlement Boundaries, MD7 Environmental Protection and MD8 Historic Environment, as well as guidance contained within the Parking Standards SPG and Planning Policy Wales Edition 10, these proposals are considered acceptable in respect of their impact on highway safety, the character of the locality and conservation area and the environmental quality of the locality.

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.

**2020/00881/FUL** Received on 26 August 2020

(p33)

**APPLICANT** : Jill Lias 98, South Road, Sully, Vale of Glamorgan. CF64 5SN

**AGENT** : Jill Lias 98, South Road, Sully, Vale of Glamorgan. CF64 5SN

**98, South Road, Sully**

Retention of fence adjacent to South Road

It is therefore

RESOLVED -

(1) T H A T Planning permission for retention of the fence be refused for the following reason:

(i) By virtue of its design, siting and scale, and the context of open frontages within which the site sits within, the fence appears as a visually harmful and incongruous form of development, which is damaging to the appearance and character of the site and the wider street scene. Therefore, the retention of the fence is considered unacceptable and contrary to the requirements of policies SP1 Delivering the Strategy, MD2 Design of New Development, MD5 Development within Settlement Boundaries of the Local Development Plan, as well as guidance contained within TAN 12 Design and PPW 10.

(2) T H A T the Head of Legal Services be authorised to serve an Enforcement Notice under Section 172 of the Town and Country Planning Act 1990 (as

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amended) to require:

- (i) The reduction in the height of the fence and any supporting posts / structure to a height of no more than 1m above ground level.
- (3) T H A T the Head of Legal Services be authorised to take such legal proceedings as may be required, in the event of non-compliance with the Notice.

Reason for decision

By virtue of its design, siting and scale, and the context of open frontages within which the site sits within, the fence appears as a visually harmful and incongruous form of development, which is damaging to the appearance and character of the site and the wider street scene. Therefore, the retention of the fence is considered unacceptable and contrary to the requirements of policies SP1 Delivering the Strategy, MD2 Design of New Development, MD5 Development within Settlement Boundaries of the Local Development Plan, as well as guidance contained within TAN 12 Design and PPW 10.

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.

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.

It is considered that the decision to issue an Enforcement Notice 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.