

No.

## PLANNING COMMITTEE

Minutes of a remote meeting held on 16<sup>th</sup> December, 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, Mrs. M.R. Wilkinson, E. Williams and M.R. Wilson.

Also present: Councillors L. Burnett and M.J.G. Morgan.

<b>Name of Speaker</b>	<b>Planning Application No. and Location</b>	<b>Reason for Speaking</b>
Mr. Terry McCarthy	2020/00711/FUL - Land off Rosebery Place / rear of 86 Stanwell Road	Objectors to the application or their representative
Dr. Christine Stokes	2020/00711/FUL - Land off Rosebery Place / rear of 86 Stanwell Road	Objectors to the application or their representative

Councillor M.J.G. Morgan spoke on the following application in his capacity as Vale of Glamorgan Member for Peterston-Super-Ely, 2019/01194/FUL, 16 Tair Onen, Welsh St. Donats.

Councillor L. Burnett spoke on the following application in her capacity as Vale of Glamorgan Member for Stanwell, 2020/00711/FUL, Land off Rosebery Place / rear of 86 Stanwell Road.

### 300 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.”*

### 301 APOLOGIES FOR ABSENCE –

This was received from Councillor Ms. M. Wright.

### 302 MINUTES –

RESOLVED – T H A T the minutes of the meeting held on 25<sup>th</sup> November, 2020 be approved as a correct record.

No.

### 303 DECLARATIONS OF INTEREST –

Councillor A.C. Parker declared an interest in respect of Application Nos.

- 2019/01194/FUL - 16 Tair Onen, Welsh St. Donats. The nature of the interest was that he was the architect involved with the planning application;
- 2020/00711/FUL - Land off Roseberry Place/Rear of 86 Stanwell Road, Penarth. The nature of the interest was that he previously had a working relationship with the applicant.
- 2020/00712/CAC - Land off Roseberry Place, Rear of 86 Stanwell Road, Penarth. The nature of the interest was that he previously had a working relationship with the applicant.

Therefore, Councillor Parker withdrew from the meeting when these items were considered.

### 304 PUBLIC RIGHTS OF WAY SUB-COMMITTEE (MD) –

The purpose of the report was to confirm the re-appointment of the Public Rights of Way Sub-Committee, its membership and Terms of Reference.

Appointment of the Public Rights of Way Sub-Committees was required for each Municipal Year. The Public Rights of Way Sub-Committee (comprising five Members) was included in the "Political Balance" table which was used at the Annual Meeting on 14<sup>th</sup> September, 2020 in terms of the appointment of Committees generally.

Based on "Political Balance" the membership of the Sub-Committee was to comprise 2 Conservative Group Members, 2 Labour Group Members and 1 Vale Independent Group Member.

The report sought appointment to the five positions of the Sub-Committee.

The Chairman confirmed that he would be the Vale Independent Group appointment for the Public Rights of Way Sub-Committee. In terms of the other political groups, the Labour Group stated they would circulate and seek confirmation on which of their Members from the Planning Committee would be appointed to the Sub-Committee as soon as possible. The Conservative Group would also get final confirmation on the nominations they had previously provided to Democratic Services. The Chairman and Committee agreed that once the remaining names had been agreed by the respective political groups, the Planning Committee be notified via Democratic Services accordingly.

RESOLVED -

(1) T H A T the membership of the Public Rights of Way Sub-Committee for 2020/21 be confirmed comprising of 5 Members (2 Labour, 2 Conservative, 1 Vale

No.

Independent Group (namely Councillor J.C. Bird)) and that the Labour and Conservative political groups confirm their representatives on the Public Rights of Way Sub-Committee as soon as possible with the Planning Committee being advised of such names at a later date.

(2) T H A T the Terms of Reference of the Sub-Committee, including the membership as outlined in Resolution (1) above, for the Municipal Year 2020/21 be endorsed.

Reason for decisions

(1&2) To facilitate decision-making.

305 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.

**2019/01194/FUL** Received on 31 October 2019

(p1)

**APPLICANT:** Mr. & Mrs. Taylor 16, Tair Onen, Welsh St. Donats, Vale of Glamorgan, CF71 7LA

**AGENT:** Andrew Parker Architect, The Great Barn, Lillypot, Bonvilston, Vale of Glamorgan, CF5 6TR

**16, Tair Onen, Welsh St. Donats**

Proposed granny annexe. Ancillary to main dwelling

**REFUSED**

1. The proposed annexe would, due to the scale of accommodation proposed, its siting and proposed use, be considered as a self-contained dwelling. The proposal therefore amounts to unjustified residential development in an unsustainable rural location where future occupiers would rely heavily on private motorcars to access everyday goods and services. The proposal is contrary to policies SP1 (Delivering the Strategy) and MD1 (Location of New Development) of the Vale of Glamorgan Local Development Plan 2011 – 2026 and paragraphs 3.35 and 3.56 and the transport-related objectives of chapter four (Active and Social Places) of Planning Policy Wales (Edition 10, December 2018).

No.

Reason for decision

The decision to recommend that planning permission be refused 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.

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.

**2020/00711/FUL** Received on 1 July 2020  
(p20)

**APPLICANT:** Mr. & Mrs. Swetman, 3, Dros y Mor, Penarth, Vale of Glamorgan CF64 3BA

**AGENT:** James Stroud Loyn and Co Architects, 88, Glebe Street, Penarth, Vale of Glamorgan CF64 1EF

**Land off Rosebery Place / rear of 86, Stanwell Road, Penarth**

Demolition of existing pre-fabricated garages to be replaced by proposed new, low energy 3 bed dwelling with associated external works and replacement boundary walls

RESOLVED – T H A T subject to the interested parties first entering into a Section 106 Agreement to secure the following:

- Provide an off-site contribution of **£27,770.40** towards affordable housing.

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:

No.

1087/S100 Site/Roof Plan  
1087/S101 Proposed Ground Floor Plan  
1087/S102 Proposed First Floor Plan  
1087/S200 Proposed Long Street Elevation  
1087/S201 Proposed Street Elevation  
1087/S202 Proposed Front Elevation  
1087/S203 Proposed Rear Elevation  
1087/S204 Proposed Side/Lane Elevation  
1087/S205 Proposed Side/Garden Elevation  
1087/S300 Proposed Section AA  
1087/S301 Proposed Section BB  
Design and Access Statement

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. Notwithstanding the submitted plans and details, prior to their installation full details of:

1. Windows including reveals;
2. Doors;
3. Glazing; and
4. Eaves

shall be submitted to and approved in writing by the Local Planning Authority. The development shall be completed in accordance with the approved details and shall thereafter be so retained.

Reason:

To safeguard visual amenity, as required by Policies SP1 (Delivering the Strategy), SP10 (Built and Natural Environment), Policy MD2 (Design of New Development) and MD8 (Historic Environment) of the Local Development Plan.

4. Prior to work commencing on the external facing of the development hereby permitted, a sample panel of a minimum of 1 square metre of the proposed brickwork and detail of the mortar type and pointing shall be prepared and made available for inspection and final written approval by the Local Planning Authority. Construction work shall only commence once written approval has been given, and the approved panel shall be retained throughout the period of development and shall form the basis of work to walls and external surfaces of the development.

No.

Reason:

To enable the quality of the brickwork, coursing and pointing to be inspected in the interests of the visual quality of the work and to accord with the objectives of Policies SP1 (Delivering the Strategy), SP10 (Built and Natural Environment), MD2 (Design of New Development) and MD8 (Historic Environment) of the Local Development Plan.

5. Notwithstanding the submitted details, samples of all materials and finishes to be used in the construction of the development hereby approved shall be submitted to and approved in writing by the Local Planning Authority. The development shall be completed in accordance with the approved details and shall thereafter be so retained.

Reason:

To safeguard visual amenity, as required by Policies SP1 (Delivering the Strategy), SP10 (Built and Natural Environment), Policy MD2 (Design of New Development) and MD8 (Historic Environment) of the Local Development Plan.

6. The window in the side/garden elevation shown on drawing 1087/S205 Proposed Side/Garden Elevation (ref window 7) and the windows shown on drawing 1087/S204 Proposed Side/Lane Elevation (ref window 6 and 7) shall be fitted with obscure glazing to a minimum of level 3 of the "Pilkington" scale of obscuration and shall be non-opening at the time of installation of the windows and shall be retained as such at all times.

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.

7. Notwithstanding the provisions of Class A Schedule 2 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 windows other than those expressly authorised by this permission and shown on the plans in Condition 02 shall be inserted in the development.

Reason:

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

No.

8. The dwelling shall not be occupied until the parking spaces have been laid out within the site in accordance with drawing no 1087/S100 Site/Roof Plan for two cars to be parked and those 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.

9. No surface water and/or land drainage shall be allowed to connect directly or indirectly with the public sewerage network

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 and to ensure compliance with the terms of Policies SP1 (Delivering the Strategy) and MD7 (Environmental Protection) of the Local Development Plan.

10. No construction work associated with the development hereby approved shall take place on the site on any Sunday or Bank Holiday or on any other day except between the following hours:

Monday to Friday	0800 – 1800
Saturday	0800 – 1300

Unless such work is:

(a) associated with an emergency (relating to health and safety or environmental issues);

(b) carried out with the prior written approval of the Local Planning Authority.

Reason:

To safeguard the amenities of local residents, and to ensure compliance with the terms of Policies SP1 (Delivering the Strategy) and MD7 (Environmental Protection) of the Local Development Plan.

11. During the construction of the dwelling hereby approved there shall be no burning of materials within the site.

No.

Reason:

To safeguard the amenities of local residents, and to ensure compliance with the terms of Policies SP1 (Delivering the Strategy) and MD7 (Environmental Protection) 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 Policy SP1 – Delivering the strategy, Policy SP4 – Affordable Housing Provision, Policy MG4 – Affordable Housing, Policy MD1 – Location of New Development, Policy MD 2 – Design of New Development, Policy MD4 – Community Infrastructure and Planning Obligations, Policy MD 5 – Development within Settlement Boundaries, Policy MD6 – Housing Densities and Policy MD8 – Historic Environment of the Vale of Glamorgan Adopted Local Development Plan 2011-2026, and the advice contained within the Council's Supplementary Planning Guidance on Affordable Housing, Model Design Guide for Wales, Parking Standards, Penarth Conservation Area, Planning Obligations, Residential and Householder Development, Sustainable Development - A Developer's Guide and the Penarth Conservation Area Appraisal and Management Plan, Planning Policy Wales 10th Edition and Technical Advice Notes 12- Design and 24 – The Historic Environment, the development is considered acceptable in terms of its principle, effect on the historic environment, scale, design, impact on neighbours, parking, impact on highway safety and amenity space provision.

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.

**2020/00712/CAC** Received on 2 July 2020  
(p42)

**APPLICANT:** Mr. & Mrs. Swetman, 3, Dros y Mor, Penarth, Vale of Glamorgan CF64 3BA

**AGENT:** James Stroud Loyn and Co. Architects, 88, Glebe Street, Penarth, Vale of Glamorgan CF64 1EF

#### **Land off Rosebery Place / rear of 86, Stanwell Road, Penarth**

Demolition of existing pre-fabricated garages to be replaced by proposed new, low energy 3 bed dwelling with associated external works and replacement boundary walls



No.

APPROVED subject to the following condition(s):

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

Reason:

To comply with the requirements of Section 18 of the Planning (Listed Buildings and Conservation Areas) Act 1990.

Reason for decision

The recommendation to approve conservation area consent is made having regard to Section 16 of the Planning (Listed Buildings and Conservation Areas) Act, 1990. In consideration of whether to grant listed building consent, this requires the local planning authority to have special regard to the desirability of preserving the building, or its setting, or any features of architectural or historic interest which it possesses.

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.

**2020/00950/FUL** Received on 8 September 2020  
(p50)

**APPLICANT:** J.E. Thomas & Son, Flemingston Court, Flemingston Road, Flemingston, CF62 4QJ

**AGENT:** Mr. Jeremy Mead No 2 The Courtyard, Lion Street, Abergavenny, NP7 5PE

**Flemingston Court, Flemingston Road, Flemingston**

New horse accommodation building

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:

20-020 05 'Location and Site'

20-020 07 'Proposed Site, Plan and Elevations'

No.

20-020 'Ecology Enhancement'

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. 2 classic RSPB type nesting bird boxes shall be installed at high level on the north east facing elevation of the proposed building, within 3 months of its erection.

Reason:

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

#### 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 MD1, MD2, MD7 MD8, MD9 and MG17 the proposed development is considered acceptable in relation to its siting, design and its impact on the appearance and character of the rural area, the setting of the listed buildings and character and appearance of the conservation area, and neighbouring amenity. Furthermore, the proposed ecological enhancement proposed is welcomed.

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.

**2020/01148/FUL** Received on 20 October 2020  
(p59)

**APPLICANT:** Mr. Mathew, Pen Y Bryn, Llanmaes, CF61 2XR

**AGENT:** Mr. Mathew, Pen Y Bryn, Llanmaes, CF61 2XR

**Pen Y Bryn, Llanmaes**

No.

Retention of change of use of an area of agricultural land temporarily for a period of 18 months for the purpose of a restoration of an ex British Railway Luggage Van body. The van body will rest on wooden sleepers and will have no direct contact with the floor as there are no running gear/wheel sets.

### REFUSED AND AUTHORISED ENFORCEMENT ACTION

RESOLVED –

(1) T H A T the application be refused and the Head of Legal Services be authorised to serve an Enforcement Notice under Section 172 of the Town and Country Planning Act 1990 (as amended) to require:

- (i) The cessation of the use of the land for the storage of and works to a former railway luggage van body;
- (ii) The removal from the land of the former railway luggage van body and all items associated it;
- (iii) The removal from the land of the outbuilding;
- (iv) The reinstatement of the land to its former condition, by the laying of topsoil and the sowing of grass seed.

(2) T H A T In the event of non-compliance with the Notice, authorisation be also sought to take such legal proceedings as may be required.

### Reason for Refusal

1. By reason of its location and siting, the proposed change of use of the land to storage of and work on a former British Railway luggage van body, represents an unjustified (in terms of agriculture or rural enterprise) and unacceptable form of development in the countryside, which fails to respond appropriately to the rural context and character of the immediate site and its countryside surroundings. The visual impact of the railway van body, and associated paraphernalia, is harmful to the appearance and character of the immediate surroundings and the wider countryside setting. As such the proposal is considered to be contrary to polices MD1 (Location of New Development) and MD2 (Design of New Development) of the Vale of Glamorgan Adopted Local Development Plan 2011-2026 and the advice in the Council's approved Supplementary Planning Guidance on Design in the Landscape and National guidance contained in Planning Policy Wales (Edition 10, 2018) and Technical Advice Note 12-Design.

### Reason for Dual Decision

The decision to recommend refusal of 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.

No.

Having regard to policies MD1 (Location of New Development) and MD2 (Design of New Development) of the Vale of Glamorgan Adopted Local Development Plan 2011-2026 and the advice in the Council's approved Supplementary Planning Guidance on Design in the Landscape and National guidance contained in Planning Policy Wales (Edition 10, 2018) and Technical Advice Note 12-Design, by reason of its location and siting, the proposed change of use of the land to storage of and work on a former British Railway luggage van body, represents an unjustified (in terms of agriculture or rural enterprise) and unacceptable form of development in the countryside, which fails to respond appropriately to the rural context and character of the immediate site and its countryside surroundings; and the visual impact of the railway van body, and associated paraphernalia, is harmful to the appearance and character of the immediate surroundings and the wider countryside setting. Refusal of the application and the taking of enforcement action is therefore necessary to remove the harm to the countryside.

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.

Also having regard to Policies MD1 (Location of New Development) and MD2 (Design of New Development) of the Vale of Glamorgan Adopted Local Development Plan 2011-2026 and the advice in the Council's approved Supplementary Planning Guidance on Design in the Landscape and National guidance contained in Planning Policy Wales (Edition 10, 2018) and Technical Advice Note 12-Design, by reason of its location, siting and design, the outbuilding represents an unjustified and unacceptable form of development in the countryside, which is visible from surrounding public viewpoints, out of keeping with the context of the immediate setting, and serves to overly domesticate the land. Retention of the outbuilding would therefore have a detrimental impact on the appearance and rural character of the site and its surroundings. It is therefore expedient to take enforcement action to secure the removal of the harm created by the outbuilding