

No.

## PLANNING COMMITTEE

Minutes of a Remote Meeting held on 2<sup>nd</sup> March, 2022.

The Committee agenda is available [here](#).

The Meeting recording is available [here](#).

Present: Councillor J.C. Bird (Chair); Councillor B.T. Gray (Vice-Chair); Councillors J. Aviet, R.M. Birch, C.A. Cave, V.P. Driscoll, S.T. Edwards, N.P. Hodges, Dr. I.J. Johnson, G.C. Kemp, A.C. Parker, N.C. Thomas and E. Williams.

Also present: Councillors L. Burnett (Deputy Leader and Cabinet Member for Education and Regeneration) and J.E. Charles.

Name of Speaker	Planning Application No. and Location	Reason for Speaking
Nathan Slater	2021/01537/RG3 - Cowbridge Comprehensive School, Aberthin Road, Cowbridge	Applicant or their representative

Councillor J.E. Charles spoke in relation to the Enforcement Action for Land and Buildings at 49 Pontypridd Road, Barry in her capacity as the Vale of Glamorgan Member for the Illtyd Ward.

### 882 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 live streamed as well as recorded via the internet and this recording archived for future viewing”.

### 883 APOLOGIES FOR ABSENCE –

These were received from Councillors P. Drake and M.R. Wilson.

### 884 MINUTES –

RESOLVED – T H A T the minutes of the meeting held on 26<sup>th</sup> January, 2022 be approved as a correct record, subject to the following amendment on page 2, regarding Councillor C. Cave’s reasons for declaring an interest and withdrawing from the meeting when 2021/00894/FUL - Arwelfa, Wallas Barns, Wick Road, Ewenny was considered and therefore taking no part in the debate or vote, which should read:

Councillor Cave believed that she did not have a personal and prejudicial interest in the matter but declared that she would leave the meeting when the application was

No.

considered because a member of the public believed otherwise and in the interests of impartiality.

885 DECLARATIONS OF INTEREST –

Councillor S.T. Edwards	2021/00409/FUL – Garn Farm, St. Hilary	Personal and Prejudicial Interest – Councillor Edwards was related to the applicant. He withdrew from the meeting and took no part in the debate or vote.
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886 PLANNING SUB-COMMITTEE (PUBLIC RIGHTS OF WAY) –

The Minutes of the Planning Sub-Committee (Public Rights of Way) from 13<sup>th</sup> January, 2022 as contained within the agenda were submitted.

RESOLVED – T H A T the minutes of the Planning Sub-Committee (Public Rights of Way) held on 13<sup>th</sup> January, 2022 be noted.

Reason for decision

In noting the minutes.

887 BUILDING REGULATION APPLICATIONS AND OTHER BUILDING CONTROL MATTERS DETERMINED BY THE HEAD OF REGENERATION AND PLANNING UNDER DELEGATED POWERS (HRP) –

RESOLVED –

(1) T H A T the passed building regulation applications, as listed in Section A of the report, be noted.

(2) T H A T the rejected building applications, as listed in Section B of the report, be noted.

(3) T H A T the serving of Notices under Building (Approved Inspectors Etc.) Regulations 2000, as listed in Section C of the report, be noted.

888 PLANNING APPLICATIONS DETERMINED BY THE HEAD OF REGENERATION AND PLANNING UNDER DELEGATED POWERS (HRP) –

RESOLVED – T H A T the applications as outlined within the report, on pages 11 through 23, under the above delegated powers be noted.

No.

889 APPEALS (HRP) –

RESOLVED –

- (1) T H A T the appeals received following the refusal of the Council to grant planning permission, as detailed in Section A of the report, be noted.
- (2) T H A T the Enforcement Appeals, as detailed in Section B of the report, be noted.
- (3) T H A T the Planning Appeal Decisions, as detailed in Section C of the report, be noted.
- (4) T H A T the Enforcement Appeal Decisions, as detailed in Section D of the report, be noted.
- (5) T H A T the statistics relating to appeals for the period April 2021 – March 2022, as detailed in Section E of the report, be noted.

890 TREES (HRP) –

- (i) Delegated Powers –

RESOLVED – T H A T the applications as outlined within the report on pages 33 to 36, as determined by the Head of Regeneration and Planning under delegated powers, be noted.

891 ENFORCEMENT ACTION (HRP) –

- (i) Land and Buildings at 49 Pontypridd Road, Barry

The report sought authorisation to issue an Enforcement Notice under section 172 of the Town and Country Planning Act 1990 (as amended) in respect of the rear dormer window, roof terrace, raised patio area and block screen wall which had been constructed at the property. The principal issue was the potential impact for the overlooking of neighbouring properties and resulting loss of privacy for the occupiers of those properties and unacceptable visual impact.

The report recommended that an Enforcement Notice was issued to require one of two options in respect of the dormer extension and raised patio area. These were either to modify the rear dormer window and raised terrace to development that would constitute 'permitted development' and would not require planning permission (the 'fall-back' position), or to install a railing across the doors in the dormer extension to prevent access onto the roof of the extension and privacy screens on the raised patio area in order to prevent overlooking and loss of privacy. Enforcement action was also recommended to require the cessation of the use of the roof of the ground floor extension as a roof terrace / amenity area and the removal of

No.

the block screen wall. Authorisation was also sought to pursue legal proceedings in the event that the Enforcement Notice was not complied with.

RESOLVED –

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

- (i) The relocation and setting back of the dormer window to a distance of at least 20cm from the original eaves of the dwelling, or the installation of permanently fixed metal railings / Juliet balconies, not projecting out more than 30cm from the exterior of the building, over both of the French doors in the western elevation of the dormer window;
- (ii) The permanent cessation of the use of the roof of the ground floor extension as a roof terrace / amenity area;
- (iii) The reduction in the height of the raised patio area to a height not exceeding 30cm above the original ground level of the garden, or the erection and retention of 1.8m high screens on either end of the raised patio area extending across the whole depth of the patio;
- (iv) The removal of the block screen wall on the top of the rear single storey extension.

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

#### Reason for decisions

(1) It appears to the Council that the above breach of planning control constituting operational development – the dormer extension, raised patio area and block screen wall, has occurred within the last 4 years and the use of the roof of the ground floor extension as a roof terrace / amenity area, within the last 10 years.

(2) The development has been undertaken to a residential property within the settlement boundary where the scale, form, layout and character of new development is required to be sympathetic to and respect its immediate setting and to be designed to safeguard existing residential amenity, particularly with regard to privacy and overlooking. The dormer extension, roof terrace, raised patio area and block screen wall are considered to be unacceptable as they facilitate the overlooking of neighbouring properties and the loss of privacy for the occupiers of those properties. The block screen wall is considered to be visually intrusive and the development is therefore considered to be contrary to policies SP1, (Delivering the Strategy), MD2 (Design of New Development) and MD5 (Development within Settlement Boundaries), the Residential and Householder Development SPG, PPW Edition 11 (2021) and Technical Advice Note 12: Design.

(3) Despite correspondence with the owner of the property and his planning agent and the submission of two planning applications both of which have been withdrawn (2021/00428/FUL and 2021/00822/FUL), no further attempts have been

No.

made to regularise the position or remove the unauthorised development which is considered to be unacceptable.

(4) 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.

## 892 PLANNING APPLICATIONS (HRP) –

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.

**2021/00409/FUL** Received on 27 April 2021  
(P. 57)

**APPLICANT:** T J Davies and Sons Garn Farm, Lane - Junction East Dow, St Hilary, CF71 7DP

**AGENT:** Mr Ieuan Williams Reading Agricultural Consultants, Beechwood Court, Long Toll, Woodcote, Reading, RG8 0RR

### **Garn Farm, St. Hilary**

Siting of 4 no. log cabins for tourism use with associated landscaping works

APPROVED subject to the conditions as contained within the report.

#### Reason for decision

Having regard to the content of the report and discussions at the meeting.

**2021/01537/RG3** Received on 25 October 2021  
(P. 84)

**APPLICANT:** 21st Century Schools Programme Manager Civic Offices, Holton Road, Barry, CF63 4RU

**AGENT:** Mr. Nathan Slater Dock Offices, Subway Road, Barry, CF63 4RT

### **Cowbridge Comprehensive School, Aberthin Road, Cowbridge**

Proposed new primary school and associated works.

APPROVED subject to the conditions as contained within the report and subject to amended Condition 2 as below:

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

26Z003-HLM-00-00-DR-A-0001 Rev P06 Proposed Site Location Plan  
(received 19th January 2022)

No.

26Z003-HLM-00-00-DR-A-0003 Rev P05 Proposed Site Layout Plan  
(received 22nd October 2021)  
26Z003-HLM-01-00-DR-A-0010 Rev P04 Proposed Ground Floor Department  
Plan (received 22nd October 2021)  
26Z003-HLM-01-01-DR-A-0011 Rev P03 Proposed First Floor Department  
Plan (received 22nd October 2021)  
26Z003-HLM-01-ZZ-DR-A-0020 Rev P04 Proposed Coloured Elevations  
(received 22nd October 2021)  
26Z003-HLM-01-ZZ-DR-A-0030 Rev P04 Proposed Coloured Sections  
(received 22nd October 2021)  
26Z003-HYD-XX-XX-DR-C-0500 Rev P02 Proposed Levels (Engineering  
Layout) (received 22nd October 2021)  
26Z003-HYD-XX-XX-DR-C-0600 Rev P02 Proposed Drainage Layout  
(received 22nd October 2021)  
26Z003-HYD-XX-XX-DR-C-0700 Rev P03 Proposed Surfacing and Kerbing  
Layout (received 22nd October 2021)  
26Z003-HYD-XX-XX-DR-C-0701 Rev P01 Car Park and Footpath Route  
General Arrangement (received 9th February 2022)  
26Z003-HYD-XX-XX-DR-TP-0602 Rev P06 Proposed Indicative Parking and  
Pedestrian Connections (received 14th February 2022)  
26Z003-HLM-XX-ZZ-DR-L-0001 Rev P13 Landscape GA Plan (received 9th  
February 2022)  
26Z003-HLM-XX-ZZ-DR-L-0003 Rev P5 Site Sections (received 9th February  
2022)  
26Z003-HLM-XX-ZZ-DR-L-0005 Rev P5 Landscape Masterplan (received 9th  
February 2022)  
26Z003-HLM-XX-ZZ-DR-L-2501 Rev P7 Fencing and Gates (received 9th  
February 2022)  
26Z003-HLM-XX-ZZ-DR-L-3001 Rev P7 Hard Landscape Strategy (received  
9th February 2022)  
26Z003-HLM-XX-ZZ-DR-L-3012 Rev P01 Site Furniture Details (received 21st  
December 2021)  
26Z003-HLM-XX-ZZ-DR-L-4501 Rev P9 Soft Landscape Strategy (received  
17th February 2022)  
26Z003-HLM-XX-ZZ-DR-L-4503 Rev P03 Planting Schedule (received 17th  
February 2022)  
Proposed Additional Access Restrictions Layout (received 9th February 2022)  
Scooter Pod Details (received 21st December 2021)

**The boundary of the application site shall be as outlined in red on plan  
no. 26Z003-HLM-00-00-DR-A-0001 Rev P06 Proposed Site Location Plan  
(received 19th January 2022) only and not as referenced on any other of  
the approved plans.**

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.

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Reason for decision

Having regard to the content of the report and discussions at the meeting.