

No.

PLANNING COMMITTEE

Minutes of a remote meeting held on 28th September, 2022.

The Committee agenda is available [here](#)

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

Present: Councillor N.C. Thomas (Chair); Councillor S.D. Perkes (Vice-Chair); Councillors R.M. Birch, G. Bruce, C.A. Cave, C.E.A. Champion, C.M. Cowpe, P. Drake, A.M. Ernest, N.P. Hodges, Dr I.J. Johnson, H.M. Payne, I.A.N. Perry, C. Stallard and M.R. Wilson.

Also present: Councillor L. Burnett (Executive Leader and Cabinet Member for Performance and Resources), Councillors I. Buckley, M.J.G. Morgan and W.A. Hennessy.

274 ANNOUNCEMENT –

Prior to the commencement of the business of the Committee, the Chair 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.”

275 APOLOGIES FOR ABSENCE –

These were received from Councillors W. Gilligan and E. Williams.

276 MINUTES –

Councillor Champion referred to a typographical error in that Councillor Burnett was present at the meeting but referred to incorrectly in the minutes as Deputy Leader and Cabinet Member for Performance and Resources rather than the Leader.

RECOMMENDED – T H A T having noted the typographical error regarding the Leader’s title, the minutes of the meeting held on 7th September, 2022 be approved as a correct record.

277 DECLARATIONS OF INTEREST –

No declarations were received.

No.

278 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.

279 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 7 through 19, under the above delegated powers be noted.

280 APPEALS (HRP) –

RESOLVED –

- (1) T H A T the Planning Appeals 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 it be noted that no Planning Appeal Decisions had been received at the time of the meeting taking place.
- (4) T H A T it be noted that no Enforcement Appeal Decisions had been received at the time of the meeting taking place.
- (5) T H A T the statistics relating to appeals for the period April 2022 – March 2023, as detailed in Section E of the report, be noted.

281 TREES (HRP) –

- (i) Delegated Powers –

RESOLVED – T H A T the applications as outlined within the report on pages 23 to 24, as determined by the Head of Regeneration and Planning under delegated powers, be noted.

No.

282 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.

2021/00423/FUL Received on 6 December 2021
(p25)

APPLICANT: Transworld Real Estate Ltd

AGENT: Mr. Luke Grattarola Ceraint John Planning Ltd. Office 16 (House 1), The Maltings, East Tyndall Street, Cardiff, CF24 5EA

Land at Bolston House, Bonvilston

Demolition of the existing dwelling and redevelopment of the site to accommodate residential development and associated works

REFUSED

(1) By reason of the loss of a large proportion of a Significant Stone Wall, the loss of substantial amounts of tree cover and the suburban and insensitively designed/orientated internal site layout, the proposed development would fail to have regard to and would fail to preserve the character of the Bonvilston Conservation Area, contrary to policies SP10 - Built and Natural Environment, MD2 - Design of New Development, MD5- Development within Settlement Boundaries and MD8 – Historic Environment of the Vale of Glamorgan Local Development Plan 2011 - 2026 and the Bonvilston Conservation Area Appraisal and Management Plan and national guidance contained in Planning Policy Wales (Edition 11) and Technical Advice Note 12 - Design.

(2) By reason of the size of the dwellings and plots, the proposed layout fails to make necessary, efficient use of the land, contrary to policy MD5 - Development within Settlement Boundaries & MD6 - Housing Densities of the Vale of Glamorgan
Adopted Local Development Plan 2011-2026.

(3) By reason of the geometry and radii of the access, and the design of works to the carriageway/footway, the proposal would result in a substandard form of access into and out of the site, which would adversely impact upon highway safety. The proposal is therefore considered contrary to Policies MD2 (Design Of New Development) & MD5 (Development within Settlement Boundaries) of the Vale of Glamorgan Adopted Local Development Plan 2011-2026.

(4) In the absence of a noise assessment that considers potential noise nuisance from the Red Lion Inn and its garden, the proposal fails to provide adequate information to assess the impact of noise or demonstrate that the proposal would not be prejudicial to the amenity and living conditions of future

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residents at the site. In this respect the development is contrary to Policies MD2 (Design of Development) & MD7 (Environment Protection) of the Vale of Glamorgan Local Development Plan 2011-2026.

(5) The proposal fails to satisfy the tests to justify a derogation for protected species and would result in inadequately mitigated loss of trees that would harm the biodiversity interests of the site. Therefore, the development is considered contrary to Policies MD2- Design of New Developments & MD9-Promoting Biodiversity of the Vale of Glamorgan Adopted Local Development Plan 2011-2026, the guidance contained within the Councils Biodiversity and Development Supplementary Planning Guidance.

(6) The proposal fails to provide any affordable housing or the infrastructure necessary to mitigate the impacts of the development in respect of public open space, education and sustainable transport. In this respect the development is contrary to Policies MG4 and MD4 of the LDP and the Council's SPG on Affordable Housing and Planning Obligations, and Planning Policy Wales and TAN 2- Planning and Affordable Housing.

Reasons for decisions

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

2021/00424/CAC Received on 6 December 2021
(p59)

APPLICANT: Transworld Real Estate Ltd

AGENT: Mr Luke Grattarola, Geraint John Planning Ltd, Office 16 (House 1), The Maltings, East Tyndall Street, Cardiff, CF24 5EA

Land at Bolston House, Bonvilston

Demolition of the existing dwelling and redevelopment of the site to accommodate residential development and associated works

REFUSED

(1) The loss of part of the historical stone boundary wall would be damaging to the intrinsic character of the site and the conservation area. The proposal would therefore fail to preserve or enhance the character of the Conservation Area and would be in conflict with Policies SP10 and MD8 of the Adopted Local Development Plan, in addition to TANs 12 and 24, the aims and objectives of the Bonvilston Conservation Area Appraisal Plan and Section 72(1) of the Town and Country Planning (Listed Buildings and Conservation Areas) Act 1990.

Reason for decision

No.

That Members of the Planning Committee note the above conclusions and agree that these form the basis of the Council's case in the current non-determination appeal for the reason set out below:

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.

2021/01379/FUL Received on 23 September 2021
(p74)

APPLICANT: Mr. C. Holder, Earthmovers House, Llantrisant Business Park, Llantrisant, CF72 8LF

AGENT: Mr. R. Hunt, 20a The Wharfage, Ironbridge, Telford, Swadlincote, TF8 7NH

The Quarries, Bonvilston

The winning and working of limestone, importation/recovery of inert waste and restoration to agriculture/amenity.

REFUSED -

(1) By reason of the excessive unjustified infilling operation, which is not fundamentally required to create an acceptable restored site, the proposal would amount to (and would encourage) unjustified waste disposal that is contrary to the principles of the waste hierarchy, would result in unnecessarily and harmful perpetuated environmental impacts, and would fail to provide a beneficial, sustainable, and high quality restoration and after care solution for the quarry, at the earliest opportunity. The proposal is therefore contrary to the policy and guidance relating to waste management contained in TAN 21 paragraph 4.23, and criterion 2 of Policy MD20 of the LDP. In addition, the proposal is contrary to planning policy and guidance relating to quarry restoration and after care contained in PPW paragraphs 5.14.4, 5.14.50, and 5.14.54, MTAN1 paragraphs 94, 97, 100, 103, and 130, and criterion 7 of Policy MG25 of the LDP.

(2) It has not been demonstrated, through submission of a bat survey, that the development would not be detrimental to the maintenance of the population of bats - a European Protected Species. The development is therefore contrary to Policies MG19 – Sites and Species of European Importance and Policy MD9- Promoting Biodiversity, of the Local Development Plan, as well as national guidance contained at paragraphs 6.3.6 & 6.3.7 of TAN 5 – Nature Conservation and Planning and paragraph 6.4.22 of Planning Policy Wales. It is also contrary to the provisions of the Conservation of Habitats and Species Regulations 2010.

Reasons for decisions

The decision to refuse planning permission has been taken in accordance with Section 38 of The Planning and Compulsory Purchase Act 2004, which requires

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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.

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.

In reaching the recommendation below, the content of the submitted Environmental Impact Assessment has been taken into account, in accordance with the requirements of The Town and Country Planning (Environmental Impact Assessment) (Wales) Regulations 2017.

2022/00397/RG3 Received on 28 March 2022
(p119)

APPLICANT: Mr. Andrew Freegard, Vale of Glamorgan Council, The Alps, Alps Quarry Road, Wenvoe, CF5 6AA

AGENT: Miss Georgia Peters, Vale of Glamorgan Council, Dock Offices, Subway Road, Barry, CF63 4RT

Land North of Holm View Leisure Centre, Barry

Phase Two of the residential development of 31 no. affordable housing units and associated works

RESOLVED –

(1) T H A T subject to the interested person(s) first entering into a Section 106 legal agreement to include the following necessary planning obligations:

- To pay a sum of £37,652.50 to contribute towards the provision or enhancement of educational facilities.
- To pay a sum of £39,100 to contribute towards the provision of sustainable transport facilities in the vicinity of the site.
- The developer provides public art on the site to the value of 1% of the build costs or otherwise pays a contribution to the same value to the Council
- To pay a sum a sum £21,420 to contribute towards the provision of new, or enhancement of existing, community facilities in the area.

(2) T H A T in addition to a clause requiring the payment of a fee to monitor and implement the legal agreement.

No.

Deemed planning consent be GRANTED subject to the condition(s) as contained within the report.

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 and Future Wales – the National Plan 2040.

Having regard to Policies SP1– Delivering the Strategy, SP3 – Residential Requirement, SP4 – Affordable Housing Provision, MG1 – Housing Supply in the Vale of Glamorgan, MG2 – Housing Allocations, MG4 – Affordable Housing, MD1 - Location of New Development, MD2 - Design of New Development, MD3 - Provision for Open Space, MD4 – Community Infrastructure and Planning Obligations, MD6 - Housing Densities, MD7 - Environmental Protection and MD9 - Promoting Biodiversity of the Vale of Glamorgan Adopted Local Development Plan 2011-2026, Future Wales, National planning policy in the form of Planning Policy Wales (Edition 11), Technical Advice Notes 2 – Affordable Housing, 12 - Design, and the Council’s Supplementary Planning Guidance on Affordable Housing, Barry Development Guidelines, Biodiversity and Development, Parking Standards, Planning Obligations, Residential and Householder Development, and Trees, Woodlands, Hedgerows and Development, the proposed development is considered acceptable in principle and in respect of design, visual impact and layout, residential amenity, parking, highway safety, amenity/open space, drainage, and ecology.

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.

2022/00642/FUL Received on 19 May 2022
(p157)

APPLICANT: Mrs. Penny Knight, 8 Mountjoy Close, Penarth, CF64 2TA
AGENT: Susan Rosser, RIBA, 20 Duffryn Road, Cyncoed, Cardiff, CF23 6NP

8, Mountjoy Close, Penarth

Single storey side and rear extension with new porch and roof conversion

No.

REFUSED

Reasons for Recommendations

By reason of the design, form and siting, the proposed extensions and alterations would be harmful to the appearance of the dwelling, the balance of the semi-detached pair and the spacious and consistent character of the street. The development is therefore contrary to policies MD2 and MD5 of the Vale of Glamorgan Adopted Local Development Plan 2011-2026, The Council's Supplementary Planning Guidance on Residential and Householder Development and TAN 12- Design.