

No.

PLANNING COMMITTEE

Minutes of a remote meeting held on 23rd November, 2022.

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

The recording of the meeting 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, H.M. Payne, I.A.N. Perry, C. Stallard, E. Williams and M.R. Wilson.

Also present: Councillors A. Asbrey, L Burnett (Executive Leader and Cabinet Member for Performance and Resources), C.P. Franks and S. Sivagnanam (Cabinet Member for Community Engagement, Equalities and Regulatory Services).

Name of Speaker	Planning Application No. and Location	Reason for Speaking
Mrs. Debbie Evans	2021/01710/FUL – Former Eastbrook Methodist Chapel, Chapel Row, Eastbrook, Dinas Powys	Objectors to the application or their representative
Mr. Andrew Ayles	2021/01710/FUL – Former Eastbrook Methodist Chapel, Chapel Row, Eastbrook, Dinas Powys	The applicant or their representative
Mr. Dylan Green	2022/00294/HYB – Land adjacent to Oak Court, Myrtle Close, Penarth	The applicant or their representative

Councillors L. Burnett and C.P. Franks also spoke, as the local ward members:

- Councillor Burnett - 2022/00294/HYB - Land adjacent to Oak Court, Myrtle Close, Penarth (Local Ward Member)
- Councillor Franks - 2021/01710/FUL - Former Eastbrook Methodist Chapel, Chapel Row, Eastbrook, Dinas Powys and 2022/00802/FUL - Cwrt Yr Ala House, Michaelston Le Pit Road, Michaelston le Pit (Local Ward Member).

465 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.”

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466 APOLOGIES FOR ABSENCE –

These were received from Councillors W. Gilligan and Dr. I.J. Johnson

467 MINUTES –

RECOMMENDED – T H A T the minutes of the meeting held on 19th October, 2022 be approved as a correct record.

468 DECLARATIONS OF INTEREST –

Councillor M.R. Wilson	Agenda Item 9 - Planning Applications – Application 2022/00294/HYB - Land adjacent to Oak Court, Myrtle Close, Penarth.	The nature of the interest was that Councillor Wilson was also a member of Penarth Town Council which had previously considered and made comment on the application. Councillor Wilson indicated that he would be considering the application from afresh, and so would remain in the meeting during consideration of the matter and wished to speak on the application
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469 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.

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470 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 10 through 23, under the above delegated powers be noted.

471 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 it be noted that no Enforcement Appeals had been received at the time of the meeting taking place.
- (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 2022 – March 2023, as detailed in Section E of the report, be noted.

472 TREES (HRP) –

- (i) Delegated Powers –

RESOLVED – T H A T the applications as outlined within the report on pages 28 to 30, as determined by the Head of Regeneration and Planning under delegated powers, be noted.

473 ENFORCEMENT (HRP) –

- (i) Land and Buildings at 10 New Barn Holdings, St. Athan Road, Flemingston -

The report related to the change of use of land to the storage of containers, vehicles, caravans, trailers, vehicle parts, waste building material, windows, fence panels and posts and other miscellaneous items along with the construction of structures associated with the unauthorised use on land at 10 St Athan Road.

RESOLVED –

(1) T H A T the Head of Legal and Democratic 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 cessation of the use of the Land for the storage of containers, vehicles, caravans, trailers, vehicle parts, waste building material, windows, fence panels and posts and other items.
- (ii) The removal of the containers, vehicles, caravans, trailers, vehicle parts, building material, windows, fence panels and posts and other stored items along with the associated structures and any resultant debris from the Land in their entirety.

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

Reasons for decisions

(1) It appears to the Council that the above breach of planning control constituting the change of use of the land to the storage of construction items and waste, plant/machinery, the siting of a pre-fabricated container and other associated structures has commenced within the last 10 years and the construction of unauthorised structures within the last 4 years.

(2) The use of the land for the open-air storage of containers, vehicles, caravans, trailers, vehicle parts, waste building material, windows, fence panels and posts and other miscellaneous items along with the construction of structures associated with the unauthorised use is visually akin to an industrial site. Both the use and appearance of the site does not reflect the countryside setting of the site's locality, fails to preserve or positively contribute to the character of the surrounding area and are detrimental to the countryside location, resulting in an unacceptable visual intrusion into the open countryside. Furthermore, the site is readily visible from the adjoining neighbouring property and is therefore detrimental to the visual amenities of that property. For these reasons, the development is considered to be contrary to Policies MD1 and MD2 of the Vale of Glamorgan Local Development Plan 2011-2026 and does not conform with the aims of PPW.

(3) The items stored on site, namely the boat, vehicles and vehicle components, likely contain an array of substances, such as petrol, diesel, oil, grease, washer fluid etc. Vehicle components, such engines, frames, wheels are stored in the open. Many vehicles are missing external bodyworks, such as bonnets, or the bonnets are left open. Therefore, many of the components that hold or utilise these substances are open to the elements. It is therefore not unreasonable to expect that such substances, especially during periods of wet weather, are incrementally washed from the components and onto the ground. Furthermore, components which hold such substances are likely to rust and leak such substances onto the ground. The nature of which the items are stored is therefore considered likely to result in an

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unacceptable impact on the natural environment from land contamination and the pollution of surface water.

(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.

(ii) Land at Field Access to the West of Village Farm House, Colwinston -

The report sought authorisation to issue an Enforcement Notice under section 38 of the Planning (Listed Buildings and Conservation Areas) Act 1990 (as amended) ("the Act") in respect of the unauthorised demolition of a wall and stile. The principal issue was considered to be the effect of the works on the character and appearance of the Colwinston Conservation Area.

The report recommended that an Enforcement Notice be issued requiring the reinstatement of the wall and stile. Authorisation was also sought to pursue legal proceedings in the event that the Enforcement Notice was not complied with.

RESOLVED – T H A T the Head of Legal and Democratic Services be authorised to issue an Enforcement Notice under Section 38 of the Planning (Listed Buildings and Conservation Areas) Act 1990 (as amended) to require:

(i) The reinstatement of the wall and stile to the field access to the same design and dimensions and in the same materials as shown in photographs of the site taken in May 2008.

Reasons for decision

(1) The demolition of the wall and stile fails to preserve or enhance the character or appearance of the Colwinston Conservation Area. As such the works are in conflict the Council's duty under section 72 of the Planning (Listed Buildings and Conservation Areas) Act 1990, Policies SP10 and MD8 of the Adopted Local Development Plan 2011-2026, as well as with guidance contained within Planning Policy Wales, TAN12 and TAN24.

(2) 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.

474 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.

No.

2021/01081/FUL Received on 28 June 2022
(p31)

APPLICANT: Wales and West Housing Association, c/o Agent

AGENT: Gwen Thomas Unit 9, Oak Tree Court, Cardiff Gate Business Park, Cardiff, CF23 8RS

Land at St. Brides Road, Wick

Residential development of 17 no. affordable units, including new access, landscaping, drainage arrangements and associated 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.

2021/01710/FUL Received on 23 September 2022
(p80)

APPLICANT: Business Loan Services (UK) Ltd Pension Scheme, C/o Agent,

AGENT: Mr Andrew Ayles, Office 14, 35 Stow Park Circle, Newport, NP20 4HF

Former Eastbrook Methodist Chapel, Chapel Row, Eastbrook, Dinas Powys

Demolition of chapel building and the erection of a dormer bungalow, on-site car parking and amenity provision and associated development thereto

RESOLVED – T H A T subject to the relevant person(s) first entering into a Section 106 Legal Agreement or undertaking to include the following necessary planning obligations:

- to pay a financial contribution to the sum of £27,631.20 for an off site affordable housing contribution.

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.

2022/00294/HYB Received on 21 March 2022
(p106)

APPLICANT: Wales and West Housing, Archway House, 77, Parc Ty Glas, Llanishen, Cardiff, CF14 5DU

AGENT: Mr Dylan Green Unit 9, Oak Tree Court, Cardiff Gate Business Park, Cardiff, CF23 8RS

No.

Land adjacent to Oak Court, Myrtle Close, Penarth

Hybrid planning application comprising of a full application for extra-care accommodation and associated highways, landscaping and drainage works and outline application for residential development and associated works with all matters reserved except for access

RESOLVED – T H A T subject to the applicant first entering into a Section 111 Agreement under the Local Government Act 1972 to require a Section 106 Agreement to be signed on the transfer of the land to secure the following for the extra care element of the development:

- The extra care scheme shall be delivered and retained as a 100% affordable housing scheme that shall be occupied by people of 55 year of age and older only and shall meet the definition of affordable housing in Annex B of the Welsh Government Technical Advice Note 2 on Affordable Housing or any future guidance that replaces it;
- £49,460.60 for the extra care building for sustainable transport;
- 0.755% of the project budget set aside for public art;
- The provision of land in the north west of the site (shaded in pink and falling within the red circle on the above plan in the planning obligations section of the report) as public open space.
- A clause for the payment of an administration fee of £5,448 (20% of the application fee), to cover the Council's costs to negotiate, monitor and implement the terms of the necessary Section 106 agreement;

APPROVED - Subject to the conditions as contained within the report and it being noted that the Reserved Matters will be reported back to the Planning Committee.

Reason for decision

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

2022/00802/FUL Received on 4 August 2022
(p175)

APPLICANT: Ms Emma Vidler, Cwrt-yr-ala House , Michealston Le Pit Road, Michaelston Le Pit, CF64 4HE

AGENT: Mr Eurig Williams, The Bank, 5 Cardiff Road, Taffs Well, Cardiff, CF15 7RA

Cwrt Yr Ala House, Michaelston Le Pit Road, Michaelston Le Pit

Change of use of partially constructed Boiler House previously consented under application reg 2018/01334/FUL to provide staff welfare facilities on site ancillary to the main house.

APPROVED - Subject to the conditions as contained within the report.

No.

Reason for decision

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