

PLANNING COMMITTEE

Minutes of a Remote meeting held on 7th September, 2023.

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: G. Bruce, I. Buckley, C.A. Cave, C.E.A. Champion, C.M. Cowpe,
P. Drake, A.M. Ernest, W. Gilligan, N.P. Hodges, Dr. I.J. Johnson, I.A.N. Perry,
C. Stallard, E. Williams and M.R. Wilson.

Also present: Councillors V.P. Driscoll, E. Goodjohn, W.A. Hennessy and
S. Sivagnanam (Cabinet Member for Community Engagement, Equalities and
Regulatory Services).

Name of Speaker	Planning Application No. and Location	Reason for Speaking
Mr. R. Hathaway	2022/00792/FUL – Land at Moat Farm, Llysworney	Objectors to the application or their representative
Councillor J. Shaw	2022/00792/FUL – Land at Moat Farm, Llysworney	Representative of a Town or Community Council
Mr. L. Griffiths	2022/00792/FUL – Land at Moat Farm, Llysworney	The applicant or their representative
Mr. A. Jones	2023/00381/FUL – 11 Dyffryn Close, St. Nicholas	The applicant or their representative
Ms. S. Davis	2023/00740/FUL – 16 Heol y Frenhines, Dinas Powys	The applicant or their representative

282 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”.

283 APOLOGY FOR ABSENCE –

This was received from Councillor H.M. Payne.

284 MINUTES –

RESOLVED – T H A T the minutes of the meetings held on 20th July, 2023 be approved as a correct record.

285 DECLARATIONS OF INTEREST –

No declarations of interest were received.

286 BUILDING REGULATION APPLICATIONS AND OTHER BUILDING CONTROL MATTERS DETERMINED BY THE HEAD OF SUSTAINABLE DEVELOPMENT UNDER DELEGATED POWERS (HSD) –

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.
- (4) T H A T Section 32 of the Building Act, 1984 be implemented in order to serve Notices in respect of plans which are three or more years old and that the serving of such Notices, as listed in Section D of the report, be noted.

287 PLANNING APPLICATIONS DETERMINED BY THE HEAD OF SUSTAINABLE DEVELOPMENT UNDER DELEGATED POWERS (HSD) –

RESOLVED – T H A T the applications as outlined within the report, on pages 12 through 30, under the above delegated powers be noted.

288 APPEALS (HSD) –

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 Decision, as detailed in Section D of the report, be noted.

(5) T H A T the statistics relating to appeals for the period April 2023 – March 2024, as detailed in Section E of the report, be noted.

289 TREES (HSD) –

(i) Delegated Powers –

RESOLVED – T H A T the applications as outlined within the report, on pages 42 through 45, as determined by the Head of Sustainable Development under delegated powers, be noted.

290 ENFORCEMENT ACTION (HDS) –

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

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

The matter was previously reported to the Planning Committee on 3rd March, 2022 and enforcement Action was authorised against the matters identified above and also a rear dormer window which had been erected. Following the issuing of the EN on 13th April, 2022 and lodging of an appeal, information was submitted which indicated that the dormer window had been constructed under “permitted development” and the EN was therefore withdrawn on 22nd February, 2023. Since then, officers had met with the landowner and his planning agent to try to agree an appropriate scheme for the site as an alternative to issuing a further EN. No suitable alternative has however been put forward or application submitted seeking to regularise the position and the existing development remains unauthorised and is unacceptable. The report therefore recommended that a further EN be issued to require the use of the roof terrace to cease and the removal of the roof terrace, raised patio area and block screen wall. Authorisation was also sought to pursue legal proceedings in the event that the EN was not complied with.

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 the following:

- (i) Permanently cease the use of the roof terrace constructed on top of the rear single storey extension;
- (ii) Remove the roof terrace constructed on top of the rear single storey extension. The replacement roof on the rear single storey extension should not exceed 3 metres above ground level;

- (iii) reduce the height of the raised patio area to a height not exceeding 30cm above the original ground level of the garden;
- (iv) Permanently remove the block screen wall located on top of the south-east side of the rear single storey extension.

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

Reasons for decisions

(1) It appeared to the Council that the above breach of planning control constituting operational development – the roof terrace, raised patio area and block screen wall, had occurred within the last four years.

(2) The development had been undertaken to a residential property within the settlement boundary where the scale, form, layout and character of new development was 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 roof terrace and raised patio area were considered to be unacceptable as they facilitated the overlooking of neighbouring properties and the loss of privacy for the occupiers of those properties. The block screen wall was considered to be visually intrusive and the development was 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 and his planning agent, the submission of three planning applications two of which had been withdrawn (2021/00428/FUL and 2021/00822/FUL) and the last of which had been refused (2022/00272/FUL) and a further meeting, no further schemes or applications had been submitted which were considered acceptable and could potentially regularise the position. In the absence of a suitable planning permission the development remained unauthorised and was considered unacceptable.

(4) It was considered that the decision complied 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) Update: Land and Buildings at Barry Biomass, Woodham Road, Barry –

This report provided an update for Members' information since the last report to Planning Committee on 27th April, 2023. That report sought authorisation for appropriate variations to the Enforcement Notice (EN) issued under section 172 of the Town and Country Planning Act 1990 (as amended) to be agreed following the appeal lodged and correspondence received from Planning and Environmental Decisions Wales (PEDW) in respect of the development undertaken at the Barry

Biomass site, in Woodham Road, Barry.

Following the Council's confirmation to PEDW of the resolution of the Planning Committee, further correspondence was received from PEDW which indicated that the EN was invalid and invited the Council to withdraw the EN. The Council's response maintained that the amendments it had recommended to take account of the 2015 consent could be accommodated as part of the appeal process and should not make it invalid. The Planning Inspector had however subsequently determined that the amendment was too significant, would cause prejudice to all parties and had subsequently determined that the EN was invalid and should be quashed.

RESOLVED – T H A T the contents of the report in relation to the site at Barry Biomass, Woodham Road, Barry, be noted.

Reason for decision

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

291 PLANNING APPLICATIONS (HSD) –

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.

2022/00792/FUL Received on 8 July 2022
(P. 73)

APPLICANT: Castell Group Castell Construction Ltd, Dyffryn Court, Riverside Business Park, Swansea, SA7 0AP

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

Land at Moat Farm, Llysworney

Proposed residential development of 7 dwellings and associated works

RESOLVED – T H A T subject to Welsh Government removing the holding call-in direction and subject to the applicant entering into a Section 106 agreement for the following:

- Pay a contribution of £18,676 towards public open space provision, to serve the development

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.

2023/00381/FUL Received on 6 April 2023
(P. 131)

APPLICANT: Mr. Peter Davies 11, Dyffryn Close, St. Nicholas, CF5 6SS
AGENT: Sustainable Studio Architects 1, Gold Tops, Newport, NP20 4PG

11, Dyffryn Close, St. Nicholas

Demolition of existing annex and construction of a two storey side extension with 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.

2023/00740/FUL Received on 12 July 2023
(P. 149)

APPLICANT: Mr and Mrs Richard and Anne Prosser 16 Heol Y Frenhines, Dinas Powys, CF64 4UH

AGENT: Mr and Mrs Richard and Anne Prosser 16 Heol Y Frenhines, Dinas Powys, CF64 4UH

16, Heol Y Frenhines, Dinas Powys

Retention of a 6ft fence to the side / rear of the property to enclose the garden. The fence is set back from the boundary line approximately 20 cm

DEFERRED – To consider conditions, following the recommendation to refuse and authorise enforcement action not being accepted.

Reason for decision

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