

No.

PLANNING COMMITTEE

Minutes of a Hybrid meeting held on 25th January 2024.

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

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

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

Also present: A. Asbrey, C.P. Franks, W.A. Hennessy and R. Sivagnanam.

Name of Speaker	Planning Application No. and Location	Reason for Speaking
J. Hurley	2023/00087/FUL – Crossway Methodist Church, Court Road, Barry–.	The Applicant or their representative

726 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.”

727 APOLOGY FOR ABSENCE –

This was received from Councillor M. Cowpe.

728 MINUTES –

RESOLVED – T H A T the minutes of the meeting held on 30th November 2023 be approved as a correct record.

729 DECLARATIONS OF INTEREST –

The following declarations of interest were received:

No.

Councillor	Agenda Item No.	Nature of Interest
Councillor I. Buckley	2021/01710/FUL - Former Eastbrook Methodist Chapel, Chapel Row, Eastbrook, Dinas Powys.	The nature of the personal interest was that the Applicants were known to the Councillor due to local ward connections. Councillor Buckley remained in the meeting for the item.
Councillor W. Gilligan	2021/01710/FUL - Former Eastbrook Methodist Chapel, Chapel Row, Eastbrook, Dinas Powys.	The nature of the prejudicial interest was that the Applicant was a family member. Councillor Gilligan withdrew from the meeting for the item.
Councillor S.D. Perkes	2023/00087/FUL - Crossway Methodist Church, Court Road, Barry.	The nature of the personal interest was that the Councillor was the Vale of Glamorgan Council's Cabinet Member for Public Sector Housing and Tenant Engagement. Even though the Application would be delivered by Newydd Housing Association, the application applied for was not an RG3 Application. Councillor Perkes remained in the meeting for the item.

730 SITE INSPECTIONS (CX) –

RESOLVED – T H A T the attendance of the following Councillors at the site visits indicated, held on 30th November 2023, be noted.

Apologies were received from Councillors G. Bruce (Leckwith Quay), C.A. Cave (both sites), C.M. Cowpe (GM2 House), P. Drake (both sites), A.M. Ernest (Leckwith Quay), W. Gilligan (both sites), N.P. Hodges (GM2 House), Dr. I.J. Johnson (GM2 House), H.M. Payne (both sites), S.D. Perkes (both sites), I.A.N. Perry (both sites), E. Williams (Leckwith Quay) and M.R. Wilson (Leckwith Quay).

No.

(a) GM2 House, Plymouth Road, Penarth, CF64 3DQ.	Councillor N.C. Thomas (Chair), Councillors G. Bruce, I. Buckley, C.E.A. Champion, A.M. Ernest, C. Stallard, E. Williams and M.R. Wilson.
(b) Leckwith Quay, Leckwith Road, Leckwith, CF11 8AU.	Councillor N.C. Thomas (Chair), Councillors I. Buckley, C.E.A. Champion, C.M. Cowpe, N.P. Hodges, Dr. I.J. Johnson, and C. Stallard. <u>Also Present</u> Councillors: A. Asbrey and C.P. Franks.

731 GUIDE TO PUBLIC SPEAKING AT PLANNING COMMITTEE REVIEW (DP) –

The Democratic and Scrutiny Services Officer presented the report, the purpose of which was to advise Members of the review that had been undertaken and proposed updates to the Public Speaking Guide, which was available to promote the Public Speaking function at Planning Committee meetings.

On 17th December 2014, Full Council resolved that the Guide to Public Speaking at Planning Committee be approved and took effect from 1st February 2015. A review of the guide had taken place, and a suggested amended guide (Appendix A to the report) was presented to the Planning Committee for its endorsement and referral to Full Council for final determination subject to any amendments recommended by the Committee.

In undertaking the review, officer consultation had been undertaken as outlined on the covering page of the report together with consideration given to comments received as a result of feedback from public speakers at Planning Committee meetings. The Guide had also been updated following implementation of the Council's updated Multi-Location Meetings Policy, that was agreed by Cabinet on 7th September 2023.

With no comments, questions or suggestions raised, the Committee subsequently

RESOLVED –

(1) T H A T the revised Guide to Public Speaking at Planning Committee, attached at Appendix A to the report, be endorsed and referred to Full Council for final determination.

(2) T H A T the arrangements for public speaking at Planning Committee meetings be reviewed regularly on a biennial basis.

No.

Reasons for decisions

- (1) To ensure that the views of the Planning Committee are taken into account prior to final approval of the Guide to Public Speaking at Planning Committee by Full Council.
- (2) To monitor the effectiveness of the arrangements.

732 PUBLIC SPEAKING AT PUBLIC RIGHTS OF WAY SUB-COMMITTEE MEETINGS – REVIEW (DP) –

The Democratic and Scrutiny Services Officer presented the report, the purpose of which was to advise Members of the review that had been undertaken and to submit an updated Public Rights of Way (PROW) Sub-Committee Guide to Public Speaking, which was available to promote the public speaking function at meetings of the Planning Committee Sub Committee.

The Guide to Public Speaking at the PROW Sub-Committee (the Guide) took effect on 17th August, 2015. Following implementation of the Council's updated Multi-Location Meeting Policy, that was agreed by Cabinet on 7th September 2023, a review had taken place of the Guide to Speaking.

In undertaking the review, officer consultation had been undertaken as outlined on the covering page of the report, and the Guide had been amended to better align to public speaking arrangements in place for the Planning Committee.

With no comments, questions or suggestions raised, the Committee subsequently

RESOLVED –

- (1) T H A T the revised Guide to Public Speaking at Public Rights of Way Sub-Committee, attached at Appendix A to the report, be endorsed and referred to Full Council for final determination.
- (2) T H A T the arrangements for public speaking at Public Rights of Way Sub-Committee meetings be reviewed regularly on a biennial basis.

Reasons for decisions

- (1) To ensure that the views of the Planning Committee are taken into account prior to final approval of the Guide to Public Speaking at the Public Rights of Way Sub-Committee by Full Council.
- (2) To monitor the effectiveness of the arrangements.

No.

733 AUDIT WALES RECOMMENDATIONS REGARDING GOVERNANCE AND THE PLANNING SERVICE (DP) –

The purpose of the report was to present the findings of the Audit Wales review of the Planning Service's governance arrangements, and to present the proposed response to those recommendations.

In presenting the report, the Head of Sustainable Development advised that in March 2023 Audit Wales advised the Council that their local audit work for 2023-2024 would be regarding Planning. In July 2023 Audit Wales forwarded their project brief, which explained that the review would be focussed on the Planning Service's Governance Arrangements. The project brief was attached as Appendix A to the report.

The review was subsequently undertaken by Audit Wales in July/August 2023 to gain further assurance that there were appropriate arrangements around governance of the Planning service, and that there was value for money in its use of resources. Appendix B to the report outlined the key findings of the review work. The review findings were generally positive, and the key finding was: *"We found that the Planning Service had a positive working culture and effectively supported the Council to deliver its well-being objectives but there were some gaps in governance arrangements which needed addressing"*.

Other findings included:

- "There was clear alignment between the Planning Service's key actions and the Council's wellbeing objectives,
- There was a positive working culture, good communication and an agile use of resources within the Planning Service,
- There were gaps in the Planning Committee's governance arrangements resulting in a lack of clear procedures to support planning officers and members in their roles, and
- The Council had sufficient arrangements in place to monitor and report on the Planning Service's contribution to the well-being objectives."

Therefore, the following recommendations were made:

- R1: The Council should strengthen its Planning Service's governance arrangements by:
 - Agreeing a Terms of Reference for the Council's Planning Committee to clearly state its purpose, role, and responsibilities. The Council should regularly review the Terms of Reference,
 - Developing a plain language Planning Protocol and include it in the Constitution and on the Planning Service Council webpage so that it was easily accessible to Members and the public. The Council should ensure members and officers understand and act in accordance with the Planning Protocol,

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- Undertaking its planned review of the Scheme of Delegation to ensure the Planning Committee was focussed on the most strategically important planning applications, and
 - Ensuring planning applications submitted by, or on behalf of, the officers in the Planning service and supporting services were considered by the Planning Committee and not under officer delegated powers to safeguard against any perceived conflicts of interest and to promote independence and transparency.
- R2: The Council's Planning Service should clearly present its performance measures and targets in its service plan.

In response to the above recommendations, it was proposed that the Council should adopt a Planning Protocol and Terms of Reference, amend the Scheme of Delegation (to include explicit reference to excluding Planning/related Officers' own applications from delegated powers), and provide more explicit performance measurements in future Service Plans. Those matters were detailed in the Organisational Response Form (ORF) which was attached at Appendix C to the report.

Members were asked to consider the contents of the reports with any recommendations /comments being referred to the Environment and Regeneration Scrutiny Committee, with a subsequent referral to the Governance and Audit Committee and thereafter, a separate report to Cabinet for their consideration and endorsement ahead of reporting to Full Council. The reporting cycle was set out in the ORF however, the Head of Sustainable Development highlighted that dates specified in the ORF were no longer relevant due to previous meetings of the Planning Committee being cancelled. It was proposed that the Terms of Reference, Planning Protocol, and any specific changes to the Scheme of Delegation be provided to Cabinet and then Full Council.

Following the Officer's presentation, both Members of the Committee and officers shared the varying key messages that they had taken away from taking part in individual interviews as part of the Audit Wales scoping project in order to generate the report under consideration.

Councillor Ernest expressed concerns in relation to the increased number of Planning Applications made under officer delegated powers and the upward trend they had witness over their terms in office. They also expressed concern in relation to previous meetings of the Committee being cancelled and their interpretation that Audit Wales was of the opinion that the Committee should be more efficient in its agenda content. In conclusion, Councillor Ernest advised that the report before the Committee had implications for matters under the remit of other Committees and therefore wider dissemination of the report was necessary.

Councillor Cave then expressed concerns over the minimal amount of agenda content for the Committee and suggested that an additional process be put in place to ensure that the Committee had some input and greater understanding of what was and was not going to be brought forward for its consideration. Councillor Cave also sought clarity on their interpretation that the call-in procedure

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would be reduced.

In response to Member concerns, the Head of Sustainable Development advised on their understanding of points raised in their own interview with Audit Wales as follows:

- Audit Wales were keen to ensure that:
 - What they would describe as strategically important and corporately important applications, came before Planning Committee. For example, major applications such as employment sites that were relatively less controversial but involved a lot of floor space should come before the Committee because of what the application meant for the Council to deliver on employment space,
 - More emphasis on making sure that the Committee's time was taken up with the strategically important applications and not applications which the Committee really need not be seeing to ensure value for money in delivering the service and so the Council was operating in an efficient way in the current financial climate, and
 - Audit Wales wanted Planning Committee to be efficient in what it was looking at so they were not advocating for longer agendas with more items but it was recognised that it was important to strike a balance, especially when considering matters of local importance.
- Section 18 of the Appendix B report set out the intentions of Audit Wales in relation to amending the Council's Scheme of Delegation to ensure that the right kind of applications were being presented to Committee.
- Members were entitled to call-in applications and a procedure remained in place for call-ins to be considered by the Head of Sustainable Development and the Chair of the Committee. Audit Wales did not suggest that the Council should specifically limit or change the Call-in procedure.

Councillor Wilson then took the opportunity to remind Committee that any Elected Member of the Council could call-in a planning application however, the decision to do so should not be taken lightly and considered alongside the planning appeals process and related, possible, financial losses incurred by the Council. It was important for Committee to prioritise its time on the more major applications.

In conclusion, the Vice-Chair reiterated the purpose of the Planning Committee to make decisions based on Planning Law and the Chair reiterated that the report as presented would be consulted upon by other Committee's as set out in the ORF.

With no further comments or questions, the Committee subsequently

RESOLVED –

(1) T H A T the findings arising from the review of the Planning Service's governance arrangements, Audit Wales' recommendations and the proposed response to those recommendations comprising the adoption of a Planning Protocol and Terms of Reference, amending the Scheme of Delegation (including to make explicit reference to excluding Planning/related Officers' own applications

No.

from delegated powers), and providing more explicit performance measurements in future Service Plans be noted.

(2) T H A T the report be referred to Environment and Regeneration Scrutiny Committee, thereafter to Governance and Audit Committee, and thereafter a separate report to Cabinet for their oversight and endorsement, prior to being reported to Full Council. It is proposed that the Terms of Reference, Planning Protocol, and any specific changes to the Scheme of Delegation be provided to Cabinet (and then Full Council).

Reasons for decisions

(1) To provide for scrutiny of the findings of Audit Wales's review of the Planning Service's governance arrangements.

(2) To ensure the Council responds appropriately and implements areas of improvement as identified by Audit Wales.

734 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.

735 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.

736 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.

No.

(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 it be noted that no Planning Appeal Decisions had been received at the time of the meeting taking place.

(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 2023 – March 2024, as detailed in Section E of the report, be noted.

737 TREES (HSD) –

(i) Delegated Powers –

RESOLVED – T H A T the applications as outlined within the report, on pages 38 through 42, as determined by the Head of Sustainable Development under delegated powers, be noted.

738 ENFORCEMENT ACTION (HDS) –

(i) Land at Hayes Road, Sully –

RESOLVED – T H A T the report be noted.

(ii) Land and Buildings at Land off Redway Road, Pendoylan –

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 a new building erected in a field located off Redway Road, Pendoylan. The building in question was a rectangular wooden clad with a flat roof, UPVC windows installed to the front and side elevations and a UPVC door on the front elevation.

The report recommended that as the building was not considered to be justified for agricultural purposes, and Enforcement Notice was issued requiring the removal of the building from the land. 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 and Democratic Services be authorised to issue an Enforcement Notice under Section 172 of the Town and Country Planning Act 1990 (as amended) to:

(i) Cease the residential use of the building.

No.

- (ii) Remove all domestic fixtures, fittings, and items from the wooden building.
- (iii) Demolish the wooden building.
- (iv) Remove from the land all item and materials resulting from the taking of steps (i) and (ii) above and restore the land to its former condition prior to the breach taking place.

(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 operational development consisting of the construction of a rectangular wooden clad building, has occurred within the last 4 years.

(2) The building is located outside of any settlement boundary identified in the LDP and within an unsustainable location. As there is no agricultural justification for this building, the siting of such a building in an unsustainable countryside location is considered unacceptable in principle. The size, design and appearance of the unauthorised wooden clad building is considered detrimental to the surrounding rural character of the area and wider landscape, which is designated as a Special Landscape Area. The construction materials used including the installation of patio doors and UPVC, presents a stark overtly domestic appearance that does not fit well into the landscape and are therefore considered unacceptable. The development is therefore considered to conflict with policies SP1 (Delivering the Strategy), SP10 (Built and Natural Environment), MG17 (Special Landscape Areas), MD1 (Location of New Development), and MD2 (Design of New Development), of the LDP as well as PPW (Edition 11, 2021) and TAN 6, in that it is not justified as part of a rural enterprise, and TAN 12 in that the building does not relate to the local rural context.

(3) Despite on-site meetings and correspondence with the owner of the land, there has been no further indication that the owner is willing to resolve the breach, and the building remains located on the land in breach of planning control.

(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.

739 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.

2021/01710/FUL

Received on 23 September 2022

(p70)

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.

Councillor Gilligan declared a prejudicial interest in relation to this item and therefore withdrew from the meeting for the entirety and did not take part in any related vote.

In presenting the report, the Principal Planner highlighted a drafting error on page 96 of the report whereby text had not been omitted from the recommendations as intended. Therefore, the text set out on the page between the Recommendation Heading and Recommendation 1, should be amended to “approve subject to conditions”, and the following erroneous text be deleted: *“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.”*

A recorded vote was called for the Application, based on the recommendations within the report as amended, with the results as follows:

Member	For	Against	Abstain
G. Bruce		√	
I. Buckley	√		
Mrs. C.A. Cave	√		
C. Champion	√		
M. Cowpe			
Mrs. P. Drake	√		
A. Ernest	√		
W. Gilligan			
N.P. Hodges		√	
Dr. I.J. Johnson		√	
H. Payne		√	
S. Perkes			√
I. Perry		√	
C. Stallard		√	
N. Thomas	√		
E. Williams	√		
M.R. Wilson			√
TOTAL	7	6	2

No.

APPROVED – Subject to the conditions as amended and contained within the report.

Reason for decision

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

2023/00087/FUL

Received on 27 January 2023

(p102)

APPLICANT: Loft-Co Urban Regeneration Company Limited C/O Agent,
AGENT: Gwen Thomas Unit 9, Oak Tree Court, Cardiff Gate Business Park,
Cardiff, CF23 8RS

Crossway Methodist Church, Court Road, Barry

Proposed development of 15 no. affordable flats and associated works

A recorded vote was called for the Application, with the results as follows:

Member	For	Against	Abstain
G. Bruce		√	
I. Buckley	√		
Mrs. C.A. Cave	√		
C. Champion			
M. Cowpe			
Mrs. P. Drake	√		
A. Ernest		√	
W. Gilligan	√		
N.P. Hodges		√	
Dr. I.J. Johnson		√	
H. Payne	√		
S. Perkes	√		
I. Perry		√	
C. Stallard	√		
N. Thomas	√		
E. Williams	√		
M.R. Wilson	√		
TOTAL	10	5	0

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.

No.

2023/00895/FUL

Received on 29 August 2023

(p128)

APPLICANT: Mr Huw Llewellyn Great House Farm, Penllyn, Cowbridge, CF71 7RQ

AGENT: Ms Bethan Evans Unit 9, Oak Tree Court, Cardiff Gate Business Park, Cardiff, CF23 8RS

Great House Farm, Penllyn

Proposed change of use from agricultural use to glamping visitor accommodation comprising 3 yurts, separate kitchen units and conversion of the existing barn to a shower block and farm storage.

DEFERRED – to a future meeting of the Committee, given the need to re consult neighbours for a consultation period of 21 days, following the submission of an amended certificate of ownership.