

No.

PLANNING COMMITTEE

Minutes of a Hybrid meeting held on 12th June, 2025.

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

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

Present: Councillor N.C. Thomas (Chair); Councillor M.R. Wilson (Vice-Chair);
Councillors: J. Aviet, G. Bruce, C.A. Cave, J.E. Charles, 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 E. Williams.

Name of Speaker	Application No. and Details	Reason for Speaking
Mr. P. Jones	2016/00849 – Gardenhurst, Penarth.	For the Applicant or their representative.

85 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”.

86 APOLOGY FOR ABSENCE –

This was received from Councillor W. Gilligan.

87 MINUTES –

RESOLVED – T H A T the minutes of the meeting held on 15th May, 2025 be approved as a correct record.

88 DECLARATIONS OF INTEREST –

No declarations of interest were received.

No.

89 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.

90 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 7 through 16, under the above delegated powers, be noted.

91 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 received, 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 2025 – March 2026, as detailed in Section (e) of the report, be noted.

92 TREES (HSD) –

(i) Delegated Powers –

RESOLVED – T H A T the applications as outlined within the report, on pages 32 and 33, as determined by the Head of Sustainable Development under delegated powers, be noted.

(ii) St. Elmo, 8 Burnham Avenue, Sully, Penarth –

An Outline planning application for the erection of 2no. three storey properties was submitted to the Local Planning Authority which given the siting of the proposed dwellings, would result in the loss of two mature trees which formed the subject of this Tree Preservation Order (TPO) application. The trees related to an English Walnut, a medium scaled tree with limited view to the public given its set back from the street scene, although it was partly visible from the wider public domain and considerably prominent from neighbouring and wider properties given its scale, species and condition. The tree was estimated to be 40-100 years old and was in good form which contributed to the visual amenity of the area.

The Copper Beech tree was also aged between 40-100 years; the assessment was conducted as precautionary due to the proposed threat to the tree. The tree was large in scale and contributed significantly to the visual amenity of the immediate and wider area given its considerable scale and good form. TEMPO assessments conclude that TPOs were defensible in both instances.

Notice of the intention to TPO both trees were subsequently sent out to the owner (as per the planning application) of the property on 19th March, 2025 and the trees were put under interim protection to allow sufficient time for any consultation responses. Unbeknownst to the Council, the property in the meantime had been sold to a new owner, and all mail had been redirected, as such the new owner was not aware of the TPO. Subsequently, works had been carried out to pollard the Copper Beech tree along the rear boundary of the site, with the further intention to remove it.

Notice of the TPO was reissued to the new owner on 27th March, to which an objection had been received to TPO both trees, given the works which had been carried out unlawfully to the Copper Beech tree, the objection stated the tree was at risk of failure and had no positive contribution to the local amenity. An objection was also raised to the protection of the English Walnut given its limited visibility, albeit there was no intention to remove this tree according to the objection letter.

Whilst objections to the Order were noted, particularly with reference to the Copper Beech given its current condition and the works which had been carried out to the tree to date, the English Walnut given its good form, species and contribution to the site's character was still considered to warrant protection.

It was the officer's recommendation that the English Walnut be placed under a TPO and given the works which had been carried out to the Copper Beech, and the resultant impact on its health and condition, this was to be removed from the Order.

No.

Therefore, it was recommended that the Tree Preservation be confirmed for the Walnut tree but with modification to remove reference to the Copper Beech.

RESOLVED – T H A T Tree Preservation Order No.1 of 2025 relating to St. Elmo, 8, Burnham Avenue, Sully with modification to remove reference to the Copper Beech be approved.

Reason for decision

Having regard to the Council's duties under the Equality Act 2010 the proposed imposition of a TPO does not have any significant implications for, or effect on, persons who share a protected characteristic.

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.

93 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.

2016/00849/FUL

Received on 15 August 2023

(P. 45)

APPLICANT: Mr. Simpson, Equorium Limited, c/o Agent

AGENT: Jessica Bugar Equorium Property Company Ltd, Capital Link, Windsor Road, Cardiff, CF24 5NG

Gardenhurst Resource Centre, Holmesdale Place, Penarth

Redevelopment and change of use of former care facility to provide 6 apartments, plus 3 new terrace houses on the existing car park of the property, including associated car parking, landscaping and improvement works to the existing boundary wall and arboriculture.

The application was required to be determined by Planning Committee under the Council's approved scheme of delegation because it had been called-in for determination by Councillor Anthony Ernest for the reason that the scheme related to a comprehensive proposal involving a substantial property and conversions into numerous dwellings, as well as the impact upon the conservation area.

RESOLVED – T H A T subject to the interested person(s) first entering into a Section 106 Legal Agreement to trigger a viability review if the development was not substantially completed within six years of the date of the planning permission,

No.

APPROVED subject to the following conditions:

1. The development shall begin no later than 3 years from the date of this decision.

Reason:

To comply with the requirements of Section 91 of the Town and Country Planning Act 1990.

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

2266-TYP-LP-01 Rev P1 - Site Location Plan

A_2266-TYP-GA-04 Rev P2 - Proposed Basement Floor Plan

A_2266-TYP-GA-05 Rev P3 - Proposed Ground Floor Plan

A_2266-TYP-GA-06 Rev P3 - Proposed First Floor Plan

A_2266-TYP-GA-07 Rev P3 - Proposed Loft Floor Plan

A_2266-TYP-GA-08 Rev P1 - Proposed Roof Plan

A_2266-TYP-GA-24 Rev P2 - Proposed Elevations - Sheet 01

A_2266-TYP-GA-25 Rev P2 - Proposed Elevations - Sheet 02

A_2266-TYP-GA-26 Rev P1 - Presentation Elevations - Sheet 01

A_2266-TYP-GA-27 Rev P1 - Presentation Elevations - Sheet 02

A_2266-TYP-GA-40 Rev P2 - Basement Demolition Plan

A_2266-TYP-GA-41 Rev P2 - Ground Floor Demolition Plan

A_2266-TYP-GA-42 Rev P2 - First Floor Demolition Plan

A_2266-TYP-GA-43 Rev P1 - Roof Demolition Plan

7935_500 Rev 03 - Drainage Strategy Plan

TDA.2878.01(A) - Outline Landscape Proposals

7935 900 R02 Vehicle Tracking - Fire Tender

7935 901 R01 Vehicle Tracking- 7.5T Box Van

AMENDED - 2266-TYP-BP-02 - P2 - Proposed Block Plan

AMENDED - 2266-TYP-SP-02 - P3 - Site Context Demolition Plan

AMENDED - 2266-TYP-SP-03 - P4 - Proposed Site Plan

AMENDED - 2266-TYP-SP-31 - P2 - Proposed Site Sections

AMENDED - 2266-TYP-SP-40 - P3 - Proposed 3-D Visuals - Sheet 01

AMENDED - H_2266-TYP-GA-09 - P2 - Proposed Ground Floor Plan –
Townhouses

AMENDED - H_2266-TYP-GA-10 - P2 - Proposed First Floor Plan -
Townhouses

AMENDED - H_2266-TYP-GA-11 - P2 - Proposed Second Floor Plan -
Townhouses

AMENDED - H_2266-TYP-GA-12 - P2 - Proposed Roof Plan - Townhouses

AMENDED - H_2266-TYP-GA-29 - P4 - Proposed Elevations - Sheet 01 -
Townhouses

AMENDED - H_2266-TYP-GA-30 - P4 - Proposed Elevations - Sheet 02 -
Townhouses

AMENDED - H_2266-TYP-GA-31 - P4 - Presentation Elevations - Sheet 01 -
Townhouses

No.

AMENDED - H_2266-TYP-GA-32 - P4 - Presentation Elevations - Sheet 02 - Townhouses

AMENDED - H_2266-TYP-GA-33 - P4 - Proposed 3D Visuals - Townhouses
Gardenhurst Green Infrastructure Statement
Pre-Development Tree Survey & Constraints

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.

3. No development shall commence until details of existing ground levels within and adjacent to the site and proposed finished ground and floor levels have been submitted to and approved in writing by the Local Planning Authority. The development shall be carried out in accordance with the approved details.

Reason:

To preserve the special interest of the conservation area and safeguard visual amenity, and to ensure the development accords with Policies SP1 (Delivering the Strategy), SP10 (Built and Natural Environment), Policy MD2 (Design of New Development) and MD8 (Historic Environment) of the Local Development Plan.

4. Notwithstanding the submitted plans and details, and prior to their use on site, a schedule of materials (including samples) to be used in the construction of the development hereby approved shall be submitted to and approved in writing by the Local Planning Authority. The development shall be completed in accordance with the approved details and thereafter retained at all times.

Reason:

To preserve the special interest of the conservation area and safeguard visual amenity, as required by Policies SP1 (Delivering the Strategy), SP10 (Built and Natural Environment), Policy MD2 (Design of New Development) and MD8 (Historic Environment) of the Local Development Plan.

5. Notwithstanding the submitted plans and details, prior to their use on site full details of:

- Cycle storage
- All entrance gates, including details of the widening of the bin store opening
- All new hardstandings (including samples)
- All new boundaries (including samples)
- All new railings
- All new windows
- All new doors
- All new balcony railings

No.

- All new rainwater goods
- Canopy's (townhouses)

and details of a replacement enclosure along to the northern boundary between the application site and Parkside Residential Home, shall be submitted to and approved in writing by the Local Planning Authority. The development shall be completed in accordance with the approved details prior to being brought into beneficial use and shall thereafter be so retained.

Reason:

To preserve the special interest of the conservation area and safeguard visual amenity, as required by Policies SP1 (Delivering the Strategy), SP10 (Built and Natural Environment), Policy MD2 (Design of New Development) and MD8 (Historic Environment) of the Local Development Plan.

6. Where making good, the materials to be used shall match those used in the existing building / stone wall that exist at the time of this approval.

Reason:

To safeguard local visual amenities, as required by Policies SP1 (Delivering the Strategy), MD2 (Design of New Development), SP10 (Built and Natural Environment) and MD8 (Historic Environment)] of the Local Development Plan.

7. All rooflights to be used in the development shall be flush fitting "conservation" type.

Reason:

To safeguard local visual amenities, as required by Policies MD2 (Design of New Development), SP10 (Built and Natural Environment) and MD8 (Historic Environment) of the Local Development Plan.

8. The landscaping works approved under plan ref: TDA.2878.01(A) - Outline Landscape Proposals shall be carried out in accordance with the approved details during the first planting season immediately following completion of the development.

Reason:

To ensure satisfactory maintenance of the landscaped area to ensure compliance with the terms of Policies SP1 (Delivering the Strategy) MD1 (Location of New Development) & MD2 (Design of New Developments) of the Local Development Plan.

9. Any trees or plants which within a period of 5 years from the completion of the development die, are removed or become seriously damaged or diseased

No.

shall be replaced in the next planting season with others of similar size and species.

Reason:

To ensure satisfactory maintenance of the landscaped area to ensure compliance with Policies SP1 (Delivering the Strategy), SP10 (Built and Natural Environment), MD1 (Location of New Development), MD2 (Design of New Developments) and MD8 (Historic Environment) of the Local Development Plan.

10. Any part of north facing windows and roof lights contained within the rear elevation of the townhouses and north facing side elevation of Gardenhurst at first floor that are below 1.7m in height above the level of the floor in the room that they serve shall be obscurely glazed to a minimum of level 3 of the "Pilkington" scale of obscuration and fixed pane at the time of installation, and so retained at all times thereafter.

Reason:

To ensure that the privacy and amenities of adjoining occupiers are safeguarded, and to ensure compliance with Policies SP1 (Delivering the Strategy) and MD2 (Design of New Developments) of the Local Development Plan.

11. The balcony hereby approved to serve apartment 4 shall not be brought into beneficial use until the following requirement has been complied with:

A 1.8m high privacy screen is erected along the north facing side of the balcony, details of which shall have first been submitted to and approved in writing by the Local Planning Authority.

Once erected, the privacy screen erected in compliance with the above shall thereafter be retained in perpetuity.

Reason:

In the interests of privacy and to ensure compliance with Policy MD2 (Design of New Development) of the Local Development Plan.

12. No townhouse or apartment shall be occupied until the parking spaces, bin stores and cycle parking have been laid out within the site in accordance with drawing no AMENDED - 2266-TYP-SP-03 - P4 - Proposed Site Plan for 13 vehicles to be parked and those spaces shall thereafter be kept available for such purposes in perpetuity.

Reason:

To ensure that satisfactory vehicle parking and turning facilities is provided on site to serve the development, and to ensure compliance with the terms of

No.

Policies SP1 (Delivering the Strategy) and MD2 (Design of New Developments) of the Local Development Plan.

13. Prior to the commencement of development, any site clearance or demolition, a Construction Traffic Management Plan shall be submitted to and approved in writing by the local planning authority. The CTMP shall include a scheme detailing provision for onsite parking for construction workers for the duration of the construction period, loading and unloading of plant and materials within the site boundary, measure to control mud and debris entering the highway and ensuring that no materials whatsoever shall be stored on the adjacent highway. The scheme shall be implemented throughout the construction period.

Reason:

To ensure that the parking provision and highway safety in the area are not adversely affected by the construction of the development and to meet the requirements of Policies SP1 (Delivering the Strategy), MD2 (Design of New Developments) and MD7 (Environmental Protection) of the Local Development Plan.

14. Prior to the first beneficial occupation of the development, a Biodiversity Enhancement Strategy addressing enhancement measures shall be submitted to and approved in writing by the Local Planning Authority. The development shall thereafter be carried out in accordance with the approved strategy and timings set out within and thereafter retained in accordance with the approved details whilst the development remains in existence. The Strategy shall include the following:

- a) Details of any bird/bat box provision
- b) Details of any additional ecological enhancements

Reason:

In the interests of ecology and to ensure compliance with Policies SP1 (Delivering the Strategy) and MD9 (Promoting Biodiversity) of the Local Development Plan.

15. Notwithstanding the provisions of schedule 2, Part 1, classes A, B, C, D and E of the Town and Country Planning (General Permitted Development) Order 1995 (as amended for Wales) (or any order revoking and re-enacting that order with or without modification), the town house hereby approved shall not be altered in any way, no extensions shall be erected to the building other than those expressly authorised by this permission, and no buildings shall be erected other than those expressly authorised by this permission.

Reason:

To enable the Local Planning Authority to control the scale of development and to ensure compliance with Policies SP1 (Delivering the Strategy) and

No.

MD2 (Design of New Developments) of the Local Development Plan.

16. Notwithstanding the provisions of the Town and Country Planning (General Permitted Development) Order 1995 (as amended for Wales) (or any order revoking and re-enacting that Order with or without modification), no fences, gates or walls shall be erected within the curtilage of any dwelling house or within the grounds of Gardenhurst other than those expressly authorised by this permission.

Reason:

To safeguard local visual amenities, and to ensure compliance with Policies SP1 (Delivering the Strategy) & MD2 (Design of New Developments) of the Local Development Plan.

17. No surface water and/or land drainage shall be allowed to connect directly or indirectly with the public sewerage network.

Reason:

To prevent hydraulic overloading of the public sewerage system, pollution of the environment and to protect the health and safety of existing residents and ensure no detriment to the environment and to comply with the terms of Policies SP1 (Delivering the Strategy), MD1 (Location of New Development) and MD7 (Environmental Protection) of the Local Development Plan.

18. In the event that contamination is found at any time when carrying out the approved development that was not previously identified it must be reported in writing within 2 days to the Local Planning Authority, all associated works must stop, and no further development shall take place until a scheme to deal with the contamination found has been submitted to and approved in writing by the Local Planning Authority. An investigation and risk assessment must be undertaken and where remediation is necessary a remediation scheme and verification plan must be prepared and submitted to and approved in writing by the Local Planning Authority. Following completion of measures identified in the approved remediation scheme a verification report must be submitted to and approved in writing by the Local Planning Authority. The timescale for the above actions shall be agreed with the LPA within 2 weeks of the discovery of any unsuspected contamination.

Reason:

To ensure that any unacceptable risks from land contamination to the future users of the land, neighbouring land, controlled waters, property and ecological systems are minimised, and to ensure that the development can be carried out safely without unacceptable risks to workers, neighbours and other offsite receptors in accordance with Policy / Policies SP1 (Delivering the Strategy) / MD7 (Environmental Protection) of the Local Development Plan.

No.

19. Any aggregate (other than virgin quarry stone) or recycled aggregate material to be imported shall be assessed for chemical or other potential contaminants in accordance with a scheme of investigation which shall be submitted to and approved in writing by the Local Planning Authority in advance of its importation. Only material approved by the Local Planning Authority shall be imported. All measures specified in the approved scheme shall be undertaken in accordance with Pollution Control's Imported Materials Guidance Notes. Subject to approval of the above, sampling of the material received at the development site to verify that the imported soil is free from contamination shall be undertaken in accordance with a scheme and timescale to be agreed in writing by the LPA.

Reason:

To ensure that the safety of future occupiers is not prejudiced in accordance with Policy / Policies SP1 (Delivering the Strategy) / MD7 (Environmental Protection) of the Local Development Plan.

20. Any topsoil [natural or manufactured], or subsoil, to be imported shall be assessed for chemical or other potential contaminants in accordance with a scheme of investigation which shall be submitted to and approved in writing by the Local Planning Authority in advance of its importation. Only material approved by the Local Planning Authority shall be imported. All measures specified in the approved scheme shall be undertaken in accordance with Pollution Control's Imported Materials Guidance Notes. Subject to approval of the above, sampling of the material received at the development site to verify that the imported soil is free from contamination shall be undertaken in accordance with a scheme and timescale to be agreed in writing by the LPA.

Reason:

To ensure that the safety of future occupiers is not prejudiced in accordance with Policy / Policies SP1 (Delivering the Strategy) / MD7 (Environmental Protection) of the Local Development Plan.

21. No development, demolition works or site clearance, shall take place until there has been submitted to and approved in writing by the Local Planning Authority details of a scheme for the protection of the retained trees within the site. The approved scheme shall be carried out during the demolition of the buildings and throughout the construction phase of the development.

Reason:

In order to avoid damage to trees on or adjoining the site which are of amenity value to the area and to ensure compliance with Policies SP1 (Delivering the Strategy), SP10 (Built and Natural Environment), MD2 (Design of New Developments) and MD8 (Historic Environment) of the Local Development Plan.

No.

22. No development or the removal of any internal features shall commence until a photographic survey (equivalent to Level 2 Building Recording) of the principal building on the site has been submitted to and approved in writing by the Local Planning Authority.

Reason:

In order that records are kept of any historic features of interest and to ensure compliance with Policies SP1 (Delivering the Strategy), SP10 (Built and Natural Environment) and MD8 (Historic Environment) of the Local Development Plan.

2024/00537/FUL

Received on 8 April 2025

(P. 93)

APPLICANT: Mr Rhys Llewellyn C/O AGENT

AGENT: Mr David Thomas Temple Court, 13A Cathedral Road, Cardiff, CF11 9HA

Cliff Haven Residential Home, 10 Clive Crescent, Penarth

Conversion to 3 Apartments with side and rear extensions and other alterations. Proposed alterations throughout the site to include the addition of retaining walls and alterations to levels.

DEFERRED – To a future meeting of the Committee.

Reason for decision

To allow the Applicant adequate time to re-submit the application, to reflect the extent and form of development proposed at the site.