

## PLANNING COMMITTEE

Decision Notice - Remote Meeting, 8<sup>th</sup> June, 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, 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: Councillors S.M. Hanks, G. John (Cabinet Member for Leisure, Sport and Wellbeing) and N.J. Wood.

<b>Name of Speaker</b>	<b>Planning Application No. and Location</b>	<b>Reason for Speaking</b>
Mr. B. Oakley	2018/01408/FUL – Former Cowbridge Comprehensive School, Aberthin Road, Cowbridge	Objectors to the application or their representative
Dr. T. Davies	2018/01408/FUL – Former Cowbridge Comprehensive School, Aberthin Road, Cowbridge	Objectors to the application or their representative
Councillor Rev. H. Weddell	2018/01408/FUL – Former Cowbridge Comprehensive School, Aberthin Road, Cowbridge	A representative of a Town or Community Council
Mr. S. Harries	2018/01408/FUL – Former Cowbridge Comprehensive School, Aberthin Road, Cowbridge	The applicant or their representative
Mr. P. Booth	2021/01242/FUL - Land adjacent to Littlemoor Farm, Squire Street, Llysworney	The applicant or their representative

Councillor N.J. Wood spoke on application 2018/01408/FUL – Former Cowbridge Comprehensive School, Aberthin Road, Cowbridge in his capacity as a Vale of Glamorgan Member for the Cowbridge Ward.

### AGENDA ITEM 2. MINUTES –

RESOLVED – T H A T the minutes of the meeting held on 27<sup>th</sup> April, 2022 be approved as a correct record.

AGENDA ITEM 3. DECLARATIONS OF INTEREST –

Councillor A.M. Ernest	2022/00046/FUL – 4 Park Road, Penarth	<p>Personal and Prejudicial Interest – the nature of the interest is that a close family relative lives in the vicinity of the application address and the applicant was known to him.</p> <p>Councillor Ernest withdrew from the meeting during discussion of this item.</p>
Councillor Dr I.J. Johnson	2021/00622/FUL - 81-85 Holton Road, Barry	<p>Personal interest – Councillor Dr. Johnson had made comments and participated in discussions on this matter previously as a local ward member and as a member of the Planning Committee. He confirmed that he had not predetermined his position on this issue and that any decision made at the meeting would be made with full regard and consideration of all available information.</p> <p>Councillor Dr. Johnson remained in the meeting when the item was considered.</p>
Councillor Dr I.J. Johnson	2021/01123/FUL - Land to the South and West of The Goodsheds, Hood Road, Barry	<p>Personal interest – Councillor Dr. Johnson had made comments and participated in discussions on this matter previously as a local ward member and as a member of the Planning Committee. He confirmed that he had not predetermined his</p>

		<p>position on this issue and that any decision made at the meeting would be made with full regard and consideration of all available information.</p> <p>Councillor Dr. Johnson remained in the meeting when the item was considered.</p>
Councillor I.A.N. Perry	<p>2018/01408/FUL - Former Cowbridge Comprehensive School, Aberthin Road, Cowbridge</p>	<p>Personal interest - Councillor Perry had made comments on this development / location as part of the Local Development Plan (LDP) regarding the change of use of land almost a decade ago and may have subsequently signed a petition regarding this. He confirmed that he had not predetermined his position on this issue and that any decision made at the meeting would be made with full regard and consideration of all available information.</p> <p>Councillor Perry remained in the meeting when the item was considered.</p>

**AGENDA ITEM 4. 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.

AGENDA ITEM 5. 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 14 through 32, under the above delegated powers be noted.

AGENDA ITEM 6. APPEALS (HRP) –

RESOLVED –

- (1) T H A T the appeal 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 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.

AGENDA ITEM 7. TREES (HRP) –

(i) Delegated Powers –

RESOLVED – T H A T the applications as outlined within the report on pages 37 and 38, as determined by the Head of Regeneration and Planning under delegated powers, be noted.

AGENDA ITEM 8. PUBLIC RIGHTS OF WAY SUB-COMMITTEE MEMBERSHIP (HRP) –

RESOLVED – T H A T the Public Rights of Way Sub-Committee comprising 5 Members as set out in paragraph 2.2 of the report (2 Labour, 1 Conservative, 1 Plaid Cymru and 1 Llantwit First Independent) be appointed.

Reason for decision

To confirm the appointment of the Public Rights of Way Sub-Committee for 2022/23.

## AGENDA ITEM 9. 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.

### **2018/01408/FUL**

#### **Former Cowbridge Comprehensive School, Aberthin Road, Cowbridge**

APPROVED – Subject to the conditions as contained within the report and with amended and additional informatives as below:

Amended informative:

The applicant is required to contact Highway Maintenance team [networkmanagement@valeofglamorgan.gov.uk](mailto:networkmanagement@valeofglamorgan.gov.uk) prior to carrying out any works on site adjacent to the adopted highway to agree location, specifications and for permission to work within the highway. All associated costs of undertaking the works will be at the applicant's own expense to ensure all works on the adjacent highway will be undertaken in accordance with the Council's standard details for adoption and in the interests of highway safety. The developer must enter into a Section 278/S38 Agreement with the Highway Authority before undertaking works along the adjacent highway.

Additional Informative:

The applicant shall note that a minimum of 12 weeks' notice is required to implement Temporary or Permanent Traffic Regulatory Orders should the closure or other Order be agreed. Requests for any such Orders must be submitted in writing to Operational Manager Highways and Engineering, Alps Depot, Wenvoe, Vale of Glamorgan.

#### **Reason for decision**

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

### **2021/00622/FUL**

#### **81-85, Holton Road, Barry**

RESOLVED – T H A T, subject to the amended S106 resolution as follows:

- The developer pays £54,996 for the provision or enhancement of educational facilities in schools serving the development for Secondary school children.
- The developer pays a contribution of £57,500 towards 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.
- The developer pays a contribution of £66,700 towards providing or enhancing public open space in the vicinity of the site.

AND

- The units shall only be occupied as affordable housing that meets 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.
- The developer pays the legal and implementation/monitoring fees for the S106 agreement.

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.

**2021/01123/FUL**

**Land to the South and West of The Goodsheds, Hood Road, Barry**

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.

**2021/01242/FUL**

**Land adjacent Littlemoor Farm, Squire Street, Llysworney**

REFUSED –

(1) Having regard to the Council's duties under Section 72(1) of the Town and Country Planning (Listed Buildings and Conservation Areas) Act 1990, it is considered that the development would harm the character and appearance of the Llysworney Conservation Area by reason of its size, scale, urbanising effect and the significant disruption of a significant view. It is therefore contrary to Policies SP1 - Delivering the Strategy, criterion 1 of SP10 – Built and Natural Environment, criteria 1, 2 and 10 of MD2 - Design of New Development, criteria 3 and 4 of MD5 – Development within Settlement Boundaries and criterion 1 of MD8 – Historic Environment of the Vale of Glamorgan Adopted Local Development Plan 2011-2026; as well as the advice and guidance contained in Planning Policy Wales (11th ed.) and TAN12 – Design.

(2) The proposals would result in the unnecessary loss of a significant number of trees which have biodiversity and habitat value, climate benefits, and contribute positively to local amenity and the character and verdant setting of the Llysworney Conservation Area. The development is therefore contrary to Policies SP1 – Delivering the Strategy, criterion 1 of SP10 – Built and Natural Environment, criteria 10 of MD2 – Design of New Development, criteria 3 and 4 MD5 – Development

within Settlement Boundaries and Policy MD9 – Promoting Biodiversity of the Vale of Glamorgan Adopted Local Development Plan 2011-2026; as well as the advice and guidance contained in Planning Policy Wales (11th ed.) and TAN12 – Design.

(3) In the absence of a Section 106 agreement, adequate provision for affordable housing has not been secured, contrary to policies MD4 (Community Infrastructure and Planning Obligations) and MG4 (Affordable Housing) of the LDP and the Council's Affordable Housing SPG.

#### Reason for decision

The decision to recommend refusal of 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.

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.

#### **2022/00046/FUL** **4, Park Road, Penarth**

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.

#### **2022/00155/FUL** **Land off Porthkerry Road, Rhose**

REFUSED –

(1) T H A T, by reason of its siting, design, and the distinctly rural appearance of the landscape, the fence at this prominent plot fronting Porthkerry Road adversely impacts the visual amenity of the countryside and harmfully dilutes the consistent rural and verdant character, which is a key landscape feature of this area. The development is, therefore, contrary to Policies MD1 and MD2 of the Vale of Glamorgan Adopted Local Development Plan 2011-2026 and the advice contained within Technical Advice Note 6 and 12 and Planning Policy Wales 11th Edition.

(2) T H A T the Head of Legal Services be authorised to serve an Enforcement Notice under Section 172 of the Town and Country Planning Act 1990 (as amended) to require:

- the removal of the fence and resulting materials from the land or reduction of the fence to a height of not more than 1 metre above ground level.

(3) 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.

#### Reason for decision

The decision to refuse 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.

The proposed fence has an unacceptable impact on the visual amenity of the countryside and is therefore contrary to Policies MD1 and MD2 of the Local Development Plan.

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.

#### **2022/00401/FUL**

#### **3, White House, Barry**

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.