

## PLANNING COMMITTEE

Decision Notice – Meeting, 27<sup>th</sup> July, 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, P. Drake, A.M. Ernest, 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 L. Burnett and S.J. Haines.

<b>Name of Speaker</b>	<b>Planning Application No. and Location</b>	<b>Reason for Speaking</b>
Mr. Jon Hurley	2021/00622/FUL – 81-85 Holton Road, Barry	The applicant or their representative
Mr. N. Jones	2021/00622/FUL – 81-85 Holton Road, Barry	The applicant or their representative
Mr. A. Parker	2021/00764/FUL - Heritage Coast Campsite, Monkash	The applicant or their representative
Mr. G. John	2021/01270/FUL - Brooklands, Brook Lane, St. Nicholas	The applicant or their representative

### AGENDA ITEM 1. APOLOGIES FOR ABSENCE –

These were received from Councillors C.M. Cowpe and W. Gilligan.

### AGENDA ITEM 2. MINUTES –

**RECOMMENDED – T H A T** the minutes of the meeting held on 8<sup>th</sup> June, 2022 be approved as a correct record.

### AGENDA ITEM 3. DECLARATIONS OF INTEREST –

Councillor Dr I.J. Johnson	2021/00622/FUL - 81-85 Holton Road, Barry	Personal interest – Councillor Dr. Johnson had made comments and participated in discussions on this matter previously as a local ward member and as a
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		<p>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 H.M. Payne	2021/00622/FUL - 81-85 Holton Road, Barry	<p>Personal interest – Councillor Payne was a member of Barry Town Planning.</p> <p>She confirmed that she had not predetermined her 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 Payne remained in the meeting when the item was considered.</p>
Councillor I.A.N. Perry	2021/01386/RG3, 2021/01387/RG3 & 2021/01388/RG3 - 2, Dyffryn Close, St. Nicholas, 4, Dyffryn Close, St. Nicholas & 13, Dyffryn Close, St. Nicholas	<p>Councillor Perry noted there were 3 Planning Applications within his Community Council ward. He knew one of the residents and had reported the other two to Enforcement regarding the change of roof tiles.</p> <p>The Chair sought advice and Councillor Perry was advised that it was for him to decide if he had a prejudicial interest in any matter but was advised in</p>

		<p>this in instance that no declaration was required.</p> <p>Councillor Perry remained in the meeting when the item was considered.</p>
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**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.
- (4) T H A T the serving of Notices under Section 32 Buildings Act 1984 as listed in Section (D) 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 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.

#### AGENDA ITEM 7. TREES (HRP) –

(i) Delegated Powers –

RESOLVED – T H A T the applications as outlined within the report on pages 46 and 47, as determined by the Head of Regeneration and Planning under delegated powers, be noted.

#### AGENDA ITEM 8. ENFORCEMENT (HRP) –

(i) Land and Building at Land Behind the Properties of Holland Cottage, The Sycamores and Old Copse, Llantwit Road, St. Athan –

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:

(a) construction related goods including (but not limited to), building materials, fittings, fixtures, signage, ladders, paint, machinery, bricks, fencing, sheds, tubing, wheelbarrows, tubs, woodwork, pallets and UPVC frames and other miscellaneous items;

(b) construction related waste materials including (but not limited to), rubble, tubs, woodwork and pallets;

(c) a prefabricated unit, shed and other buildings, along with the remains of a roof.

(ii) The permanent removal from the land of the:

(a) construction related goods including (but not limited to), building materials, fittings, fixtures, signage, ladders, paint, machinery, bricks, fencing, sheds, tubing, wheelbarrows, tubs, woodwork, pallets, UPVC frames and other miscellaneous items;

(b) construction related waste materials including (but not limited to), rubble, tubs, woodwork and pallets;

(c) prefabricated unit, shed and other buildings, along with the remains of a roof.

(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 from agriculture to a mixed use of agriculture and the storage of construction items and waste, plant/machinery, the siting of a pre-fabricated container and other associated buildings has commenced within the last 10 years.

(2) The unauthorised change of use of the land has resulted in a large volume of commercial items, waste as well as associated machinery and buildings stored on agricultural land in readily visible positions. This results in the loss of open countryside which is detrimental to the rural character of the area and to the visual amenities of local properties. Furthermore, the movement, sorting, collecting and delivery of items, waste and machinery is a loud and disruptive process which further detrimentally impacts the amenities of neighbouring properties by way of noise disturbance and further detrimentally impacts the character of the area. The unauthorised use of the land for the storage of construction items, plant/machinery and associated structures and buildings is therefore considered to be contrary to Policies MD2, MD5 and MD7 of the Local Development Plan as well as guidance set out in Planning Policy Wales (Edition 11, 2021).

(3) 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 and Buildings at 101 Port Road West, Barry –

RESOLVED –

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

(i) The removal of the grey cement roof tiles on the existing dwelling and their replacement with a suitable alternative that matches, as far as practicable, the colour and concrete texture/profile of the tiles on the original dwelling and adjoining property.

(ii) The removal of the grey cement roof tiles on the two-storey side extension and their replacement with a suitable alternative that matches the colour and concrete texture/profile of the tiles on the original dwelling and adjoining property.

(iii) The reduction of the 1.8m high boundary wall/fence constructed around the boundary of the garden to a height of no more than 1m above ground level.

(iv) The removal of all waste materials resulting from the taking of steps (i) – (iv) above from the site.

(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 - the re-roofing of the original dwelling and the construction of the boundary wall, have occurred within the last 4 years and the roofing of the extension with grey cement tiles in breach of condition 2. On planning application 2020/01082/FUL, within the last 10 years.

(2) The development has been undertaken to a residential property within the settlement boundary where development is expected to be of a high standard of design that positively contributes to the context and character of the surrounding natural and built environment and is of a scale, form, layout and character that is sympathetic to and respects its immediate setting and wider surroundings. The use of grey cement roof tiles on the original dwelling and extension, and boundary wall are considered to be unacceptable as they detract from the character of the existing property and its setting and have an adverse impact on the wider street scene. The development is therefore considered to be contrary to policies SP1, (Delivering the Strategy), SP10 (Built and Natural Environment), 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 meetings and correspondence with the owner of the property, no further attempts have been made to regularise the position or remove the unauthorised development which is considered to be unacceptable.

(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.

### 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.

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

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

RESOLVED – T H A T subject to the applicant entering into a Section 106 agreement to secure the following:

### **EITHER**

- The residential units are delivered by the Vale of Glamorgan Council, or by a Housing Association Partner (Hafod Housing, Newydd Housing, United Welsh Housing or Wales & West Housing) of the Vale of Glamorgan Council.

### **OR**

- 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.

#### **2021/00764/FUL**

#### **Heritage Coast Campsite, Monknash**

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.

#### **2021/01270/FUL**

#### **Brooklands, Brook Lane, St. Nicholas**

RESOLVED -

(1) T H A T planning permission for the works as described in the application be refused.

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

- i. The removal of all unauthorised works that have taken place to Barn F, including the doors and windows, blockwork walls, cladding and roof covering, and the reinstatement of the barn to its previous appearance, as shown in the approved plans and the photographs attached to planning application file 2011/00898/FUL;
- ii. The demolition of the brick link extension (referred to as building B in the submitted planning application) that has been built between Barn F and the adjacent building (Barn E);
- iii. Making good the east elevation of Barn E (following the demolition of the link extension) by bricking this up in matching brickwork.

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

### Reasons for decisions

(1) The extent of works proposed and that have been carried out to the former steel portal framed barn in the east of the site (Barn F), and the link extension adjoining this to the adjacent brick and blockwork barn (Barn E) and as proposed, amount to the substantial reconstruction and alteration of the building, to the extent that these elements of the proposal would constitute the construction of a new building in the countryside. By reason of the design and character of the alterations/new building, relative to its former agricultural appearance, the works have unacceptably harmed and fundamentally altered the character of the building. The former overly agricultural portal barn now has a highly domesticated and urbanised character, which is to the detriment of the group of buildings and the wider character of the yard. This is contrary to Policies MD1 (Location of New Development) and MD11 (Conversion and Renovation of Rural Buildings) of the Vale of Glamorgan Adopted Local Development Plan 2011-2026, the Conversion and Renovation of Rural Buildings Supplementary Planning Guidance (2018) and advice in Technical Advice Note 12 (Design).

(2) The recommendation 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.

(3) 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.

(4) 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.

**2021/01386/RG3**

**2, Dyffryn Close, St. Nicholas**

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.

**2021/01387/RG3**

**4, Dyffryn Close, St. Nicholas**

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.

**2021/01388/RG3**

**13, Dyffryn Close, St. Nicholas**

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.

**2021/01809/FUL**

**Barn (to the north of Howe Mill Farm), St Athan Road, St Mary Church**

WITHDRAWN by the Applicant

RESOLVED –

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

- (i) Reinstate the building to its original condition including undertaking the following:
  - Remove the render applied to the exterior of the building.
  - Remove the windows and doors on the front and rear elevations.
  - Remove the additional areas of new external blockwork in elevations.
  - Remove the profiled tiled metal sheeting roof.
- (ii) Remove all of the waste materials from the land resulting from the taking of step (i) above.

(2) T H AT in the event of non-compliance with the Notice, authorisation is also sought 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 has occurred within the last four years.

(2) The works that have been undertaken to date have resulted in the substantial alteration of the former rural brick building and are not sympathetic to the fabric of the existing building and unacceptably affects the appearance and rural character of the building and its wider rural setting. The development would, therefore, conflict with Policies SP1 - Delivering the Strategy, MD1 - Location of New Development, MD11 – Conversion and Renovation of Rural Buildings and MD13 - Tourism and Leisure of the Vale of Glamorgan Adopted Local Development Plan 2011-2026 and Conversion and Renovation of Rural Buildings (2018) Supplementary Planning Guidance, as well as national policy identified within Planning Policy Wales (Edition 11, 2021), TAN12- Design and TAN 24 – The Historic Environment.

(3) 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.

#### **2022/00571/FUL**

**The Waverley Care Centre, 122-124, Plymouth 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.