

PLANNING COMMITTEE

Decision Notice – Hybrid Meeting, 7th September, 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, N.P. Hodges, Dr I.J. Johnson, H.M. Payne, I.A.N. Perry, C. Stallard, E. Williams and M.R. Wilson.

Also present: Councillor L. Burnett (Deputy Leader and Cabinet Member for Performance and Resources).

AGENDA ITEM 1. APOLOGY FOR ABSENCE –

This was received from Councillor W. Gilligan.

AGENDA ITEM 2. MINUTES –

RECOMMENDED – T H A T the minutes of the meeting held on 27th July, 2022 be approved as a correct record.

AGENDA ITEM 3. DECLARATIONS OF INTEREST –

No declarations were received.

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 12 through 33, under the above delegated powers be noted.

AGENDA ITEM 6. APPEALS (HRP) –

RESOLVED –

- (1) T H A T it be noted that no Appeals had been received at the time of the meeting taking place.
- (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 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 to 40, as determined by the Head of Regeneration and Planning under delegated powers, be noted.

(ii) To Confirm Tree Preservation Order No. 5, 2022 for Trees at 200 Westbourne Road, Penarth –

RESOLVED – T H A T Tree Preservation Order No. 5 of 2022 on the Oak tree in the rear garden of No. 200 Westbourne Road, Penarth be confirmed without modification.

Reasons for decision

The decision to recommend the confirmation of the Tree Preservation Order was taken in accordance with Section 198 of the Town and Country Planning Act 1990 (as amended), which empowered the local planning authority to make provision for the preservation of trees or woodlands.

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.

AGENDA ITEM 8. ENFORCEMENT (HRP) –

- (i) Land to the South East of Caerau Ey Football Club, Cwrt Yr Ala Road -

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 cessation of the use of the site for the depositing, storage and any processing of construction and miscellaneous materials.
- (ii) The cessation of the use of the site for all domestic and leisure purposes.
- (iii) The removal of all containers / buildings, equipment, materials and other miscellaneous items from the land that are used in association with the unauthorised uses identified above in steps (i) and (ii).
- (iv) The removal of the wooden fence panels affixed to the palisade fencing.

(2) In the event of non-compliance with the Notice, authorisation be granted to take such legal proceedings as may be required.

Reason for recommendation

(1) It appears to the Council that the above breach of planning control constituting the material change of use of the land has occurred within the last 10 years

(2) The use of the agricultural/forestry land for domestic leisure purposes and as a storage and transfer facility for construction and/or miscellaneous other materials and equipment is an unacceptable and unjustifiable development that fails to respond appropriately to the countryside and special landscape area setting and the activities are considered to be incongruous in the rural setting. By virtue of the encroachment on the countryside and the unacceptable visual impact the use has on the countryside, the development is contrary to the aims of Policies SP1 – Delivering the Strategy, MG17 – Special Landscape Areas, MD1 – Location of New Development, MD2 – Design of New Development, and MD7 – Environmental Protection of the Vale of Glamorgan Adopted Local Development Plan 2011 – 2026 as well as the Council's Supplementary Planning Guidance on Design in the Landscape and Chapter 3 - Strategic and Spatial Choices, of 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) The Old Chapel, The Rhiw, Graig Penllyn, Cowbridge, CF71 7RS –

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:

- (i) Remove any part of the trellis fencing including its supportive posts that is above one metre in height above ground level;
- (ii) Repair and make good any damage to the boundary wall as a result of step (i) above with a suitable material to match the colour and texture of the existing wall.

(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 erection of a trellis fence has occurred within the last 4 years.

(2) The trellis fencing due to its height, design and prominent positioning represents a visually harmful and insensitive form of development that is detrimental to the character of the area, contrary to Policies SP10, MG17, MD2 and MD5.

(3) The location and height of the fencing obscures views of drivers using the immediate highway network as well as those egressing from the garage. This coupled with the highway network not benefitting from a pedestrianised walkway results in an increased chance of conflict between road users and / or pedestrians, which is detrimental to highway safety contrary to Policy MD2.

(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.

2021/01405/FUL

Sefton Quarry (former Scrapyard), Penmark

REFUSED AND AUTHORISE ENFORCEMENT ACTION

RESOLVED –

(1) T H A T the application for planning permission for the change of use of the land be refused for the following reasons:

- (i) The site is in a divorced, inefficient, and unsustainable rural location without benefit of good access to local transport infrastructure, existing services, and without justification for or necessity to be in the countryside. The development is therefore considered to be inappropriately located, having regard to the sustainability and location requirements for waste management (and employment) facilities, and is therefore contrary to LDP Policies SP8, criterion 1 and 2 of MD20 and criterion 2 and 5 of MD1, as well as national guidance contained within 5.13.11 and 5.13.12 of PPW and paragraphs 1.10 and 3.27 of TAN21.
- (ii) By reason of its urban appearance in contrast with the rural, verdant and open character of the previously regenerated application site and the surrounding land, the change of use has resulted in a demonstrably harmful and unacceptable impact on the character of the countryside, which is in conflict with the aims and criteria of Policies MD1 (criterion 1) and MD2 (criteria 1, 2, and 10) of the LDP, paragraphs 5.5 and 5.8.1 of TAN12 and having regard to the advice in paragraph 3.9, 3.14, 3.16, 3.38 of PPW (Edition 11).
- (iii) The site has been locally designated a Site of Importance for Nature Conservation for its potential as invertebrate and reptile habitat. In the absence of ecological surveys or measures of biodiversity mitigation and enhancement, and the lack of justification for the rural location, the need for the development does not outweigh the likely nature conservation value of the site. The development is therefore contrary to Policies MG21 and MD9 of the LDP.

(2) 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) in respect of the land shown edged blue on the site location plan, to require:

- (i) The cessation of the unauthorised use of the land for storage,
- (ii) The removal from the land of the shipping containers, portacabin, portaloo, and any other structures, machinery or chattels associated with the storage use.
- (iii) The removal from the land of all items being stored on the land including, but not limited to, any motor vehicles, caravans, trailers, boats, the telephone kiosk, all building materials, other items such as furniture, electrical goods, plastics, glass, metals, and all items of waste on the site, including piles of rubble, and all rubble deposited on the ground to form the new hardstanding,
- (iv) The reinstatement of the land to its former condition prior to the unauthorised change of use taking place.

(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 dual decision

(1) It appears to the Council that the above breach of planning control constituting the change of use of the land has occurred within the last 10 years.

(2) The site is in a divorced, inefficient, and unsustainable rural location without benefit of good access to local transport infrastructure, existing services, and without justification for or necessity to be in the countryside. The development is therefore considered to be inappropriately located, having regard to the sustainability and location requirements for waste management (and employment) facilities, and is therefore contrary to LDP Policies SP8, criterion 1 & 2 of MD20 and criterion 2 & 5 of MD1, as well as national guidance contained within 5.13.11 & 5.13.12 of PPW and paragraphs 1.10 and 3.27 of TAN21.

(3) By reason of its urban appearance in contrast with the rural, verdant and open character of the previously regenerated application site and the surrounding land, the change of use has resulted in a demonstrably harmful and unacceptable impact on the character of the countryside, which is in conflict with the aims and criteria of Policies MD1 (criterion 1) and MD2 (criteria 1, 2, and 10) of the LDP, paragraphs 5.5 and 5.8.1 of TAN12 and having regard to the advice in paragraph 3.9, 3.14, 3.16, 3.38 of PPW (Edition 11).

(4) The site has been locally designated a Site of Importance for Nature Conservation for its potential as invertebrate and reptile habitat. In the absence of ecological surveys or measures of biodiversity mitigation and enhancement, and the lack of justification for the rural location, the need for the development does not outweigh the likely nature conservation value of the site. The development is therefore contrary to Policies MG21 and MD9 of the LDP.

(5) 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.

2022/00440/FUL

Orchard Bungalow, St. Mary Church

REFUSED AND AUTHORISE ENFORCEMENT ACTION

RESOLVED –

(1) T H A T the application for planning permission for the change of use of the land be refused for the following reason:

- (i) By reason of its size, the rural/agricultural context, and the appearance and open character of the application site and surrounding land, the change of use of the land results in a demonstrably intrusive incursion into the countryside which is harmful to its appearance and character. It also results in an incremental and harmful urbanising effect on the countryside, which is in conflict with the aims and criteria of Policies

MD1 (criterion 1) and MD2 (criteria 1 and 2) of the LDP, and Policy DG13 of the Design in Landscape SPG, paragraphs 5.5 and 5.8.1 of TAN12 and having regard to the advice in paragraph 3.9, 3.14, 3.16, 3.38 of PPW (Edition 11).

(2) 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) in respect of the land west and south of Orchard Bungalow, to require:

- (i) The cessation of the residential use of the land,
- (ii) The removal from the land of the metal shed, polytunnel, and domestic paraphernalia including, but not limited to, goal posts and play equipment.

(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 dual decision

(1) It appears to the Council that the above breach of planning control constituting the change of use of the land from agriculture to residential use has commenced within the last 10 years.

(2) The unauthorised change of use of the land by reason of its size, the rural/agricultural context, and the appearance and open character of the application site and surrounding land, has resulted in a demonstrably intrusive incursion into the countryside which is harmful to its appearance and character. It has also resulted in an incremental and harmful urbanising effect on the countryside, which is in conflict with the aims and criteria of Policies MD1 (criterion 1) and MD2 (criteria 1 and 2) of the LDP, and Policy DG13 of the Design in Landscape SPG, paragraphs 5.5 and 5.8.1 of TAN12 and having regard to the advice in paragraph 3.9, 3.14, 3.16, 3.38 of PPW (Edition 11).

(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.