

PLANNING COMMITTEE

Minutes of a Remote Meeting held on 30th November, 2023.

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

The recording of the meeting is available [here](#).

Present: Councillor N.C. Thomas (Chair); Councillor S.D. Perkes (Vice-Chair); Councillors G. Bruce, I. Buckley, 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 G.D.D. Carroll, V.P. Driscoll, C.P. Franks, W.A. Hennessy, J. Protheroe and S. Sivagnanam (Cabinet Member for Community Engagement, Equalities and Regulatory Services).

| Name of Speaker | Planning Application No. and Location | Reason for Speaking |
|------------------------|---|--|
| Mrs Emma Fortune | 2020/01218/HYB - Leckwith Quay, Leckwith Road, Leckwith | The applicant or their representative |
| Mr Liam Griffiths | 2021/00476/FUL - GM2 House, Plymouth Road, Penarth | The applicant or their representative |
| Mr Keith Allen | 023/00337/FUL - 7 Sycamore Close, Llandough, Penarth | Objectors to the application or their representative |
| Mr Jon Hurley | 023/00337/FUL - 7 Sycamore Close, Llandough, Penarth | The applicant or their representative |

Councillor Carroll spoke in his capacity as a Vale of Glamorgan Council Elected Member and as the local Ward Member on Application 2020/01218/HYB – Leckwith Quay, Leckwith Road, Leckwith and Application 2023/00337/FUL – 7 Sycamore Close, Llandough, Penarth.

554 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.”

555 MINUTES –

RESOLVED – T H A T the minutes of the meeting held on 26th October, 2023 be approved as a correct record.

556 DECLARATIONS OF INTEREST –

| Councillor | Agenda Item No. | Nature of Interest |
|---------------------|---|--|
| Councillor Bruce | Agenda Item 8 (i) Land and Buildings at Pant Wilkin Stables, Llanquian Road, Aberthin | <p>Councillor Bruce declared a personal and prejudicial interest in this item. The nature of the interest was that Councillor Bruce's son and grandson had links to the equestrian enterprise therein.</p> <p>Councillor Bruce withdrew from the meeting for the item.</p> |
| Councillor Champion | Agenda Item 8 (i) Land and Buildings at Pant Wilkin Stables, Llanquian Road, Aberthin | <p>Councillor Champion declared a personal interest in this item. The nature of the interest was that Councillor Champion, as the local Ward Member, had had meetings with the owner of the property and other parties and neighbours. However, he would be looking at the application and all information with fresh eyes.</p> <p>Councillor Champion remained in the meeting for the item.</p> |

557 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.

558 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 9 through 24, under the above delegated powers, be noted.

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

560 TREES (HSD) –

(i) Delegated Powers –

RESOLVED – T H A T the applications as outlined within the report, on pages 40 and 41, as determined by the Head of Sustainable Development under delegated powers, be noted.

561 ENFORCEMENT ACTION (HSD) –

(i) Land and Buildings at Pant Wilkin Stables, Aberthin

The report sought authorisation to issue Enforcement Notices (ENs) under Section 172 of the Town and Country Planning Act 1990 (as amended) in respect of a number of separate breaches of planning control which had been carried out on the land and within various existing buildings at the site. The principal issue was whether the unauthorised development, involving both operational development and changes in the use of the buildings and land constitute acceptable development in this rural location or would have any adverse impact on the surrounding landscape and neighbouring properties.

The breaches of planning control identified in the report had been the subject of extensive investigation. In some cases, the breach of planning control had arisen out of the breach of a previous planning consent, or following the refusal of a recent planning application. In other cases, the landowner had agreed to make an appropriate application to regularise the position, however no applications had been received that would have provided the opportunity for the position to be properly assessed and determined. The report therefore recommended that a number of ENs be issued, either to require the removal of development or to require the use of land and buildings to cease. Authorisation was also sought to pursue legal proceedings in the event that the ENs were not complied with.

RESOLVED –

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

Use of Former Equestrian Buildings for Business Uses

- (i) Permanently cease the use of the buildings for unauthorised uses. (Note: The Enforcement Notice to specify the full range of unauthorised uses.)
- (ii) Remove the first floor windows serving the first floor uses and cover with timber cladding.
- (iii) Permanently remove from the buildings and land any fixtures and fittings, furniture, machinery and any other equipment or materials used in association with any of the unauthorised uses.

Use of Holiday Log Cabins for General Rental Purposes

- (i) Secure compliance with condition 3 of planning application reference 2019/00783/FUL by ensuring that the holiday log cabins are not occupied other than as holiday accommodation and are not occupied as a person's sole or main place of residence.
- (ii) Permanently remove from the holiday log cabins any fixtures and fittings, furniture, equipment and domestic items that are not associated with their use as holiday accommodation.

Motor Cross Activities

- (i) Permanently cease the use of the land for any motor cross events or any activity involving motorcycles, including practising.
- (ii) Permanently remove the soil ramps / jumps from the land.

Commercial Building (in place of Agricultural "Sheep" Building)

- (i) Demolish the building.
- (ii) Break up and remove the tarmac hardstanding / car park.
- (iii) Permanently remove from the land all materials resulting from the taking of steps (i) and (ii) above.

Excavation of Land Adjacent to Equine Hospital

- (i) Permanently cease any further excavation of the land.
- (ii) Carry out minimal works to the embankments to provide a natural profile.
- (iii) Landscape the embankments using only native plant species.

(2) T H A T in the event of non-compliance with the Notices, authorisation be granted to take such legal proceedings as may be required.

Reasons for decisions

(1) It appears to the Council that the above breaches of planning control constituting operational development including the construction of a commercial building and excavation works have occurred within the last four years. It appears that the unauthorised use of the former equestrian and other buildings, occupation of the holiday cabins other than for holiday accommodation and motor cross activities has occurred within the last 10 years.

(2) As a result of the investigations undertaken, it has been concluded that a number of the breaches that have occurred conflict with LDP policies which are aimed at protecting the countryside from unacceptable development. Although previous applications had been approved by the Council for development which was considered to relate to the existing rural enterprise, including the use of former equestrian buildings, the wooden cabins for holiday accommodation and a new agricultural building, none of the new uses introduced onto the site have any connection with the existing horse racing rural enterprise or support the principles of sustainable development and are considered unacceptable uses in this rural location. It is therefore considered that these uses conflict with policies contained within the LDP including: SP1 (Delivering the Strategy), MD1 (Location of New Development), MD2 (Design of new Development), MD7 (Environmental Protection), MD8 (Historic Environment), MD11 (Conversion and Renovation of Rural Buildings), MD13 (Tourism and Leisure), MD14 (New Employment Proposals), MD17 (Rural Enterprise) and MG17 (Special Landscape Areas), the Council's SPG relating to the Conversion and Renovation of Rural Buildings and Planning Policy Wales.

(3) The other unauthorised use involving the motor cross activity, although not currently operating as a commercial business, is continuing to have an adverse impact on the rural character of the area and local residents as a result of noise and disturbance. This use of the land is therefore considered to conflict with policies MD1, MD7, Planning Policy Wales and TAN 11: Noise.

(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.

(ii) Land and Buildings at Hilton Farm, Colwinston

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 unauthorised extensions of Big Mews Barn, comprising of a white UPVC conservatory added to the northwest side, as well as a white smooth rendered porch on the northeast side of the barn. By virtue of their domestic appearance, and scale in the case of the conservatory, the extensions were considered to domesticate the appearance and detract from the traditional agricultural character of the converted barn. As such, it was considered expedient to pursue enforcement action in relation to the conservatory and porch extension, to require them to be removed and for the side elevations of the barn to be repaired in stone.

The report also sought authorisation to issue an Enforcement Notice in relation to the unauthorised use of Big Mews Barn for residential lets. While tourist accommodation had previously been considered acceptable (app ref: 2006/01474/FUL), the use of the barn for residential use was not considered justified given the unsustainable rural location and that no evidence suggested the barn had been marketed for any other commercial purposes. It was therefore considered expedient to serve an Enforcement Notice for those reasons. 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 require:

- (i) The removal of the conservatory extension, identified as Appendix 1, from the northwest side of Big Mews Barn;
- (ii) The removal of the porch extension, identified as Appendix 2, from the southeast side of Big Mews Barn;
- (iii) Repair with matching stonework and make good the side elevations of Big Mews Barn;
- (iv) Permanently cease the use of Big Mews Barn as a residential dwelling;
- (v) Remove from the land all construction and demolition materials, domestic fixtures and fittings and all other domestic items resulting from the carrying out of steps (i) and (iii) above.

(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 consisting of the construction of a conservatory and porch extension, as well as the residential occupation of a converted barn comprising of two self-contained residential units in the countryside has occurred within the last 4 years.

(2) By virtue of the scale and UPVC finish, the conservatory extension added to the northwest side of Big Mews Barn fails to respond to the traditional stone finish and agricultural character and appearance of the converted barn. Furthermore, the smooth white rendered porch added to the southeast side of the barn is not lightweight, contrasts with the stone finish of the barn, and is considered to further domesticate the character of the building. Therefore, by virtue of the insensitive design, and scale in the case of the conservatory, both extensions are considered to detract from the character and appearance of the barn and therefore fail to accord with Policy MD11 of the Adopted LDP, as well as the Council's Conversion and Renovation of Rural Buildings SPG, and advice contained within Technical Advice Note 12 (TAN 12).

(3) It is considered that given the rural countryside location, just under 1 mile away from the settlement of Colwinston via a single-track unlit country lane, that those occupying Big Mews Barn would be highly reliant on the use of private cars to access work, local services, and amenities. The rural location also contributes to the dispersed pattern of dwellings in the countryside, which in turn places additional pressure on the Council to provide essential services and facilities in isolated locations. Therefore, given the lack of justification and that the barn does not support any rural enterprise, it is considered that the location is entirely unsustainable in this case. Furthermore, the absence of consent means that no affordable housing contribution has been paid and no biodiversity enhancement or green infrastructure measures have been agreed. Therefore, it is considered that the unauthorised residential use of the Big Mews fails to accord with Policies MD1, MD11, MD9, and MG4 of the Vale of Glamorgan Adopted LDP as well as Planning Policy Wales (Edition 11), and as such, it is considered expedient to require the residential use of Big Mews Barn to cease.

(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.

562 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.

2020/01218/HYB

Received on 29 October 2020

(P. 103)

APPLICANT: Mr. Phil Worthing c/o Agent**AGENT:** Mrs. Emma Fortune, Brunel House, 2 Fitzalan Road, Cardiff, CF24 0EB**Leckwith Quay, Leckwith Road, Leckwith**

Hybrid planning application for residential development for up to 228 dwellings (submitted in OUTLINE), associated highway and bridge improvement / realignment works (submitted in FULL). Development involves the demolition of all buildings on site and of the existing B4267 Leckwith Road Bridge.

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

- Procure that 10% (up to 23) of the dwellings built on the site pursuant to the planning permission are built and thereafter maintained as affordable housing units in perpetuity;
- Pay a contribution of £240,000 for the provision or enhancement of education facilities to meet the needs of future occupiers;
- Pay a contribution of £60,000 for the off-site planting of trees to mitigate loss as a result of the development.

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.

2021/00476/FUL

Received on 27 April 2023

(P. 189)

APPLICANT: Westbourne School, Hickman Road, Penarth, CF64 3EF**AGENT:** Mr. Liam Griffiths, Unit 9, Oak Tree Court, Cardiff Gate Business Park, Cardiff, CF23 8RS**GM2 House, Plymouth Road, Penarth**

Full planning application for a proposed 2 storey extension and associated works.

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.

2023/00337/FUL

Received on 29 March 2023

(P. 226)

APPLICANT: Ceri Jones, 7 Sycamore Close, Llandough, Penarth, Vale of

Glamorgan, CF64 2NP

AGENT: Nicky Watkins, Studio 1, The Platform, Hemmingway Road, Cardiff, CF10 5LS

7 Sycamore Close, Llandough, Penarth

Proposed two storey extension to rear elevation with hipped roof.

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 removal of the development;
- or
- (ii) The completion of the development in accordance with planning permission 2023/00337/FUL.

(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.

APPROVED – Subject to an amendment to Condition 3 to amend the position of the bird boxes on the building and to the conditions as contained within the report.

Reasons for decisions

The decision to recommend 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.

Having regard to Policies SP1 (Delivering the Strategy), MD2 (Design of New Development), MD5 (Development Within Settlement Boundaries) and MD9 (Promoting Biodiversity) of the Vale of Glamorgan Adopted Local Development Plan 2011-2026 and Future Wales – the National Plan 2040 and Supplementary Planning Guidance on Residential and Householder Development; and national guidance contained in Planning Policy Wales (11th Edition), and TAN12 (Design); the revised proposal is considered acceptable in terms of the design and visual impact, impact up on neighbouring properties, parking, amenity space and will secure biodiversity enhancements.

Having regard to the Council's duties under the Equality Act 2010 the proposed development 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.