

No.

PLANNING COMMITTEE

Decision Notice of a Hybrid meeting held on 25th April, 2024.

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

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

Present: Councillor N. Thomas (Chair); Councillor S.D. Perkes (Vice-Chair);
Councillors: G. Bruce, I. Buckley, C.A. Cave, C.E.A. Champion, 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: J. Aviet, R.M. Birch (Cabinet Member for Education, Arts and the
Welsh Language), and R. Sivagnanam (Cabinet Member for Community
Engagement, Equalities and regulatory Services).

Name of Speaker	Planning Application No. and Location	Reason for Speaking
D. Williams	2023/00826/FUL – Darren Farm, Westgate, Cowbridge.	The applicant or their representative.
S. Broomfield	2023/00826/FUL – Darren Farm, Westgate, Cowbridge.	The applicant or their representative.

AGENDA ITEM 1. APOLOGY FOR ABSENCE –

This was received from Councillor W. Gilligan.

AGENDA ITEM 2. MINUTES –

RESOLVED – T H A T the minutes of the meetings held on 21st February and
21st March, 2024 be approved as a correct record, subject to an agreed
amendment to the minutes of 21st March, 2024 under Minute No. 966 concerning
Declarations of Interest for Councillor C.A. Cave, by the removal of the word
'minuted' from the Nature of Interest.

AGENDA ITEM 3. DECLARATIONS OF INTEREST –

No declarations of interest were received.

AGENDA ITEM 4. SITE INSPECTIONS (CX) –

RESOLVED – T H A T the attendance of the following Councillors at the site visit
indicated, held on 22nd February, 2024, be noted.

No.

Apologies were received from Councillors G. Bruce, C.A. Cave, C.M. Cowpe, H.M. Payne, S.D. Perkes and M.R. Wilson.

Land at Upper Cosmeston Farm, Lavernock Road, Penarth.	Councillor N.C. Thomas (Chair) Councillors I.R. Buckley, A.M. Ernest, Dr. I.J. Johnson, N.P. Hodges, C. Stallard and E. Williams.
--	--

AGENDA ITEM 5. 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.

AGENDA ITEM 6. 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 17 through 39, under the above delegated powers, be noted.

AGENDA ITEM 7. 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 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 2023 – March

No.

2024, as detailed in Section E of the report, be noted.

AGENDA ITEM 8. TREES (HSD) –

(i) Delegated Powers –

RESOLVED – T H A T the applications as outlined within the report, on pages 59 through 63, as determined by the Head of Sustainable Development under delegated powers, be noted.

AGENDA ITEM 9. ENFORCEMENT ACTION (HDS) –

(i) Land and Buildings at Penrhiw House, The Downs, St. Nicholas –

RESOLVED –

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

- (i) Carry out appropriate alterations to the existing development so as to fully accord with the scheme approved under planning application ref: 2022/00522/FUL; or
- (ii) Permanently demolish and remove the front extensions and reconstruct the dwelling as it appeared prior to the commencement of the unauthorised development;
and
- (iii) Permanently remove from the land all of the demolition and construction waste materials resulting from the taking of steps (i) or (ii) above.

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

Reasons for recommendations

(1) It appeared to the Council that the above breach of planning control constituting of operational development – the two-storey flat roof front extension and first floor flat roof extension to the front of the property, had occurred within the last 4 years.

(2) The development had been undertaken to a residential property sited in the countryside, between two neighbouring properties. New development should respond appropriately to the context and character of the original dwelling as well as the surrounding environs. New development should also be designed to safeguard the residential amenity of neighbouring properties. By virtue of the approximately 6.4m height, increased depth, and boxed form of the two storey and first floor front extensions, the massing towards the front of the dwellinghouse had significantly increased. As a result, the extensions to the front of the

No.

dwellinghouse were considered disproportionate in scale and did not respond appropriately to the context or character of the original dormer bungalow or the site surroundings. Consequently, the extensions as built were considered to have had an unacceptable visual impact and failed to accord with Policies MD2 and MD12 of the Adopted LDP, as well as the Residential and Householder Development SPG (2018).

(3) It was also considered that the increased height and depth of the two-storey front extension on the east side of the house had resulted in an unacceptable loss of outlook and light, as well as having an overbearing impact on the adjoining neighbour to the east, Downsend. Therefore, the extensions as built had failed to safeguard the residential amenity of the occupiers of the adjoining property to the east, contrary to criterion 8 of Policy MD2 of the LDP.

(4) 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.

(ii) Land and Buildings at 6 Wimbourne Close, Llantwit Major, CF61 1QW –

RESOLVED –

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

- (i) Carry out appropriate alterations to the existing development so as to fully accord with the scheme approved under planning application ref: 2023/00889/FUL; or
 - (ii) Permanently demolish and remove the rear extension and dormer and reconstruct the dwelling as it appeared prior to the commencement of the unauthorised development
- and
- (iii) Permanently remove from the land all of the demolition and construction waste materials resulting from the taking of steps (i) or (ii) above.

(2) In the event of noncompliance with the Notice, authorisation was also sought to take such legal proceedings as may be required.

Reasons for recommendations

(1) It appeared to the Council that the above breach of planning control constituting of operational development – the two-storey flat roof extension and flat roof dormer to the rear of the property had occurred within the last 4 years.

No.

(2) By virtue of the increased depth, flat roof that exceeded the height of the eaves to the rear, and the resultant boxed form, it was considered that the two-storey extension to the rear of 6, Wimbourne Close failed to respond appropriately to the character of the property and neighbouring dwellings and was considered to be disproportionate in scale and form to the semi-detached pair of dwellings. The visual impact on the surroundings was exacerbated by the fact the extension was highly visible from the street. The current flat roof dormer was also considered to have a harmful visual impact by virtue of its size and the fact it was visible above the ridge of the house. Therefore, it was considered that the current rear extension and dormer have an unacceptable visual impact and fail to accord with Policies MD2 and MD5 of the Adopted LDP, as well as the associated SPG on Residential and Householder Development (2018).

(3) The increased depth of the two-storey rear extension together with the fact that it now directly adjoined the boundary with no.8 means that it was also considered to have an overbearing impact, overshadow, and reduce the outlook of the occupier of 8, Wimbourne Close. Furthermore, the increased depth had also resulted in the two-storey rear extension having an overbearing impact on the rear garden serving the occupants of no.4, Wimbourne Close. On that basis, the extension was considered to have had a materially harmful impact on the residential amenity of the adjoining neighbours either side and therefore failed to comply with Policy MD2 of the LDP and the Council's SPG on Residential and Householder Development in that regard.

(4) 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

(iii) Land and Buildings at Orchard Dene, Welsh St Donats CF71 7SS –

RESOLVED –

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

- (i) Demolish the building.
- (ii) Remove from the land all construction materials resulting from the carrying out of steps (i) above.

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

Reasons for recommendations

(1) It appeared to the Council that the above breach of planning control consisting of the construction of a new building in the countryside had occurred within the last 4 years.

No.

(2) The development had been undertaken on land located within the countryside and the Ely Valley Special Landscape Area. Additionally, it had been determined that the development would not be considered a renovation of a rural building and would only therefore be justifiable as a new agricultural building in association with an established rural enterprise, where that would contribute positively to the existing rural setting and preserve the character of the Vale's rural landscape. The substantially new works, alterations to the built form of the roof and structure and complete alteration in character and design was considered to be unacceptable as it detracted from the character of the countryside, alongside the excessive and unjustified scale of the building which had an adverse impact on the rural landscape. It was also considered that the building was not justified for the purposes of agriculture due to the low level of activity present on the land. The development was therefore considered to conflict with policies SP1 (Delivering the Strategy), SP10 (Built and Natural Environment), MG17 (Special Landscape Areas), MD1 (Location of New Development), and MD2 (Design of New Development), and MD7 (Environmental Protection) of the LDP, as well as Supplementary Planning guidance on Design in the Landscape, and Biodiversity and Development and PPW (Edition 12, 2024). The building in question also failed to accord with the principles of TAN 6 (Planning for sustainable Rural Communities) and TAN 12 (Design).

(3) Despite two on-site meetings with the owner's representatives, there had been no further indication that the owner was willing to resolve the breach by demolishing the building and the unauthorised building remains located on the land in breach of planning control.

(4) 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 10. 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.

2023/00285/RG3

St. Richard Gwyn RC High School, Argae Lane, St. Andrews Major

APPROVED – Subject to the conditions as contained within the report as set out on the Matters Arising note.

Reason for decision

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

No.

2023/00491/FUL
Port Road West, Rhoose

REFUSED – For the reasons set out in the report.

Reason for decision

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

2023/00577/FUL
Fonmon Castle, Fonmon

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.

2023/00826/FUL
Darren Farm, Westgate, Cowbridge

APPROVED – Subject to the conditions as contained within the report including subject to Section 106 Agreement and subject to variation as set out on the matters arising note that a 'Viability Review' be included in the Heads of Terms of the Section 106 Agreement.

Reason for decision

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

2023/01265/FUL
Sewage Disposal Works, Brook Lane, St. Nicholas

APPROVED – Subject to the conditions as contained within the report and subject to variation to Condition 11 as set out on the matters arising note.

Reason for decision

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