

No.

## PLANNING COMMITTEE

Minutes of a remote meeting held on 25<sup>th</sup> November, 2020.

The Committee agenda is available [here](#)

Present: Councillor: J.C. Bird (Chairman); Councillor B.T. Gray (Vice-Chairman);  
Councillors: Ms. R.M. Birch, Mrs. C.A. Cave, Mrs. P. Drake, V.P. Driscoll, S.T. Edwards,  
N.P. Hodges, Dr. I.J. Johnson, G.C. Kemp, A.C. Parker, L.O. Rowlands, N.C. Thomas,  
Mrs. M.R. Wilkinson E. Williams and M.R. Wilson.

Also present: Councillor L. Burnett.

<b>Name of Speaker</b>	<b>Planning Application No. and Location</b>	<b>Reason for Speaking</b>
Mr Andrew Knight	2020/00705/FUL - The Workshop, Robins Lane, Barry	Objectors to the application or their representative
Mr Barrie Davies	2019/01177/FUL - Glenburnie, Port Road, Wenvoe	The Applicant or their Representative

### 211 ANNOUNCEMENT –

Prior to the commencement of the business of the Committee, the Chairman read the following statement:

*“May I remind everyone present that the meeting will be recorded via the internet and this recording archived for future viewing.”*

### 212 APOLOGY FOR ABSENCE –

This was received from Councillor Ms. M. Wright.

### 213 MINUTES –

RESOLVED – T H A T the minutes of the meeting held on 4<sup>th</sup> November, 2020 be approved as a correct record.

### 214 DECLARATIONS OF INTEREST –

Councillor L.O. Rowlands declared an interest in respect of Application No. 2020/00705/FUL - The Workshop, Robins Lane, Barry. The nature of the interest was that Councillor Rowlands' father works for the company carrying out the building works. Therefore, Councillor Rowlands withdrew from the meeting when the item was considered.

No.

215 PLANNING APPLICATIONS (HRP) –

Having considered the applications for planning permission, and where necessary, the observations of interested parties, it was

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.

**2020/00705/FUL** Received on 30 June 2020

(p1)

**APPLICANT:** Mr. K. Ahmed SBS Salvage Limited, C/o Agent

**AGENT:** Mr. Paul Harris HD11, 16, Montgomery Road, Barry, Vale of Glamorgan. CF62 7DA

**The Workshop, Robins Lane, Barry**

Proposed retention as built of garage/workshop/tyre sales unit and coffee shop

APPROVED subject to the following condition(s):

1. The development hereby permitted shall be begun before the expiration of five years from the date of this permission.

Reason:

To comply with the requirements of Section 91 of the Town and Country Planning Act 1990.

2. The development shall be carried out in accordance with the following approved plans and documents:

KA/P/50 - Retention Drawing 1

KA/P/51 - Retention Drawing 2

KA/P/03 B - Proposed Floor Plans

Reason:

For the avoidance of doubt as to the approved development and to accord with Circular 016:2014 on The Use of Planning Conditions for Development Management.

3. No preparation or cooking of hot food shall take place at the site other than heating by microwave oven, sandwich toaster/press or similar small-scale food preparation equipment, unless a scheme of mechanical extraction has first been submitted to and approved in writing by the Local Planning Authority. The scheme shall include specifications for the extraction equipment (inc. de-odourising filters) to be used, manufacturers' guidelines and the external point of extraction. The equipment shall be installed in accordance with the approved details prior to hot food being prepared or cooked at the site and thereafter be maintained in accordance with the approved details and manufacturers' guidelines so long as the use continues.

No.

Reason

To ensure that the amenities of neighbours and character of the area are safeguarded and to ensure the development accords with Policies SP1 (Delivering the Strategy), MD2 - Design of New Development and MD7 (Environmental Protection) of the Local Development Plan.

4. Customers are not permitted on the premises outside the hours of 08:00 to 18:00 Monday to Saturday.

Reason:

To ensure that residential amenity is protected and to ensure compliance with the terms of Policies SP1 (Delivering the Strategy), MD2 (Design of New Developments) and MD7 (Environmental Protection) of the Local Development Plan.

5. The first floor of the coach house shall only be used as a coffee shop or cafe and for no other purpose whatsoever, including any other purpose in Class A3 of the schedule of the Town and Country Planning (Use Classes) Order 1987, or in any provision equivalent to that Class in any statutory instrument amending, revoking or re-enacting that Order.

Reason:

To ensure the A3 use on the site remains ancillary to the employment use and to control the precise nature of the use of the site, and to ensure compliance with the terms of Policies MD2 - Design of New Development, MD7 - Environmental Protection.

6. The three easternmost first floor windows in the southern elevation of the coach house (as highlighted blue on the plan appended to this decision notice) shall be made to be non-opening and fitted with obscure glazing to a minimum of level 3 of the "Pilkington" scale of obscuration prior to the first beneficial use of the development and shall thereafter be so retained at all times.

Reason:

To ensure that the privacy and amenities of adjoining occupiers are safeguarded, and to ensure compliance with Policies SP1 (Delivering the Strategy) and MD2 (Design of New Developments) of the Local Development Plan.

### Reason for decision

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.

No.

Having regard to policies SP1– Delivering the Strategy, SP5 – Employment Requirements, SP10 – Built and Natural Environment, MD2 - Design of New Development, MD5 - Development within Settlement Boundaries, MD7 Environmental Protection, MD16 Protection of Existing Employment Sites and Premises of the Vale of Glamorgan Local Development Plan 2011-2026, the Council’s Parking Standards and Residential and Householder Development SPG’s, Planning Policy Wales Ed.10, TAN11 – Noise and TAN23 – Economic Development it is concluded that the proposal is acceptable in principle and satisfactorily protecting the interests of local residential amenity, subject to condition, and highway safety.

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.

**2019/01177/FUL** Received on 16 September 2020  
(p14)

**APPLICANT:** Castleoak Care Developments Ltd c/o Agent

**AGENT:** Mr. Barrie Davies Asbri Planning Ltd, Unit 9, Oak Tree Court, Cardiff Gate Business Park, Cardiff. CF23 8RS

### **Glenburnie, Port Road, Wenvoe**

Development of a Care Home and associated works

RESOLVED – T H A T subject to the interested person(s) first entering into a Section 106 Legal Agreement to include the following necessary planning obligations:

- The developer shall pay the sum of eighty seven thousand four hundred pounds (£87,400) to contribute towards the provision of sustainable transport facilities in the vicinity of the site, which will in part be used to provide pedestrian crossing points over the A4050 (Port Road) and Caerau Lane.
- To safeguard and dedicate additional land required for the bus shelter, cycleway footway to the Highway Authority.
- The developer shall commission public art of the value of 1% of the project budget.
- The developer shall pay the sum a contribution of £8,785 or provide costed evidence of training for 7 trainees

**APPROVED** subject to the following condition(s):

1. The development shall begin no later than five years from the date of this decision.

No.

Reason:

To comply with the requirements of Section 91 of the Town and Country Planning Act 1990.

2. The development shall be carried out in accordance with the following approved plans and documents:
  - Transport Statement - October, 2019
  - Travel Plan - October 2019
  - 186/3579/1 - Topographical Survey Arboricultural Survey And Planning Integration Report - 21 October, 2019
  - Archaeological and Heritage Assessment - September, 2019
  - Design and Access Statement - October, 2019
  - Drainage Strategy and Flood Risk - July, 2019
  - Preliminary Geoenvironmental and Geotechnical Assessment - November, 2017
  - Ecological Appraisal - October, 2019
  - Landscape and Visual Appraisal Proposed Ground Floor Plan: Dwg. No. 02001 Rev P9 received 25/02/2020
  - Proposed First Floor Plan: Dwg. No. 02002 Rev P9 received 25/02/2020
  - Proposed Second Floor Plan: Dwg. No. 02003 Rev P8 received 25/02/2020
  - Proposed Elevations (Sheet 1 of 2): Dwg. No. 01002 Rev P7 received 25/02/2020
  - Proposed Elevations (Sheet 2 of 2): Dwg. No. 01002a Rev P7 received 25/02/2020
  - 2306-HIA-ZZ-XX-DR-A-01004-  
Location Plan-S3-P2 received 11/09/2020
  - 2306-HIA-ZZ-XX-DR-A-01001-  
Proposed Site Layout-D0-P11 received 11/09/2020
  - Detailed Landscape & Boundary Proposals with Proposed Cycleway (Rev C) received 19/11/2020
  - Noise Impact Assessment - AC104494-1r3 received 12/11/2020
  - Highways Improvements Plan - 2995.07 received 13/11/2020
  - Amended Planning Statement Existing & Proposed Visualisations (High Res)
  - Amended Needs Assessment Report Final
  - Care Needs Assessment Addendum - July 2020

Reason:

For the avoidance of doubt as to the approved development and to accord with Circular 016:2014 on The Use of Planning Conditions for Development Management.

3. Notwithstanding the submitted details, and prior to their use on site samples of all materials and finishes to be used in the construction of the development hereby approved shall be submitted to and approved in writing by the Local Planning Authority. The development shall be completed in accordance with the approved details prior to its first beneficial use.

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Reason:

To safeguard local visual amenities, as required by Policies SP1 (Delivering the Strategy) and Policy MD2 (Design of New Development) of the Local Development Plan.

4. All the trees and hedges shown on the landscaping plan and Arboricultural Survey shall be protected by strong fencing in accordance with the details set out within the Arboricultural Survey and the protective fencing shall be erected in accordance with the approved details before any equipment, machinery or materials are brought onto the site for the purposes of the development (including any demolition or site clearance), and shall be maintained until all equipment, machinery and surplus materials have been removed from the site. Nothing shall be stored or placed within any fenced area, and the ground levels within those areas shall not be altered, nor shall any excavation be made, without the prior written consent of the Local Planning Authority.

Reason:

In order to avoid damage to trees and hedgerows on or adjoining the site which are of amenity value to the area and to ensure compliance with / Policies SP1 (Delivering the Strategy), MD1 (Location of New Development) and MD2 (Design of New Developments) of the Local Development Plan.

5. Prior to the commencement of development, a Biodiversity Strategy must be submitted to, and approved in writing by the LPA. The Biodiversity Strategy shall ensure that biodiversity is maintained and enhanced and that no offences are caused during either the construction or operational phases. The Biodiversity Strategy should include, but not be specifically limited to:-
  - Detailed site clearance methodology, including protection measures for reptiles and hedgehog.
  - Timing of the works.
  - Outline details of replacement bat roost
  - Enhancement measures for biodiversity
  - Methodology for dealing with invasive plant species
  - Pollution prevention measures to protect the watercourse during the construction works
  - Provision of bird boxes as part of the enhancement (minimum 23)
  - Native tree and shrub planting to replace lost habitat. Trees to be replaced at 2:1

Reason:

In the interests of ecology and to ensure compliance with Policies SP1 (Delivering the Strategy) of the Local Development Plan.

6. No removal or clearance of any of the existing roadside vegetation shall be commenced until a Dormouse Conservation Plan/Method Statement has been submitted to and approved in writing by the Local Planning Authority. The Conservation Plan/Method Statement should include:

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- A plan showing habitat to be lost/habitat to be created/areas to be retained which should identify the extent (including width of replacement planting corridors) and location on appropriate scale
- Details of protective measures to be taken to minimise the impacts on dormice during vegetation clearance, including actions to be taken in event dormice and/or their nests are found
- Details of timing, phasing and duration of construction activities and conservation measures
- Details of the planting for the replacement habitat to include translocation of existing hedgerow vegetation to be removed and use of native species of local provenance for any new planting
- Timetable for implementation
- Details of initial aftercare and long-term maintenance and management

The Dormouse Conservation Plan/Method Statement shall be carried out in accordance with the approved details.

To ensure that an approved Dormouse Conservation Plan/Method Statement is implemented, which protects dormice that may be affected by the development.

Reason:

To ensure that an approved Dormouse Conservation Plan/Method Statement is implemented, which protects dormice that may be affected by the development and to ensure compliance with Policies SP1 (Delivering the Strategy), MG19 (Sites and Species of European Importance) and MG20 (Nationally Protected Sites and Species) of the Local Development Plan.

7. No development (or any site clearance / demolition) shall commence until details of existing ground levels within and adjacent to the site and proposed finished ground and floor levels have been submitted to and approved in writing by the Local Planning Authority. The development shall be carried out in accordance with the approved details.

Reason:

To ensure that the amenities of the area are safeguarded, and to ensure the development accords with Policies SP1 (Delivering the Strategy) and MD2 (Design of New Development) of the Local Development Plan.

8. Except for the southern boundary of the site, the building and site must be developed in line with the detailed mitigation measures as set out on the Noise Impact Assessment dated 12th November 2020 and as shown on the Detailed Landscape & Boundary Proposals With Proposed Cycleway. All mitigation measures shall be completed before the use of the building begins and thereafter retained in perpetuity.

Reason:

To safeguard the amenities of the residents and to ensure compliance with the terms of Policies SP1 (Delivering the Strategy) and MD2 (Design of New

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Developments) and MD7 (Environmental Protection) of the Local Development Plan

9. Prior to construction (including any demolition or site clearance) a 2.5m high acoustic fence as shown on the Detailed Landscape & Boundary Proposals with Proposed Cycleway (Rev C) received 19/11/2020, shall be installed along the southern boundary of the site, which shall thereafter retained in perpetuity.

Reason:

To safeguard the amenities of the adjacent residents during construction and to ensure compliance with the terms of Policies SP1 (Delivering the Strategy) and MD2 (Design of New Developments) and MD7 (Environmental Protection) of the Local Development Plan.

10. The building shall not be occupied until the parking, cycle parking and associated access and turning areas have been laid out on site in accordance with the approved plans and the approved layout shall thereafter be kept available for the parking of vehicles / cycle parking in perpetuity.

Reason:

To ensure that satisfactory vehicle and cycle parking and turning facilities is provided on site to serve the development, and to ensure compliance with the terms of Policies SP1 (Delivering the Strategy) and MD2 (Design of New Developments) of the Local Development Plan.

11. Notwithstanding the submitted Travel Plan, prior to construction of the care home, a detailed Travel Plan shall be prepared to include a package of measures tailored to the needs of the site and its future users, which aims to widen travel choices by all modes of transport, encourage sustainable transport and cut unnecessary car use. The Travel Plan shall thereafter be completed in accordance with the approved details

Reason:

To ensure the development accords with sustainability principles and that site is accessible by a range of modes of transport in accordance with Policies SP1 (Delivering the Strategy), MD1 (Location of New Development) and MD2 (Design of New Developments) of the Local Development Plan

12. No development shall commence, including any works of demolition, until a Construction Environment Management Plan (CEMP) has been submitted to, and approved in writing by, the Local Planning Authority. The CEMP shall include the following details:

- i) the parking of vehicles of site operatives and visitors;
- ii) loading and unloading of plant and materials and haulage routes;
- iii) storage of plant and materials used in constructing the development;
- iv) the erection and maintenance of security hoarding including decorative displays and facilities for public viewing, where appropriate;
- v) wheel washing facilities;



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- vi) measures to control and mitigate the emission of dust, smoke, other airborne pollutants and dirt during construction;
- vii) a scheme for recycling/disposing of waste resulting from demolition and construction works.
- viii) hours of construction;
- ix) lighting;
- x) management, control and mitigation of noise and vibration;
- xi) odour management and mitigation;
- xii) diesel and oil tank storage areas and bunds;
- xiii) how the developer proposes to accord with the Considerate Constructors Scheme ([www.considerateconstructorscheme.org.uk](http://www.considerateconstructorscheme.org.uk)) during the course of the construction of the development; and
- xiii) a system for the management of complaints from local residents which will incorporate a reporting system.

The construction of the development shall be undertaken in accordance with the approved CEMP.

Reason:

To ensure that the construction of the development is undertaken in a neighbourly manner and in the interests of the protection of amenity and the environment and to ensure compliance with the terms of Policy / Policies SP1 (Delivering the Strategy) / MD7 (Environmental Protection) of the Local Development Plan.

13. Any aggregate (other than virgin quarry stone) or recycled aggregate or any topsoil [natural or manufactured], or subsoil, to be imported shall be assessed for chemical or other potential contaminants in accordance with a scheme of investigation which shall be submitted to and approved in writing by the Local Planning Authority in advance of its importation. Only material approved by the Local Planning Authority shall be imported. All measures specified in the approved scheme shall be undertaken in accordance with Pollution Control's Imported Materials Guidance Notes. Subject to approval of the above, sampling of the material received at the development site to verify that the imported soil is free from contamination shall be undertaken in accordance with a scheme and timescale to be agreed in writing by the LPA.

Reason:

To ensure that the safety of future occupiers is not prejudiced in accordance with Policies SP1 (Delivering the Strategy) and MD7 (Environmental Protection) of the Local Development Plan.

14. In the event that contamination is found at any time when carrying out the approved development that was not previously identified it must be reported in writing within 2 days to the Local Planning Authority, all associated works must stop, and no further development shall take place until a scheme to deal with the contamination found has been submitted to and approved in writing by the Local Planning Authority. An investigation and risk assessment must be undertaken and where remediation is necessary a remediation scheme and verification plan must be prepared and submitted to and approved in writing by the Local Planning Authority. Following completion of measures identified in the approved remediation scheme a

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verification report must be submitted to and approved in writing by the Local Planning Authority. The timescale for the above actions shall be agreed with the LPA within 2 weeks of the discovery of any unsuspected contamination.

Reason:

To ensure that any unacceptable risks from land contamination to the future users of the land, neighbouring land, controlled waters, property and ecological systems are minimised, and to ensure that the development can be carried out safely without unacceptable risks to workers, neighbours and other offsite receptors in accordance with Policies SP1 (Delivering the Strategy) and MD7 (Environmental Protection) of the Local Development Plan.

15. No development shall take place until the applicant, or their agents or successors in title, has secured agreement for a written scheme of historic environment mitigation which has been submitted by the applicant and approved by the local planning authority. Thereafter, the programme of work will be fully carried out in accordance with the requirements and standards of the written scheme.

Reason:

To identify and record any features of archaeological interest discovered during the works, in order to mitigate the impact of the works on the archaeological resource and to ensure compliance with Policies SP1 (Delivering the Strategy), SP10 (Built and Natural Environment) and MD8 (Historic Environment) of the Local Development Plan.

16. The development shall not be brought into use until such time as the off site highway works relating to pedestrian crossing points over the A4050 (Port Road) and Caerau Lane have been fully completed.

Reason:

In the interest of pedestrian safety and to ensure a satisfactory form of access to serve the development, and to ensure compliance with the terms of Policies SP1 (Delivering the Strategy) and MD2 (Design of New Developments) of the Local Development Plan.

17. The development shall be used as a care home and for no other purpose (including any other purpose in Class C2 of the schedule to the Town and Country Planning (Use Classes) Order 1987 (or in any provision equivalent to that class in any statutory instrument revoking and re-enacting that order with or without modification).

Reason:

To control the precise nature of the use of the site, and to ensure compliance with the terms of Policies SP1 (Delivering the Strategy) and MD2 (Design of New Developments) of the Local Development Plan.

No.

Reason for decision

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.

Having regard to Policies SP1 – Delivering the Strategy, MD1 - Location of New Development, MD2 - Design of New Development, MD4 - Community Infrastructure and Planning Obligations, MD7 - Environmental Protection MD8 -Historic Environment and, MD14 - New Employment Proposals, it is considered that the material considerations and more up to date guidance as set out in Planning Policy Wales Edition 10, would in this instance, based on the application and the supporting documents, override the fact that the proposed development would not be wholly in accordance with the policies contained within the Development Plan. On this basis the proposed care home, in terms of its siting, design together with landscaping proposal, would not have an unacceptable effect on the countryside. The proposal is also considered acceptable in respect of the impacts on access and parking, neighbouring amenity, ecology, drainage and archaeology.

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.