

No.

PLANNING COMMITTEE

Minutes of the Reconvened (from 22nd February, 2024) Hybrid Meeting held on 21st March, 2024.

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.R. 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 A. Asbrey, J. Aviet, R.M. Birch (Cabinet Member for Education, Arts and the Welsh Language), G. John (Cabinet Member for Leisure, Sport and Wellbeing) and R. Sivagnanam (Cabinet Member for Community Engagement, Equalities and regulatory Services).

Name of Speaker	Planning Application No. and Location	Reason for Speaking
B. Davies	2020/01170/OUT - Land at Upper Cosmeston Farm, Lavernock Road, Penarth	The applicant or their representative
D. Clarke	2023/00032/FUL Barry Biomass Renewable Energy Facility, David Davies Road, Barry	Objector to the application or their representative
D. Clarke	2023/00033/FUL Land to the North of Barry Biomass Renewable Energy Facility, David Davies Road, Barry	Objector to the application or their representative

Councillor K. Mahoney spoke in regard to Application No. 2020/01170/OUT – Land at Upper Cosmeston Farm, Lavernock Road, Penarth, as a local Ward Member.

Councillors E. Goodjohn and E.J. Goodjohn both spoke, as Vale of Glamorgan Councilors, in regard to Application No 2023/00032/FUL – Barry Biomass Renewable Energy Facility, David Davies Road, Barry.

965 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”.

No.

The Chair also read out the following statement concerning the adjournment of this meeting previously, on 22nd February 2024:

“As all Members and those present at the Planning meeting on 22nd February, 2024 will be aware I took the decision to adjourn that meeting due to significant technical difficulties with the virtual meeting system which came to light during the second matter under Item 9 on the agenda, application 2020/01170/OUT – Land at Upper Cosmeston Farm, Lavernock Road, Penarth. The technical difficulties were such that a significant proportion of the Members of the Planning Committee attending the meeting remotely were not able to see, hear or participate in aspects of the debate on the matter. As those Members were not party to the full debate, through no fault of their own, they would not have been able to participate in any vote on the matter on that day.

Therefore, following consultation with Legal and Democratic Services the decision has been taken that we will restart the Land at Upper Cosmeston Farm matter from the beginning. All public speakers and local Members will be permitted to speak to the Committee again in order that all contributors are provided with the opportunity to put their views forward and to ensure that the whole item and all debate on this item take place today in order that a decision can be made which is not to the detriment of any party.

Due to the passage of time between the adjournment and the reconvening of this meeting we will start the meeting by taking apologies for absence, if any, and any declarations of interest from Members in respect of those items to be heard today.”

966 DECLARATIONS OF INTEREST –

Councillor	Agenda Item No.	Nature of Interest
I.R. Buckley	2020/01170/OUT – Land at Upper Cosmeston Farm, Lavernock Road, Penarth	The Councillor had previously considered the application in previous meetings of Penarth Town Council. The Councillor declared that they would be considering the matter from afresh and so remained in the meeting for the item.
C.A. Cave	2020/01170/OUT – Land at Upper Cosmeston Farm, Lavernock Road, Penarth	The Councillor felt that her previous minuted comments at the original adjourned meeting meant she could not participate in discussions and voting on this item. Also, public speakers, representatives and Committee Members who were present at February’s meeting were not necessarily present now. It was very

		<p>unclear as to whether what occurred in March was a resumption from an adjournment in February, or a restart. As a result of these and other concerns, she informed the committee that she would remain silent on this discussion and application.</p> <p>N.B. These concerns were responded to and addressed by the Chair and the Legal Officer, both in the meeting and in the Chair's statement (see below).</p>
I.A.N. Perry	2020/01170/OUT – Land at Upper Cosmeston Farm, Lavernock Road, Penarth	<p>The Councillor did not vote because he felt that matters related to the planning decision raised at the meeting in February were not repeated at the meeting in March and as a result there were some members who voted in March who did not have all the information as they were not present in February. It was very unclear as to whether what occurred in March was a resumption from an adjournment in February, or a restart. As a result of issues raised in February not being repeated in March, he informed the committee that he would not be voting due to new participants not having heard all the debate.</p> <p>N.B. These concerns were responded to and addressed by the Chair, both in the meeting and in his statement (see below).</p>
N.C. Thomas	2023/00032/FUL – Barry Biomass Renewable Energy Facility, David Davies Road, Barry	<p>The Councillor had previously considered the application in previous meetings. The Councillor declared that they</p>

		would be considering the matter from afresh and so remained in the meeting for the item.
S.D. Perkes	2023/00032/FUL – Barry Biomass Renewable Energy Facility, David Davies Road, Barry	The Councillor had previously considered the application in previous meetings. The Councillor declared that they would be considering the matter from afresh and so remained in the meeting for the item.
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P. Drake	2023/00032/FUL – Barry Biomass Renewable Energy Facility, David Davies Road, Barry	The Councillor had previously considered the application in previous meetings. The Councillor declared that they would be considering the matter from afresh and so remained in the meeting for the item.
A.M. Ernest	2023/00032/FUL – Barry Biomass Renewable Energy Facility, David Davies Road, Barry	The Councillor had previously considered the application in previous meetings. The Councillor declared that they would be considering the matter from afresh and so remained in the meeting for the item.
N.P. Hodges	2023/00032/FUL – Barry Biomass Renewable Energy Facility, David Davies Road, Barry	The Councillor had previously considered the application in previous meetings. The Councillor declared that they would be considering the

		matter from afresh and so remained in the meeting for the item.
Dr. I.J. Johnson	2023/00032/FUL – Barry Biomass Renewable Energy Facility, David Davies Road, Barry and 2023/00033/FUL	The Councillor had previously considered the application in previous meetings or made comments. The Councillor declared that they would be considering the matter from afresh and so remained in the meeting for the item.
H.M. Payne	2023/00032/FUL – Barry Biomass Renewable Energy Facility, David Davies Road, Barry and 2023/00033/FUL	The Councillor had previously considered the application in previous meetings. The Councillor declared that they would be considering the matter from afresh and so remained in the meeting for the item.
E. Williams	2023/00032/FUL – Barry Biomass Renewable Energy Facility, David Davies Road, Barry	The Councillor had previously considered the application in previous meetings. The Councillor declared that they would be considering the matter from afresh and so remained in the meeting for the item.
M.R. Wilson	2023/00032/FUL – Barry Biomass Renewable Energy Facility, David Davies Road, Barry	The Councillor had previously considered the application in previous meetings. The Councillor declared that they would be considering the matter from afresh and so remained in the meeting for the item.
N.C. Thomas	2023/00033/FUL – Land to the north of Barry Biomass Renewable Energy Facility, David Davies Road, Barry	The Councillor had previously considered the application in previous meetings. The Councillor declared that they would be considering the matter from afresh and so remained in the meeting for the item.
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M.R. Wilson	2023/00033/FUL – Land to the north of Barry Biomass Renewable Energy Facility, David Davies Road, Barry	The Councillor had previously considered the application in previous meetings. The Councillor declared that they would be considering the matter from afresh and so remained in the meeting for the item.

967 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.

2020/01170/OUT

Received on 14 October 2020

(P. 1)

APPLICANT: Welsh Government Land Division, Permanent Secretary's Group, Cathays Park, Cardiff, CF10 3NQ

AGENT: Ms Catherine Blyth Unit 9, Oak Tree Court, Cardiff Gate Business Park, Cardiff, CF23 8RS

Land at Upper Cosmeston Farm, Lavernock Road, Penarth

Outline application for residential development, a primary school, community space and public open space with all matters reserved other than access.

A recorded vote was called for the Application, based on the recommendations within the report, with the results as follows:

No.

Members	For	Against	Abstain
G. Bruce			
I.R. 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	√		
S.D. Perkes	√		
I.A.N. Perry			
C. Stallard	√		
N.C. Thomas	√		
E. Williams	√		
M.R. Wilson	√		
TOTAL	12	2	

RESOLVED – T H A T subject to the applicant entering into a Section 106 agreement to provide for the following (based on 576 dwellings):

- Procure that 40% (up to 231) 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 **£1,324,800** towards sustainable transport improvements.

No.

- Pay a financial contribution towards education requirements arising from the development of **£6,476,088**, in addition to the transfer of the 1ha school site to the Council.
- Provision of suitable open space within the confines of the site (inclusive of 1 x NEAP, 3 x LEAPs and 4 x LAPs).
- Pay 1% of project budget towards public art.
- Cliff monitoring contribution of **£59,150**
- To provide community facilities of circa 0.1-0.2 hectares within 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.

2023/00032/FUL

Received on 27 January 2023

(P. 79)

APPLICANT: Biomass UK No.2 Limited -, -,

AGENT: Mr Philip Murphy 21 Soho Square, London, W1D 3QP

Barry Biomass Renewable Energy Facility, David Davies Road, Barry

Retrospective full planning permission for development comprising a wood fired renewable energy plant and associated structures without complying with Condition 5 (Drawings) attached to planning permission 2015/00031/OUT.

A recorded vote was called for the Application, based upon whether Members were for or against Rejection of the Application, with the results as follows:

Members	For	Against	Abstain
G. Bruce			
I.R. Buckley	√		
C.A. Cave			√
C.E.A. Champion	√		
C.M. Cowpe	√		
P. Drake	√		
A.M. Ernest			
W. Gilligan	√		

No.

N.P. Hodges	√		
Dr. I.J. Johnson	√		
H.M. Payne	√		
S.D. Perkes	√		
I.A.N. Perry	√		
C. Stallard	√		
N.C. Thomas			√
E. Williams	√		
M.R. Wilson	√		
TOTAL	13		2

REFUSED – Subject to the following reasons:

(1) The unauthorised addition of the ancillary structures, minor alterations, and associated layout changes including:- a Lean-to Fuel Reception Building, lean-to Compressor House, urea Silo, externally mounted discharge Incline conveyor, screening tower and dust extraction plant, emergency diesel generator and fire kiosk, fire water tank and pump house, amendment to stack width and an enlargement to the noise attenuator located at the base of the chimney stack; have detrimentally affected the appearance of the development over and above that approved in 2015 and will harm the amenity of nearby residential properties in both the Waterfront and Dock View Road. The Development is accordingly contrary to policies MD 2 (Design of New Development) and MD5 (Development Within Settlement Boundaries) of the adopted Vale of Glamorgan Local Development Plan.

(2) The applicant has failed to demonstrate that there will not be adverse environmental impacts because the EIA fails to adequately and fully assess the impacts regarding waste; particularly as there is no specific chapter dealing with this key issue. The proposal is therefore contrary to policies MD 2 (Design of New Developments), MD 7 (Environmental Protection) and MD 20 (Assessment of waste Management Proposals) of the adopted Vale of Glamorgan Local Development Plan.

Reason for decision

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

No.

2023/00033/FUL
(P. 130)

Received on 24 January 2023

APPLICANT: Biomass UK No. 2 Ltd., c/o Agent, -, -

AGENT: Mr Philip Murphy, 21, Soho Square, London, W1D 3QP

Land to the North of Barry Biomass Renewable Energy Facility, David Davies Road, Barry

Retrospective planning permission for external storage, vehicle turning and vehicle layover, and perimeter fencing for use in association with the adjacent renewable energy plant.

A recorded vote was called for the Application, based upon whether Members were for or against Rejection of the Application, with the results as follows:

Members	For	Against	Abstain
G. Bruce	√		
I.R. 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	√		
S.D. Perkes	√		
I.A.N. Perry	√		
C. Stallard	√		
N.C. Thomas	√		

No.

E. Williams			
M.R. Wilson	√		
TOTAL	15		

REFUSED – Subject to the following reasons:

1. The proposal comprises an integral and operational part of the wider development which, by reason of the unauthorised ancillary structures, minor alterations, and associated layout changes that include:- a Lean-to Fuel Reception Building, lean-to Compressor House, urea Silo, externally mounted discharge Incline conveyor, screening tower and dust extraction plant, emergency diesel generator and fire kiosk, fire water tank and pump house, amendment to stack width and an enlargement to the noise attenuator located at the base of the chimney stack; has detrimentally affected the appearance of the development over and above that approved in 2015 and will harm the amenity of nearby residential properties in both the Waterfront and Dock View Road. The Development is accordingly contrary to policies MD 2 (Design of New Development) and MD5 (Development Within Settlement Boundaries) of the adopted Vale of Glamorgan Local Development Plan.

2. The proposal comprises an integral and operational part of the wider development, which is not supported by adequate information to demonstrate that there would not be adverse environmental impacts (due to the EIA failing to assess fully the impacts regarding waste, particularly as there is no specific chapter dealing with this key issue). The proposal is therefore contrary to policies MD 2 (Design of New Developments), MD 7 (Environmental Protection) and MD 20 (Assessment of waste Management Proposals) of the adopted Vale of Glamorgan Local Development Plan.

Reason for decisions

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

2023/00895/FUL

Received on 17 January 2024

(P. 156)

APPLICANT: Mr Huw Llewellyn Great House Farm, Penllyn, Cowbridge, CF71 7RQ

AGENT: Ms Bethan Evans Unit 9, Oak Tree Court, Cardiff Gate Business Park, Cardiff, CF23 8RS

Great House Farm, Penllyn

Proposed change of use from agricultural use to glamping visitor accommodation comprising 3 yurts, separate kitchen units and conversion of the existing barn to a shower block and farm storage.

A recorded vote was called for the Application, based on the recommendations within the report, with the results as follows:

No.

Members	For	Against	Abstain
G. Bruce	√		
I.R. 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	√		
S.D. Perkes	√		
I.A.N. Perry	√		
C. Stallard	√		
N.C. Thomas	√		
E. Williams			
M.R. Wilson	√		
TOTAL	13		1

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.