

**MATTER WHICH THE CHAIR HAS DECIDED IS URGENT BY REASON OF THE NEED TO UPDATE MEMBERS ON THE PROPOSED AMENDMENT/EXPANSION OF THE REASONS GIVEN FOR THE DECISION MADE REGARDING PLANNING APPLICATION 2022/00907/FUL. THIS IS IN ORDER TO ELABORATE ON THE REASONS GIVEN BY MEMBERS FOR APPROVING THIS APPLICATION, TO ENSURE FULL CLARITY AND TRANSPARENCY ON THE DECISION MAKING PROCESS REGARDING THIS, AND FOR MEMBERS' CONSIDERATION AND APPROVAL OF THE PROPOSED UPDATE.**

### PLANNING COMMITTEE

Minutes of a Hybrid meeting held on 12<sup>th</sup> December, 2024.

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

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

Present: Councillor N. Thomas (Chair); Councillor M.R. Wilson (Vice-Chair);  
Councillors: J. Aviet, 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 and E. Williams.

Also present: Councillors S.M. Hanks, W.A. Hennessy, G. John (Cabinet Member for Leisure, Sport and Wellbeing), J.M. Norman, J. Protheroe and R. Sivagnanam (Cabinet Member for Community Engagement, Equalities and Regulatory Services).

<b>Name of Speaker</b>	<b>Planning Application No. and Location</b>	<b>Reason for Speaking</b>
Mr Darren Green	2022/00907/FUL - Land at Bridge House Farm, Llanmaes Road, Llanmaes, Llantwit Major.	Objectors to the application or their representative
Councillor Graeme Smith	2022/00907/FUL - Land at Bridge House Farm, Llanmaes Road, Llanmaes, Llantwit Major.	A representative of a Town or Community Council
Mr Rob Mitchell	2022/00907/FUL - Land at Bridge House Farm, Llanmaes Road, Llanmaes, Llantwit Major.	The applicant or their representative
Mr George Ledward	2022/00907/FUL - Land at Bridge House Farm, Llanmaes Road, Llanmaes, Llantwit Major.	The applicant or their representative

No.

Mr Charlie Thomas	2023/01161/FUL - Land West of Drope Road, St. Georges Super Ely	The applicant or their representative
-------------------	---	---------------------------------------

Councillors S.M. Hanks and G. John also spoke in relation to Planning Application No. 2022/00907/FUL – Land at Bridge House Farm, Llanmaes Road, Llanmaes, Llantwit Major in their capacity as Vale of Glamorgan Council Members for Llantwit Major.

#### 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”.

#### APOLOGY FOR ABSENCE –

This was received from Councillor C. Stallard.

#### MINUTES –

RESOLVED – T H A T the minutes of the meeting held on 17<sup>th</sup> October, 2024 be approved as a correct record.

#### DECLARATIONS OF INTEREST –

No declarations of interest were received.

#### SITE INSPECTIONS (CX) –

#### RESOLVED –

(1) T H A T the attendance of the following Councillors at the site visits indicated, held on 17<sup>th</sup> October, 2024, be noted.

34 Smithies Avenue, Sully	Councillor N.C. Thomas (Chair), Councillors I.R. Buckley, C.E.A. Champion, C.M. Cowpe, A.E. Ernest and C. Stallard.
Land to the South of Blackton Lane and West of Port Road, Rhoose	Councillor N.C. Thomas (Chair), Councillors I.R. Buckley, C.E.A. Champion, and C. Stallard

No.

Apologies were received from Councillors for –

34 Smithies Avenue, Sully,

Councillors C.A. Cave, P. Drake, W. Gilligan and Dr. I.J. Johnson.

Land to the South of Blackton Lane and West of Port Road, Rhoose.

C.A. Cave, C.M. Cowpe, P. Drake, A.M. Ernest, W. Gilligan and Dr. I.J. Johnson.

(2) T H A T it be noted that Councillor H.M. Payne's apologies were provided in advance of the site visits held on 19<sup>th</sup> July, 2024, but had not been not included in the report to Committee on 26<sup>th</sup> September, 2024.

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.

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 8 through 28, under the above delegated powers, be noted.

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.

No.

(4) T H A T it be noted that 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 2024 – March 2025, as detailed in Section E of the report, be noted.

TREES (HSD) –

(i) Delegated Powers –

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

ENFORCEMENT (HSD) –

(i) Land and Buildings at Atlantic Business Park, Barry

Following a complaint made to the Council, an investigation confirmed that units 3, 30, and 40 – 42 of the Atlantic Business Park, Barry, were currently being used for purposes falling outside of use classes B1 (light industrial business use) and B8 (storage and distribution). Consent for the business park was granted in 2018 (application ref: 2018/01317/FUL) subject to a condition that the units were only used for purposes falling under use classes B1 (Business) and/or B8 (Storage or Distribution), on the basis that the business park was situated within a local employment allocation for these uses. The purpose of restricting the future use of the units within the site, was to ensure that they continued to contribute to the fulfilment of local employment requirements for uses falling within the remit of B1 and B8.

In the absence of any planning applications for the identified units, which included a stone mason (B2), gymnasium (D2), brewery and associated tap room/bar (B2 and A3), it was considered unacceptable to allow these uses to continue with no planning control. In the event no action was taken, the unauthorised uses were likely to become lawful after 10 continuous years. Given the nature of the uses and the potential harmful impact resulting from uncontrolled noise, traffic movements and odours on the amenity of nearby residential dwellings, and the loss of employment space, it was considered expedient to take enforcement action to require the use of the identified units for any purpose, other than those falling under classes B2 and B8, to cease.

RESOLVED –

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

(i) Secure full compliance with the requirements of condition no.6 of planning permission reference 2018/01317/FUL by ceasing the use of units 3, 30, and 40 – 42, other than for uses falling within Classes B1

No.

and B8 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.

(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) The use of units 3, 30, and 40 – 42 for purposes other than those falling under use classes B1 and B8 of the Town and Country Planning (Use Classes) Order 1987 as amended may have uncontrolled detrimental environmental impacts on residential and public amenity, by generating unacceptable noise pollution, odours, additional traffic movements and any other harmful impacts. The uncontrolled uses of the identified units may become lawful and immune from any enforcement action after a period of ten continuous years of use. This would be an entirely unacceptable position on the basis that the uses identified may only be deemed acceptable subject to appropriate mitigation measures, that could only be required by way of attaching planning conditions to a grant of planning consent. Therefore, in the absence of planning permission to regularise the uses of the identified units, it is considered that the current position is unacceptable and contrary to Policies MD2 and MD7 of the Adopted LDP as well as Chapter 6 of Planning Policy Wales (Edition 12).

(2) Atlantic Business Park is also located within an identified local employment site for B1 and B8 uses, as allocated by Policy MG9 of the Adopted LDP. Therefore, considering that the purpose of the local employment allocation is to ensure the employment requirements of the area are met, it is considered that to allow uncontrolled uses to establish and become lawful over time at the units identified is unacceptable in principle and undermines the purpose of the employment allocation, contrary to Policy MG9 of the LDP.

(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.

#### 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.

**2022/00907/FUL**

Received on 18 August 2022

**APPLICANT:** Lidl GB Ltd C/O Agent

**AGENT:** Mr Rob Mitchell Brunel House, 2 Fitzalan Road, Cardiff, CF24 0EB

**Land at Bridge House Farm, Llanmaes Road, Llanmaes, Llantwit Major**

No.

Erection of a Class A1 foodstore with access, surface level parking, landscaping and all associated development.

Following the matter being addressed at the meeting, a Member put forward a motion to approve the application which was duly seconded. Subsequently, a request was made by another Member for a recorded vote on the motion, with the vote having took place as follows:

<b>Members</b>	<b>For</b>	<b>Against</b>	<b>Abstain</b>
Julie Aviet	√		
Gillian Bruce		√	
Ian Buckley		√	
Christine Cave		√	
Charles Champion	√		
Marianne Cowpe	√		
Pamela Drake		√	
Anthony Ernest		√	
Wendy Gilligan	√		
Nic Hodges	√		
Dr. Ian Johnson	√		
Helen Payne	√		
Ian Perry		√	
Carys Stallard			
Neil Thomas			√
Eddie Williams	√		
Mark Wilson	√		
<b>TOTAL</b>	<b>9</b>	<b>6</b>	<b>1</b>

APPROVED – Subject to the relevant conditions being set.

Reason for decision

No.

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

**2023/01161/FUL** Received on 28 May 2024

**APPLICANT:** Mr Charlie Thomas North Lodge, Coedarhydyglyn, St Nicholas, Cowbridge, CF5 6SF

**AGENT:** Ms Anna Cheney 11 - 12 Jellicoe Court, Atlantic Wharf, Cardiff, CF10 4AJ

**Land West of Drope Road, St. Georges Super Ely**

Importing and spreading of inert material (topsoil and subsoil) to raise soil levels to assist with land husbandry.

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.

MATTER WHICH THE CHAIR HAD DECIDED WAS URGENT –

RESOLVED – T H A T the following matter which the Chair had decided was urgent for the reason given beneath the minute heading be considered.

**REPORT OF THE APPOINTED EXTERNAL CONSULTANT – LAND AT MODEL FARM, PORT ROAD, RHOOSE –**

**(Matter which the Chair had decided was urgent by the need to update members on the appeal status and the submission of new evidence which relates specifically to the council's previously agreed putative reasons for refusal)**

In considering the report, the Committee entered into Part II (private session) to receive and discuss confidential legal advice. It subsequently returned to Part I (public session) in order to give its decision at this time.

**THE MEETING WAS THEN ADJOURNED TO BE RECONVENED AT A LATER DATE TO FURTHER CONSIDER THE ABOVE REPORT.**