

## PLANNING COMMITTEE

Decision Notice – Meeting, 26<sup>th</sup> May, 2021.

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, M.R. Wilson and  
Ms. M. Wright.

Also present: Councillors L. Burnett (Cabinet Member for Education and  
Regeneration) and P.G. King (Cabinet Member for Neighbourhood Services and  
Transport).

### AGENDA ITEM 2. MINUTES –

RESOLVED – T H A T the minutes of the meeting held on 28<sup>th</sup> April, 2021 be  
approved as a correct record.

### AGENDA ITEM 3. DECLARATIONS OF INTEREST –

Councillor N.P. Hodges declared a prejudicial interest in respect of Application No.  
2021/00295/FUL 14 Friars Road, Barry. The nature of the interest was that  
Councillor Hodges was a fellow Ward Member and personal friend to the applicant.  
Councillor Hodges withdrew from the meeting for this application and took no part in  
the debate or vote.

Councillor A.C. Parker declared a prejudicial interest in respect of the Enforcement  
Action, land and buildings at Hensol Cottage, Welsh St. Donats. The nature of the  
interest was that Councillor Parker had been the architect for the original  
development. Councillor Parker withdrew from the meeting for this item and took no  
part in the debate or vote.

### AGENDA ITEM 4. BUILDING REGULATION APPLICATIONS AND OTHER BUILDING CONTROL MATTERS DETERMINED BY THE HEAD OF REGENERATION AND PLANNING UNDER DELEGATED POWERS (HRP) –

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 5. PLANNING APPLICATIONS DETERMINED BY THE HEAD OF REGENERATION AND PLANNING UNDER DELEGATED POWERS (HRP) –

RESOLVED – T H A T the applications as outlined within the report under the agenda under the above delegated powers be noted.

AGENDA ITEM 6. TREES (HRP) –

(i) Delegated Powers –

RESOLVED – T H A T the applications as outlined within the report as determined by the Head of Regeneration and Planning under delegated powers be noted.

AGENDA ITEM 7. ENFORCEMENT ACTION –

(i) Land and Buildings at Hensol Cottage, Welsh St. Donats

RESOLVED –

(1) T H A T the Monitoring Officer / 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) Demolish the building and break up any footings, hardstanding and services that have been installed in connection with the construction of the building;
- (ii) Permanently remove from the land all of the materials that result from the taking of step (i);
- (iii) Return the site to its condition prior to the construction of the building, by levelling the site to match that of the adjoining land, laying topsoil and sowing grass seed.

(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 recommendations

(1) The building, as constructed, failed to positively contribute to the context and character of the surrounding natural environment and respond appropriately to the local context and character. Ultimately, it had an unacceptable impact on the countryside and given its domestic appearance, contributed to the erosion of locally distinct rural character. Therefore, the development failed to comply with the requirements of criterion 1 and 2 of Policy MD1, criterion 1 of Policy MD1, Policy

DG13 of the Design in Landscape SPG, the contents of TAN 12 as well as policy and guidance contained within Planning Policy Wales edition 11.

(2) The location of a building used for general storage purposes was unjustified and failed to respond appropriately to the local context and character and had an unacceptable impact on the countryside. It was, therefore, contrary to the requirements of criterion 1 of policies MD1 and MD2 and policy and guidance contained within Planning Policy Wales edition 11.

(3) 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.

(4) The appropriate marine policy documents had been considered in the determination of this application in accordance with Section 59 of the Marine and Coastal Access Act 2009.

#### AGENDA ITEM NO. 8 PLANNING APPLICATIONS (HRP) –

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.

#### **2020/00434/OUT**

#### **Land at Beggars Pound, Cowbridge Road, St. Athan**

APPROVED – Subject to the conditions as contained within the report and an amendment to Condition 8 as follows:

- 8 Prior to the commencement of each phase of development, an assessment of the nature and extent of contamination shall be submitted to and approved in writing by the Local Planning Authority. This assessment must be carried out by or under the direction of a suitably qualified competent person \* in accordance with BS10175 (2011) Code of Practice for the Investigation of Potentially Contaminated Sites and shall assess any contamination on the site, whether or not it originates on the site.

The report of the findings shall include:

- (i) an intrusive investigation to assess the extent, scale and nature of contamination which may be present, as recommended by the Phase 1 Combined Geo-environmental & Geotechnical Assessment Desktop Study (13 December 2019).
- (ii) an assessment of the potential risks to:
  - human health,
  - ground waters and surface waters adjoining land,
  - property (existing or proposed) including buildings, crops, livestock, pets, woodland and service lines and pipes,
  - ecological systems,

- archaeological sites and ancient monuments; and
  - any other receptors identified at (i).
- (iii) an appraisal of remedial options, and justification for the preferred remedial option(s).

All work and submissions carried out for the purposes of this condition must be conducted in accordance with DEFRA and the Environment Agency's 'Model procedures for the Management of Land Contamination, CLR 11' (September 2004) and the WLGA / WG / NRW guidance document 'Land Contamination: A guide for Developers' (2017) unless the Local Planning Authority agrees to any variation.

\* A 'suitably qualified competent person' would normally be expected to be a chartered member of an appropriate professional body (such as the Institution of Civil Engineers, Geological Society of London, Royal Institution of Chartered Surveyors, Institution of Environmental Management) and also have relevant experience of investigating contaminated sites.

Reason:

To ensure that information provided for the assessment of the risks from land contamination to the future users of the land, neighbouring land, controlled waters, property and ecological systems is sufficient to enable a proper assessment and to ensure compliance with Policies SP1 (Delivering the Strategy) MD7 – Environmental Protection of the Adopted LDP 2011-2026.

#### Reason for decision

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

#### **2020/01367/RG3**

#### **Plot C, Atlantic Trading Estate, Barry**

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.

#### **2021/00231/FUL**

#### **University Hospital Llandough, Penlan Road, Llandough**

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.

**2021/00295/FUL**  
**14, Friars Road, Barry**

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.