

PLANNING COMMITTEE

Decision Notice – Meeting, 1st September, 2021.

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

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

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

Also present: Councillors L. Burnett (Cabinet Member for Education and
Regeneration), G.D.D. Carroll and M.J.G. Morgan.

Name of Speaker	Planning Application No. and Location	Reason for Speaking
C. Hunt	2019/01031/RG3 -Land to the North of Maes y Ffynnon, Bonvilston	Objector to the application or their representative
S. Clarke	2019/01031/RG3 -Land to the North of Maes y Ffynnon, Bonvilston	Objector to the application or their representative
Councillor I. Perry	2019/01031/RG3 -Land to the North of Maes y Ffynnon, Bonvilston	A representative of a Town or Community Council

Councillor G.D.D. Carroll spoke on application 2021/00550/FUL - University Hospital Llandough, Penlan Road, Llandough in his capacity as the Vale of Glamorgan Member for the Llandough Ward.

Councillor M.J.G. Morgan spoke on application 2021/00316/FUL - Garden of the Villa, Trehedyn Lane, Peterston Super Ely in his capacity as the Vale of Glamorgan Member for the Peterston Super Ely Ward.

AGENDA ITEM 1. APOLOGIES FOR ABSENCE –

These were received from Councillors A.C. Parker and M. Wright.

AGENDA ITEM 2. MINUTES –

RESOLVED – T H A T the minutes of the Special meeting held on 14th July, 2021 and the meeting held on 21st July, 2021 be approved as a correct record.

AGENDA ITEM 3. DECLARATIONS OF INTEREST –

The following declarations were received:

Councillor J.C. Bird	2019/01031/RG3 - Land to the North of Maes Y Ffynnon, Bonvilston.	Prejudicial interest – Councillor Bird had been a member of the Cabinet when the decision to make this application was made. Therefore, Councillor Bird withdrew from the meeting when the item was considered.
Councillor Dr. I.J. Johnson	Enforcement Action: Land and Buildings at Barry Biomass, Woodham Road, Barry.	Personal interest - Councillor Dr. I.J. Johnson had made statements on this matter previously but he confirmed that he had not pre-determined his position on this issue and that any decision made at the meeting would be made with full regard and consideration of all available information. Councillor Dr. Johnson remained in the meeting when the item was considered.
Councillor M.R. Wilkinson	2021/00378/RG3 - Land at Hayes Wood, The Bendricks, Sully	Prejudicial interest - Councillor Wilkinson was the current Cabinet Member for Housing and Building Services. Therefore, Councillor Wilkinson withdrew from the meeting when the item was considered.
Councillor M.R. Wilkinson	2019/01031/RG3 - Land to the North of Maes Y Ffynnon, Bonvilston.	Prejudicial interest - Councillor Wilkinson was the current Cabinet Member for Housing and Building Services. Therefore, Councillor Wilkinson withdrew from the meeting when the item was considered.

AGENDA ITEM 4. PUBLIC RIGHTS OF WAY SUB-COMMITTEE (MD) –

RESOLVED – T H A T the Public Rights of Way Sub-Committee comprising 4 Members (2 Conservative, 1 Labour and 1 Vale Independents Group with one vacancy unfilled) be re-appointed.

Reason for decision

To confirm the re-appointment of the Public Rights of Way Sub-Committee for 2021/22.

AGENDA ITEM 5. 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 6. 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, on pages 17 through 46, under the above delegated powers be noted.

AGENDA ITEM 7. APPEALS (HRP) –

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 Appeals Decisions as detailed in Section D of the report be noted.
- (5) T H A T the statistics relating to the appeals for the period April 2021 – March 2022 as detailed in Section E of the report be noted.

AGENDA ITEM 8. TREES (HRP) –

(i) Delegated Powers –

RESOLVED – T H A T the applications as outlined within the report, on pages 60 through 64, as determined by the Head of Regeneration and Planning under delegated powers be noted.

AGENDA ITEM NO. 9 ENFORCEMENT ACTION (HRP) –

(i) Land and Building at Barry Biomass, Woodham Road, Barry –

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) Permanently cease the operation of the renewable energy plant, including the carrying out of any performance testing.
- (ii) Permanently remove the renewable energy plant including all buildings, plant and associated equipment from the land.
- (iii) Permanently cease the use of the land located to the north for the storage of containers and the parking and manoeuvring of vehicles in association with the renewable energy plant.
- (iv) Permanently remove the containers and vehicles from the land resulting from the cessation of the use identified in step iii above.
- (v) Following the taking of steps (ii) and (iv) above, restore the land to its former condition prior to the commencement of development.

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

Reasons for decisions

(1) It appears to the Council that the above breach of planning control constituting operational development (construction of the renewable energy plant) has occurred within the last 4 years and the breach of planning constituting the material change of use of the land (extension of land to the north), has occurred within the last 10 years.

(2) The site is located within the wider coastal area of Barry Docks, to the northeast of existing industrial units on Woodham Road and was previously occupied by a container storage and refurbishment operation. Planning permission was granted for the redevelopment of the site to provide a wood fuelled renewable energy plant under outline planning permission 2015/00031/OUT. Despite a

significant level of local opposition, the outline permission was approved as it was concluded that the proposal would represent a sustainable renewable energy proposal which would comply with national and local planning policies, whilst also satisfactorily protecting the interests of local residential and visual amenity and highway safety. In order to ensure that the development was acceptable, a number of planning conditions were imposed which were designed to control both the construction and the future operation of the facility. These included measures to control issues such as air quality, waste management, the control of dust within the site and locality, light spillage, noise mitigation, deliveries and open storage and without such controls, it was considered that the development would have been unacceptable. A reserved matters application was approved for the approval of the landscaping of the development (2016/00187/RES) and the pre-commencement conditions for the scheme have been discharged.

(3) Whilst the Council has investigated a number of complaints that have been received regarding the site since 2016, which initially related to construction issues including noise, dust, hours of construction and air quality, the investigation of more recent complaints has identified a number of discrepancies between the consented scheme and that which had been built including differences between the approved layout and elevation plans, the provision of additional structures, plant and equipment and the extension of the site to the north. Despite protracted correspondence with the developer and their initial acceptance of the differences with the scheme that had been approved, the existing development has failed to be regularised, which could affect the Council's ability to take enforcement action in the future if the unauthorised development were to become lawful.

(4) It is considered the retention and operation of the plant without the ability to take enforcement action in the future could have a significant and irreversible adverse impact on the local environment and affect residential amenity and highway safety. The unauthorised development is therefore considered to conflict with strategic policies SP1 (Delivering the Strategy) and SP8 (Sustainable Waste Management), and the wider principles of managing new development set out in policies MD1 (Location of New Development), MD2 (Design of New Development), MD7 (Environmental Protection), MD16 (Protection of Existing Employment Sites and Premises), MD19 (Low Carbon and Renewable Energy Generation) and MD20 (Assessment of Waste Management Proposals). These breaches are also considered to conflict with the principles of sustainable development set out in PPW Edition 11 (2021), Technical Advice Note 11 (Noise), Technical Advice Note 18 (Transport) and Technical Advice Note 21 (Waste) and Technical Advice Note 23 (Economic Development).

(5) 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.

AGENDA ITEM 10. 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.

2021/00020/FUL

3, White House, Barry

REFUSED - for the following reasons:

1. By reason of its scale and design, the proposal would result in an incongruous addition to the property that would detrimentally impact upon the appearance and character of the streetscene and wider Conservation Area. The proposals would therefore fail to comply with policies MD2 (Design of New Development), MD5 (Development within Settlement Boundaries), MD8 (Historic Environment) and SP10 (Built and Natural Environment) of the Council's adopted Local Development Plan.
2. By reason of its scale, form, proximity to the boundary with the neighbouring property and projection past the neighbour's front elevation, the proposed extension would result in an imposing and overbearing impact on the neighbour at number 1, White House to such an extent that it would unacceptably impact upon the living conditions of the occupiers. The proposal is therefore contrary to the advice set out in the Council's SPG for Residential and Householder Development, Policy MD2 (Design of New Development) and policy MD5 (Development within Settlement Boundaries) of the Council's LDP.
3. The proposals would result in an unacceptable demand for parking which cannot be provided on site or within the immediate streetscene. The proposals would therefore fail to comply with Policy MD2 (Design of New Development) of the Council's adopted Local Development Plan and also the Council's Parking SPG.

Reason for decision

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

2021/00316/FUL

Garden of the The Villa, Trehedyn Lane, Peterston Super Ely

REFUSED – For the reasons contained within the report.

Reason for decision

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

2021/00378/RG3

Land at Hayes Wood, The Bendricks, Sully

RESOLVED – T H A T subject to secure mechanisms being in place to cover the following:

- Pay £377,301 for education purposes for the provision or enhancement of educational facilities in schools serving the development for Nursery, Primary and Secondary school children.
- Pay a contribution of £35,280 towards new community facilities in the area, to serve the development.
- Pay a contribution of £64,400 towards sustainable transport facilities in the vicinity of the site.
- The developer shall provide public art on the site to the value of 0.53% of the build costs or otherwise pay a contribution to the same value to the Council.
- Pay a contribution of £56,028 towards providing or enhancing public open space in the vicinity of the site.
- To agree details of financial measures to secure the management of habitats for translocated slow worm and grassland, and monitoring provisions, and details of management and monitoring of ecological areas.
- Pay an implementation fee of £10,660.

Deemed planning consent be GRANTED subject to the conditions within the report:

Reason for decision

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

2021/00550/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.

2019/01031/RG3

Land to the North of Maes Y Ffynnon, Bonvilston

DEFERRED - for the applicants to consider submitting alternative proposals to address Member's concerns and/or for the Members of Planning Committee voting against approval to consider planning reasons for refusal of current scheme.

Reason for decision

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