

## PLANNING COMMITTEE

Decision Notice – Meeting, 15<sup>th</sup> December 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 J. Aviet, R.M. Birch, C.A. Cave, 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, E. Williams, M.R. Wilson, and M. Wright.

Also present: Councillors A.D. Hampton and A.R. Robertson.

<b>Name of Speaker</b>	<b>Planning Application No. and Location</b>	<b>Reason for Speaking</b>
Simon Williams	2021/00622/FUL – 81 – 85 Holton Road, Barry.	Objector to the application or their representative.
Jon Hurley	2021/00622/FUL – 81 – 85 Holton Road, Barry.	The applicant or their representative.
Caroline Jones	2021/01300/FUL – Ty Cerrig, Groes Faen Road, Peterston Super Ely.	The applicant or their representative.

### AGENDA ITEM 2. MINUTES –

RESOLVED – T H A T the minutes of the meeting held on 24<sup>th</sup> November 2021 be approved as a correct record.

### AGENDA ITEM 3. DECLARATIONS OF INTEREST –

Councillor Dr. I.J. Johnson	2021/00622/FUL 81-85 Holton Road, Barry	Personal interest – Councillor Johnson had made previous comments on the application in his capacity as local member and would be considering the item without pre-determination.
Councillor V.P. Driscoll	2021/00622/FUL 81-85 Holton Road, Barry	Prejudicial interest – Councillor Driscoll had a dispensation from Standards Committee to speak only on matters relating to Holton Road, Barry. Councillor Driscoll withdrew from the meeting prior to Committee debate.

AGENDA ITEM 4. 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 it be noted that no rejected building applications, as usually listed in Section B of the report, had been received.
- (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, on pages 7 through 18, under the above delegated powers be noted.

AGENDA ITEM 6. 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 it be noted that no Planning Appeal Decisions had been received at the time of the meeting taking place.
- (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 2021 – March 2022, as detailed in Section E of the report, be noted.

AGENDA ITEM 7. TREES (HRP) –

- (i) Delegated Powers –

RESOLVED – T H A T the applications as outlined within the report on pages 21 and 22, as determined by the Head of Regeneration and Planning under delegated powers, be noted.

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.

**2019/01386/RES**

**Development land at East Quay, Barry Waterfront (to East of Cory Way)**

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.

**2021/00622/FUL**

**81-85, Holton Road, Barry**

RESOLVED – T H A T subject to the applicant entering into a Section 106 agreement to secure the following:

- The developer pays £54,996 for the provision or enhancement of educational facilities in schools serving the development for Secondary school children.
- The developer pays a contribution of £57,500 towards sustainable transport facilities in the vicinity of the site.
- The developer provides public art on the site to the value of 1% of the build costs or otherwise pays a contribution to the same value to the Council.
- The developer pays a contribution of £66,700 towards providing or enhancing public open space in the vicinity of the site.
- The developer pays the legal and implementation/monitoring fees for the S106 agreement.

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.

**2021/01300/FUL**

**Ty Cerrig, Groes Faen Road, Peterston Super Ely**

RESOLVED –

(1) T H A T Planning permission for the retention of the retaining wall and fence be refused.

- (i) By virtue of its siting and scale the retaining wall and fence would have a detrimental impact on visibility and therefore would have an unacceptable impact on highway safety. Therefore, the retention of the wall and fencing is considered unacceptable and contrary to the requirements of Policy MD2 Design of New Development of the Local Development Plan, as well as guidance contained within TAN 12 – Design, Manual for Streets and PPW 11.
- (ii) By virtue of its siting, scale and design and the context of the rural road within which the site sits within, the retaining wall and fence appears as a visually harmful and incongruous form of development, which is damaging to the appearance and character of the site and the wider rural street scene. Therefore, the retention of the wall and fence is considered unacceptable and contrary to the requirements of Policies SP1 Delivering the Strategy, MD2 Design of New Development of the Local Development Plan, as well as guidance contained within TAN 12 – Design and PPW 11.

(2) T H A T the Monitoring Officer/Head of Legal and Democratic Services be authorised to serve an Enforcement Notice under Section 172 of the Town and Country Planning Act 1990 (as amended) to require:

- (i) Demolish the retaining wall and remove all resulting materials from the land.
- (ii) Take down the timber fencing structure and remove all resulting materials from the land.
- (iii) Remove the soil which has been used to raise the front garden level and reinstate the land to its former level and condition including the laying of top soil and sowing of grass seed.

(3) 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) It appears to the Council that the above breach of planning control constituting operational development has occurred within the last four years.

(2) By virtue of its siting and scale the retaining wall and fence would have a detrimental impact on visibility and therefore would have an unacceptable impact on highway safety. By virtue of its siting, scale and design and the context of the rural

road within which the site sits within, the ground raising, retaining wall and fence appears as a visually harmful and incongruous form of development, which is damaging to the appearance and character of the site and the wider rural street scene. Therefore, the retention of the ground raising, wall and fence is considered unacceptable and contrary to the requirements of Policies SP1 Delivering the Strategy, MD2 Design of New Development of the Local Development Plan, as well as guidance contained within TAN 12 – Design and PPW 11

(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.

**2021/01444/RG3**

**Colcot Health Clinic, Winston Road, Barry**

Deemed planning consent be GRANTED 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.