

No.

## PLANNING COMMITTEE

Minutes of a Remote meeting held on 27<sup>th</sup> April, 2022.

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, N.P. Hodges, Dr. I.J. Johnson, G.C. Kemp, A.C. Parker, L.O. Rowlands, N.C. Thomas, E. Williams and M.R. Wilson.

Also present: Councillor N. Moore (Executive Leader and Cabinet Member for Performance and Resources).

<b>Name of Speaker</b>	<b>Planning Application No. and Location</b>	<b>Reason for Speaking</b>
Councillor Ian Perry	2022/00066/RG3 - St. Nicholas Church in Wales Primary School, St. Nicholas	Objector to the application or their representative
Mr. Bryan Davies	2022/00066/RG3 - St. Nicholas Church in Wales Primary School, St. Nicholas	Objector to the application or their representative
2 minute video from pupils (in lieu of Headteacher speaker)  For technical reasons this video was not played.	2022/00066/RG3 - St. Nicholas Church in Wales Primary School, St. Nicholas	Applicant or their representative
Mrs. Ceri Hunt	2022/00066/RG3 - St. Nicholas Church in Wales Primary School, St. Nicholas	Applicant or their representative
Mr. Nathan Slater	2022/00066/RG3 - St. Nicholas Church in Wales Primary School, St. Nicholas	Applicant or their representative
Mr. Wayne Locke	2021/00439/FUL - Hillside, Pendoylan	Objector to the application or their representative
Mr. Robert Hathaway	2021/00439/FUL - Hillside, Pendoylan	Applicant or their representative

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1072 ANNOUNCEMENT –

Prior to the commencement of the business of the Committee, the Chairman 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”.

1073 APOLOGIES FOR ABSENCE –

These were received from Councillors S.T. Edwards and M. Wright.

1074 MINUTES –

RESOLVED – T H A T the minutes of the meeting held on 30<sup>th</sup> March, 2022 be approved as a correct record.

1075 DECLARATIONS OF INTEREST –

Councillor A.C. Parker	2021/00439/FUL – Hillside, Pendoylan	Personal and Prejudicial Interest – Councillor Parker was the architect. He withdrew from the meeting and took no part in the debate or vote.
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1076 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.

1077 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 9 through 27, under the above delegated powers be noted.

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1078 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 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.

1079 TREES (HRP) –

(i) Delegated Powers –

RESOLVED – T H A T the applications as outlined within the report on pages 35 to 38, as determined by the Head of Regeneration and Planning under delegated powers, be noted.

(ii) To Confirm Tree Preservation Order No. 6, 2021 for Trees at Marie Curie Hospice, Bridgeman Road, Penarth

The site related to the Marie Curie Hospice, located on Bridgeman Road, Penarth. The tree in question was an Atlas Blue Cedar, located to the rear of the building along the northern boundary with Park Tower. The site fell within the Penarth Conservation Area and backed onto the Grade 2 Listed Windsor Gardens Historic Park.

A Section 211 Notice was submitted to carry out a 1.5 to 2m reduction of lateral branches that overhung the neighbouring property (under ref. 2021/01477/TCA). Officers considered that the works would result in significant changes to the shape, form and balance of the tree, where the significant cutting back of the main scaffold branches would unbalance and significantly impact on the form of the tree.

Due to the notable form of the Atlas Blue Cedar, its condition, life expectancy and the tree's visibility from the public park to the rear, and the contribution it made to this part of the Conservation Area, a Tree Preservation Order (TPO) (No. 6 of 2021) was served on 10<sup>th</sup> November, 2021.

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Letters were sent to the owners and neighbours, who were given 28 days to comment on the TPO. The planning authority had received two letters of objection, which were considered in detail below. Whilst objections had been raised to the TPO, it was considered that none of the issues raised by the objectors provided sufficient justification to override the reasons in favour of confirmation of the TPO. Therefore, it was recommended that the TPO be confirmed without modification.

In light of the objections and to properly consider these representations, a further site visit was also undertaken with the Council's NSO Arboriculture Officer. These objections are considered below.

Having regard to the objections, it was not disputed that Atlas Blue Cedar trees were often found within large open landscaped areas. However, the location of this tree, based on its current growth was not necessarily problematic or inappropriate, on the basis of no evidence to demonstrate this current location was causing harm / damage to any property. The tree was not particularly close to the principal buildings within each plot and the wall had not inhibited its development into a relatively mature and high quality specimen.

Notably the steel blue foliage and pyramidal form were significant contributing factors to merit the protection of this tree within the TEMPO assessment and the weighting giving to the amenity of this tree.

The objections raise concerns in respect of the proximity of the tree to the wall, which is owned by Park Tower, stating that the tree roots will eventually undermine and damage the boundary wall. The tree is not fully mature and officers do recognise that in time the tree may have an impact on the wall. However, currently, there are no obvious signs of damage / cracking to the wall and the Council's Tree Officer has stated that the overall health of the tree is good. No evidence, by way of structural survey or any arboricultural assessment, has been submitted with the representations made, to provide any evidence that the tree is currently causing damage to the wall or any associated structures. Even when the TPO is confirmed, the LPA can consider applications for works to such trees if at that point in time there is evidence that the tree is causing direct damage to walls or other structures. Any such application would be assessed having regard to the level and weight of supporting information submitted.

Having regard to the above, Committee

**RESOLVED – T H A T** the individual Tree Preservation Order be confirmed, without modification, to protect the character and amenity of the site and the Penarth Conservation Area.

#### Reason for decision

The decision to recommend the confirmation of a Tree Preservation Order has been taken in accordance with Section 198 of the Town and Country Planning Act 1990 (as amended), which empowers the local planning authority to make provision for the preservation of trees or woodlands.

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1080 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.

**2021/00439/FUL** Received on 21 September 2021  
(p49)

**APPLICANT:** Mr A Collins c/o Agent, 39, Merthyr Mawr Rd, BRIDGEND, CF31 3NN

**AGENT:** Mr Robert Hathaway Plan R Ltd, 39, Merthyr Mawr Rd, Bridgend, CF31 3NN

**Hillside, Pendoylan**

Erection of three semi permanent Yurts and toilets (revised siting) and creation of new access into field

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.

**2021/01123/FUL** Received on 28 February 2022  
(p74)

**APPLICANT:** DS Properties (Good Shed) Ltd c/o Agent

**AGENT:** Gwen Thomas Unit 9, Oak Tree Court, Cardiff Gate Business Park, Cardiff, CF23 8RS

**Land to the South and West of The Goodsheds, Hood Road, Barry**

Proposed development of tourist accommodation, employment spaces, relocation of outdoor gym and associated works

RESOLVED – T H A T this matter be deferred.

Reason for decision

To allow consultations to expire.

**2021/01136/FUL** Received on 26 January 2022  
(p91)

**APPLICANT:** Miss Sarah Jenkins 5 Ffordd Y Mileniwm, Barry, CF62 5BD

**AGENT:** Miss Sarah Jenkins 5 Ffordd Y Mileniwm, Barry, CF62 5BD

No.

## 5, Ffordd Y Mileniwm, Barry

Erect a fence around front garden

RESOLVED –

(1) T H A T the application be refused:

- (i) by reason of its siting, design and the distinctly open-plan appearance of the street, the fence at this prominent plot fronting Ffordd y Mileniwm adversely impacts the visual amenity of the street scene and harmfully dilutes the consistent open character, which is a key design feature of the Barry Waterfront development. The development is, therefore, contrary to Policies MD2 and MD5 of the Vale of Glamorgan Adopted Local Development Plan 2011-2026 and the advice contained within Technical Advice Note 12 and Planning Policy Wales 11th Edition.

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

- (i) The removal of the fence and resulting materials from the land.

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

### Reason for decision

The decision to refuse planning permission has been taken in accordance with Section 38 of The Planning and Compulsory Purchase Act 2004, which requires that, in determining a planning application the determination must be in accordance with the Development Plan unless material considerations indicate otherwise. The Development Plan for the area comprises the Vale of Glamorgan Adopted Local Development Plan 2011-2026.

The appropriate marine policy documents have been considered in the determination of this application and the consideration of the building currently on site, in accordance with Section 59 of the Marine and Coastal Access Act 2009.

It is considered that the decision to refuse planning permission and issue an enforcement notice 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.

By reason of its siting, design, and the distinctly open-plan appearance of the street, the fence at this prominent plot fronting Ffordd y Mileniwm adversely impacts the visual amenity of the street scene and harmfully dilutes the consistent open character, which is a key design feature of the Barry Waterfront development. The development is, therefore, contrary to Policies MD2 and MD5 of the Vale of

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Glamorgan Adopted Local Development Plan 2011-2026 and the advice contained within Technical Advice Note 12 and Planning Policy Wales 11<sup>th</sup> Edition.

**2021/01743/FUL** Received on 13 December 2021  
(p103)

**APPLICANT:** Pegasus Developments (Glamorgan) Ltd c/o agent ,  
**AGENT:** Ms. Kate Coventry 22 Cathedral Road, Cardiff, CF11 9LJ

**Land at Coldbrook Road East, Cadoxton**

Erection of 20 walk up units with associated car parking and works.

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.

**2022/00066/RG3** Received on 21 January 2022  
(p135)

**APPLICANT:** 21st Century Schools Programme Manager Civic Offices, Holton Road, Barry, CF63 4RU  
**AGENT:** Mr Nathan Slater Civic Offices, Holton Road, Barry, CF63 4RU

**St. Nicholas Church In Wales Primary School, St. Nicholas**

Proposed replacement primary school for 126 pupils plus additional capacity for 24 part- time nursery places, including associated works

APPROVED subject to the conditions as contained within the report and with an additional condition as follows:.

Prior to the erection / installation of any external lighting on site, further details of lighting shall be submitted to and approved in writing by the Local Planning Authority. The lighting of the site shall thereafter only be in accordance with the approved details.

Reason:

In the interests of visual amenity and to ensure compliance with Policies mD2 and MD7 of the LDP.

Reason for decision

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

**2022/00067/CAC** Received on 21 February 2022

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(p172)

**APPLICANT:** 21st Century Schools Programme Manager Civic Offices, Holton Road, Barry, CF63 4RU

**AGENT:** Mr Nathan Slater Civic Offices, Holton Road, Barry, CF63 4RU

**St. Nicholas Church In Wales Primary School, St. Nicholas**

Demolition of existing school building following completion of proposed replacement school to accommodate on site parking provision and parent drop-off /pick-up area.

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.