

## PLANNING COMMITTEE

Minutes of a Hybrid meeting held on 26<sup>th</sup> September 2024.

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

The recording of the meeting is available [here](#).

Present: Councillor N.C. Thomas (Chair); Councillor M.R. Wilson (Vice-Chair); Councillors J. Aviet, G. Bruce, I.R. Buckley, C.A. Cave, C.M. Cowpe, P. Drake, A.M. Ernest, W. Gilligan, N.P. Hodges, Dr. I.J. Johnson, H.M. Payne, I.A.N. Perry, C. Stallard and E. Williams.

Also present: Councillors A. Asbrey 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>
G. John	2024/00086/FUL - Coedarhydyglyn Estate, Five Mile Lane, Barry	The applicant or their representative.

### 401 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.”

### 402 APOLOGY FOR ABSENCE –

This was received from Councillor C.E.A. Champion.

### 403 MINUTES –

RESOLVED – T H A T the minutes of the meetings held on 19<sup>th</sup> July, 2024 and the Special meeting held on 5<sup>th</sup> September, 2024 be approved as correct records.

### 404 DECLARATION OF INTEREST –

<b>Councillor</b>	<b>Agenda Item No.</b>	<b>Nature of Interest</b>
I.A.N. Perry	2024/00086/FUL - Coedarhydyglyn Estate, Five Mile Lane, Barry	Personal Interest - Councillor Perry advised that he had spoken on the matter both prior to and post his election. A

No.

		<p>complaint had been made about his comments to the Monitoring Officer and the Public Service Ombudsman for Wales. At the time of his comments he was unaware of the application to be considered at the meeting and would remain and speak on the matter and make a decision based on the merits of the application.</p> <p>The Chair asked the Principal Lawyer for advice on the declaration who advised that declarations of personal or prejudicial interests, or matters of pre-determination, were matters for individual Members to consider.</p> <p>The Councillor remained in the meeting for the item.</p>
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405 SITE INSPECTIONS (CX) –

RESOLVED – T H A T the attendance of the following Councillors at the site visits indicated, held on 19<sup>th</sup> July 2024, be noted.

Apologies were received from Councillors C.E.A Champion, C.M. Cowpe, P. Drake, N.P. Hodges, Dr. I.J. Johnson, C. Stallard and M.R. Wilson (4 Cliff Parade, Penarth) and C.M. Cowpe, P. Drake and M.R. Wilson (Land at Former Eagleswell School, Eagleswell Road, Llantwit Major).

4 Cliff Parade, Penarth.	Councillor N.C. Thomas (Chair), Councillors I. Buckley, I.A.N. Perry and E. Williams.
Land at Former Eagleswell School, Eagleswell Road, Llantwit Major	Councillor N.C. Thomas (Chair), Councillors I. Buckley, C.A. Cave, C.E.A. Champion, N.P. Hodges, Dr. I.J. Johnson, I.A.N. Perry, C. Stallard and E. Williams.  Non-Committee Member also present: W.A. Hennessy.

406 SITE INSPECTIONS (CX) –

RESOLVED – T H A T the attendance of the following Councillors at the site visit indicated, held on 5<sup>th</sup> September 2024, be noted.

Apologies were received from Councillors M.R. Wilson (Vice-Chair), C.E.A Champion, C.M. Cowpe and E. Williams.

Land to the South of Hood Road, Barry	Councillor N.C. Thomas (Chair), Councillors J. Aviet, I. Buckley, P. Drake, N.P. Hodges, Dr. I.J. Johnson I.A.N. Perry and C. Stallard.
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407 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.

408 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 21 through 63, under the above delegated powers, be noted.

409 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 the Enforcement Appeal received as set out in Section B of the report, be noted.
- (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 Appeal Decisions, as detailed in Section D of the report, be noted.

(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.

410 TREES (HSD) –

(i) Delegated Powers –

RESOLVED – T H A T the applications as outlined within the report, on pages 75 through 80, as determined by the Head of Sustainable Development under delegated powers, be noted.

411 ENFORCEMENT (HSD) –

(i) Land and Buildings at Dyffryn Springs, St Lythans Road, Dyffryn –

The report sought authorisation to issue an Enforcement Notice under section 172 of the Town and Country Planning Act 1990 (as amended) in respect of a permanent marquee erected within Dyffryn Springs, St Lythans Road, Dyffryn for the purpose of hosting wedding and entertainment functions. The marquee in question had white vinyl/plastic roof and elevations, with a largely glazed elevation facing the lake (south west elevation).

The report recommended that as the marquee was considered to have an unacceptable visual impact upon the SLA, an Enforcement Notice be issued requiring the removal of the building from the land in question. Authorisation was also sought to pursue legal proceedings in the event that the Enforcement Notice is not complied with.

Comments from the Agent as described in the Matters Arising report were noted.

RESOLVED –

(1) T H A T the 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 marquee.
- (ii) Remove from the land all items and materials resulting from the undertaking step (i).

(2) 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.

No.

### Reasons for decisions

- (1) It appeared to the Council that the above breach of planning control constituting operational development consisting of the construction of a raised decking structure and bar structure, had occurred within the last 4 years.
- (2) The white glossy appearance of the marquee coupled with its significantly visible location within the Dyffryn Basin and Ridge Slopes Special Landscape Area was considered detrimental to the surrounding rural character of the area and wider landscape. The white design of the marquee resulted in a stark contrast which did not fit well into the landscape, and negatively affected outward and inward views to the SLA. The development was therefore considered to conflict with policies MG17 (Special Landscape Areas), MD1 (Location of New Development, criterion 1) and SP10 (Built and Natural Environment) of The Vale of Glamorgan Adopted Local Development Plan 2011-2026 and TAN12- Design and the advice within the Tourism and Leisure Development SPG.
- (3) There had been no further indication that the building would be removed at the time of writing the report.
- (4) 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.

### (ii) Land and Buildings at 12 Chapel Close, Dinas Powys –

The report sought authorisation to serve an Enforcement Notice in relation to a raised platform which had been constructed to the rear of 12 Chapel Close, Dinas Powys, without planning permission. It was considered that construction of a raised platform within the rear garden enabled unrestricted views into the windows and gardens of neighbouring properties, resulting in an unacceptable loss of privacy and thereby resulting in a loss of residential amenity.

It was therefore also considered expedient to serve an Enforcement Notice as the development failed to safeguard residential amenity. Authorisation was also sought to pursue legal proceedings in the event that the Enforcement Notice was not complied with.

### RESOLVED –

- (1) T H A T the 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 reduce the height of the raised platform comprising the top tier of the rear garden to no higher than 300mm above the original level of the ground directly below.

No.

(2) 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.

Reasons for decisions

(1) It appeared to the Council that the above breach of planning control constituting of operational development comprising the construction of the raised platform to the rear of the property had occurred within the last 4 years.

(2) The raised platform comprising the top tier of the rear garden was considered to result in an unacceptable degree of overlooking towards the rear of neighbouring properties and loss of privacy and was therefore considered to have an unacceptable impact on residential amenity, contrary to paragraphs 9.2.1 and 9.2.2 of the Council's Residential and Householder Development SPG as well as Policy MD2 of the Adopted Local Development Plan.

(3) In view of the issues identified in the paragraphs above, it was considered expedient to pursue action to require the platform to be reduced from 600mm, to no higher than 300mm above the original ground level directly below.

(4) It was considered that the decision would comply 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.

412 RECOMMENDATION FOR THE REVOCATION OF HAZARDOUS SUBSTANCES CONSENTS REF: 1992/01078/HAZ, 2001/00678/HAZ AND 2002/01696/HAZ (HSD) –

(i) Land Formerly Known as 'EVC' to the West of Sully Moors Road, Barry –

The report requested Committee consideration of the revocation of Hazardous Substances Consents, which were no longer in use on a large area in the east of the Barry Industrial Complex, abutting Sully Moors Road.

RESOLVED –

(1) T H A T the revocation of the Hazardous Substances Consents 1992/01078/HAZ, 2001/00678/HAZ and 2002/01696/HAZ be approved.

(2) T H A T the Head of Legal and Democratic Services be authorised to take all necessary legal steps to make a Revocation Order under Section 14(2)(d) of the Planning (Hazardous Substances) Act 1990 relating to Hazardous Substance Consents 1992/01078/HAZ, 2001/00678/HAZ and 2002/01696/HAZ including the service of such Revocation Orders to the Welsh Ministers for confirmation pursuant to s.15 of the Planning (Hazardous Substances) Act 1990 and those persons set out in sub-section (3) of s.15;

No.

Reasons for decisions

(1) Hazardous Substance Consents ref. 1992/01078/HAZ, 2001/00678/HAZ and 2002/01696/HAZ had not been relied upon since 2010. Despite this, consultation zones associated with the Consents were a constraint to development in the Barry Docks area. Therefore, their revocation was justifiable. The Council was satisfied that the substances had not been present on site for over 5 years as aerial photography showed the site had been vacant for over 5 years and the site had not been registered to store hazardous substances under the COMAH Regulations since 2010. Therefore, it was possible to revoke the Consent under Section 14(2)(d) of the Planning (Hazardous Substances) Act 1990.

(2) 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.

413 PLANNING APPLICATION (HSD) –

**2023/00888/FUL** Received on 16 February 2024

(p128)

**APPLICANT:** Mr Nathan Hunt Waterways House, Merthyr Road, Llanfoist, Abergavenny, NP7 9PE

**AGENT:** Mr Geraint John Office 16, The Maltings, East Tyndall Street, Cardiff, CF24 5EA

**Coedarhydyglyn Estate, Five Mile Lane, Barry**

Retention of fill on the site (comprising clean, naturally occurring indigenous material) associated with the Five Mile Lane Improvements (ref. 016/00305/RG3)' (as defined by "cut and fill plan: as built survey field survey 2021 and Topo VoG 2017 – 5 May 2021").

APPROVED - Subject to the conditions as contained within the report and amended within the Matters Arising note.

Reason for decision

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