

**BARRY TOWN COUNCIL**

**MINUTES OF A MEETING OF THE PLANNING COMMITTEE HELD ON 8 MARCH 2011 COMMENCING AT 7.00 PM**

**PRESENT:** Councillor S C Egan (Chairperson) plus Councillors C Curtis, H C Hamilton, S A Hodges, K A Kemp, K Kuhnell (Town Mayor – ex-officio), K Lewis, L M Payne (Vice-Chairperson), T C Stenstrom and E T Williams.

**ALSO PRESENT:** Clive Farrant – Planning Adviser  
Derek Wolfe – Executive Officer  
Councillor J Evans – Observer  
Councillor N Hodges - Observer

PL647. **APOLOGIES FOR ABSENCE**

Apologies for absence were received from Councillors O Cash and B I Shaw.

PL648. **TO RECEIVE DECLARATIONS OF INTEREST UNDER THE COUNCIL'S CODE OF CONDUCT**

Councillor E T Williams declared a prejudicial interest in agenda item 6h with regard to application no. 2011/00112/FUL, arising out of his membership of the South Wales Fire & Rescue Service.

PL649. **TO APPROVE THE MINUTES OF THE PLANNING COMMITTEE'S MEETING HELD ON 8 FEBRUARY 2011**

**RESOLVED:** that the minutes of the Committee's most recent meeting be approved and signed as a correct record.

PL650. **TO NOTE DECISIONS TAKEN UNDER DELEGATED POWERS**

None.

PL651. **TO CONSIDER AMENDED PLANNING APPLICATIONS**

a. **Planning Application No. 2010/01225/RES (amended)**

Location – Land to east of Pencoedtre Lane, Barry  
Development – Reserved matters application for 71 dwellings, including details of appearance, landscaping, layout and scale.

**RESOLVED:** that the Town Council reiterates its previous OBJECTIONS to the proposals. These objections relate to the following matters:-

1. The proposed development still does not provide sufficient affordable housing provision to overcome the deficiencies of provision within the Pencoedre Development area;
2. The siting of the proposed play area is likely to encourage increased access into the adjoining Site of Special Scientific Interest which could result in irreparable damage to this unique area. It is requested that the play area be re-sited to a position on the site where potential harm to the SSSI will be less likely.

PL652.

### **TO CONSIDER PLANNING APPLICATIONS**

a. **Planning Application No. 2011/00067/FUL**

Location – Theatre Royal, Broad Street, Barry

Development – Construction of a new Extra-Care development, to provide 42 flats and associated communal and ancillary spaces.

Mr Bob Armstrong, the Chair of the Save Our Cinema Association, was permitted to address Councillors on this application. He outlined a number of objections that had been identified by SOCA who indicated that contrary to the commonly held belief, the Cinema had been viable as a business. He understood that the business had ceased due to the expiry of a lease connected with it. The Chair of the Committee thanked Bob Armstrong for making his points, which would be taken into account by Councillors when determining their observations. The Planning Advisor summarised his conclusions set out at the end of his report on this application. A number of other Councillors addressed the Committee regarding the proposals, some indicating objections, whilst others indicated that they favoured the proposed extra care development as being much needed in the town.

**RESOLVED:** that the Town Council is supportive of new facilities that increase the provision of housing for elderly people, however a STRONG OBJECTION would be lodged as the Committee was concerned that the proposed development is:-

1. Excessive in terms of scale and height and as a consequence would create a development that will

- over-dominate the surrounding area and would be detrimental to the amenities of the residential properties in Broad Street;
2. divorced from local services and facilities as a result of the difficulties resulting for excessive traffic levels around the site;
  3. lacking essential on-site parking and servicing provision for residents, staff and visitors that will result in unacceptable levels of parking on streets that surround the development site;
  4. likely to place unacceptable pressure on local amenity spaces, however if planning consent was granted a contribution to the improvement of the local park to the rear of the development should be sought.

In addition it was requested that the Vale of Glamorgan Council identifies potential leisure developers/cinema operators and work with them to investigate alternative sites for the provision of cinema facilities within Barry. Currently residents had to use facilities located outside the town. This was not consistent with the Council's sustainability policies and diminished the range of leisure facilities available to residents and visitors and assisting in the loss of cultural benefits to and the economic viability of Barry. It was requested that such site investigations be focussed on redevelopment opportunities that would assist the regeneration of Barry Island.

b. **Planning Application No. 2011/00088/FUL**

Location – Rear of 30 and 32 Barry Road, Barry

Development – Replace wooden outward opening doors with roller shutter doors.

**RESOLVED:** No objection, subject to the roller shutter doors being painted.

c. **Planning Application No. 2011/00096/FUL**

Location – 70 Redbrink Crescent, Barry Island

Development – Conservatory to side of property.

**RESOLVED:** No objection, subject to the proposed facing brickwork matching the existing property.

d. **Planning Application No. 2011/00099/RG3**

Location – Bassett Park, Bassett Street, Barry

Development – Provision of general amenity lighting.

**RESOLVED:** that the Local Planning Authority be informed that this Council has no objection to planning application 2011/00099/RG3.

e. **Planning Application No. 2011/00108/FUL**

Location – Hill Top, Oxford Street, Barry

Development – Single storey extension at the rear of the property.

**RESOLVED:** that the Local Planning Authority be informed that this Council has no objection to planning application 2011/00108/FUL.

f. **Planning Application No. 2011/00110/FUL**

Location – 4 Cwrt Leubren, Barry

Development – Single storey Orangery extension to rear of property, extending kitchen & Living area.

**RESOLVED:** that the Local Planning Authority be informed that this Council has no objection to planning application 2011/00110/FUL.

g. **Planning Application No. 2011/00111/FUL**

Location – Broad Street, Barry

Development – Erection of various advertisements in connection with “One Stop” store.

and

k. **Planning Application No. 2011/00127/FUL**

Location – New Broad Street Motors, Broad Street, Barry

Development – Installation of an external ATM machine and installation of 6 Security anti ram raid bollards.

The Planning Advisor stated that unfortunately much of the content of his reports relating to application numbers 2011/00111/FUL and 2011/00127/FUL needed to be disregarded, as contrary to his initial understanding a change of use to enable the use of the site as class A1 retail was not required. He added that he had only very recently discovered this fact, in that under the terms of the Town and Country Planning (general permitted development) Order 1995 the principle of the development did not require consent. As a result,

Councillors could only deal with the applications as submitted these being for the installation of an ATM and signage. Councillors commented that this fact appeared to amount to a loophole in the law, and the Chair of the Committee considered that Barry Town Council should raise its serious concerns with the Welsh Assembly Government for this flaw in planning legislation, which allowed changes to retail use to such an extent that a site previously used in relation to the sale of motor vehicles could be redeveloped for A1 retail use without any specific approvals being required. In addition, Councillors felt that this Council should make its moral concerns known to the Vale of Glamorgan Council regarding the resulting inability to lodge objections to the development proposed on change of use grounds. It was therefore proposed by Councillor Egan and seconded by Councillor Stenstrom and:-

**RESOLVED:** that this Council's serious concerns regarding this identified flaw in planning legislation be drawn to the attention of the Welsh Assembly Government and further that this Council's moral concerns regarding the inability of would be Consultees to object to these types of proposals on change of use grounds be made known to the Vale of Glamorgan Council.

**h. Planning Application No. 2011/00112/FUL**

Location – Barry Fire Station, Port Road West, Barry  
Development – Provision of seven additional parking spaces.

**RESOLVED:** that the Local Planning Authority be informed that this Council has no objection to planning application 2011/00112/FUL.

**i. Planning Application No. 2011/00116/FUL**

Location – Colomendy, Highlight Lane, Barry  
Development – Rear ground floor extension and dormer loft conversion.

**RESOLVED:** that the Local Planning Authority be informed that this Council has no objection to planning application 2011/00116/FUL.

**j. Planning Application No. 2011/00122/FUL**

Location – 32 Merthyr Dyfan Road, Barry

Development – Single storey extension to side and rear of property, incorporating a garage.

**RESOLVED:** that the Local Planning Authority be informed that this Council has no objection to planning application 2011/00122/FUL.

l. **Planning Application No. 2011/00149/ADV**

Location – 145 Holton Road, Barry  
Development – Fascia to front elevation.

**RESOLVED:** that the Local Planning Authority be informed that this Council has no objection to planning application 2011/00149/ADV.

m. **Planning Application No. 2011/00151/FUL**

Location – Miniature golf course adjacent to Tourist Information Centre, The Promenade, Barry Island  
Development – Fencing alterations from those approved in application ref: 2007/01431/FUL Condition No. 2.

**RESOLVED:** that the Local Planning Authority be informed that this Council has no objection to planning application 2011/00151/FUL.

n. **Planning Application No. 2011/00156/FUL**

Location – 115-117 Port Road East, Barry  
Development – Provide new galvanised steel fire escape/access stairs externally to side of residential care home.

**RESOLVED:** OBJECTION, the proposed fire escape by virtue of its position, design and appearance would be significantly detrimental to the amenities of the occupants of neighbouring residential properties and the privacy and visual amenities of the area and the streetscene. The proposal is therefore considered to fail the requirements of Policy ENV 27 of the Adopted Vale of Glamorgan Unitary Development Plan 1996-2011 and the associated and approved Supplementary Planning Guidance on Amenity Standards.

PL653. **TO CONSIDER PLANNING APPLICATIONS - TABLED**

a. **Planning Application No. 2011/00174/FUL**

Location – 5A, Cawley Place, Barry

Development – Single storey new dwelling including boundary changes to adjacent property.

**RESOLVED:** OBJECTION, the proposal represents an unacceptable form of backland development on a constrained site with poor pedestrian and vehicular access and unacceptable car parking arrangements. Furthermore the proposal would compromise the privacy and amenities of existing residential properties that surround the site.

If approved this development would set an unacceptable precedence for similar forms of backland developments.

b. **Planning Application No. 2011/00175/FUL**

Location – 17 Morningside Walk, Barry

Development – Garage conversion and dormer extensions to the side and rear.

**RESOLVED:** No objection subject to the imposition of a condition requiring obscure glazing to the side dormer that faces No 15 Morningside Walk.

c. **Planning Application No. 2011/00176/FUL**

Location – 73 Pontypridd Road, Barry

Development – Extension to rear of property.

**RESOLVED:** No objection to the proposed development, subject to adequate screening being maintained to the adjoining dwelling to ensure that the privacy and amenities of neighbouring occupiers is maintained.

d. **Planning Application No. 2011/00178/FUL**

Location – 28 Ael y Coed, Barry

Development – Rear ground floor extension.

**RESOLVED:** that the Local Planning Authority be informed that this Council has no objection to planning application 2011/00178/FUL.

PL654.

**EXECUTIVE OFFICER'S REPORT ON LOCAL PLANNING AUTHORITY DECISIONS**

**RESOLVED:** that the contents of the Executive Officer's report be received and noted.

PL655. **TOWN AND COUNTRY PLANNING ACT 1990 (AS AMENDED) – SECTIONS 78 & 174 APPEALS**

None.

PL656. **APPEAL DECISION(S) – FOR INFORMATION ONLY**

None.

PL657. **TO CONSIDER TRAFFIC AND HIGHWAY ORDERS**

None.

PL658. **TO CONSIDER TRAFFIC ORDERS – TABLED**

None

PL659. **TO CONSIDER LICENSING APPLICATIONS**

None.

PL660. **TO CONSIDER LICENSING APPLICATIONS – TABLED**

None

PL661. **EXECUTIVE OFFICER'S INFORMATION REPORT**

- a. **Town & Country Planning Act 1990 (as amended) – Section 78 Appeal – 2010/00902/FUL (6 Rheidol Drive, Barry**
- b. **Public Rights of Way Works on Barry Island**
- c. **Planning Site Inspections – Thursday, 3 March 2011**
- e. **Agenda Papers for Planning Site Meetings – Thursday 3 March 2011**

**RESOLVED:** that the contents of items a, b, c and e in the Executive Officers Information Report be received and noted.

- d. **Stage 2 Update Consultation: 25 February – 28 March 2011 – Planning Act 2008**

Councillors were informed that a letter had recently been received from the Director of Planning and External Affairs for EDF Energy, regarding the Stage 2 Update Consultation exercise being carried out in accordance with the provisions of Section 42 of the Planning Act

2008. The letter sought responses to this latest stage of EDF Energy's Consultation Exercise concerning its plans for a new Nuclear Power Station at Hinkley Point C. The Executive Officer reported that to the best of his knowledge, the Council had declined to make any specific comments in relation to Stages 1 or 2 of EDF Energy's Consultation exercise, which had been carried out in 2009 and 2010 respectively.

**RESOLVED:** that the contents of the Director of Planning and External Affairs letter be received, together with a formal notice given pursuant to Section 48 of the Planning Act 2008, as well as the bulky consultation document received by the Town Council, noting that should any Town Councillors wish to comment on the Stage 2 Update Consultation Exercise, they were welcome to make their own comments direct to EDF Energy by or before the closing date of 28 March 2011.

PL662. **DATE OF PLANNING COMMITTEE'S NEXT MEETING**

**RESOLVED:** that the Committee's next meeting be held on Tuesday, 5 April 2011 at 7.00pm.

The meeting ended at 8.20pm.

Signed .....Dated .....  
(Chairperson)