

THE VALE OF GLAMORGAN COUNCIL

PLANNING COMMITTEE : 13 MAY, 2024

REPORT OF THE HEAD OF SUSTAINABLE DEVELOPMENT

1. BUILDING REGULATION APPLICATIONS AND OTHER BUILDING CONTROL MATTERS DETERMINED BY THE HEAD OF SUSTAINABLE DEVELOPMENT UNDER DELEGATED POWERS

Decision Codes:

A	Accepted
AC	Approved Conditionally
AW	Accepted (Welsh Water)
R	Refused

(a) Building Regulation Applications - Pass

For the information of Members, the following applications have been determined:

2024/0001/PV	AC	21, Tair Onen, St. Hilary. CF71 7UA	Single storey extension with 2 skylights in the roof
2024/0183/BR	AC	Daisy Day Nursery, Sully Moors Road, Sully. CF64 5RP	Internal Alterations - Remove old craft rooms and replace with new stud walls and a suspended ceiling. Change the layout of the entrance area to make better use of the space.
2024/0201/BR	AC	47, Fairfield Rise, Llantwit Major. CF61 2XT	First floor extension over a garage conversion and single storey rear extension
2024/0205/BN	A	28, Harriet Street, Penarth. CF64 2JY	Knock through
2024/0206/BN	A	Greenwaves, 11, Clevedon Avenue, Sully. CF64 5SX	Bungalow conversion to a 2 storey dwelling
2024/0207/BN	A W	35, Cowslip Drive, Penarth. CF64 2RH	Single storey rear extension

2024/0208/BN	A	The Grange, 1, Cae Glas, Ewenny. CF35 5AD	Two storey extension
2024/0209/BN	A	6, Machen Street, Penarth. CF64 2UB	Knock through between kitchen and dining area (already alcove opening). Rear downstairs kitchen windows removed and wall underneath window removed to fit patio doors
2024/0210/BN	A	80, Westbourne Road, Penarth. CF64 3HG	8 Replacement sash windows
2024/0211/BN	A W	14. Readers Way, Rhoose. CF62 3HP	Single storey extension to the side of the house
2024/0212/BR	AC	16, Ashgrove, Dinas Powys. CF64 4YL	New pitched roof over side extension and front porch and structural alterations to rear elevation to extend roof to create covered area
2024/0213/BN	A	4, Little Moors Hill, Barry. CF63 2JP	Loft conversion with rear dormer
2024/0214/BN	A	28, Cardigan Close, Dinas Powys. CF64 4PL	Single storey extension
2024/0215/BN	A	56, Rhodfa Sweldon, Barry. CF62 5AD	Integral garage conversion to lounge
2024/0217/BR	AC	St. Brides Major Church In Wales Primary School, Heol Yr Ysgol, St Brides Major. CF32 0TB	Proposed lobby extension
2024/0218/BR	AC	2, Norman Cottages, Michaelston Le Pit. CF64 4HP	Refurbishment of existing dwelling. Ground floor single storey porch extension, First floor extension, garage conversion, internal alterations.

2024/0219/BN	A	Cwrt Yr Ala Cottage, Michaelston Le Pit. CF64 4HE	Demolition of existing carport and garden shed to be replaced with a new garage
2024/0220/BR	AC	11, Castlewood Road, Sully. CF64 5WP	Integrated garage conversion
2024/0222/BR	A	4, White House, Barry. CF62 6FB	Take down existing conservatory pitched roof structure and replace with proposed flat roof structure with all associated external and internal works.
2024/0223/BN	A	59, Bron Awelon, Barry. CF62 6PS	Re roof to main house & rear flat roof
2024/0224/BN	A	Pen Y Cae, Meadow Lane, Penarth. CF64 3QH	Single storey boot room extension, single storey living space and bedroom extension and internal alterations
2024/0225/BR	AC	Old Post Inn, Bonvilston, CF5 6TQ	Internal fit out for coffee shop, office and retail unit. To include demolition of internal walls, new steelwork. New mezzanine floor
2024/0226/BN	A W	19, Seaview Drive, Ogmore By Sea, CF32 0PB	Erection of a new single storey detached annex with sleeping accommodation - 2 bedroom
2024/0228/BN	A	4, Sunnycroft Rise, Dinas Powys. CF64 4QN	Two storey extension
2024/0229/BR	AC	Lynroy, Ham Lane South, Llantwit Major. CF61 1RN	Rear dormer extension, re roof and internal alterations
2024/0230/BN	A	40, Ceri Road, Rhoose. CF62 3HF	Loft conversion with dormer
2024/0231/BR	AC	68, High Street, Barry. CF62 7DU	Convert 1st floor of commercial building into living accommodation

2024/0232/BN	A W	14, Knowbury Avenue, Penarth. CF64 5RX	2 storey extension & loft conversion (no dormer)
2024/0233/BN	A W	42, Burdons Close, Wenvoe. CF5 6FE	Single storey extension & partial garage conversion
2024/0234/BN	A	27, Romilly Park Road, Barry. CF62 6RQ	Replacement detached garage
2024/0235/BN	A W	52, Baron Road, Penarth. CF64 3UE	Detached garage
2024/0236/BR	AC	3, Cherwell Road, Penarth. CF64 3PE	Single storey rear extension to replace existing small kitchen extension.
2024/0238/BN	A	4, Fairfield Road, Penarth. CF64 2SL	Knock through wall between kitchen and dining room and install a steel beam
2024/0239/BN	A	5, Lord Street, Penarth. CF64 1DD	Construct stud dividing wall & fit new whb and toilet to top floor
2024/0240/BN	A	3, Clos Yr Wylan, Barry. CF62 5DB	Single storey extension
2024/0242/BR	AC	Broadhayes, Llancarfan. CF62 3AD	Demolition of existing rear single storey extension & construction of new single storey rear extension
2024/0243/BR	AC	38, Drylla, Dinas Powys. CF64 4UL	Two storey side extension and new garage
2024/0244/BN	A	37, Elfed Avenue, Penarth. CF64 3LY	Double storey extension to rear of property (To the ground floor new kitchen / living area, to first floor new / additional bedroom with en suite)
2024/0245/BN	A	Ty Isaf, Drope Road, St. Georges Super Ely. CF5 8EP	New single storey extension

2024/0246/BN	A W	9, Station Road, Rhoose. CF62 3EY	Proposed construction of a new detached single dwelling house, with all associated external works
2024/0248/BN	A	73, Penlan Road, Llandough, Penarth. CF64 2LU	Single storey rear extension
2024/0249/BN	A	75, Penlan Road, Llandough, Penarth. CF64 2LU	Single storey rear extension
2024/0250/BN	A	12A, Parklands, Corntown. CF35 5BE	Single storey rear extension
2024/0251/BN	A	26, Groeswen, Llantwit Major. CF61 2UA	Rebuilding of front elevation at first floor level
2024/0252/BN	A	Fflad Wen, Bonvilston. CF5 6TS	Knock through and installation of 1 steel beam
2024/0253/BN	A	25, Tair Onen, St. Hilary. CF71 7UA	Single storey extension
2024/0254/BR	AC	15, Norris Close, Penarth. CF64 2QW	Single storey side extension & double storey side extension
2024/0255/BN	A	15, Denys Close, Eastbrook, Dinas Powys. CF64 4JR	Single storey extension for new toilet and basin
2024/0256/BN	A	13, Denys Close, Dinas Powys. CF64 4JR	Single storey extension for new toilet and basin
2024/0257/BR	AC	11, Ham Lane South, Llantwit Major. CF61 1RP	Demolition of existing single store wet room and rebuild adapted shower room and bedroom
2024/0258/BN	A	41/43, Plas Essyllt, Dinas Powys. CF64 4QS	Removal of parapet wall, removal of existing PCC single storey balcony roof. Replacement with beam and block roof, re build parapet

2024/0259/BN	A	Tanglewood, Penmark. CF62 3BP	Replace existing failed UPVC windows with new UPVC windows
2024/0263/BN	A	12, Summerland Close, Llandough, Penarth. CF64 2QA	Knock through

(b) Building Regulation Applications - Reject

For the information of Members, the following applications have been determined:

2024/0216/BN	R	62, Greenmeadow Way, Rhoose. CF62 3FJ	Loft conversion with dormer
2024/0241/BN	R	7, Brynhill Close, Barry. CF62 8PL	Single storey extension

(c) The Building (Approved Inspectors etc.) Regulations 2000

For the information of Members the following initial notices have been received

2024/0059/AI	A	Tyn Y Cae, Pendoylan, CF71 7UJ	New detached dwelling
2024/0060/AI	A	18, Masefield Avenue, Penarth, CF64 2SD	Loft conversion
2024/0061/AI	A	Greenacres, Llanbethery, CF62 3AN	Structural alterations
2024/0062/AI	A	162, Jenner Road, Barry, CF62 7HR	Dormer loft conversion with hip to gable end
2024/0063/AI	A	359, Barry Road, Barry, CF62 8HG	Detached garage
2024/0064/AI	A	20, Eastgate, Cowbridge, CF71 7DG	Proposed re roof of dwelling, replacement windows
2024/0065/AI	A	3, Coldbrook Road West, Barry CF63 1LF	GF Extension and house refurbishment works
2024/0066/AI	A	32, Salop Street, Penarth, CF64 1HH	Single storey rear extension and internal structural alterations

2024/0067/AI	A	Agapenor, Pleasant View, Barry, CF62 9QA	House remodel and garage conversion
2024/0068/AI	A	Rock House, Fonmon, Rhoose, CF62 2BJ	Internal alterations, removal of wall between kitchen and dining room
2024/0069/AI	A	Land at Bro Tathan, St. Athan, CF62 4AF	New below ground services

(d) Section 32 Building Act, 1984

It is proposed to implement the above section of the Building Act with a view to remove from the filing system, building regulation plans relating to work which has not commenced. This section of the Building Act makes provision for the Local Authority to serve notice in respect of plans which are three or more years old. Where such notices have been served (when the proposal has not commenced), it means that the plans are of no further effect and can be destroyed.

It is proposed to serve notices in respect of the following Building Regulations applications.

THE VALE OF GLAMORGAN COUNCIL

PLANNING COMMITTEE : **13 JUNE, 2024**

REPORT OF THE HEAD OF SUSTAINABLE DEVELOPMENT

2. PLANNING APPLICATIONS DETERMINED BY THE HEAD OF SUSTAINABLE DEVELOPMENT UNDER DELEGATED POWERS

If Members have any queries on the details of these applications please contact the Department.

Decision Codes

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| A - Approved | O - Outstanding (approved subject to the approval of Cadw OR to a prior agreement) |
| C - Unclear if permitted (PN) | B - No observations (OBS) |
| EB - EIA (Scoping) Further information required | E - Split Decision |
| EN - EIA (Screening) Not Required | G - Approved the further information following "F" above (PN) |
| F - Prior approval required (PN) | N - Non Permittal (OBS - objections) |
| H - Allowed : Agricultural Condition Imposed : Appeals | NMA – Non Material Amendments |
| J - Determined by NAFW | Q - Referred to Secretary of State for Wales (HAZ) |
| L - Approved <u>AND</u> refused (LAW) | S - Special observations (OBS) |
| P - Permittal (OBS - no objections) | U - Undetermined |
| R - Refused | RE - Refused (Enforcement Unit Attention) |
| | V - Variation of condition(s) approved |

2018/00240/2/N MA	A	Land at North West Cowbridge	Non Material Amendment - To add solar panels to the development. Planning permission ref: 2018/00240/RES - Phase 2 of the development consisting of 306 new homes, new public open space, landscaping and highways infrastructure
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2018/00597/1/N MA	A	Cliff top public open space, Clive Road, Barry	Non Material Amendment - Amendment to the landscaping strategy for the public open space area to remove some of the allotments and storage building/container to provide school playing fields. Amend condition 1 and remove condition 3 of Planning permission ref: 2018/00597/RES - Cliff Top public open space- Landscaping Details
2019/01408/4/N MA	A	Land off Cowbridge Road, St. Athan	Non Material Amendment - Addition of a bin and bike store located to the rear of the flats. Planning permission reference 2019/01408/RES
2020/00610/1/C D	A	6, Salmons Wood, Graig Penllyn	Discharge of Condition 3 (Landscaping Scheme). Planning permission ref 2020/00610/FUL - Demolition of existing garage and erection of an annex with roof accommodation and interconnecting walkway to the main dwelling and new detached garage
2020/00610/1/N MA	A	6 Salmons Wood, Graig Penllyn, Cowbridge	Non-Material Amendment - To amend the wording of Condition 3. To allow the condition to be discharged post development. Planning Permission ref 2020/00610/FUL Demolition of existing garage and erection of an annex with roof accommodation and interconnecting walkway to the main dwelling and new detached garage

2021/01251/1/N MA	A	Arkstone, 25, Mountjoy Avenue, Penarth	Non Material Amendment - Looking to change the finish off the new dormer walls from tiles to standing seam metal. Planning permission ref: 2021/01251/FUL - Loft conversion with rear dormer and hip to gable extension to include raising of existing ridge height
2022/01122/1/N MA	R	Tower Hill Residential Home, 54, Plymouth Road, Penarth	Non Material Amendment - Amendment to rear ground floor doors (from 3 pane to 2 + 2 x 0.5). Amendment to rear entrance access wall. Planning approval ref: 2022/01122/FUL and 2022/01226/CAC - Proposed demolition of existing single storey rear extensions. Proposed single storey rear extension and other internal alterations to property. Proposed detached double garage and repositioned access
2023/00037/FUL	R	44, Heol Cae Pwll, Colwinston	Take down existing boundary fencing and renew, increasing height as indicated to 1900mm
2023/00413/FUL	A	1, Old Barry Road, Penarth	Extensions and alterations to existing house

2023/00431/FUL	A	39, Rhoose Road, Rhoose	A two storey side extension on semi detached house. this will lead around to a single storey extension from the back of house to extend kitchen. This will be in line /flush to neighbours back extension. Also myself and neighbour plan on working together to put front parking in place of existing front gardens and drop kerbs.
2023/00436/FUL	A	Llantwit Major Town Council, Town Hall, Church Street, Llantwit Major	A new internal platform lift to the upper function space Level including amendments to the existing stage on the first floor. Removal of the existing partition wall between the existing staircase and access way to the current kitchen. Relocation of the kitchen space. A new disabled WC on the ground floor
2023/00437/LBC	A	Llantwit Major Town Council, Town Hall, Llantwit Major	A new internal platform lift to the upper function space level including amendments to the existing stage on the first floor. Removal of the existing partition wall between the existing staircase and access way to the current kitchen. Relocation of the kitchen space. A new disabled WC on the ground floor

2023/00473/1/N MA	A	14, Ceri Road, Rhoose	Non Material Amendment - Reduction of footprint and change of roof type to original application proposals. Planning permission ref: 2023/00473/FUL - Single storey wrap around extension (front, side and rear) to provide accessible living accommodation
2023/00560/FUL	A	Yummies Kebab, Old Post Office, St. Athan	Variation of Conditions 4 and 5 of planning consent 2022/00099/FUL to allow the unit to operate until 22:30 daily, with a delivery-only restriction to operate 15:00 - 22:00 Mon – Thurs and Sunday.
2023/00602/FUL	A	Land at the Old Brewery, Eagle Road, Eglwys Brewis	Proposed residential development with new access
2023/00852/FUL	A	Brockleigh, 9, Clevedon Avenue, Sully	New two storey dwelling in the grounds of No. 9, Clevedon Avenue. Re-submission of lapsed planning approval number 2017/00650/FUL
2023/01140/RES	A	Former Railway Sidings, Ffordd y Mileniwm, Barry	Reserved matters application (scale, appearance, landscape, layout), pursuant to application 2020/00775/OUT for the construction of 56 residential dwellings (C3) and associated infrastructure

2023/01192/FUL	A	3, Dobbins Road, Barry	Proposed 2 storey side extension incorporating a granny annexe to ground floor and bedroom to first floor. Ground floor extensions to form shower room at rear of property and porch to front of property. Proposed roof conversion to form additional bedroom with flat roof dormer to rear
2023/01214/FUL	A	Existing telecommunications site on rooftop of Barry Gymnasium, Paget Road, Barry	Removal of existing 6No. antennas, 2No. equipment cabinets and other ancillary equipment; Installation of 6No. replacement antennas on new support structures, with the height to top of antennas at 15.85m AGL; 1 no. replacement equipment cabinet and ancillary equipment thereto
2023/01235/FUL	R	Car Park of Forage Farm Shop, Penllyn, Llwynhelig, Cowbridge	Full planning permission and advertisement consent for the erection of a Community Cash Pod ("CCP") (Use Class A2)
2023/01236/ADV	R	Car Park of Forage Farm Shop, Penllyn, Llwynhelig, Cowbridge	4no. illuminated fascia signs associated with the proposed Community Cash Pod ("CCP"). Incorporated into the CCPs design
2023/01239/FUL	A	Specsavers Opticians, 10, Windsor Road, Penarth	1x externally mounted AC condenser on the first floor flat roof and new automatic entrance doors.
2023/01253/FUL	R	Rosedew Farm, Llantwit Major	Temporary use of land for the temporary siting of a moveable yoga and well-being studio, welfare block and associated car parking and access for 3 years

2023/01258/FUL	A	Pen Y Bryn, Penmark	Demolish existing single storey timber frame rear lean to conservatory and erect new single storey rear kitchen extension. Render and block construction, upvc windows, rainwater goods to match existing
2023/01273/FUL	A	Pentyla, Eagleswell Road, Boverton, Llantwit Major	Demolition of rear conservatory and chimney breast. Construction of rear extension and front elevation porch
2023/01279/FUL	A	1-3, St. Marys Avenue, Barry	Change of use from Office use (Class E) to Sui Generis (HMO) to become a 12 bedroom HMO, 4 double rooms and 8 single rooms. Remedial work and renovation work proposed to meet the minimum space requirements
2023/01290/FUL	A	316, Gladstone Road, Barry	Single storey rear extension
2023/01296/FUL	A	Glyndwr Vineyard, Llanblethian, Cowbridge	Proposed 1 no. tourist accommodation lodge constructed in accordance with the Caravan Act
2024/00009/FUL	R	22, Clos Peiriant, Barry	Reduce fence around front garden from 1.8 metres to 1.2 metres
2024/00013/FUL	A	Sunshine House, Southerndown	Demolition of existing garage and replacement with new-build detached domestic garage
2024/00044/FUL	R	1, Hazledene Close, Barry	Retrospective application for the erection of timber close boarded fencing to protect the secure amenity space forming the primary garden area of the dwelling

2024/00049/FUL	R	51-53, Barry Animal Health Centre, Tynewydd Road, Barry	Conversion of existing veterinary practice to 4 no. 2 bedroom flats and demolition of existing single storey flat roofed rear extensions
2024/00064/TPO	A	The Mill, Llandough, Cowbridge	Work to Trees covered by TPO No.01 of 1950: T1 beech 2-3m Reduction. T2 Sycamore - removal. T3 Spruce- Removal
2024/00077/FUL	A	Gordon Bennett, 13-14, Broad Street, Barry	Proposed change of use to add use classes A1/A2/A3 and D1 to the current Sui Generis classification, including subdivision works and new shopfronts to create 3 no. units
2024/00096/FUL	A	15, Norris Close, Penarth	Proposed single storey side extension (North side) and two storey side extension (South side). All finishes to match existing
2024/00097/FUL	A	27, Robinswood Close, Penarth	Demolition of single storey garage to side elevation and part of existing dwelling. Proposed ground floor extension to front elevation. Alterations / extension of existing first floor rooms within roof, insertion of two dual pitched roof dormers to front elevation, alterations to existing rear dormer. Construction of new two storey pitched roof side extension with new flat roof 'box' dormer to rear elevation. Installation of solar PV and solar thermal panels to small flat roof to new roof extensions.

2024/00109/FUL	R	5, Hazledene Close, Barry	Retrospective approval required for a feather edge garden fence that runs adjacent to the pathway.
2024/00122/FUL	A	Hillsboro, Ewenny Road, St. Brides Major	A two storey extension. Creating additional bedroom and larger office space. Also creating larger kitchen area. It will also include a turning circle on drive. To allow cars to be facing forwards when entering main road
2024/00123/FUL	A	Ty Capel, St Donats	Conversion of former car restoration workshop to provide living accommodation for elderly parents used ancillary to main property, shared services, shared off-road vehicle parking
2024/00125/FUL	A	Pen y Cae, Meadow Lane, Penarth	Proposed extensions and re-modelling of existing bungalow. new hardstanding and fence in place of existing hedge
2024/00130/FUL	R	Land at Middle Hill, Old Middle Hill, Llancarfan	An extension to an existing stable building for the purpose of providing an agricultural store and a livestock shelter for sheep kept on the adjacent pasture land. A machinery storage building in which to store existing equipment and machinery, used on the adjacent agricultural land
2024/00132/FUL	A	21C, Park Crescent, Barry	Change of use from shop to D1 in order to open a chiropractic clinic. Shop to be divided into two treatment rooms

2024/00137/LAW	A	17, Plassey Square, Penarth	Works associated with a dormer extension to the loft
2024/00145/FUL	A	Pen y Lan Farm, Llysworney	Two storey rear extension and internal alterations
2024/00150/FUL	A	24, Stradling Place, Llantwit Major	Construction of a two storey side extension
2024/00155/FUL	A	Stepping Stones, Windmill Lane, Llantwit Major	Construct a workshop/garden storage in place of removed timber shed
2024/00156/FUL	A	2, Norman Cottages, Michealston Le Pit Road, Michaelston Le Pit	Replacement of roof tiles
2024/00159/FUL	A	Benacre, Cowbridge Road, St. Nicholas	Remodelling of existing dwelling, single storey rear extension, new front bay, creation of new first floor and raising of roof. Internal alterations and new / altered window / door openings and reinstatement / new chimneys. Proposed new home fitness / pool building and swimming pool. Proposed alterations to existing single garage / store
2024/00167/FUL	A	Brook Lodge, St. Brides Super Ely	Retrospective application to retain as built garage, kitchen utility, gym, swimming pool and bedroom
2024/00168/FUL	A	Land South of Llanmihangel	Construction of a hardstanding and earth bunds for a slurry bag

2024/00170/FUL	A	Greenwaves, 11, Clevedon Avenue, Sully	Take down existing roof structure and increase roof height. Demolish existing rear conservatory and pergola structure. Proposed single storey rear extension with fenestration alterations to rear, side(s) and front elevations and insertion of rooflights. All with associated external works including privacy screens, pergola structures and changes to roof covering
2024/00171/FUL	A	9, Lord Street, Penarth	Part demolition of existing extensions to rear and construct new single extensions to upper ground rear and lower ground side elevation. Alterations to existing front roof elevation rooflights, construction of new flat roof dormer to main rear roof elevation. Alterations to internal layouts
2024/00174/FUL	R	West Farm/West Farm Stable, West Street, Llantwit Major	Proposed use of existing access to provide additional car only access to West Farm Stable. Existing access through West Farm to be retained for larger vehicles for access to West Farm Stable
2024/00178/FUL	A	Keepers Cottage, Lower Porthkerry, Rhoose	Variation of Condition 1 (Agricultural Occupancy) of Planning Permission 80/0527:. Conversion of existing stone building to provide permanent accommodation for agricultural worker

2024/00181/FUL	A	24, Picton Road, Rhoose	Single storey extension to rear elevation
2024/00185/FUL	A	14, Knowbury Avenue, Penarth	Proposed two storey rear extension, loft conversion, porch to front elevation and extension to existing garage
2024/00196/FUL	A	Brynhawddgar, 19, Wick Road, Ewenny	Demolish car port and construct single storey workshop/store. Construct one and two storey side extension and single storey rear extension. Extend existing porch.
2024/00197/LAW	A	College Lodge, Town Mill Road, Cowbridge	Erection of an outbuilding in the rear garden of the property
2024/00198/FUL	A	Fonmon Castle, Fonmon	Retention of temporary seating and catering structures
2024/00199/FUL	A	10, Lower Farm Court, Rhoose	Take down existing rear conservatory structure and replace with proposed single storey rear extension all with associated external works
2024/00202/FUL	A	123, Greenacres, Barry	Proposed double storey side extension to replace existing converted garage space to provide additional living space at ground floor and master bedroom at first floor
2024/00206/FUL	A	359 Barry Road, Barry	Erection of domestic garage
2024/00210/FUL	R	The Hawthorns, Penllyn Road, Llanharry	Rear two-story extension with basement wine cellar

2024/00212/TPO	A	Wild Rose Cottage, Dyffryn Lane, St Nicholas	Work to tree(s) covered by Tree Preservation Order 1952, No. 4 - T1 - Removal of one mature Beech tree. T2 - Reduction of one mature Beech tree. T3 - Removal of one mature Horse Chestnut tree. T4 - Removal of one Ash tree
2024/00218/FUL	A	1, Stradling Close, Sully	Proposed Loft Conversion
2024/00219/FUL	A	Westcross House, Church Street, Llysworney	Installation of two rooflights.
2024/00223/FUL	R	26 and 27, Crompton Way, Ogmore By Sea	Proposed Single Storey Side extension for both properties
2024/00225/FUL	A	30, Clive Place, Penarth	Replace existing windows as indicated with 'Heritage Style' UPVC sash windows. Replace exiting timber window to front elevation with replica timber window
2024/00226/FUL	R	70, Shakespeare Avenue, Penarth	Two storey side extension & single storey rear extension plus all associated works
2024/00227/FUL	A	4, Maughan Terrace, Penarth	Single storey rear (Garden room) extension, plus some internal associated remodeling and new cycle store to front elevation
2024/00230/RG3	A	Cadoxton House, Belle View Terrace, Barry	Change of use to Sui Generis (Interim accommodation for homeless people), including external alterations

2024/00231/FUL	A	27, Afal Sur, Barry	Garage conversion (existing) from bedroom and ensuite to open plan kitchen / dining / living room with ensuite. internal alterations change to wetroom as both bathrooms downstairs cannot accommodate parent's needs.
2024/00238/FUL	A	3, Station Terrace, East Aberthaw	Proposed detached garage in lieu of garage approved under planning application number 23/0593/FUL
2024/00241/FUL	A	34, Cardigan Crescent, Boverton, Llantwit Major	Proposed residential single storey rear extension and associated works
2024/00242/FUL	R	Westgarth, Sigingstone	Erection of replacement dwelling
2024/00248/FUL	R	The Wallage, Heol Y Mynydd, Welsh St Donats	First Floor extension above existing garage. Single storey rear extension behind garage. 2 Storey rear extension behind Lounge
2024/00249/FUL	R	The Hawthorns, Penllyn Road, Llanharry	Double garage with storage loft & external spa area for the holiday let Barn
2024/00254/FUL	A	85, Walston Road, Wenvoe	Alterations to the front roof by replacing two existing roof lights with a new dormer designed to match the two existing dormers.
2024/00256/FUL	A	10A, Pencoedtre Road, Barry	Rear single-storey extension
2024/00261/FUL	A	Ty Fry Farm, Pendoylan	Portal frame roof over existing slurry store

2024/00270/FUL	A	15, Porfa Ballas, Rhoose	Garage conversion for disabled facilities
2024/00276/FUL	A	19, Ewenny Close, Barry	Rear extension and frontage lobby.
2024/00284/TCA	R	Clement Place, Barry	Work to Tree(s) in a Conservation Area: Removal and Maintenance of Ash Tree with Ash Die Back, risk to properties and users of adjacent footpath - request from adjoining resident at No 18.
2024/00285/FUL	A	2, Home Farm Bungalow, St. Lythans Road, Dyffryn	Proposed single storey rear extension and addition of a dormer window to the existing roof
2024/00291/TPO	A	Tinkinswood Burial Chamber, Dyffryn Lane, St Nicholas	Work to Tree(s) covered by Tree Preservation Order 1952, No. 4 - See Form for full details
2024/00298/FUL	A	Broomhill, Church Road, Llanblethian, Cowbridge	Replacement of conservatory with single storey family room
2024/00315/TPO	A	1, Rookery Wood, Sully	Work to Tree covered by Tree Preservation Order 1956, No. 3 :Tree is dead, large branches are falling which could cause injury.
2024/00324/LAW	A	18, Beidr Iorwg, Barry	Rear extension to existing dwellinghouse
2024/00326/TCA	A	Coastguard Cottage, 2, Marine Parade, Penarth	Work to tree in Penarth Conservation Area: Remove 1 branch of a Silver Birch tree close to house window

2024/00340/TPO	A	Wenvoe Manor, Port Road, Wenvoe	Work to Tree(s) covered by Tree Preservation Order 1951, No. 4 : 3 X Ash trees - Coppice/fell all three trees to ground level, T1, T2 and T3 (AKA G2 on James Pinders Survey)
2024/00342/LAW	A	34, Highwalls Avenue, Dinas Powys	Single storey side porch extension
2024/00351/TPO	A	Hillbrow, Colhugh Street, Llantwit Major	Work to Tree(s) covered by Tree Preservation Order 1977. No. 3 : Reduce Sycamore back to old reduction points, crown lift off garden and away from neighbours property and prune back away form house. Reduce Ash back to existing pollard points, reduce back off neighbours garden and remove branch growing into smaller garden tree. Lightly prune back two Hawthorns off car park, at either end of row of trees
2024/00361/LAW	A	11, St. Ambrose Close, Dinas Powys	Proposed single storey side extension for relocated WC. Internal works to open up kitchen area
2024/00362/TPO	A	The Court House, High Street, Llantwit Major	Work to Tree(s) covered by Tree Preservation Order 1977, No. 3 : T.1 - 1 X Sycamore - removal to ground level
2024/00379/TCA	A	Bolston House, Bonvilston, Cardiff	Work to tree in Bonvilston Conservation Area: Sycamore - Carry out a 5m height reduction and prune to rebalance the crown.

2024/00389/TPO	A	The Former Cowbridge Grammar School, Aberthin Road, Cowbridge	<p>Work to Yew Tree covered by TPO 2019- 04- T4: tree T15 in the Treescene Tree Survey dated 15/10/2018) sited in the south eastern corner of the former Cowbridge Grammar School site.</p> <p>1) Crown raise to 5.5m on southern and south western side of crown over adjacent tarmac road only pruning back to suitable growing points.</p> <p>2) Lift remaining crown to 3.5m above existing ground levels by either tipping back lower pendulous branches or by removing pendulous secondary branches to provide suitable clearance over proposed amenity space in rear garden of Plot 1.</p> <p>3) Shorten lateral branches (up to a height of 6m above existing ground levels) extending to the north and northeast by 3-3.5m pruning back to suitable growing points in order to provide suitable clearance (approx. 1.5m) from rear wall of dwelling in proposed Plot 1.</p> <p>4) Prune to remove unstable dead wood of diameter greater than 50mm.</p>
2024/00390/TPO	A	The Court, Cowbridge Road, St Nicholas	<p>Work to tree covered by TPO No.4 of 1952 : Dismantling of Beech tree located on Brook Lane, St Nicholas</p>

2024/00391/LAW	A	Ishton Barn, Lon Cwrt Ynyston, Leckwith	A lawful Development Certificate is sought for the following three existing additions to the property : 1. One rooflight window installed in the north facing front plane of the main roof of the house. 2. One wood burner chimney flue installed in the south facing rear plane of the main roof of the house. 3. Twenty photovoltaic solar panels installed on the south facing rear plane of the main roof of the house.
2024/00393/LAW	A	3, Evans Street, Barry	Small rear extension to existing domestic dwellinghouse
2024/00445/OBS	N	Land South of Creigiau, Creigiau (Planning reference number for Cardiff 19/02523/MJR)	Outline planning permission, with all matters reserved except for strategic access, for the development approximately 650 dwellings, including open space (including play areas and areas of informal recreation), landscaping, sustainable drainage systems highway network, pedestrian and cycle accesses and related infrastructure and engineering works.
2024/00450/TCA	A	Eagle Cottage, Eagle Lane, Cowbridge	Work to tree in Cowbridge Conservation Area: Removal of overgrown, out of control Conifer Tree

THE VALE OF GLAMORGAN COUNCIL

PLANNING COMMITTEE: 13 JUNE 2024

REPORT OF THE HEAD OF SUSTAINABLE DEVELOPMENT

4. APPEALS

(a) Planning Appeals Received

LPA Reference No: 2023/00589/FUL
Appeal Method: Written Representations
Appeal Reference No: CAS-03181-X4H2C9
Appellant: Mr G Gough
Location: Big Mews, Hilton Farm, Colwinston
Proposal: Retain the use of the redundant building for holiday accommodation and retain a front porch and rear extension
Start Date: 17 May 2024

LPA Reference No: 2023/00622/FUL
Appeal Method: Written Representations
Appeal Reference No: CAS-03287-G4Q9V6
Appellant: Mr Paul Booth
Location: Land adjacent Littlemoor Farm, Squire Street, Llysworney, CF71 7NQ
Proposal: Erection of a single dwelling house, single storey detached garage, landscaping, and associated works
Start Date: 22 May 2024

(b) Enforcement Appeals Received

LPA Reference No: ENF/2023/0053/PRO
Appeal Method: Written Representations
Appeal Reference No: CAS-03205-M0V5N2
Appellant: Mr C Gough
Location: Big Mews, Hilton Farm, Colwinston
Proposal: Without planning permission, the construction of a single storey conservatory extension on the northwest side of the converted barn, and a porch extension on the southeast side, together with the occupation of the barn for residential purposes.
Start Date: 17 May 2024

(c) Planning Appeal Decisions

LPA Reference No: 2023/01030/FUL
Appeal Method: Written Representations
Appeal Reference No: CAS-03273-Y6T0Y0
Appellant: Mr Callum Couper
Location: 4, St. Augustines Place, Penarth
Proposal: Proposed loft conversion complete with rooflights to front and dormer to rear

Decision: Appeal Allowed
Date: 29 May 2024
Inspector: Z Baxter
Council Determination: Delegated

Summary

The main issue was considered to be the effect of the proposed rear dormer on the character and appearance of the area, having regard to its location in the Penarth Conservation Area (CA). The proposed development involved three new rooflights to the front elevation which the Inspector agreed would be acceptable elements of the scheme. To the rear, a dormer roof extension was proposed and it was noted the proposed dormer had been reduced in scale from a previous scheme dismissed on appeal (CAS-02687-T3X0W7), with reductions in both the height and width along with removal of the Juliette balcony and fenestration changes.

Although the Inspector noted that dormers were not a common feature of neighbouring properties, they were located on other positive buildings prominently sited within the CA. Furthermore, the proposed rear dormer would largely be visible from the rear lane where it would be viewed alongside the existing dormer window located at 6 St Augustine's Place (no. 6). Whilst the proposed dormer would be larger, it would follow a similar style with a flat roof and finished in a hanging slate tile to match the roof. In addition, with a sufficient amount of the original roof remaining visible, the proposed dormer would be a subservient addition to the rear roof plane.

The Inspector considered that although the dormer would have greater visibility than that at no. 6, the appeal site was still set back from Belle Vue Terrace and along with its orientation, would result in the views being marginal and only for a short period when travelling east. The position of the previous Inspector, that such views were seen alongside the uniform frontages of the terraces lining Belle Vue Terrace was agreed. However, as the proposal was considered to be an inconspicuous and proportionate addition to the rear elevation, it would not be an undue visual distraction to the character or appearance of the street scene along Belle Vue Terrace. The proposal had taken account of the previous Inspector's findings, and was considered to be of a suitable scale and design that would be compatible with its surroundings.

It was therefore concluded that the proposal would not have a harmful impact on the character or appearance of the area, and would preserve the character and appearance of the CA in compliance with Policies SP10, MD2, MD5 and

MD8 of the LDP and the objectives of the SPG. The appeal was therefore allowed subject to conditions.

(d) Enforcement Appeal Decisions

None.

(e) April 2024 – March 2025 Appeal Statistics

		Determined Appeals			Appeals withdrawn /Invalid
		Dismissed	Allowed	Total	
Planning Appeals (to measure performance)	W	2	1	3	-
	H	-	-	-	-
	PI	-	-	-	-
Planning Total		2 (67%)	1 (33%)	3	-
Committee Determination		-	-	-	-
Other Planning appeals (inc. appeal against a condition)		-	-	-	-
Enforcement Appeals	W	-	-	-	-
	H	-	-	-	-
	PI	-	-	-	-
Enforcement Total		-	-	-	-
All Appeals	W	2	1	3	-
	H	-	-	-	-
	PI	-	-	-	-
Combined Total		2 (67%)	1 (33%)	3	-

Background Papers

Relevant appeal decision notices and application files (as detailed above).

Contact Officer:

Sarah Feist - Tel: 01446 704690

Officers Consulted:

HEAD OF SUSTAINABLE DEVELOPMENT

THE VALE OF GLAMORGAN COUNCIL

PLANNING COMMITTEE : **13 JUNE, 2024**

REPORT OF THE HEAD OF SUSTAINABLE DEVELOPMENT

(a) Delegated Powers

If Members have any queries on the details of these applications please contact the Department.

Decision Codes

A - Approved
E - Split Decision
R - Refused

4. TREES

2024/00064/TPO	A	The Mill, Llandough, Cowbridge	Work to Trees covered by TPO No.01 of 1950: T1 beech 2-3m Reduction. T2 Sycamore - removal. T3 Spruce- Removal
2024/00212/TPO	A	Wild Rose Cottage, Dyffryn Lane, St Nicholas	Work to tree(s) covered by Tree Preservation Order 1952, No. 4 - T1 - Removal of one mature Beech tree. T2 - Reduction of one mature Beech tree. T3 - Removal of one mature Horse Chestnut tree. T4 - Removal of one Ash tree
2024/00284/TCA	R	Clement Place, Barry	Work to Tree(s) in a Conservation Area: Removal and Maintenance of Ash Tree with Ash Die Back, risk to properties and users of adjacent footpath - request from adjoining resident at No 18.

2024/00291/TPO	A	Tinkinswood Burial Chamber, Dyffryn Lane, St Nicholas	Work to Tree(s) covered by Tree Preservation Order 1952, No. 4 - See Form for full details
2024/00315/TPO	A	1, Rookery Wood, Sully	Work to Tree covered by Tree Preservation Order 1956, No. 3 :Tree is dead, large branches are falling which could cause injury.
2024/00326/TCA	A	Coastguard Cottage, 2, Marine Parade, Penarth	Work to tree in Penarth Conservation Area: Remove 1 branch of a Silver Birch tree close to house window
2024/00340/TPO	A	Wenvoe Manor, Port Road, Wenvoe	Work to Tree(s) covered by Tree Preservation Order 1951, No. 4 : 3 X Ash trees - Coppice/fell all three trees to ground level, T1, T2 and T3 (AKA G2 on James Pinders Survey)
2024/00351/TPO	A	Hillbrow, Colhugh Street, Llantwit Major	Work to Tree(s) covered by Tree Preservation Order 1977. No. 3 : Reduce Sycamore back to old reduction points, crown lift off garden and away from neighbours property and prune back away form house. Reduce Ash back to existing pollard points, reduce back off neighbours garden and remove branch growing into smaller garden tree. Lightly prune back two Hawthorns off car park, at either end of row of trees
2024/00362/TPO	A	The Court House, High Street, Llantwit Major	Work to Tree(s) covered by Tree Preservation Order 1977, No. 3 : T.1 - 1 X Sycamore - removal to ground level

2024/00379/TCA	A	Bolston House, Bonvilston, Cardiff	Work to tree in Bonvilston Conservation Area: Sycamore - Carry out a 5m height reduction and prune to rebalance the crown.
2024/00389/TPO	A	The Former Cowbridge Grammar School, Aberthin Road, Cowbridge	<p>Work to Yew Tree covered by TPO 2019- 04- T4: tree T15 in the Treescene Tree Survey dated 15/10/2018) sited in the south eastern corner of the former Cowbridge Grammar School site.</p> <p>1) Crown raise to 5.5m on southern and south western side of crown over adjacent tarmac road only pruning back to suitable growing points.</p> <p>2) Lift remaining crown to 3.5m above existing ground levels by either tipping back lower pendulous branches or by removing pendulous secondary branches to provide suitable clearance over proposed amenity space in rear garden of Plot 1.</p> <p>3) Shorten lateral branches (up to a height of 6m above existing ground levels) extending to the north and northeast by 3-3.5m pruning back to suitable growing points in order to provide suitable clearance (approx. 1.5m) from rear wall of dwelling in proposed Plot 1.</p> <p>4) Prune to remove unstable dead wood of diameter greater than 50mm.</p>

2024/00390/TPO	A	The Court, Cowbridge Road, St Nicholas	Work to tree covered by TPO No.4 of 1952 : Dismantling of Beech tree located on Brook Lane, St Nicholas
2024/00450/TCA	A	Eagle Cottage, Eagle Lane, Cowbridge	Work to tree in Cowbridge Conservation Area: Removal of overgrown, out of control Conifer Tree

THE VALE OF GLAMORGAN COUNCIL

PLANNING COMMITTEE : **13 JUNE, 2024**

REPORT OF THE HEAD OF SUSTAINABLE DEVELOPMENT

5. GENERAL PLANNING MATTERS

2023/01215/FUL Received on 11 December 2023

APPLICANT: c/o Agent Green Planning Studio Ltd, Upton Magna Business Park, Shrewsbury, SY4 4TT

AGENT: Miss Delilah Green Upton Magna Business Park, Upton Magna, Shrewsbury, SY4 4TT

Land adjacent to Hawthorne Cottage, Twyn Yr Odyn

To vary/remove conditions 1, 2, 3 and 9, Condition 1 - occupation, 2 - time period, 3 - time period and 9 - vehicle on site of planning application 2013/00857/FUL - The use of land for the stationing of caravans for residential purposes for 1 no. gypsy pitch together with the formation of additional hard standing and utility/ dayroom ancillary to that use - Allowed on appeal

REASON FOR COMMITTEE DETERMINATION

The application is required to be determined by Planning Committee under the Council's approved scheme of delegation because the application has been called in for determination by Councillor Godfrey for the reason that the families occupying site, have repeatedly breached the conditions of the site in relation to the following:

1. Parking of commercial vehicles
2. Storage of plant equipment
3. Ongoing tipping of builder's rubble

EXECUTIVE SUMMARY

The Variation of Condition application is recommended for approval subject to amended conditions from the original permission.

Planning permission from the Planning Inspectorate (Now PEDW) was previously granted in 2014 for a temporary three year permission for a gypsy/traveller site for the specified occupants. This was to allow the occupant's a place to live and time to find a suitable site outside the 'Green Wedge' area, it is located in. It's location in the 'Green Wedge' was considered 'inappropriate development' and would result in the loss of openness with a failure to maintain landscape interest and the undermining of one of the purposes of the 'Green Wedge' i.e. to safeguard the countryside from encroachment.

The proposed site layout in the approved temporary planning permission included the provision of a new access to the site and this has been provided partially implementing the approved 'Proposed Site Plan'. The remaining part of the site has however not been laid out as approved.

The site is currently occupied in breach of the conditions restricting it to a temporary time period and to the named individuals. This has been the case since approximately 2017 and no enforcement action has been taken by the Council with regard the residential use, due to the current need for a gypsy/traveller site. Furthermore the building of affordable housing at the former bus depot site has changed the setting of the site and related impact on the 'Green Wedge'.

It is proposed to remove or vary the conditions of the original temporary permission to allow a permanent occupation and by different named albeit related family group. Furthermore, it is proposed to vary a condition that limits the parking of a commercial vehicle of 3.5 tonnes to a 7.5 tonne vehicle.

A couple of objections have been received from local residents and Councillor Godfrey has expressed concerns. These are mainly with regard commercial activities at the site and that the residential used has continued in breach of conditions. One of the objectors highlights issues of noise and disturbance from the occupiers of the site. No objections have been raised from any statutory consultees.

In assessing this application the Council has a duty to meet an identified need for gypsy/traveller sites and a need is identified in the Council's Gypsy and Traveller Accommodation Assessment (2022). The retention and regularisation of the site as a gypsy/traveller pitch therefore would fulfil a need that is not currently met within the Vale, nor is it likely to be met in the near future.

Since the previous temporary permission an affordable housing scheme has been constructed opposite the site (former bus depot site). In this residential application concerns over the lack of sustainable transport were raised and the application refused. An appeal for that decision was however allowed by PEDW (Formerly Planning Inspectorate) as it was not considered that the location was that poor in terms of sustainable access to nearby shops and services. Taking into account this permission and the close affinity of the proposed site in relation to it; this is not considered an issue that would warrant a refusal reason.

Furthermore, due to the visual changes to the immediate area as a result of the nearby affordable housing development, it would not cause such harm to the openness of the 'Green Wedge' and therefore, in this instance, it would not represent 'inappropriate' development. In addition the visual impact on the Special Landscape Area or wider countryside would not justify a refusal of the application.

In the above circumstances and taking into account the identified need there is no demonstrable need to restrict the residential use to a temporary permission and named individuals. Therefore in principle the removal of the conditions 1-3 would be acceptable. However, a condition to require the site is occupied by a gypsy/traveller is however considered necessary (Condition 2 refers).

The parking of a larger commercial vehicle for ancillary purposes to the residential use has little visual impact on the wider surroundings and is also considered acceptable in relation to varying condition 9.

Further amendments to conditions are recommended to cover landscaping, lighting, biodiversity requirements and the restriction of commercial activities and waste storage. Any statutory noise and disturbance issues would be a matter for the police services or the Council's SRS Neighbourhood Services to enforce. In all other respects the proposed gypsy/traveller residential use of the site would be acceptable.

SITE AND CONTEXT

The application site comprises a plot of land approximately 0.06 ha in area in Twyn Yr Odyn and is currently being utilised as an unauthorised gypsy pitch. The land is located immediately to the north of an existing dwelling called Hawthorn Cottage and at the entrance to the former Greenwood Quarry to the west. This is now the access to a number of dwellings that have been constructed at a former bus depot site (now Greenwood Close).

There is currently a caravan and a number of outbuildings on the site, which is enclosed by hedgerow and a short section of wooden boarded fencing. In addition a number of trailers and other items are stored around the site. Vehicular access is on the northern boundary at the entrance to Greenwood Close.

The site lies in the open countryside as defined in the Local Development Plan. The nearest settlement boundaries are Culverhouse Cross approximately 400m to the north and Wenvoe over 650m to the south.

The site is also located within the Green Wedge and the Duffryn Basin and Ridge Slopes Special Landscape Area. To the west of the site is a Public Right of Way, reference W2/29a/1 which is a Restricted Byway. A nearby footpath W2/30/1-3, to the south of the site leads towards Wenvoe.

The site is also within a Mineral Safeguarding area for Category 1 Limestone (including dolomite).

An extract from the site location plan (submitted with 13/00857/FUL) is provided below:



DESCRIPTION OF DEVELOPMENT

This is an application to vary/remove conditions from full planning permission reference 2013/00857/FUL.

The description of that permission is, *"The use of land for the stationing of caravans for residential purposes for 1 no. gypsy pitch together with the formation of additional hard standing and utility/ dayroom ancillary to that use"*.

This was granted at appeal for a temporary permission following a refusal by the Local Planning Authority. The temporary permission was for 3 years from the decision date 12 November 2014 (i.e. to 12 November 2017).

The relevant conditions in this application relate to Condition 1 - named occupation, 2 - time period to cease residential use, 3 - time period to restore the site if named occupants move and 9 - weight limit for commercial vehicle on site.

In essence this proposal is to provide a permanent use of the site for the stationing of caravans for one gypsy/traveller pitch. The original conditions and amendments proposed are further detailed below:

1. *The occupation of the site shall only be by the following and their resident dependents: Patrick Martin Maloney and Kathleen Maloney.*

In relation to condition 1, the Planning Statement details it is proposed to remove or vary this condition. In correspondence on the 15th March 2024 the applicant states the following, "*The application is to allow Eddie Maloney, his wife, his son James and James' wife to live on site. Essentially the applicants would be living in one caravan per family unit if the permission was granted. The potential number of occupiers on site is not relevant as there is permission for two caravans and the application is not proposing any more units.... We can confirm Patrick and Kathleen no longer occupy the site and Eddie and his wife are now living there. Patrick and Kathleen are members of Eddie's family and Eddie owns the land. We can confirm there will be 2 under 18-year-olds on site who need to attend school*".

2. *The residential use shall cease within three years of the date of this Appeal Decision. Within three calendar months of that date all caravans, buildings, structures, materials and equipment brought on to, or erected on the site, or works undertaken to it in connection with the use shall be removed, and the site restored to its condition before the development took place.*

It is proposed to remove condition 2

3. *If within three years of the date of this Appeal Decision the site ceases to be occupied by those named in Condition 1 above the residential use shall cease and within three months of the cessation of the use all caravans, buildings, structures, materials and equipment brought on to or erected on the site, or works undertaken to it in connection with the use, shall be removed and the site shall be restored to its condition before the development took place.*

It is proposed to remove or vary condition 3.

9. *No more than one commercial vehicle shall be kept on the site for use by the occupiers of the caravans hereby permitted. The commercial vehicle shall not exceed 3.5 tonnes in weight.*

In relation to *condition 9* it is stated, *“The change the client seeks permission for is to facilitate his tipper lorry that is 7.5 tonnes in weight to be stationed on the land as this currently exceeds the conditioned weight limit for vehicles onsite. The site layout has been amended to accommodate this”*.

It is noted the plans submitted with the application are the same ones provided with the original application (Reference 2013/00857/FUL). Members are advised the new access, as detailed on the Proposed Site Plan, has already been provided which has partially implemented this plan, however the current arrangement on the site is not fully as shown on the proposed site plan. In relation to this, the agent states in an email dated 15th March 2024, *“I can confirm there is only one tourer on site currently. As the permission is temporary the client did not build everything so there is currently no MH [Mobile Home] or dayroom on site. There is however a portable welfare unit on site. If permission is made permanent the client may build his dayroom and replace a tourer with a MH. If these are to be built/stationed, they will be in line with the site plans already approved. The client would not station more than 2 caravans on site as in line with the conditions of the previous application”*.

The ‘Proposed Site Plan’ (see below) shows a mobile home located along the eastern side of the plot, and a touring caravan pitch to the north. Towards the southern boundary would be positioned a single storey, pitched roof utility/day room, measuring 6.5m x 3.414m, to a ridge height of 3.9m. This will accommodate a kitchen, bathroom and day room. The external finishes are detailed would be brick work with an interlocking clay tile roof.

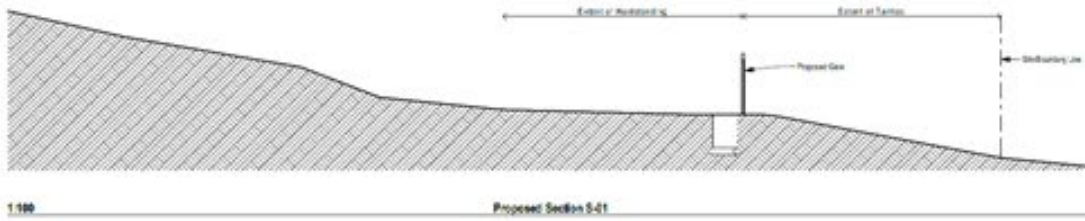
The central area of the site will comprise the existing hard-standing area with an extension of this area to the north. The existing vehicular access, at the time of the original application, has been closed up with a wooden board fence. A new native hedgerow of approximately 10m would be provided to replace it. The new vehicular access (proposed in the original application) has been created in the northern boundary. This includes a tarmac drive. A set of double gates have been provided adjacent the back of the pavement. The proposed plan details they would however be set back approximately 8.4m from the access road.

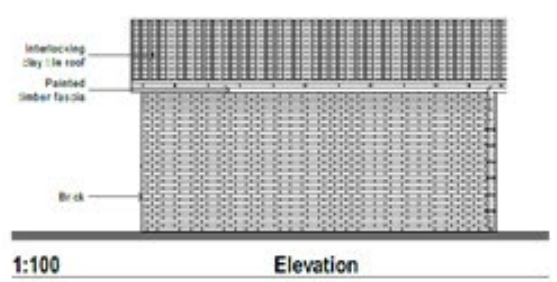
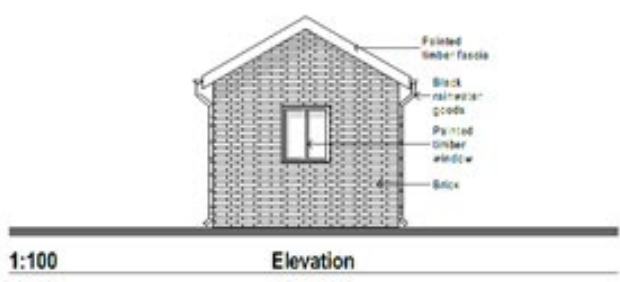
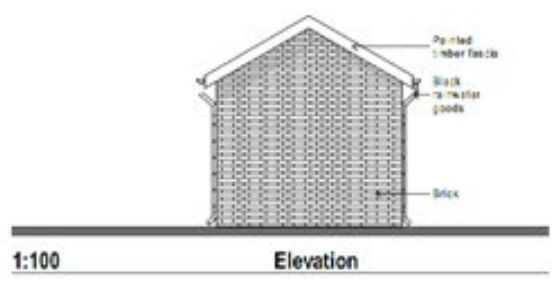
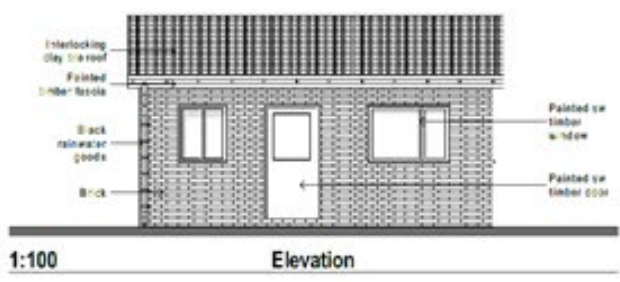
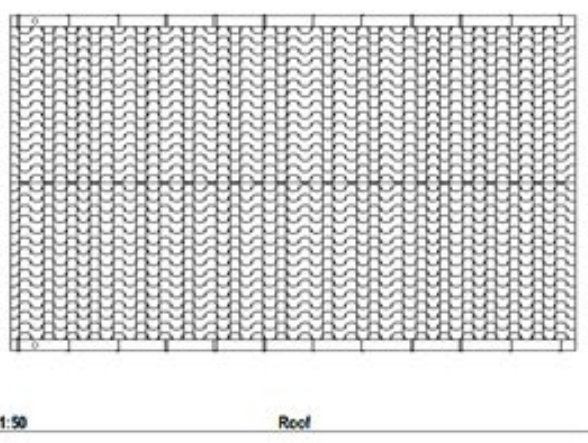
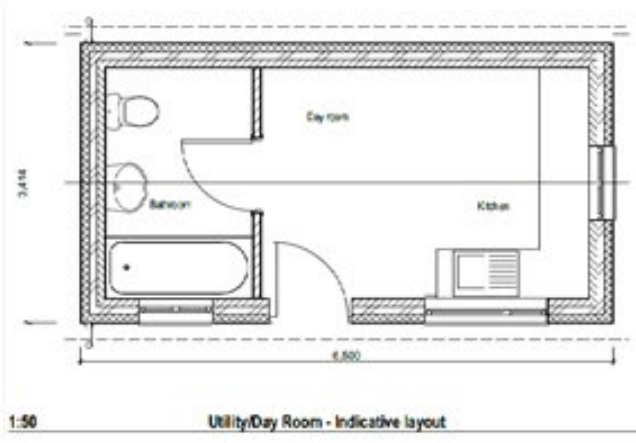
The application is supported by the following documents:

- Planning Statement (Green Planning Studio - December 2023)

Extracts from the plans are provided below:

Proposed Site Plan





Following a request from the Council's Highways Section for a plan to detail if the size of lorry required (7.5 tonne) can turn on site, a site plan was submitted with an extract provided below:



PLANNING HISTORY (relevant to application)

1999/00297/OUT, Address: Hawthorn Cottage, Twyn-yr-Odyn, Cardiff, Proposal: Construction of residential dwelling, Decision: Refused

2008/01234/FUL, Address: Grid ref. 31164/17388 adjacent to Hawthorn Cottage and to the entrance of Greenwood Quarry, Twyn-yr-Odyn, Wenvoe, Proposal: Build a new detached 2 storey 2- bedroom cottage in disused quarry, Formerly part of the curtilage of Hawthorn Cottage, Decision: Refused for the following reasons:

- 1. By virtue of its detached countryside location, within a green wedge, the site is not considered suitable for residential development which is not justified on the basis of agriculture or forestry. Therefore the proposed development is contrary to Policies 2 and 8; ENV1 - Development in the Countryside; ENV3 - Green Wedges; and HOUS3 - Dwellings in the Countryside; of the Vale of Glamorgan Adopted Unitary Development Plan 1996-2011. Furthermore, the dwelling and curtilage would represent an incongruous domestic feature within an area recognised for its special landscape value, which would be contrary to Unitary Development Plan Policies ENV4 - Special Landscape Areas; and ENV25 - Design of New Developments.*
- 2. The proposal would intensify the use of an existing substandard vehicular access to the detriment of highway safety, and would detract from the privacy and amenity of neighbouring property Ty Gwyn. Therefore the proposal fails to meet the Council's standards for amenity and access, contrary to Unitary Development Plan Policy ENV27 - Design of New Developments.*

This application was subject of an appeal. The Planning Inspectorate (Now PEDW) issued a decision to dismiss the appeal on 06/07/2009.

2013/00857/FUL, Address: Land adjacent to Hawthorn Cottage, Twyn Yr Odyn, Proposal: The use of land for the stationing of caravans for residential purposes for 1 no. gypsy pitch together with the formation of additional hard standing and utility/ dayroom ancillary to that use, Decision: Refused for the following reasons.

- 1. In the opinion of the Local Planning Authority it is considered that the proposal represents an inappropriate and unjustified form of development in this countryside location that would detract from the openness of a rural area designated as a Green Wedge and would therefore be contrary to Policies ENV3-Green Wedges, ENV1- Development in the Countryside; and HOUS14-Gypsy Caravans of the Vale of Glamorgan Adopted Unitary Development Plan 1996-2011; Supplementary Planning Guidance on Design in the Landscape and Sustainable Development; and national guidance contained in Planning Policy Wales, TAN12-Design and Circular 30/2007 Planning for Gypsy and Traveller Caravan Sites.*

- 2. The development fails to provide a safe vehicular access to the adopted highway as no evidence has been provided of a right of access over the unadopted private lane to Greenwood Quarry (and the owners of this land have not been notified of or included with the details submitted with this application), and the provision of a safe access through the existing gateway would require the removal of significant lengths of indigenous hedgerow, to the detriment of the character and appearance of the countryside in this Green Wedge location, with possible detrimental effects on existing ecological interests which have not been properly assessed and is therefore considered contrary to Policies ENV27-Design of New Developments , ENV29 Protection of Environmental Quality and HOUS14 Gypsy Caravans of the Vale of Glamorgan Adopted Unitary Development Plan 1996-2011.*

This application was subject of an appeal. The Planning Inspectorate (Now PEDW) issued a decision to allow the appeal on 12/11/2014 subject to conditions.

2016/00778/FUL, Address: Land at Former Bus Depot Site, Chapel Terrace, Twyn Yr Odyn, Wenvoe, Proposal: Demolition of existing buildings and residential redevelopment of land to deliver 15 affordable homes together with associated car parking, landscaping, drainage infrastructure and other ancillary development (resubmission), Decision: Refused by Planning Committee for the following reason:

- 1. Due to its location, served from an unrestricted rural lane, the site does not have safe access for pedestrians or cyclists and as such represents an unsustainable development, contrary to Planning Policy Wales, TAN18 (Transport) and Policies 2 and ENV27 of the Vale of Glamorgan Adopted Unitary Development Plan 1996-2011.*

This application was subject of an appeal. The Planning Inspectorate (Now PEDW) issued a decision to allow the appeal subject to conditions and a Section 106 agreement on 09/03/2017.

CONSULTATIONS

Wenvoe Community Council were consulted on 2 January 2024. They have responded and object as follows:

- 1. The gypsies/travellers were only supposed to be staying on the site as the Vale Of Glamorgan had made no progress on erecting a travellers site within the Vale, which, to date, has not been carried out. In addition, the travellers were originally allowed to occupy the site because families had children attending Wenvoe CiW School at the time.*
- 2. The planning application describes the use as a proposed use i.e., if planning was successful. It actually reflects the current status and use of the site over the past few years to date undertaken without planning permission and an ignored demand to cease this use in these previous years.*

Wenvoe Ward Members were consulted on 2 January 2024. Councillor Russell Godfrey has responded as follows: *I object to this application for the following reasons:*

- 1. The original occupants moved out a number of years ago. Since which their have been a number of different occupants.*

2. *Although permission was given for residential use, which expired some time ago. The site has been continually used to store commercial vehicles and plant equipment and the tipping of building rubble and waste materials. As such the site is a continual eyesore,*

3. *Even though this was highlighted to enforcement over a year ago, they have for various reasons been unable to resolve the issues.*

Council's Drainage Section were consulted on 2 January 2024. They have responded as follows:

This site is located within DAM Zone A which is not considered to be at risk to fluvial and coastal / tidal flooding. NRW flood maps (TAN15 2004) indicate that this site is at a very low risk of surface water flooding.

Councils drainage has no comments to make regarding the conditions being addressed by this planning application.

Advisory: New developments of more than one dwelling or where the area covered by construction work equals or exceeds 100 square metres as defined by The Flood and Water Management Act 2010 (Schedule 3), will require SuDS Approval Body (SAB) approval prior to the commencement of construction.

Council's Highway Development were consulted on 2 January 2024. They have responded as follows:

Condition 1 - occupation for residents only

The highway authority has no objection to the variation or removal of this condition however a new condition should be imposed to provide a limit on the occupation or use of the site. The site access has been constructed for use by previous owners only and additional vehicles and traffic may not be suitable depending on type and frequency.

Condition 2 - 3 years timescale

The highway authority does not have any objection to these proposals in principle.

Condition 3 - 3 years timescale for residential use

This condition is not a highway consideration and should be determined by the planning authority.

Condition 9 - Number of vehicles and weight limit

The highway authority does not object to the variation of this condition in principle however the proposed variation should be confirmed.

However, a plan should be provided showing that larger vehicles can turn within the site and leave in forward gear. Until such a time as the above information is provided the highway authority has no objection to the proposals.

Following a plan detailing how larger vehicles would turn on site being submitted (see extract of plan above), further comments have been sought from the Highways Section. They have responded stating that the details are acceptable subject to the planning permission restricting vehicles to that size only, as it appears that larger vehicles would not be able to turn within the site without difficulty or reversing out onto the road.

Council's Housing Strategy (Public Sector Housing) were consulted on 2 January 2024. They have responded as follows:

There is a legal requirement (Housing (Wales) Act 2014) for GTAA's to be undertaken as a minimum every 5 years. The Council's current GTAA was completed by Opinion Research Services Ltd in 2022. Whilst this was submitted to Welsh Government it has yet to be formally approved.

The GTAA identified the need for nine additional pitches for Gypsy Travellers to 2026 and a further two in the period up to 2036. The unauthorised development at Twyn Yr Odyn is included in the nine additional pitches required by 2026. If permission for this site was approved, it would reduce the arising need by one pitch.

Council's Public Rights of Way Officer were consulted on 2 January 2024. No response received to date.

Council's Shared Regulatory Services (Environment) were consulted on 8 April 2024. No response received to date.

Council's Shared Regulatory Services (Neighbourhood Services) were consulted on 2 January 2024. They have informally commented the variation of condition application does not raise issues under their remit. In addition they have detailed they previously dealt with complaints in 2019 and 2020 with regard the burning of waste on site and these were passed to the Council's Waste Enforcement Team and Natural Resources Wales.

Further comments have been received detailing that this site does not currently have a licence under the Mobile Homes Act as we can only licence sites that have permanent planning permission in place. The Act was introduced to increase protection for owners of mobile homes (also known as park homes) and to improve the condition of such sites. Mobile homeowners own their home, but the site owner (the person who owns the land the home is on) owns the site. Mobile homeowners must pay the site owner for using the land their home sits on. As such, if this site is occupied by family of the site owner then it would not require a licence.

It is suggested that the applicant is advised to contact us (SRS) if planning permission is granted to ascertain if a licence is required for the proposed use. Should the site owner rent out the residential caravan to an unrelated individual or allow someone unrelated to station their residential caravan on the site and pay him a fee for that privilege then a licence would usually be required.

Dŵr Cymru/ Welsh Water were consulted on 2 January 2024. They have responded and don't have any comments to make regarding the conditions.

REPRESENTATIONS

The neighbouring properties were consulted on 2 January 2024. A site notice was also displayed on 1 February 2024. Three letters of correspondence have been received (two from the same address) and their contents are summarised below:

- Patrick and Kathleen Maloney moved from the site a few years ago. Other family members have rotationally lived at the site.

- Several commercial vehicles stored at the site and waste has been stored and burned on the site which could contribute to health issues.
- Why has an alternative site not been identified by the Council.
- Only the time period for the conditions should be extended.
- Several of the original conditions haven't been complied with and need enforcing.
- Hedging was never installed when the new entrance was constructed.
- The occupiers have recently been playing loud music till early in the morning with shouting and this has been reported to SRS. The police were also called to an incident involving the occupants. Concern is also raised in respect of noise from a dog at the site.

REPORT

Planning Policies and Guidance

Local Development Plan:

Section 38 of The Planning and Compulsory Purchase Act 2004 requires that in determining a planning application the determination must be in accordance with the Development Plan unless material considerations indicate otherwise. The Vale of Glamorgan Adopted Local Development Plan 2011-2026 forms the local authority level tier of the development plan framework. The LDP was formally adopted by the Council on 28 June 2017, and within which the following policies are of relevance:

Strategic Policies:

POLICY SP1 - Delivering the Strategy
 POLICY SP3 - Residential Requirement
 POLICY SP4 - Affordable Housing Provision
 POLICY SP9 - Minerals
 POLICY SP10 - Built and Natural Environment

Managing Growth Policies:

POLICY MG1 - Housing Supply in the Vale of Glamorgan
 POLICY MG4 - Affordable Housing
 POLICY MG5 - Gypsy and Traveller Site
 POLICY MG17 - Special Landscape Areas
 POLICY MG18 - Green Wedges
 POLICY MG19 - Sites and Species of European Importance
 POLICY MG20 - Nationally Protected Sites and Species
 POLICY MG21 - Sites of Importance for Nature Conservation, Regionally Important Geological and Geomorphological Sites and Priority Habitats and Species
 POLICY MG22 - Development in Minerals Safeguarding Areas

Managing Development Policies:

POLICY MD1 - Location of New Development
 POLICY MD2 - Design of New Development

POLICY MD7 - Environmental Protection
POLICY MD9 - Promoting Biodiversity
POLICY MD10 - Affordable Housing Developments outside Settlement Boundaries
POLICY MD12 - Dwellings in the Countryside
POLICY MD18 - Gypsy and Traveller Accommodation

In addition to the Adopted LDP the following policy, guidance and documentation supports the relevant LDP policies.

Future Wales: The National Plan 2040:

Future Wales - the National Plan 2040 is the national development plan and is of relevance to the determination of this planning application. Future Wales provides a strategic direction for all scales of planning and sets out policies and key issues to be considered in the planning decision making process. The following chapters and policies are of relevance in the assessment of this planning application:

Chapter 3: Setting and achieving our ambitions

- 11 Future Wales' outcomes are overarching ambitions based on the national planning principles and national sustainable placemaking outcomes set out in Planning Policy Wales.

Chapter 4: Strategic and Spatial Choices: Future Wales' Spatial Strategy

- Guiding framework for where large-scale change and nationally important developments will be focussed over the next 20 years.
- Strategy builds on existing strengths and advantages and encourages sustainable and efficient patterns of development.

Chapter 5 - The Regions

- The Vale of Glamorgan falls within the South East region.
- Regional policies provide a framework for national growth, for regional growth, for managing growth and supporting growth.
- In the absence of SDPs, development management process needs to demonstrate how Future Wales' regional policies have been taken into account.

Policy 1 - Where Wales will grow

- Supports sustainable growth in all parts of Wales.
- Development in towns and villages in rural areas should be of an appropriate scale and support local aspirations and need.

Policy 4 - Supporting Rural Communities

- Supports sustainable and vibrant rural communities.

Policy 5 - Supporting the Rural Economy

- Supports sustainable, appropriate and proportionate economic growth in rural towns.
- Supports development of innovative and emerging technology businesses and sectors to help rural areas unlock their full potential, broadening the economic base and creating higher paid jobs.

Policy 7 - Delivering Affordable Homes

- Focus on increasing the supply of affordable homes

Policy 9 - Resilient Ecological Networks and Green Infrastructure

- Action towards securing the maintenance and enhancement of biodiversity (to provide a net benefit), the resilience of ecosystems and green infrastructure assets must be demonstrated as part of development proposals through innovative, nature-based approaches to site planning and the design of the built environment.

Policy 12- Regional Connectivity

- Priority in rural areas is supporting the uptake of ULEV vehicles and diversifying and sustaining local bus services.
- Active travel must be an essential and integral component of all new developments.
- New development and infrastructure should be integrated with active travel networks and where appropriate ensure new development contributes towards their expansion and improvement.

Planning Policy Wales:

National planning policy in the form of Planning Policy Wales (Edition 12) (PPW) is of relevance to the determination of this application.

The primary objective of PPW is to ensure that the planning system contributes towards the delivery of sustainable development and improves the social, economic, environmental and cultural well-being of Wales.

The following chapters and sections are of particular relevance in the assessment of this planning application:

Chapter 2 - People and Places: Achieving Well-being Through Placemaking,

- Maximising well-being and sustainable places through placemaking (key Planning Principles, national sustainable placemaking outcomes, Planning Policy Wales and placemaking)

2.15. The national sustainable placemaking outcomes should be used to inform... the assessment of development proposals.

Chapter 3 - Strategic and Spatial Choices

- Good Design Making Better Places
- Promoting Healthier Places
- Sustainable Management of Natural Resources
- Placemaking in Rural Areas
- Accessibility
- Previously Developed Land
- The Best and Most Versatile Agricultural Land
- Development in the Countryside (including new housing)
- Supporting Infrastructure
- Managing Settlement Form -Green Wedges

- 3.12. *Good design is about avoiding the creation of car-based developments. It contributes to minimising the need to travel and reliance on the car, whilst maximising opportunities for people to make sustainable and healthy travel choices for their daily journeys. Achieving these objectives requires the selection of sites which can be made easily accessible by sustainable modes as well as incorporating appropriate, safe and sustainable links (including active travel networks) within and between developments using legal agreements where appropriate.*
- 3.38 *The countryside is a dynamic and multi-purpose resource. In line with sustainable development and the national planning principles and in contributing towards placemaking outcomes, it must be conserved and, where possible, enhanced for the sake of its ecological, geological, physiographic, historical, archaeological, cultural and agricultural value and for its landscape and natural resources.*
- 3.39 *For most rural areas the opportunities for reducing car use and increasing walking, cycling and use of public transport are more limited than in urban areas. In rural areas most new development should be located in settlements which have relatively good accessibility by non-car modes when compared to the rural area as a whole. Development in these areas should embrace the national sustainable placemaking outcomes and, where possible, offer good active travel connections to the centres of settlements to reduce the need to travel by car for local journeys.*
- 3.58 *Agricultural land of grades 1, 2 and 3a of the Agricultural Land Classification system (ALC) is the best and most versatile, and should be conserved as a finite resource for the future.*
- 3.60. *Development in the countryside should be located within and adjoining those settlements where it can best be accommodated in terms of infrastructure, access, habitat and landscape conservation. Infilling or minor extensions to existing settlements may be acceptable, in particular where they meet a local need for affordable housing or it can be demonstrated that the proposal will increase local economic activity. However, new building in the open countryside away from existing settlements or areas allocated for development in development plans must continue to be strictly controlled. All new development should be of a scale and design that respects the character of the surrounding area.*
- 3.68 *Green wedges are local designations which essentially have the same purpose as Green Belts. They may be used to provide a buffer between the settlement edge and statutory designations and safeguard important views into and out of the area. Green wedges should be proposed and be subject to review as part of the LDP process.*
- 3.69 *The general policies controlling development in the countryside apply in a Green Belt and a green wedge but there is, in addition, a general presumption against development which is inappropriate in relation to the purposes of the designation. Green Belts and green wedges can have other beneficial effects including the provision of access to the countryside and sport and recreation opportunities. However, the extent to which the use of land fulfils these objectives is not a material factor in determining whether land should be included within a Green Belt or green wedge.*

- 3.71 *To maintain openness, development within a Green Belt and green wedge must be strictly controlled. When including Green Belt and green wedge policies in their plans, planning authorities must demonstrate why normal planning and development management policies would not provide the necessary protection.*
- 3.74 *Inappropriate development should not be granted planning permission except in very exceptional circumstances where other considerations clearly outweigh the harm which such development would do to the Green Belt or green wedge. Green Belt and green wedge policies in development plans should ensure that any applications for inappropriate development would not be in accord with the plan. These very exceptional cases would therefore be treated as departures from the plan.*
- 3.75 *The construction of new buildings in a Green Belt or green wedge is inappropriate development unless it is for the following purposes:*
- *justified rural enterprise needs;*
 - *essential facilities for outdoor sport and outdoor recreation, cemeteries, and other uses of land which maintain the openness of the Green Belt or green wedge and which do not conflict with the purpose of including land within it;*
 - *limited extension, alteration or replacement of existing dwellings; or*
 - *small scale diversification within farm complexes where this is run as part of the farm business.*

Chapter 4 - Active and Social Places

- Transport
 - Living in a Place (housing, affordable housing and gypsies and travellers and rural enterprise dwellings)
 - Activities in Places (retail and commercial development)
 - Community Facilities
 - Recreational Spaces
- 4.1.13 *The sustainable transport hierarchy should be used to reduce the need to travel, prevent car-dependent developments in unsustainable locations, and support the delivery of schemes located, designed and supported by infrastructure which prioritises access and movement by active and sustainable transport.*
- 4.1.30... *Provision for active travel must be an essential component of development schemes and planning authorities must ensure new developments are designed and integrated with existing settlements and networks, in a way which makes active travel a practical, safe and attractive choice.*
- 4.2.25 *In the open countryside, away from established settlements recognised in development plans or away from other areas allocated for development, the fact that a single house on a particular site would be unobtrusive is not, by itself, a good argument in favour of permission; such permissions could be granted too often, to the overall detriment of the character of an area.*

4.2.36 Local authorities are required to assess the accommodation needs of Gypsy and Traveller families and to allocate sites to meet the identified need. Where a Gypsy and Traveller Accommodation Assessment (GTAA) identifies an unmet need, a planning authority should allocate sufficient sites in their development plan to ensure that the identified pitch requirements for residential and/or transit use can be met. Planning authorities will need to demonstrate that sites are suitable for development and deliverable in the identified timescales. In drawing up policies planning authorities should consult providers of social housing, representatives of Gypsies and Travellers communities and landowners in areas likely to be appropriate for site provision. The consultation should be undertaken in a manner that is consistent with the planning authority's Community Involvement Scheme.

Chapter 5 - Productive and Enterprising Places

- Economic Infrastructure (electronic communications, transportation Infrastructure, economic development, tourism and the Rural Economy)
- Energy (reduce energy demand and use of energy efficiency, renewable and low carbon energy, energy minerals)
- Making Best Use of Material Resources and Promoting the Circular Economy (design choices to prevent waste, sustainable Waste Management Facilities and Minerals)

Chapter 6 - Distinctive and Natural Places

- Recognising the Special Characteristics of Places (The Historic Environment, Green Infrastructure, Landscape, Biodiversity and Ecological Networks, Coastal Areas)
- Recognising the Environmental Qualities of Places (water and flood risk, air quality and soundscape, lighting, unlocking potential by taking a de-risking approach)

6.4.37 Trees, hedgerows, groups of trees and areas of woodland are of great importance for biodiversity. They are important connecting habitats for resilient ecological networks and make an essential wider contribution to landscape character, culture, heritage and sense of place, air quality, recreation and local climate moderation. They also play a vital role in tackling the climate emergency by locking up carbon, and can provide shade, shelter and foraging opportunities, wider landscape benefits such as air and diffuse pollution interception, natural flood management, and building materials. The importance of trees, in particular urban trees, in creating distinctive and natural places which deliver health and well-being benefits to communities, now and in the future should be promoted as part of plan making and decision taking. Planning authorities must promote the planting of new trees, hedgerows, groups of trees and areas of woodland as part of new development.

6.4.39 Planning authorities should protect trees, hedgerows, groups of trees and areas of woodland where they have ecological value, contribute to the character or play of a particular locality, or perform a beneficial and identified green infrastructure function. Planning authorities should consider the importance of native woodland and valued trees, and should have regard, where appropriate, to local authority tree strategies or SPG. Permanent removal of woodland should only be permitted where it would achieve significant and clearly defined public benefits. Where woodland or trees are removed as part of a proposed scheme, developers will be expected to provide compensatory planting.

Technical Advice Notes:

The Welsh Government has provided additional guidance in the form of Technical Advice Notes. The following are of relevance:

- Technical Advice Note 5 - Nature Conservation and Planning (2009)
- Technical Advice Note 6 - Planning for Sustainable Rural Communities (2010)
- Technical Advice Note 11 - Noise (1997)
- Technical Advice Note 12 - Design (2016)
- Technical Advice Note 18 - Transport (2007)

Supplementary Planning Guidance:

In addition to the adopted Local Development Plan, the Council has approved Supplementary Planning Guidance (SPG). Some SPG documents refer to previous adopted UDP policies and to ensure conformity with LDP policies, a review will be carried out as soon as is practicable following adoption of the LDP. The Council considers that the content and guidance of the adopted SPGs remains relevant and has approved the continued use of these SPGs as material considerations in the determination of planning applications until they are replaced or otherwise withdrawn. The following SPG are of relevance:

- Biodiversity and Development (2018)
- Design in the Landscape
- Minerals Safeguarding (2018)
- Parking Standards (2019)
- Residential and Householder Development (2018)
- Sustainable Development - A Developer's Guide
- Trees, Woodlands, Hedgerows and Development (2018)

In addition, the following background evidence to the Local Development Plan is considered relevant to the consideration of this application insofar as it provides a factual analysis and information that is material to the issues addressed in this report:

- Gypsy and Traveller Site Assessment Background Paper September 2013
- Gypsy and Traveller Accommodation Needs Assessment (2016) (Also see LDP Hearing Session 16, Action Point 2, 3, 4 & 5 response)
- Gypsy and Traveller Accommodation Needs Assessment (2022) - Draft
- Green Wedge Background Paper (2013)
- Sustainable Settlements Appraisal Review (2016)
- Designation of Special Landscape Areas (2013 update)

Other relevant evidence or policy guidance:

- Manual for Streets (Welsh Assembly Government, DCLG and DfT - March 2007).
- Welsh Government Circular 016/2014: The Use of Planning Conditions for Development Management.
- Welsh Government Circular Circular 005/2018 Planning for Gypsy, Traveller and Showpeople Sites June 2018.
- Welsh Government Designing Gypsy and Traveller Sites Guidance May 2015.

Equality Act 2010

The Equality Act 2010 identifies a number of 'protected characteristics', namely age; disability; gender reassignment; pregnancy and maternity; race; religion or belief; sex; sexual orientation; marriage and civil partnership. The Council's duty under the above Act has been given due consideration in the preparation of this report.

Well-being of Future Generations (Wales) Act 2015

The Well-being of Future Generations Act (Wales) 2015 places a duty on the Council to take reasonable steps in exercising its functions to meet its sustainable development (or wellbeing) objectives. This report has been prepared in consideration of the Council's duty and the "sustainable development principle", as set out in the 2015 Act. In reaching the recommendation set out below, the Council has sought to ensure that the needs of the present are met without compromising the ability of future generations to meet their own needs.

Other Legislation

- The Human Rights Act 1998 (the HRA).
- United Nations Convention of the Rights of the Child (UNCRC).
- Mobile Homes (Wales) Act 2013.

Planning Application Background

Planning permission (ref. 2013/00857/FUL) for "*The use of land for the stationing of caravans for residential purposes for 1 no. gypsy pitch together with the formation of additional hard standing and utility/ dayroom ancillary to that use*" was refused by the Council's Planning Committee.

Planning permission was however granted at appeal by The Planning Inspectorate (now PEDW), subject to various conditions, including being a temporary 3 year residential use, for specific individuals and their family and that the residential use shall cease and the site should be restored if the specific occupants move.

The time limit for the residential use to cease has passed and the named occupants have moved on. However, residential use has continued at the site by other members of the same family, in breach of the conditions that are now proposed to be removed/varied and are identified below:

Condition 1- it being a personal consent for Patrick Martin Maloney and Kathleen Maloney to allow Eddie Maloney and his family to live there.

Condition 2 - a cessation of the residential use within three years and restoration of the site to allow a permanent residential use of the site.

Condition 3 - if the site is ceased to be occupied by those named in condition 1 that the residential use ceases and all caravans and buildings etc. removed and the site restored to allow a permanent residential use of the site, and

Condition 9 - restricted parking of commercial vehicles to one and not exceeding 3.5 tonnes in weight to allow a 7.5 tonne vehicle to park there.

It is also noted that the approved access has been provided, albeit the gates are not positioned as approved, and partially implementing the Proposed Site Plan. The rest of the site has not been laid out as approved in terms of position of caravans, hardstanding and grassed areas. In addition some conditions, including landscaping and lighting, have not been complied with.

Planning Enforcement History

The Council's Enforcement Section have provided a summary of the history as follows: It is a private site previously occupied by one household - Patrick and Kathleen Maloney.

An Enforcement Notice requiring the residential use to cease was issued in April 2013, however temporary planning permission for the use of the land for one gypsy pitch for a period of 3 years was allowed on appeal on 12th November 2014. The appointed Inspector's decision sets out the reasons why the appellant would not agree to be accommodated on the Hayes Road site which was accepted by the Inspector at the time of the appeal and the 3 years temporary permission was given to enable the appellant time to find an alternative site, obtain planning permission and move to an authorised site.

A complaint was received in 2018 regarding alterations to the access and the stationing of an additional caravan on the site (ENF/2015/0130/PC), however as the Council did not have an appropriate alternative site, it was therefore not considered expedient to take enforcement action.

Whilst the residential use of the site expired in November 2017, planning permission was granted on appeal for the redevelopment of the adjoining land (former bus depot site, 1 Chapel Terrace) for provide 15 affordable homes, with the Inspector concluding the residential development in this location was acceptable (2016/00778/FUL), and taking into account this appeal decision it was not therefore considered expedient to take enforcement action at that time.

A further complaint was received in May 2021 regarding the use of the site for residential purposes and the parking of commercial vehicles (ENF/2021/0199/PC). The complainant has suggested that Mr Maloney no longer resides at the site and the caravan is occupied by another family and this is currently under investigation.

We [Planning Enforcement] / SRS (Pollution - Shared Regulatory Services) have subsequently dealt with various complaints regarding burning at the site, however previous advice was that enforcement action against the residential use would not be expedient due to the approval of affordable housing on the adjacent site and the absence of alternative [gypsy/traveller] sites.

Validation of the Current Application

Initially following the submission of the current application, it was considered the application could not be determined for the following reason: Both the case law *Avon Estates Ltd v Welsh Ministers* and Welsh Government Guidance (para 5.12) (<https://www.gov.wales/sites/default/files/publications/2019-05/the-use-of-planning-conditions-for-development-management-wgc-0162014.pdf>) confirm that temporary permissions expire once the time limited period has expired. Therefore, this was put to the applicant's agent who disagreed and provided the following case law to justify their position: Pioneer Aggregates, Avon Estates Ltd (HC), Avon Estates (CoA) and Lawson Builders and Plot 24B Greenfields appeal decisions.

These provide cases considering applications with similar temporary conditions. The Council's Legal Officer was consulted and commented that whilst the intention in the Inspectors report for the original permission is clear, i.e. that the original permission was to terminate; the wording of the condition does not clearly specify this. It only details the residential use should cease following 3 years from the date of permission, rather than the planning permission is ended. Therefore, the application has been progressed on the basis of the ambiguity of the wording of the condition and in light of the case law, which appears to specify that the permission must explicitly state that the permission expires or terminates.

Issues

Principle of development

The application site lies outside of any defined settlement boundary, as identified within the Council's adopted Local Development Plan and therefore falls within the countryside. From the edges of the nearest settlements, the site is approximately 450m from Culverhouse Cross and 650m from Wenvoe.

As such, the provisions of policy MD1 (Location of New Development) are relevant to the determination of this application, noting the site is not allocated for any particular purpose within the LDP. Whilst there is no specific reference to gypsy and traveller sites in policy MD1, there is support for development that is sustainable and does not have an unacceptable impact on the countryside, among other criteria. The relevant criteria of Policy MD1 in relation to the proposal are considered in more detail below and in relation to the requirements of the following related Policy.

Policy MD18 (Gypsy and Traveller Accommodation) provides for an objective, criterionbased assessment against which planning applications for additional gypsy and traveller accommodation (i.e. additional to the site allocated via LDP policy MG5) can be assessed. The policy requires that:-

- 1. There is reasonable access from the site to day to day services, facilities and employment, including schools, medical facilities, shops and community facilities;*
- 2. The size of the site and the number of pitches are appropriate to its location and accommodation needs of the applicant;*
- 3. Adequate on site services for water supply, drainage, sewage, power and waste disposal are available or can be provided without causing any unacceptable environmental impact; and*

4. *The existing highway network is adequate to serve the site and a satisfactory means of access can be provided, including provision for parking, turning, servicing and emergency vehicles.*

The policy also states that there will be a preference for accommodation needs to be met on any of the following:

- *Allocated gypsy and traveller sites;*
- *Existing gypsy and traveller sites or on appropriate extensions to those sites; or*
- *Sites within existing settlements.*

It is noted that the location of the site is not within an area identified as a preference in Policy MD18. However, this policy does not infer a restriction upon the consideration of non-preferable sites provided the other criteria are met. As such, providing compliance is achieved with the relevant criteria of policy MD1 and MD18, a Gypsy and Traveller site in the location proposed is not considered to be in conflict with local planning policy.

Welsh Government Circular 005/2018: 'Planning for Gypsy, Traveller and Showpeople Sites', is also of relevance to this proposal. The guidance suggests that sites in the countryside, away from existing settlements, can be considered for Gypsy and Traveller accommodation, but this is not without consideration of other factors such as sustainability. The guidance states that, in accordance with Section 38 of the Planning and Compulsory Purchase Act 2004, the determination of applications for planning permission shall be made in accordance with the development plan unless material considerations indicate otherwise. Paragraph 58 of the circular indicates that other considerations for Gypsy and Traveller site applications will usually include the impact on the surrounding area, and the existing level of provision and need for sites as evidenced as part of the Gypsy and Traveller Accommodation Assessment for the area. The following is an assessment of the main areas in relation to the principle of development:

a) Need

Paragraph 14 of the Circular 005/2018 Planning for Gypsy, Traveller and Showpeople Sites states, "*The Housing (Wales) Act 2014 places a legal duty upon local authorities to ensure that the accommodation needs of Gypsies and Travellers are properly assessed and that the identified need for pitches is met. Local authorities are required to exercise their powers under section 56 of the Mobile Homes (Wales) Act 2013, as far as necessary, to ensure Gypsy and Traveller sites are provided for the unmet need. This does not necessarily mean that additional local authority owned sites will be required but where they are needed the local authority is responsible for ensuring they are provided*".

In terms of the general need for traveller sites in the Vale of Glamorgan, the policies in the LDP, including MG5 and MD18, are informed by the Gypsy and Traveller Accommodation Needs Assessment (GTAA). The adopted GTAA (2016) has been recently updated and the Council's Housing Strategy Officer comments:

"The Council's current GTAA was completed by Opinion Research Services Ltd in 2022. Whilst this was submitted to Welsh Government it has yet to be formally approved.

The GTAA identified the need for nine additional pitches for Gypsy Travellers to 2026 and a further two in the period up to 2036. The unauthorised development at Twyn Yr Odyn is included in the nine additional pitches required by 2026. If permission for this site was approved, it would reduce the arising need by one pitch”.

The GTAA (2022) identifies a need for a number pitches similar to the 2016 assessment. It does not identify any existing provision by the Council and from the information available no sites are currently proposed in the immediate future. The existing sites identified are a mixture of unauthorised and authorised private sites. Therefore, there is currently a need for more sites to fulfil the identified need in the GTAA.

Paragraph 12 of the circular references the provision of private sites, noting:-

“Some Gypsies and Travellers may wish to find and buy their own sites to develop and manage. An increase in the number of approved private sites may also release pitches on local authority sites for Gypsies and Travellers most in need of public provision.”

Furthermore it is appropriate for private sites, such as proposed here, to be considered alongside any Local Authority provision and furthermore, neither national planning guidance nor LDP policy MD18 require the applicant to first demonstrate a local connection to the area and that their need cannot be met elsewhere.

The application is made by Mr Edward Maloney who is the father of the named site occupant in the 2013 permission (Patrick Maloney). In the appeal for the 2013 application it was stated that the gypsy traveller status of Patrick Maloney and his family was accepted. This is therefore not disputed for his father Edward Maloney, brother James Maloney and family.

In the Planning Statement, it is stated at paragraph 3.18 that, *“The applicant needs to stay on site with his family and they have limited to no other options for finding accommodation elsewhere”*.

The Council’s Enforcement Section have however been in correspondence with Mr Maloney at a residential address in Cardiff. Land Registry details supplied by the Enforcement Section detail Mr Edward Maloney as being the title holder and this situation is potentially contradictory to the statement. The applicant’s agent has been requested to clarify, however no response has been received at the time of writing this report. Members are advised whilst the circumstances above haven’t been fully clarified there is currently a family living in a caravan on the site.

The following is relevant to an assessment of whether any permission should be granted for a specifically named individual(s) and their family.

In the supporting text to Policy MD18 it states in paragraph 7.86 that, *“Where the proposal is considered to be justified, planning permission will be restricted to the applicant and their dependent resident family condition to name”*. However, paragraph 59 of the Circular states, *“PPW makes it clear personal permissions are exceptions and would rarely outweigh more general planning considerations. The availability (or lack of) alternative accommodation for the applicants and their specific personal circumstances can be material considerations, provided a condition is attached to the permission making it personal to the occupiers. Personal permissions are only relevant to situations where uses*

or operational development must cease and be removed once the occupiers move or their material circumstances otherwise change”.

The need of the applicant and his family has seemingly been ongoing for some time as there has been an ongoing residential presence on site and there are no other allocated gypsy or traveller sites within the Vale of Glamorgan which can cater for this need.

Moreover as detailed by the Council’s Housing Officer there is a need for sites for the following plan period to 2036 as identified in the GTAA.

Based on the above policies, guidance and supporting information, there is a demonstrable need for the development of a gypsy/traveller site. Furthermore, in the event that the applicant did not live or continue to live at the site as intended, the site would otherwise be available to other qualifying occupiers and a general local need for this type of development has been already been established within the GTAA. Therefore, a personal condition restricting occupation to a named person is not recommended in relation to the need for a gypsy/traveller site. However, to ensure the development would accord with the above policy framework in relation to allowing exceptions for residential developments in countryside locations and meeting the need for gypsy/traveller sites a condition to ensure the site is only occupied by a person of gypsy/traveller is recommended (Condition 2 refers).

b) Sustainability

As noted above, there is no policy objection to the principle of such development outside of settlements, however, the sustainability of the site should be considered.

In terms of its location in relation to nearby infrastructure and access to sustainable transport; Policy SP1 and MD2 are also of relevance. Criterion 4 of Policy SP1 identifies that the LDP’s strategy (alongside the other criterion within that policy) will be achieved by: promoting sustainable transport. Criterion 5 of Policy MD2 prescribes that development proposals should: provide a safe and accessible environment for all users, giving priority to pedestrians, cyclists and public transport users. Paragraph 37 of Circular Planning for Gypsy Traveller and show people sites highlights the sustainability of sites as important in identifying suitable sites.

The nearest settlements in the Vale are the minor rural settlements of Culverhouse Cross (approximately 450m to its edge by road) and Wenvoe (approximately 1km to its edge by road). It is noted there is a footpath (PROW) leading to Wenvoe nearby, which reduces the distance to approximately 650m, however this would be accessed via the adjacent road and the footpath which is unlit and through fields. In addition the road from the site to Wenvoe is not all lit and does not benefit from a dedicated pedestrian footway/pavement. In places, mature hedges and trees abut the road, enclosing it. There also does not appear to be any bus stops in close proximity to the site.

Given this, it is unlikely that a person would regularly choose to make a journey using active travel or public transport and would therefore be generally reliant on the private car. Therefore, this proposal would, fundamentally, fail to promote the use of sustainable modes of transport and give priority to pedestrians, cyclists and public transport uses and the development does not comply with the above identified national and local planning policies and guidance.

Whilst the above is considered the case, it is noted that planning application (Ref 2016/00778/FUL) for affordable housing at the nearby former bus depot site was refused on these grounds; that the site's location, served off an unrestricted rural lane, would not result in safe access for pedestrians or cyclists and would therefore represent unsustainable development. In this case the Inspector for the appeal of the refusal (APP/Z6950/A/16/3160995) noted the position of the site to nearby settlements and existing connections and concluded the following:

19. However, overall the use of the private car is not the only means of transport available to future residents. Whilst I do not dispute that the walking connections to the north are not ideal, such that they are unlikely to be relied upon by future residents to a significant degree, it nonetheless does not alter the fact that the opportunities for cycling and walking to services and facilities elsewhere are satisfactory. The signage and traffic calming improvements to St Lythans Road proposed by the appellant can only improve highway safety for any pedestrians choosing to use this route. For these reasons I find that the site represents a reasonably accessible location by modes of transport other than the private car when compared to the rural area as a whole.

Taking the above into account, on balance, whilst there are some issues identified with the sustainability of the location, it would be difficult to refuse the current application on these grounds taking into account the approved affordable housing development opposite and the need for the development.

c) Visual impact on Green Wedge and landscape character of the area.

As already noted the site lies within the countryside in an area of Green Wedge and within the Dyffryn Basin and Ridge Slopes Special Landscape Area.

The following first section, below, is a review of the previous appeals and the reasoning provided in the decisions that those proposed developments on the site would have resulted in an inappropriate and harmful impact on the Green Wedge. It should be noted these were prior to the building of housing at the former bus depot site, which has arguably changed the visual context of the site and is discussed further below.

The Inspector for the appeal against the refusal of planning application ref. 2008/01234/FUL, on the application site for a two storey dwelling, concluded in paragraph 8, *"the scheme amounts to inappropriate development within the Green Wedge and very exceptional circumstances do not exist for making an exception to the strong presumption against such inappropriate development"*.

At the time of the appeal for the 2013 application for the gypsy/traveller site, the relevant PPW was Edition 5 (2012) and included paragraph 4.8.16 which detailed the following as an exception to inappropriate development in Green Wedges,

"limited infilling (in those settlements and other development sites which have been identified for limited infilling in the development plan) and affordable housing for local needs under development plan policies."

Similarly, the Inspector for the 2013 appeal for the proposed gypsy/traveller site, reinforced the policy presumption against inappropriate development in the Green Wedge and stated in paragraph 13 that, *“substantial weight should be attached to any harmful impact which development would have on the Green Wedge.”* and that *“PPW explains Green Wedges can, amongst other things, maintain landscape interest.”*

The Inspector did not agree that the site is within the settlement of Twyn Y Odyn and states in paragraph 18 that, *“Whilst there are dwellings nearby they are, for the most part, set within large verdant curtilages and the overall character of the area remains as rural open countryside.”* He continues that, *“The proposal would result in the loss off the Site as part of the open countryside and would not maintain landscape interest in this part of the Green Wedge”*. In paragraph 20 it is argued that the proposed caravans, vehicles etc *“would all be highly visible when viewed from St Lythans Road.”* In relation to screening it is stated, *“However, it is clear that the levels within the Site are significantly higher than the level of the carriageway in St. Lythans Road and in my judgement it would take a significant period of time before the hedgerow became sufficiently well-established so as to screen the proposed development. Even when the proposed hedgerow had become well established there would be times of the year when it would not in leaf. At those times of the year the proposed developed on the Site would be seen. I therefore concluded that the proposal would fail to maintain landscape interest as referred to in PPW”*.

To conclude, the Inspector states in paragraph 25, *“..that in addition to the substantial harm that arises from inappropriate development there is additional harm caused by loss of openness, failure to maintain landscape interest, the undermining of one of the purposes of the Green Wedge i.e. to safeguard the countryside from encroachment.”* PPW in paragraph 3.71 reinforces the most important function of the Green Wedge, that is to maintain its openness and that development within a Green Wedge must be strictly controlled.

This was the same situation for the appeal for the affordable housing scheme opposite, which would have been assessed under Planning Policy Wales Edition 8 (2016). In this version of PPW, affordable housing was at that time an exception to ‘inappropriate development’ in the Green Wedge and therefore acceptable. This exception has now been removed from the current PPW Edition 12. Albeit it, the removal does not specifically relate to gypsy/traveller sites, this amendment however has strengthened the protection of Green Wedges from residential built development.

The proposal does include a relatively small amount of built development (for the day room) that was not constructed as part of the temporary permission. Whilst new buildings would not accord with paragraph 3.75 of PPW for appropriate development, it does allow limited extensions and replacement of dwellings. The day room would replace an existing shed of a similar footprint. Whilst that is the case, paragraph 3.78 of PPW also details, *“Other forms of development would be inappropriate development unless they maintain the openness of the Green Belt or green wedge and do not conflict with the purposes of the designation”*. This is considered the key test in determining the application.

Paragraph 3.68 of PPW details the purpose of the ‘Green Wedge’ designation as follows:

“Green wedges are local designations which essentially have the same purpose as Green Belts. They may be used to provide a buffer between the settlement edge and statutory designations and safeguard important views into and out of the area”.

It is noted PPW infers Green Wedges should be subject to review and since the above appeals, an affordable housing development to the north at the former bus depot site, has been approved and constructed. This has changed the context of the site and the scale and form of residential development in the area and has impacted on the visual setting and views of the site. The application site sits within a group of other buildings either side of the road and is now seen in the context of the affordable housing development, which dominates views from St Lythans Road to the north.



View from north of site from St Lythans Road



View from Old Port Road

The site itself is enclosed by a high hedge which has been maintained as such, and the caravan and related parking and infrastructure is not widely visible from public viewpoints within the surrounding landscape from longer views. Furthermore, due to the size of the site and lack of connections to surrounding open land, it does not play a wider function for sport or recreation.

As detailed above, the landscape view from St Lythans Road and from the north is dominated by the buildings of Twyn yr Odyn (including the dwellings at the former bus depot site) across the top of the slope within a framework of trees and hedges (see photos below). The existing development on site, including the caravan, makes little impact on the wider setting and openness of the area. Similarly, from the south west (and higher land), the site is not readily visible due to the slope of the land and intervening development and landscape features.

The proposal includes the provision of a utility/day room, that would have a ridge height of approximately 3.9m. The size of the proposed amenity day room building is relatively modest and commensurate to its ancillary function. It would also replace a shed type structure of a similar footprint that is situated on the site. The utility/day room wasn't constructed following the original permission, however if the occupants were to build this, the roof may be glimpsed above the hedge. It is proposed to finish this in brick and with a clay tile roof, however a slate roof and different materials for the elevations may be more appropriate for the rural setting. Therefore, if permission is granted, a condition requiring alternative finishing details (including colours) would be considered necessary (Condition 12 refers).



View of north part of site from junction of St Lythans Road and Greenwood Close

The sizes of the proposed caravan and mobile home are not supplied, but would need to conform to the definition within Section 29(1) of the Caravan Sites and Control of Development Act 1960. The applicant's site plan has indicated the footprint size and a

need for two caravans on the site, however only one touring caravan is currently on site. They detail if permission were to be granted the tourer may be replaced with a mobile home and this would be in line with the proposed site plan. It is considered appropriate to control the number of caravans on site to the two detailed on the site plan and is in line with the Welsh Government guidance on site design for one pitch. Annex B of the Circular states in this regard:

“Any maximum number of caravans to be sited on any particular site should be identified through a planning condition after having regard to the circumstances of the individual planning application which would include specific size of site, surrounding population size and density and the requirements of the applicant.” (Condition 3 refers)

Turning to commercial vehicle storage (the proposed variation of condition 9) and the related visual impact. The original permission restricted the parking of commercial vehicle to a 3.5 tonne vehicle. The proposal details the applicant has a 7.5 tonne vehicle of the following dimensions 2.5m width x 5.7m length and at the time of a site visit was parked at the site. A comparison of the type of vehicle this equates to is shown below including a photograph of the current vehicle at the site.

Typical 3.5 tonne vehicle
(<https://ndbrown.co.uk/vehicle-hire/3-5-tonne-caged-tipper-tail-lift-hire/>)



7.5 tonne vehicle at the application site



In general the storage of multiple commercial vehicles would be inappropriate in a Green Wedge and countryside location. Whilst this is the case, only one commercial vehicle is proposed and is detailed as being related to the occupants work. Furthermore, the lorry parked at the site, is not significantly visible from wider views, albeit it is visible at the entrance. On balance, the provision of a single 7.5 tonne vehicle in place of the originally approved 3.5 tonne vehicle would not, in this context, result in a refusal reason on its own. A condition is however considered necessary to restrict parking to one commercial vehicle of a maximum of 7.5 tonne and 2.5m width x 5.7 length, in addition to a condition to restrict the level of general car parking to three vehicles, as in the original permission is recommended (**Conditions 6 and 7** refer)

Further to this, it is noted that some objections have been raised about commercial activities including the storage of waste and other related items on site. It is noted at the time of a site visit there were trailers, a mini digger, building materials and areas of general waste being stored.

As detailed above, the Council's Enforcement Section is aware of this issue and the applicant has been requested to clarify what is happening with regards this. The applicant's agent has stated that, *"Some commercial materials are stored on site but there is no commercial operation taking place on the site. Gypsy and travellers are more likely to be self-employed and often need to store equipment associated with their employment on site and therefore it is normal to find such a commercial vehicle in the context of a Gypsy and Traveller site. Again, whether there is a change of use is an enforcement issue and the application must be determined on its own merits"*.

Any unauthorised commercial activities and storage would however need to cease and any necessary action from the Council's Planning Enforcement Section to ensure this could be carried out. In order to take action under Section 215 of the Town and Country Planning Act 1990 (as amended), for untidy land, the untidy areas would need to be readily viewable from public vantage points

In relation to this issue, the relevant Circular details some storage could be expected in relation to the occupants work and this would be particularly needed if the occupants are self-employed. However the Circular encourages these should be separate from residential areas. Taking the location of the site in the 'Green Wedge', Special Landscape Area and rural area, a significant amount of commercial storage could have a harmful visual impact. Currently the amount of storage and layout gives the impression of the site being a small commercial yard, which would not be acceptable. Members should note that the granting of permission as applied for would not regularise this issue and a condition that requires the site is amended fully to that identified on the 'Proposed Site Plan' including provision/reinstatement of grassed areas and hedges identified within a certain time period, will be necessary to overcome the above visual impact concerns (**Conditions 4 and 8** refers). In addition, as in the original permission, a condition to restrict commercial activities at the site is recommended (**Condition 5** refers). This should also include a restriction on the storage of commercial waste and plant/machinery.



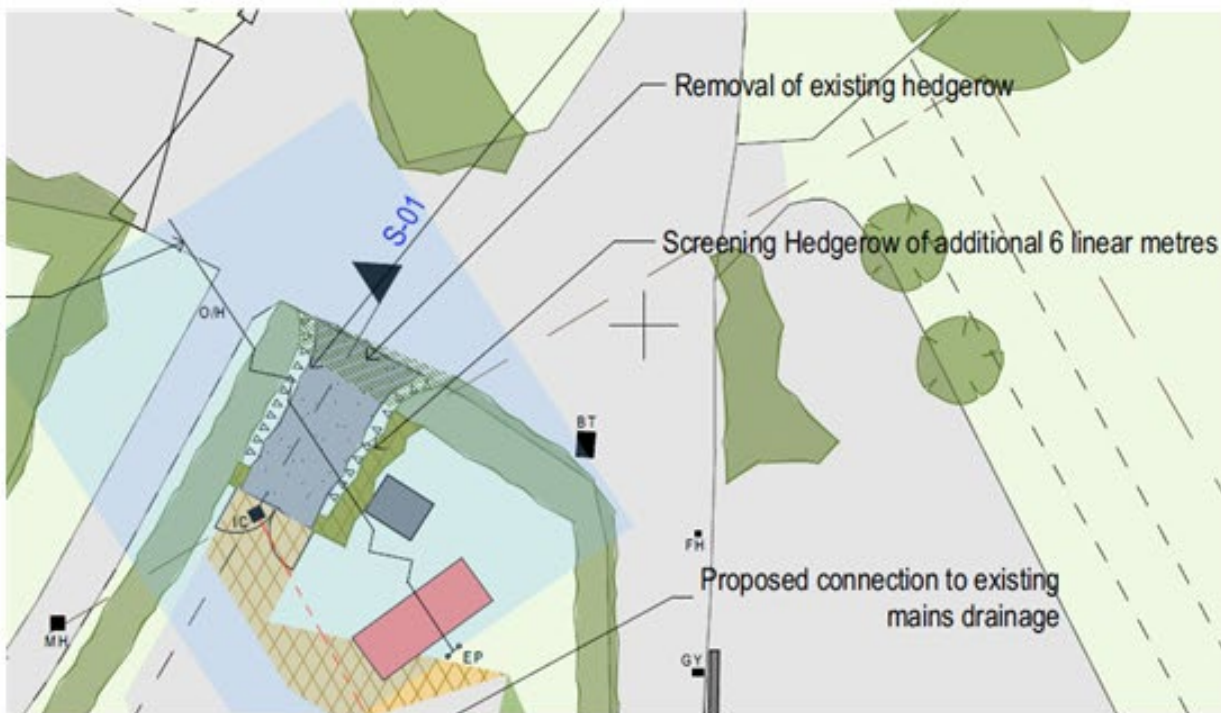
View of site (to LHS of photo) looking north along St Lythans Road

The retention of the existing hedge is considered important and necessary to screen the development of the site and maintain the landscape qualities of this rural area. It is also noted that the wooden boarded fencing, erected to close the former access (see photographs above), detracts from the immediate rural surroundings. This former access should have been “closed up” with a hedge as part of the original permission but was not completed. The wooden fencing does not provide a soft visual screening of the caravan and site does not complement the rural surroundings. However, the proposed plan submitted details a native species hedge would be provided. This would in time, provide similar screening to the existing hedge and can be required by a suitably worded condition. Furthermore as detailed by the photographs of the site above (some taken in January 2024) the hedge still maintains effective screening at a time of year when leaf retention and growth is minimal. If permission is granted a hedgerow management plan is also considered necessary to maintain the screening affect and height of the hedge (**Conditions 8, 10 and 11** refers). Furthermore, a condition to restrict the provision of fences and gates under permitted development rights is also considered necessary (**Condition 15** refers).



View of access into site from Greenwood Close

With regards the access created for the site and currently used, this has opened up views of the site to some extent, however the existing access to the affordable housing site opposite also has open views from the lane. The additional hedging proposed at the access turning back into the site (approx. to the top of the access slope), as detailed on the proposed site plan below, would also improve screening and soften the access from the existing situation. This would be necessary and can be required by a suitably worded condition (**Condition 8 and 10** refers)



Extract of Proposed Site Plan

Furthermore the original permission included a lighting condition. This condition was discharged however the lighting has not been provided. Taking into account the sensitive rural location and different occupiers into account, a new condition would be necessary to control any lighting at the site to ensure it doesn't have a negative impact on the visual qualities of the area (**Condition 8 and 9** refers)

Taking account of the above assessment with regard the impact on the 'Green Wedge' and the openness of the surrounding landscape; the changes in the surroundings of the site since the previous permission including the development of affordable housing opposite has lessened the visual impact on the openness of the 'Green Wedge' in this particular location. Furthermore the proposed built development for this particular identified need replaces an existing structure and is considered would maintain the openness of the green wedge and does not conflict with the purposes of the designation. Therefore, in this sense, it would not be considered 'inappropriate' development as defined by PPW for this site.

In terms of its Special Landscape Area (Dyffryn Basin and Ridge Slopes) setting, it is noted that the Inspector for the 2008 application's appeal for a two storey dwelling did not consider that there would be sufficient harm for that proposal to justify a refusal on this issue. He noted that the site was at the edge of the area and outside of the central basin and ridge slopes themselves. This remains the case, and indeed the LDP background paper, Designation of Special Landscape Areas (2013 update) recognises the detracting views in the immediate vicinity, including Culverhouse Cross and the nearby mast.

However, the Inspector for the 2013 refusal of the gypsy/traveller site, detailed the importance of the impact on the landscape and highlighted that the site was visible from St Lythans Road. In paragraph 30 it is stated *“I consider that the proposal would have a material harmful impact not only on the Site itself but also on the surrounding area which forms part of the SLA. Accordingly, the proposal fails to protect the rural character of the area”*. Paragraph 31 points to the new landscaping, but states, *“However, the new access would require the removal of an existing length of hedgerow. That new access would open up views into the Site.”*

The above is noted, however the same argument to the ‘Green Wedge’ impact, is applicable. Since the above appeals, the site setting has changed with the development of nearby housing at the former bus depot site and the proposal is not considered to have a significant unacceptable impact on the landscape setting. The access has been approved and views into the site can only really be made immediately adjacent the access.

In consideration and with weight afforded to the identified need for the site, together with the proposed landscaping and other measures identified above and the magnitude of the likely impact to the surrounding countryside and ‘Green Wedge’, the development is considered acceptable and would accord with the relevant design, visual amenity and environmental criteria referred to within Policies MD1-Location of New Development, MD2-Design of New Development, MG17- Special Landscape Areas and MG18-Green Wedges of the LDP and national guidance in Planning Policy Wales, subject to appropriate conditions.

d) Suitability of the site for the occupants

The original permission was for one pitch with two caravans. This is considered appropriate for the size of the site, which would be limited to this provision, and is mirrored in the current application (**Condition 3** refers).

The site is currently arranged with little open space away from the vehicle turning and storage areas. This raises some safety concerns and whether sufficient amenity space is available for the occupants of the site to provide for safe amenity and play space (particularly with children living on the site). The submitted ‘Proposed Site Plan’ does detail the caravan and other facilities would be away from the boundary and which would provide some space to the rear of the caravan that could be used for amenity/play.

The applicant has been requested to provide and clarify details of amenity space and has commented as follows, *“There is still ample Green space on site if this vehicle [proposed 7.5 tonne lorry] is allowed to be stationed alongside what the site has permission for. In terms of amenity space, the ‘Designing Gypsy and Traveller Sites Guidance May 2015’ nor the gypsy and traveller circular ‘Circular 005/2018 Planning for Gypsy, Traveller and Showpeople Sites June 2018’ specify certain dimensions for amenity space. The SPG you refer to is solely relevant to ‘houses’, or ‘flats’, neither houses nor flats are present on site”*.

However, Circular 005/2018 Planning for Gypsy, Traveller and Showpeople Sites June 2018 states in paragraph 3.7 that sites should have, amongst other things, “suitable nearby or on-site safe play areas”. In addition Designing Gypsy and Traveller Sites Guidance May 2015 specifically deals with play areas and the safety of children. Paragraph 4.1 states “*4.1 Due to limited indoor space, the outdoor environment is particularly important to Gypsy and Traveller children. An area for children and young people to play and gather is important, especially if there is not suitable provision within walking distance on a safe route*”. Furthermore, whilst the Council’s Residential SPG deals mainly with dwellings, it covers new residential development and requires a suitable level of outdoor amenity and safe play space.

Currently, as detailed above, the existing site arrangement doesn’t provide this. However, on the Proposed Site Plan, the position of the mobile home and other facilities away from the boundaries, would provide space to the rear. This would be required and the current site layout would need to be changed to that on the plan (**Condition 4** refers).

e) Impact on Agricultural Land

Policy MD1 and MD7 of the LDP require new development to have no unacceptable impact upon the best and most versatile agricultural land.

Council records detail the site is likely to be within Category 3b and is not identified in PPW to be the “the best and most versatile” and needs to be conserved. The site is a small area of land and not connected to any agricultural land and is unlikely to be used for agricultural purposes. Therefore the impact on agricultural land and its loss would not be a significant constraint.

f) Highway Safety

It is proposed to use the existing access which was previously approved in the original application and is currently used. Therefore, the condition related to this on the original permission is not required.

The Council’s Highways Section do not object and detail a plan detailing that a lorry of the size proposed (i.e. 7.5 tonnes) can turn on site. This has been submitted and the Council’s Highway Section have been re-consulted. They do not object subject to a condition to restrict the lorry to the proposed size (**Condition 7** refers).

As regards the public right of way (PROW) to the west of the site, whilst this follows the line of the western boundary and runs across the northern frontage of the site, this has been the existing situation for a number of years. It is not considered that the development, including the vehicular access, will have any adverse impact on the PROW.

g.) Proposed removal of temporary consent condition.

The original permission was for a temporary permission, noting the ongoing harm to the green wedge from the proposal and giving the named occupier's time to find an alternative acceptable pitch. From the details provided in the application and following the temporary time limit for residential occupation expiring in 2017, other family members have occupied the site in breach of the condition. No enforcement with regards the residential use has been taken (taking account the ongoing need and change in circumstances highlighted above) and no authorised gypsy/traveller sites within the authority have come forward to cater for the need.

Para 60 of the Circular details the following: *“Guidance on temporary permissions is set out in Circular 016/2014 and should only be issued in specific circumstances. Detailed evidence of need for Gypsy and Traveller sites is identified by each local authority as part of their Gypsy and Traveller Accommodation Assessment, which should inform site provision within development plans. Providing for this need would therefore warrant permanent permissions to be granted for Gypsy and Traveller sites and it should be rare to grant temporary permissions”.*

Therefore, taking into account all of the above, the identified need for Gypsy and Traveller sites and that this site is considered acceptable in other matters as discussed above, another temporary permission and personal consent is not considered appropriate. A condition to require the site is occupied by gypsy/travellers is however considered necessary (**Condition 2** refers).

Conclusion

Having regarding to the assessment of the above material planning considerations, it is considered that the retention and regularisation of the site as a gypsy/traveller pitch fulfils an identified need that is not currently met within the Vale of Glamorgan, nor is it likely to be met elsewhere in the near future. Taking into account recent permission for residential use opposite the site, it is considered that the use does not represent 'inappropriate' development, nor that it causes such harm to the openness of the Green Wedge that would justify a refusal of the application when weighed against the identified needs of the gypsy and traveller community.

Therefore for the reasons above it is considered in principle, that the removal of the conditions 1-3 would be acceptable. A condition to require the site is occupied by a gypsy/traveller is however considered necessary (**Condition 2** refers). Other conditions required (in addition to the above) are identified in the assessment of other material planning considerations below:

Impact on the Amenity of Neighbours

Some objections raised relate to issues of the impact on the amenity of neighbours, including concerns that there are businesses being run from the site with burning and storage of waste. These have been echoed by Councillor Godfrey in his request to call the application to Committee.

Members are advised that the application however refers solely to the use of the site as a residential gypsy pitch only. The burning of waste would likely be an environmental health matter for the Council's SRS (Neighbourhood Services - Pollution) Section who could deal with any related nuisance/pollution creating type activities that on site. They have commented that in relation to previous complaints, the matter was passed to their enforcement section and to NRW to deal with the issues.

The proposal is for a residential use and as such should not raise significant concerns for neighbours in this sense. It is noted an objection has been received detailing the playing of loud music at unsociable hours, noise from a dog and an incident that required the police attending the site. However, in a residential setting, they are not matters that could be controlled by planning permission or would warrant a refusal reason. As a residential gypsy pitch, these are matters, beyond the remit of this planning application and would either be dealt with by the police or, if it were to be the case, as statutory nuisance such as noise pollution that can be pursued through the Council's SRS Neighbourhood Services Officers.

Included in the proposal is the parking of one commercial vehicle at the site. This should be an ancillary feature to the residential use of the site and the coming and goings of the vehicle as a means of transport should not give rise to a public nuisance. As detailed above a condition restricting commercial activities from being carried out is necessary to ensure the above (**Condition 5** refers).

Therefore a residential use of the site should have an acceptable impact on the amenity of neighbouring residential properties.

Green Infrastructure

On 18 October 2023, Welsh Government announced changes to Planning Policy Wales (PPW) by way of a Dear CPO letter entitled 'Addressing the nature emergency through the planning system: update to Chapter 6 of Planning Policy Wales'. This has now been updated in Edition 12. The main policy changes which are of relevance relate to green infrastructure, net benefit for biodiversity and the protection afforded to trees.

Policy MD9 'Promoting Biodiversity' of the Adopted LDP requires new development to conserve and where appropriate, enhance biodiversity interests unless it can demonstrated that:

1. The need for the development clearly outweighs the biodiversity value of the site;
2. The impacts of the development can be satisfactorily mitigated and acceptably managed through appropriate future management regimes.

Para. 6.4.5 of Planning Policy Wales (Edition 12) states that:

"Planning authorities must seek to maintain and enhance biodiversity in the exercise of their functions. This means development should not cause any significant loss of habitats or populations of species, locally or nationally and must provide a net benefit for biodiversity....."

In line with PPW the applicant's agent has been advised a Green Infrastructure Statement should be submitted. They have responded that, "*the application is a variation of condition application therefore an approved landscape plan has been submitted to the council in 2015. If the level of green infrastructure already on site is not considered sufficient another landscape scheme can be submitted via condition to facilitate more green infrastructure on site*".

The proposal is to remove or vary conditions that should not have an ecological impact. Notwithstanding this, it is noted that conditions on the original permission relating to hedge planting and a lighting scheme in relation to bat flight have not been complied with and provided. It would therefore be necessary to re-state these requirements. Furthermore the existing site is covered mainly by a hard standing and the 'Proposed Site Plan' details a greater area of grass and hedges. The implementation of the 'Proposed Site Plan' in full would provide more beneficial green infrastructure. In addition further planting/biodiversity measures would be required to achieve a net biodiversity benefit (**Conditions 4, 8, 10 and 11** refer). Therefore this proposal would be acceptable in these terms and would provide an acceptable impact on green infrastructure and a biodiversity benefit.

Mineral Safeguarding

The site is located within a Limestone Category 1 Minerals Reserve as identified in the LDP. Policies SP9-Minerals, MG22-Development in Mineral Safeguarding Areas and the Mineral Safeguarding SPG are applicable to the development.

In accordance with Policy MG22 new development proposals in safeguarding areas are required to be justified, and only permitted where minerals can be economically extracted prior to the commencement of development, or where applicants have demonstrated that prior extraction would not be appropriate.

For limestone extraction, there would be a need for a 200m buffer, for "sensitive developments" which includes residential. There are some residential properties nearby, within 200m. The establishment of a residential use on this site would also create a new buffer zone that would prevent limestone extraction within a further 200m radius of this site.

The site is therefore highly unlikely to be considered for such extraction in future and the development is considered acceptable in relation to minerals safeguarding as a result.

Drainage

No objection has been raised by Dŵr Cymru /Welsh Water subject to a similar condition to the original permission to prevent foul and surface water being drained together. This can be restated (**Condition 14** refers).

The Council's Drainage Section have been consulted and provide advice on sustainable drainage is provided and the requirement for SAB approval if the development is for one dwelling or over 100sq m. An Informative note is considered necessary to advise the applicant.

Contamination

This issue was not raised as a concern in the original application. The Council's SRS (Environment) have however been consulted and at the time of writing this report no comments have been received. As some ground works may be required for the new day room an informative with regard unstable land and potential contamination would be prudent.

Other Matters

Finally, it is noted that, in line with the current circular 005/2018 also references Human Rights Act and equality. Furthermore reference to the requirements of the Children's Act is needed as the applicant details children would be resident at the site.

The site would contribute towards the overall supply of Gypsy and Traveller accommodation in the Vale and meet the demand arising in this case. As such, it is concluded that the approval of the application would not interfere with the applicant's, or local residents', Human Rights.

REASON FOR RECOMMENDATION

The decision to recommend 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 and Future Wales - the National Plan 2040.

Having regard to Policies SP1-Delivering the Strategy, SP9-Minerals, SP10-Built and Natural Environment, MG5-Gypsy and Traveller Site, MG17-Special Landscape Areas, MG18-Green Wedges, MG22-Development in Minerals Safeguarding Areas, MD1-Location of New Development, MD2-Design of New Development, MD7-Environmental Protection, and MD18-Gypsy and Traveller Accommodation of the Vale of Glamorgan Adopted Local Development Plan 2011-2026; Supplementary Planning Guidance, including Biodiversity and Development, Design in the Landscape, Minerals Safeguarding, Trees, Hedgerows, Woodland and Development and Parking Standards; and national guidance contained in Planning Policy Wales, TAN6-Planning for Sustainable Rural Communities and TAN12-Design and Welsh Government Circular 005/2018 Planning for Gypsy, Traveller and Showpeople Sites June 2018 and Welsh Government Designing Gypsy and Traveller Sites Guidance May 2015; it is considered that the proposal for the use of the site as a gypsy pitch in this countryside location is acceptable and sustainable, and should have no significant adverse impact on the character and appearance of the area, Green Wedge and Special Landscape Area, highway safety, biodiversity, green infrastructure, neighbouring amenity, drainage and minerals safeguarding.

Having regard to the Council's duties under the Equality Act 2010 the proposed development does not have any significant implications for, or effect on, persons who share a protected characteristic.

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.

RECOMMENDATION

APPROVE subject to the following condition(s):

1. The development shall be carried out in accordance with the following approved plans and documents unless superseded by other conditions on this permission:

12_536_001 Location Plan
12_536_003 Proposed Site Plan
12_536_005 Utility/Day Room

Reason:

For the avoidance of doubt as to the approved development and to accord with Circular 016:2014 on The Use of Planning Conditions for Development Management.

2. The site shall not be occupied by any persons other than gypsies and travellers as defined by Welsh Government Circular 005/2018 - "Planning for Gypsy, Traveller and Showpeople Sites" or subsequent guidance that supersedes this Circular.

Reason:

The residential use of the site in this rural location would not be permitted unless occupied by a Gypsy or Traveller, and in order to ensure that the site is kept available to meet the needs of other Gypsies or Travellers, in accordance with Policies SP1-Delivering the Strategy, SP10-Built and Natural Environment, MD1-Location of New Development and MD18-Gypsy and Traveller Accommodation of the Local Development Plan.

3. No more than two caravans, as defined in the Caravan Sites and Control of Development Act 1990 and the Caravan Sites Act 1968 (of which no more than one shall be a static caravan), shall be stationed on the site at any time.

Reason:

For the avoidance of doubt as to the approved development and in the interest of visual amenity in accordance with Policies MD1-Location of New Development, MD2-Design of New Development, MG17 - Special Landscape Areas in the Vale of Glamorgan Local Development Plan and Welsh Government Designing Gypsy and Traveller Sites Guidance May 2015

4. Within 6 months of the date of this permission, the site shall be laid out (including position of caravans and grassed areas) as detailed on plan number 12_536_003 Proposed Site Plan.

Reason:

In the interest of visual amenity in accordance with Policies MD1-Location of New Development, MD2-Design of New Development, MG17 - Special Landscape Areas in the Vale of Glamorgan Local Development Plan and Welsh Government Designing Gypsy and Traveller Sites Guidance May 2015.

5. No commercial activities or storage of plant/machinery and/or waste materials shall take place on the site.

Reason:

In the interest of visual and residential amenity of this rural area in accordance with Policies MD1-Location of New Development, MD2-Design of New Development, MG17 - Special Landscape Areas in the Vale of Glamorgan Local Development Plan and Welsh Government Designing Gypsy and Traveller Sites Guidance May 2015.

6. No more than three vehicles in total shall be kept on the site at any one time, and these shall only be for the use of the occupiers of the caravans hereby permitted.

Reason:

To ensure that satisfactory vehicle parking and turning facilities is provided on site to serve the residential occupiers of the development, and to ensure compliance with the terms of Policies SP1 (Delivering the Strategy) and MD2 (Design of New Developments) of the Local Development Plan.

7. No more than one commercial vehicle shall be kept on the site for use by the occupiers of the caravans hereby permitted. The commercial vehicle shall not exceed 7.5 tonnes in weight, 2.5m width and 5.7m length.

Reason:

To ensure that satisfactory vehicle parking and turning facilities is provided on site to serve the development, and to ensure compliance with the terms of Policies SP1 (Delivering the Strategy) and MD2 (Design of New Developments) of the Local Development Plan.

8. Notwithstanding the submitted details, within 56 days of the date of this decision, the following details shall be submitted to the Local Planning Authority for their approval:

- a) The external lighting within the site.
- b) The landscaping of the site, including species mix, and details of the planting of the screening hedgerow to replace the wooden board fencing and at the new access to the site. The details shall include a method statement for the maintenance of the hedge (existing and proposed) surrounding the site and a height that it would be maintained at.
- c) biodiversity enhancement measures and a timetable for their provision.

Reason:

In the interests of visual amenity, ecology and biodiversity to ensure compliance with Policies SP1 (Delivering the Strategy), SP10 (Built and Natural Environment), MG17 (Special Landscape Areas), MD1 (Location of New Development), MD2 (Design of New Developments) and MD9 (Promoting Biodiversity) of the Local Development Plan.

9. The external lighting where installed, shall be installed in accordance with the details approved pursuant to Condition 8.

Reason:

In the interests of visual amenity and ecology to ensure compliance with Policies SP1 (Delivering the Strategy), SP10 (Built and Natural Environment), MG17 (Special Landscape Areas), MD1 (Location of New Development), MD2 (Design of New Developments) and MD9 (Promoting Biodiversity) of the Local Development Plan.

10. All planting, seeding or turfing comprised in the approved details of landscaping approved in condition 8 shall be carried out in the first planting and seeding seasons following the date of permission; and any trees or plants which within a period of 5 years from the completion of the development die, are removed or become seriously damaged or diseased shall be replaced in the next planting season with others of similar size and species.

All other biodiversity enhancements shall be provided in accordance with the time table approved in condition 8.

Reason:

To ensure satisfactory maintenance of the landscaped area and the provision of biodiversity enhancements and to ensure compliance with Policies SP1 (Delivering the Strategy), SP10 (Built and Natural Environment), MG17 (Special Landscape Areas), MD1 (Location of New Development), MD2 (Design of New Developments) and Policy MD9 (Promoting Biodiversity) of the Local Development Plan.

11. The hedgerows around the site (existing and new) as detailed on the plan number 12_ 536_003 Proposed Site Plan or any approved amendment (required by condition 4) shall be maintained in accordance with the approved height and details in the Method Statement for hedge maintenance required by condition 8. Any plants which within a period of 5 years from the completion of the development die, are removed or become seriously damaged or diseased shall be replaced in the next planting season with others of similar size and species.

Reason:

In the interests of visual amenity and biodiversity to ensure compliance with Policies SP1 (Delivering the Strategy), SP10 (Built and Natural Environment), MG17 (Special Landscape Areas), MD1 (Location of New Development), MD2 (Design of New Developments) and MD9 (Promoting Biodiversity) of the Local Development Plan.

12. Notwithstanding the submitted details, construction of the proposed utility/day room shall not commence until samples of the materials to be used in the construction of its external surfaces have been submitted to and approved in writing by the Local Planning Authority. The development shall be carried out in accordance with the approved details and thereafter retained and maintained in accordance with the approved details.

Reason:

In the interests of visual amenity and to ensure compliance with Policies SP1 (Delivering the Strategy), SP10 (Built and Natural Environment), MG17 (Special Landscape Areas), MD1 (Location of New Development) and MD2 (Design of New Developments) of the Local Development Plan.

13. The drainage scheme for the site shall ensure that all foul and surface water discharges separately from the site and that land drainage run-off shall not discharge, either directly or indirectly, into the public sewerage system.

Reason:

To prevent hydraulic overloading of the public sewerage system, pollution of the environment and to protect the health and safety of existing residents and ensure no detriment to the environment and to comply with the terms of Policies SP1 (Delivering the Strategy) and MD1 (Location of New Development) of the Local Development Plan.

14. No vehicular access to the site, other than that shown on the approved Drawings, shall be constructed.

Reason:

In the interests of visual amenity, ecology and highway safety and to ensure compliance with Policies SP1 (Delivering the Strategy), SP10 (Built and Natural Environment), MG17 (Special Landscape Areas), MD1 (Location of New Development), MD2 (Design of New Developments) and MD9 (Promoting Biodiversity) of the Local Development Plan.

15. Notwithstanding the provisions of the Town and Country Planning (General Permitted Development) Order 1995 (as amended for Wales) (or any order revoking and re-enacting that Order with or without modification), no fences, gates or walls other than those approved by this permission shall be erected at the site.

Reason:

To safeguard local visual amenities, and to ensure compliance with Policies SP1 (Delivering the Strategy), MD2 (Design of New Developments) and MD18 (Gypsy and Traveller Accommodation) of the Local Development Plan.

NOTE:

- 1. The applicant is advised to contact Shared Regulatory Services (01446 709838) to ascertain if a Mobile Homes Site Licence is required under the Mobile Homes (Wales) Act 2013. Should the site require a licence the design, layout and conditions will be expected to comply with the Model Standards issued by Welsh Government (<https://gov.wales/docs/desh/publications/080701model-standards-for-caravans-en.pdf>).**

Please note should the site owner rent out the residential caravan to an unrelated individual or allow someone unrelated to station their residential caravan on the site and pay him a fee for that privilege then a licence would usually be required.

- 2. The contamination assessments and the effects of unstable land are considered on the basis of the best information available to the Planning Authority and are not necessarily exhaustive. The Authority takes due diligence when assessing these impacts, however you are minded that the responsibility for**

(i) determining the extent and effects of such constraints;
(ii) ensuring that any imported materials (including, topsoils, subsoils, aggregates and recycled or manufactured aggregates/ soils) are chemically suitable for the proposed end use. Under no circumstances should controlled waste be imported. It is an offence under Section 33 of the Environmental Protection Act 1990 to deposit controlled waste on a site which does not benefit from an appropriate waste management license. The following must not be imported to a development site;

- Unprocessed / unsorted demolition wastes.**
 - Any materials originating from a site confirmed as being contaminated or potentially contaminated by chemical or radioactive substances.**
 - Japanese Knotweed stems, leaves and rhizome infested soils. In addition to section 33 above, it is also an offence under the Wildlife and Countryside Act 1981 to spread this invasive weed; and**
- (iii) the safe development and secure occupancy of the site rests with the developer.**

Proposals for areas of possible land instability should take due account of the physical and chemical constraints and may include action on land reclamation or other remedial action to enable beneficial use of unstable land.

- 3. Before work is commenced the applicant must ensure that, where necessary, the appropriate Building Regulation consent has been obtained.**

Please note that this consent is specific to the plans and particulars approved as part of the application. Any departure from the approved plans will constitute unauthorised development and may be liable to enforcement action. You (or any subsequent developer) should advise the Council of any actual or proposed variations from the approved plans immediately so that you can be advised how to best resolve the matter.

In addition, any conditions that the Council has imposed on this consent will be listed above and should be read carefully. It is your (or any subsequent developers) responsibility to ensure that the terms of all conditions are met in full at the appropriate time (as outlined in the specific condition).

The commencement of development without firstly meeting in full the terms of any conditions that require the submission of details prior to the commencement of development will constitute unauthorised development. This will necessitate the submission of a further application to retain the unauthorised development and may render you liable to formal enforcement action.

Failure on the part of the developer to observe the requirements of any other conditions could result in the Council pursuing formal enforcement action in the form of a Breach of Condition Notice.

2023/00780/FUL Received on 13 March 2024

APPLICANT: VDC CWL21 Limited C/o Agent, CF24 0EB

AGENT: Mr Rob Mitchell Brunel House, 2 Fitzalan Road, Cardiff, CF24 0EB

Land North of Ffordd Bro Tathan, St. Athan

Demolition of existing buildings/structures and erection of a Class B8 data centre with all associated back-up generators, plant, equipment, sub-stations, accesses, parking and servicing areas, drainage and engineering works including services diversion/connection and regrading works

REASON FOR COMMITTEE DETERMINATION

The application is required to be determined by Planning Committee under the Council's approved scheme of delegation because The Head of Sustainable Development has deemed it necessary because of the scale and nature of the application.

EXECUTIVE SUMMARY

The application is recommended for approval subject to a Section 106 agreement for contributions and schemes for Sustainable Transport, Public Open Space, Public Art, Training and Development and Ecology Mitigation. Other requirements such as highway improvements, contamination remediation, landscaping, biodiversity enhancements and archaeology would be required by condition.

The site is located within both the St. Athan Strategic Opportunity Area and the Cardiff Airport and Bro Tathan Enterprise Zone, which overlap each other at the Bro Tathan allocation. These designations allocate land for B1, B2 and B8 uses that promote the aerospace industry. Whilst the proposal is not an aerospace industry it is a technology B8 industrial use class that would beneficially provide investment into the site and wider area.

The building will be relatively large within an open green countryside area, however it is allocated for industrial development and it is expected an industrial building would be developed here. The wider industrial area of Bro Tathan contains similar large buildings and it would not seem out of place in this context. A significant amount of landscaping would be provided around the site which would benefit the wider setting. As such it is considered the visual impact on the site and wider area would be acceptable.

The development involves the removal of vegetation from the building site and that includes part of a Dormouse habitat area. Whilst this is the case the site is allocated for commercial development as part of the Bro Tathan Business Park. Furthermore any losses would be minimised and it is proposed to provide mitigation for the Dormouse habitat that would result in a greater area and quality of woodland habitat adjacent to the building site. No objection has been raised by NRW and the Council's Ecologist subject to suitable conditions and mitigation.

In terms of the impact on neighbouring amenity the nearest dwellings are some distance away and the proposal is on an allocated industrial site. There are similar industrial uses in the surroundings and as such it is generally accepted that the noise, traffic and any odours that would be generated from the use would likely be compatible with similar uses within the existing enterprise zone itself. No objections have been raised by the Council's SRS (Pollution) Section subject to conditions. Therefore in these terms the impacts would be acceptable.

Owing to the historic use of the site it is evident that there is significant potential for land contamination within the confines of the site. A Ground Investigation Report, Environmental Assessment and Remediation scheme has been submitted. No objection is raised by the Council's SRS (Environment) Section and NRW subject to conditions. Therefore in these terms the application would be acceptable.

The proposal would involve the amendments to flood bunds on site constructed as part of the Northern Access Road. Following consultation no objection has been raised by NRW or the Council's Drainage Section. Foul drainage would be to an upgraded pumping station. No objection has been raised by Dŵr Cymru/Welsh Water. Therefore this aspect of the proposal would be acceptable.

The access would be via a modified existing spur off the Northern Access Road. A secondary access and maintenance access for the proposed pumping station would also be provided. A Transport Assessment has been submitted and no objections have been raised by the Council's Highways Section. Pedestrian and cycling facilities would be provided at the access and a Toucan crossing would be provided from the site to the existing pedestrian and cycling facilities on the opposite side of the road. A Travel Plan and cycle parking would be provided which would encourage a modal shift from the private car. A foot path to the west of the site would be protected from the proposed woodland planting for that area of the site. Therefore in these terms the application would be acceptable.

Turning to the impact on heritage assets the building will be visible from nearby listed structures, however it would not have a significant impact on their setting. A pillbox and air raid shelter, in relation to the previous aviation use of the land, would be removed from the site. No objections have been received by Heneb (formerly GGAT) and the Council's Heritage Officer to the above and the details of the pillbox and air raid shelter would be recorded for archival records.

The principal elements of the proposed development are located outside of the Limestone minerals safeguarding zone on the site, however they do 'overlap' to the site areas where limited works associated with the alterations to existing flood bunds would be carried out. The proposed bunds will comprise low earth mounds which "would have no significant impact on the possible working of the resource by reason of its nature or size". Therefore this issue would be acceptable.

In summing up, the proposed building would beneficially be developed within an site allocated for such uses within the local development plan. Whilst a large development it would be acceptable in its visual impacts, green infrastructure and ecology, contamination, flooding and drainage, highway safety, heritage and minerals safeguarding.

SITE AND CONTEXT

The site comprises a parcel of land that has a total site area of approximately 26.7 ha, located to the north of the Aston Martin Lagonda site and to the north of the Northern Access Road. The aerial photograph below shows the approximate location of the proposed new building by the red dot.



An extract from the amended Site Location Plan is provided below (the green area is the area of the building and related built development (approximately 12.6ha) and the land outside of this is mainly for a Dormouse mitigation strategy):



In policy terms the site is located within the St Athan Strategic Opportunity Area (Employment Allocation) and St Athan - Cardiff Airport Enterprise Zone as identified within the adopted Vale of Glamorgan Local Development Plan 2011-2026. The site is identified as having some localised surface water drainage issues although falls outside of Zones B-C2 for the purposes of TAN15, although the site falls close to areas of identified flood risk. The site falls within an area identified as requiring MOD consultation for all applications and within an aviation safeguarding area for all development exceeding 45 metres in height. It is also identified as a mineral safeguarding area for category 2 Limestone (including dolomite). The predicted Agricultural Land Classification details the site as being a mixture of 3b (moderate quality) and 4 (poor quality).

DESCRIPTION OF DEVELOPMENT

Full Planning permission, as amended, is sought for, *“Demolition of existing buildings/structures and erection of a Class B8 data centre with all associated back-up generators, plant, equipment, sub-stations, accesses, parking and servicing areas, drainage and engineering works including services diversion/connection and regrading works”*.

It would provide a data centre facility that will house data processing equipment and that will serve various businesses that deliver on-line data services.

An extract from the site plan and indicative views are provided below:



Indicative Views submitted with application (The overview however does not detail all features on the above amended site plan such as bund and pumping station access to the south and adjacent NAR).



PERSPECTIVE 01 - MAIN BUILDING ENTRANCE



PERSPECTIVE 02 - NORTH WEST CORNER



PERSPECTIVE 03 - SOUTH WEST CORNER

Phased development

The development within the area of the proposed building (i.e. green line area shown in the location plan above) would be carried out in two phases. Phase 1, following enabling works, would involve the provision of the first part of the building to the west of the site, the car park, the surface water system for the whole of the site, foul water drainage for the whole of the site, the sub-station, other ancillary structures and perimeter security fencing.

Phase 2 would involve the provision of the remainder of the building and ancillary works. Following completion the temporary parking spaces would be repurposed for planting. Following phase 2, in terms of external appearance, it would visually result in one single building.

Building

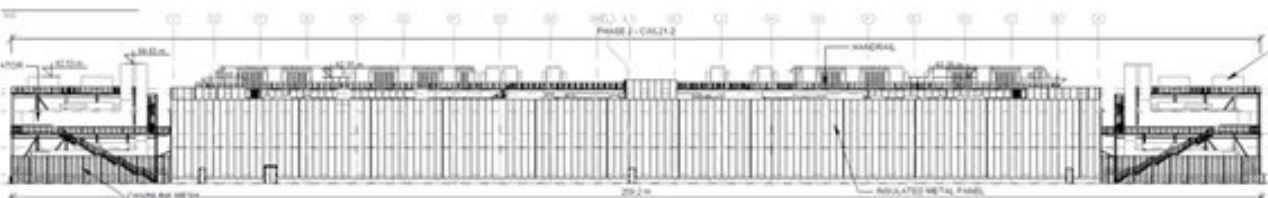
The accompanying floorplans and elevations provide the proposed configuration of the building and associated dimensions. The complete data centre building (both phases) measures 209m north-south and 218m east-west, including the generator yards which are located adjacent to the north and south elevations. The total proposed building would have a gross floor space of 67,227 sq m.

The data centre building will have two storeys for data halls with associated offices, storage, support rooms, loading docks and generator yards. Above this will be a chiller deck containing items of fixed plant. On the north and southern sides would be emergency generators. The maximum height of the building, inclusive of roof top plant, would be 20m above ground level.

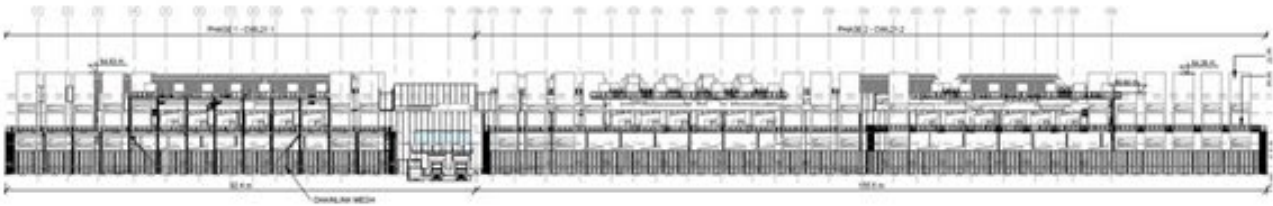
West Elevation - with front entrance



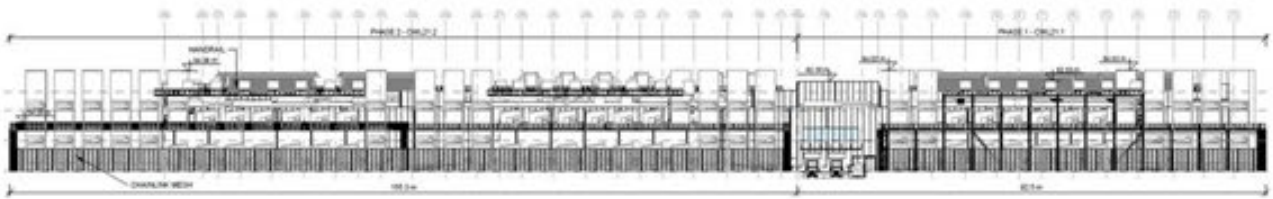
East Elevation - Facing towards Picketston



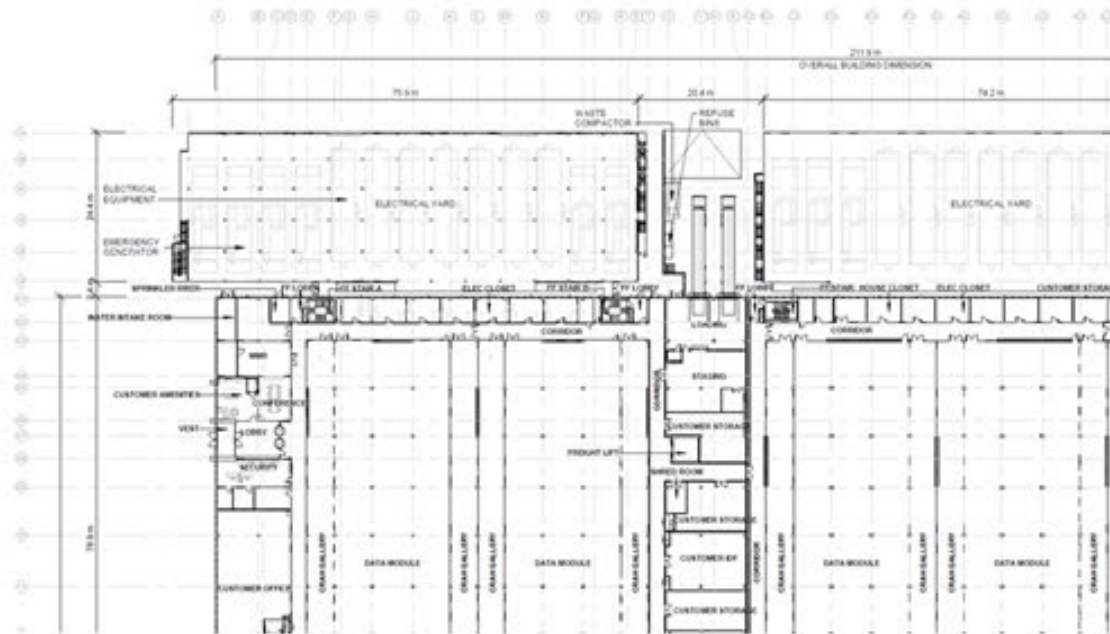
South Elevation - Facing NAR



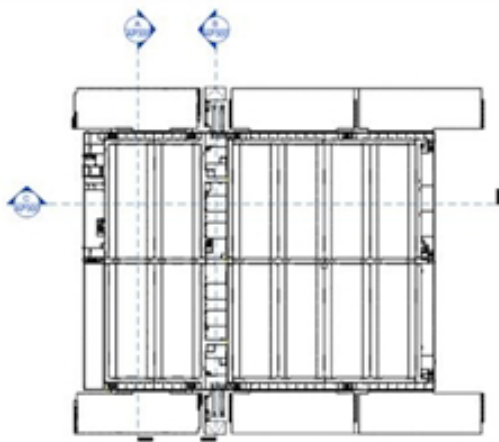
North Elevation



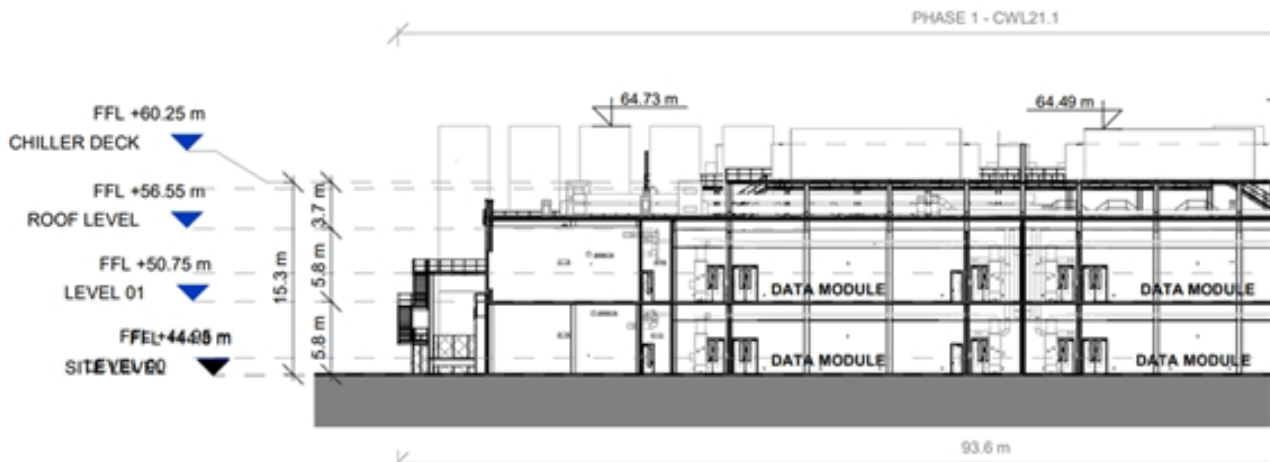
Extract of typical area of ground floor plan. The second floor also has a similar layout.



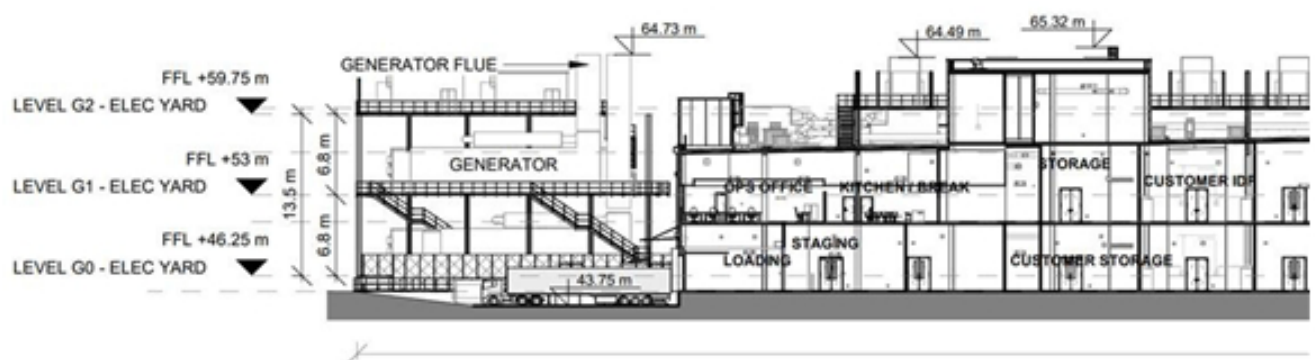
Example section extracts through building



Extract of Section C



Extract of Section B



B CWL21 - BUILDING SECTION B
Scale 1 : 500

Loading docks and generators and related flues would be situated to the north and south of the building. Above this would be a chiller deck containing items of fixed plant. A total of 72 diesel generators are required to ensure sufficient emergency back-up power for the computer servers and 'house' power (e.g. emergency lighting). Each generator is capable of operating independently from one another depending on the emergency, but could generate a total of 120MW. They would however not export to the national grid or displace the need for an equivalent regular supply from the grid and would purely be emergency backup. It is detailed they would operate for testing, maintenance and servicing for approximately 18 hours per year. As such the proposal is not considered a single energy generating station and this part of the proposal would be ancillary to its proposed data centre operation.

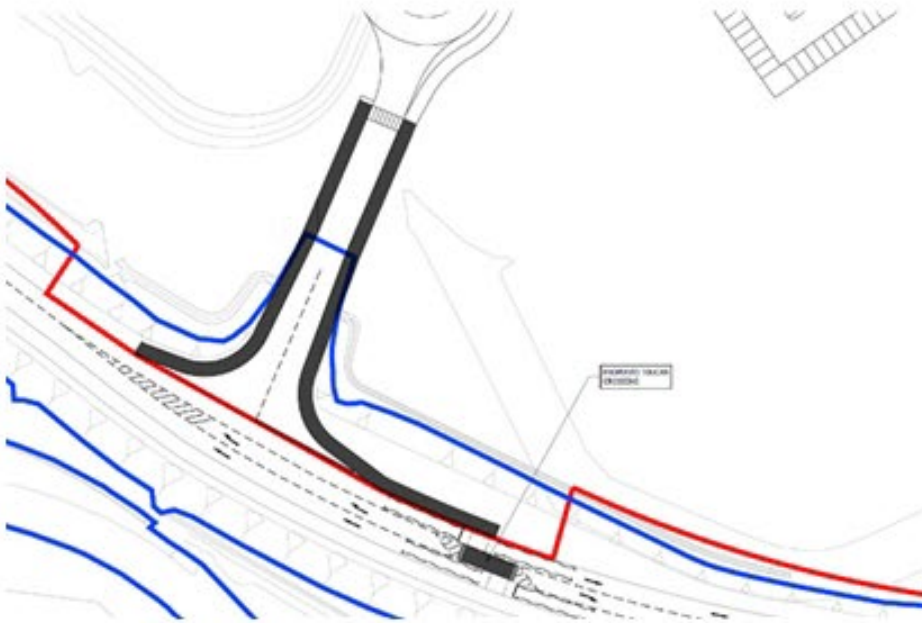
Working pattern and training functions

It is detailed 120 full time jobs would be generated including 103 back office staff, 4 yard staff, 2 security staff (24 hours) and a maximum of 11 facility operations staff. An updated shift pattern has been provided, during the application process. This details, approximately 60% of staff (including security guards and technicians) could work in two 12hr shifts around the clock (likely to be 6am to 6pm). Other remaining staff would work a normal day pattern. There will be a skeleton technical staff over the weekend and all security guards will work over the weekend.

The building is also identified by the applicant's agent as providing a staff training function for other data centres operated by the applicant. It is proposed the Data Centre will be a flagship centre in terms of scale and technology. As such there will be ad-hoc visitors, including training for staff from other future Data Centres who will come to the site to train whilst the other data centres are being rolled out. These 'trainees' will travel to/from site during off-peak hours and will likely arrive 'under their own steam' by a variety of modes. Such training events will be irregular (i.e. not daily or even weekly) but the applicant's agent details it is not possible to be more precise on frequency at this stage. However the number of trainees is likely to be in the tens, not hundreds (i.e. a room full - similar to a classroom size).

Access

The existing access spur from the Northern Access Road would be improved and extended into the site. A 3m wide shared use footway would be provided either side of the access. A Toucan Crossing will be provided across the NAR to provide access for pedestrians and cyclists. A secure entrance would be provided with a security booth at the perimeter.

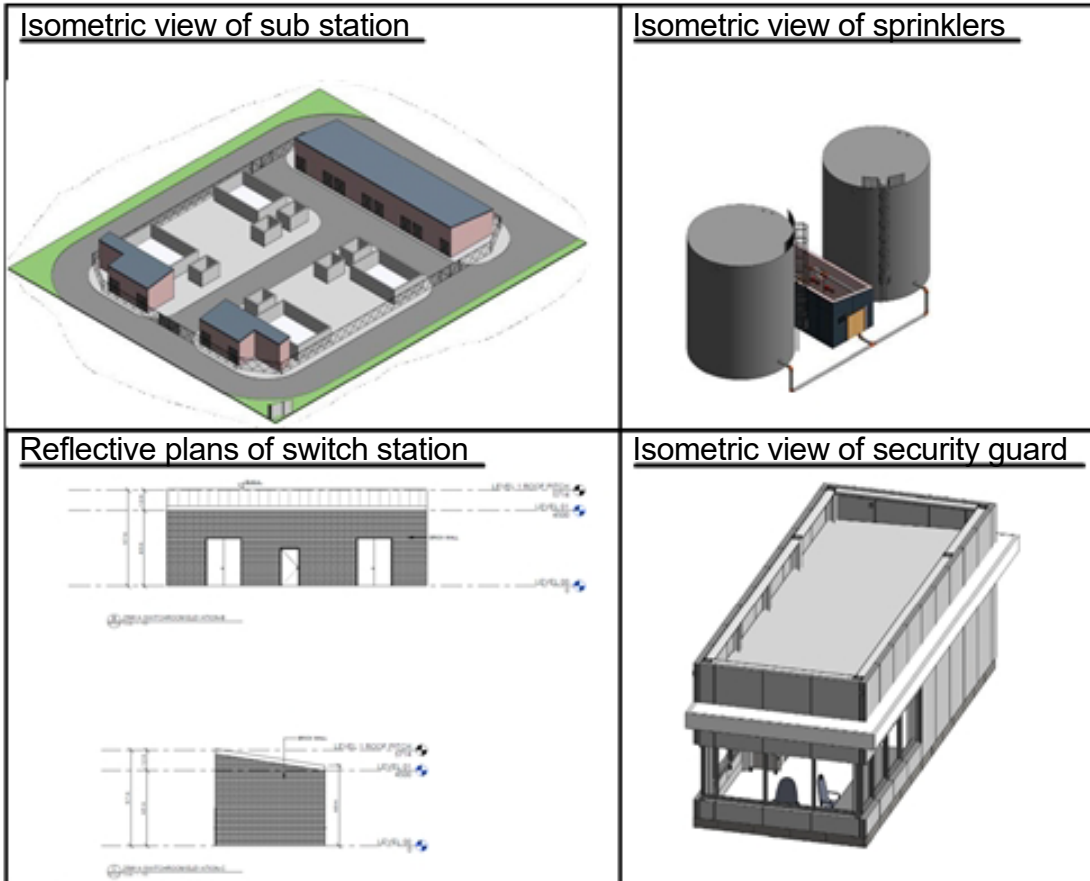


Staff and visitor parking will be provided adjacent to the western elevation of the data centre building, close to the development's main entrance. The proposed development will provide 134 permanent car parking spaces (in blue in the plan below) along with 66 temporary spaces (in green in the plan below) for a total provision of 200 spaces. The temporary spaces will be constructed of a permeable material and will be removed when the data centre is fully built out and that area would be replaced with planting. The development will provide a maximum permanent allocation of 134 parking spaces (1 space per 500 sqm) of which 10 spaces will be disabled access spaces (approximately 7% of total permanent provision) and 20 spaces will have Electric Vehicle (EV) charging facilities (approximately 15% of total permanent provision), with at least one disabled access space having EV charging facilities.



Other development within 'green line' identified on location plan

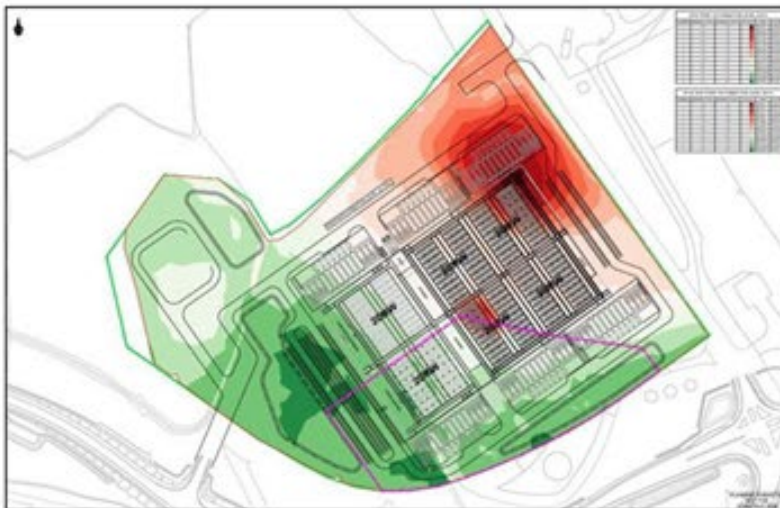
A substation and related development would be provided in the north-west corner and would have an area of approximately 80m x 65m. It is indicated the buildings within it (and indicated below) could be constructed with brick. The substation would have a separate internal access and would be able to be gained without passing through the main gate to the building. A sprinkler tank system and associated pump room, finished with insulated metal panels, would be provided nearby and would measure approximately 9.8m in height. A switch station, also of a brick construction, and security booth, finished with insulated metal panels, would also be erected in the vicinity.



A formal area of 'open space' would be provided to the north of the building and adjacent access road (detailed below). This would provide approximately 1900 sq m of space including some areas of hardstanding for paths and amenity areas.

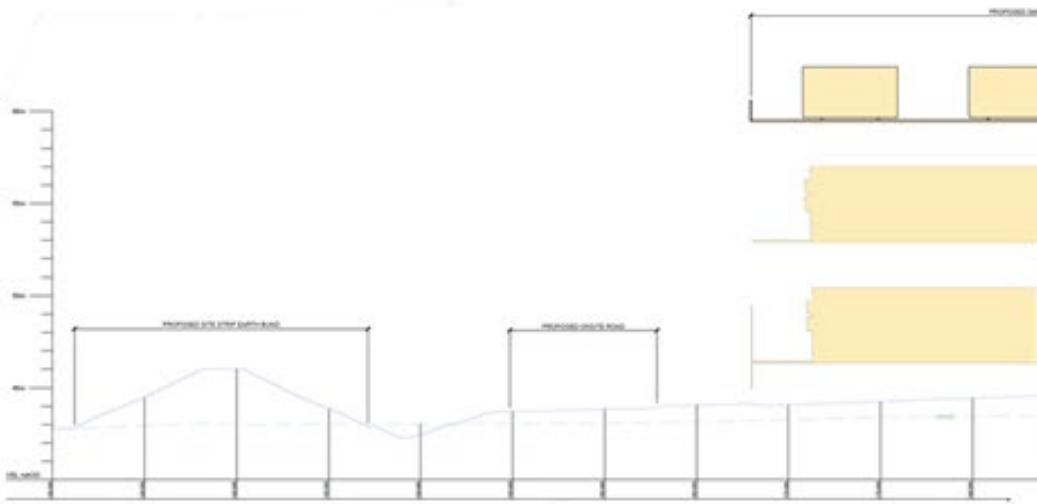


Following initial site clearance within the 'green line' area earthworks would be carried out to generally create the ground levels for the development. Areas of cut are indicated by the 'red areas' and areas of fill are indicated by the 'green areas' in the plan below.

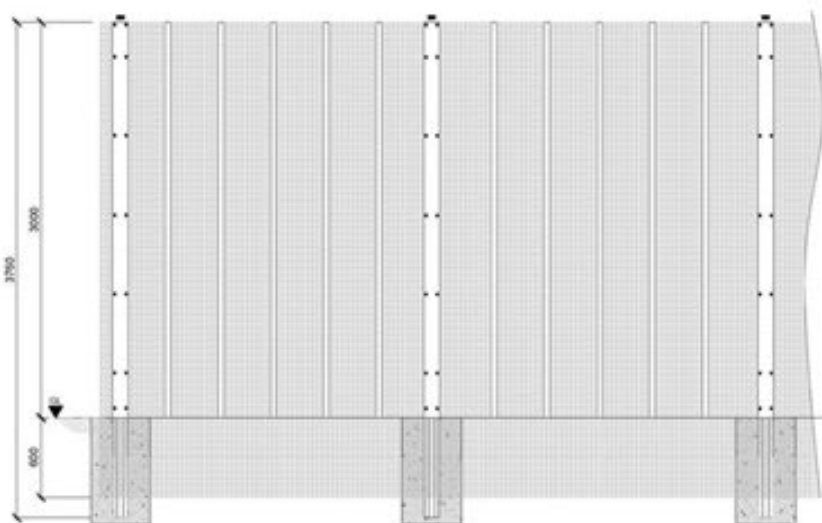


Seven surface water drainage basins (including one permanently wet pond) would be provided around the edge of the building site, with that green area also providing space for landscaping and informal open space for use by staff members. Earth bunds formed of site won material will be created along the southern boundary of the site. These will be approximately 3m in height. The extract of the section below details the building in relation to the earth bund to the immediate south of the proposed building.





The whole site will be surrounded with a 3m high security fence (extract below) and subject to CCTV surveillance. It is indicated this would either be a green or black colour.



Flood Bund works, ecological mitigation and pumping station upgrade

Outside of the 'green line' area, detailed on the location plan, the following is proposed:

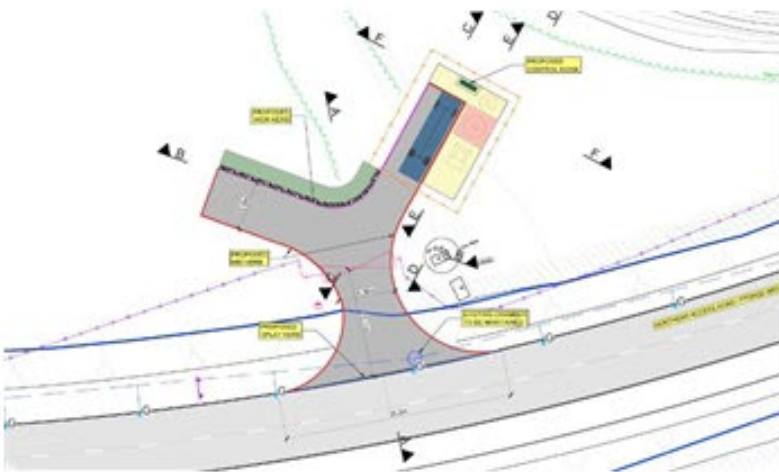
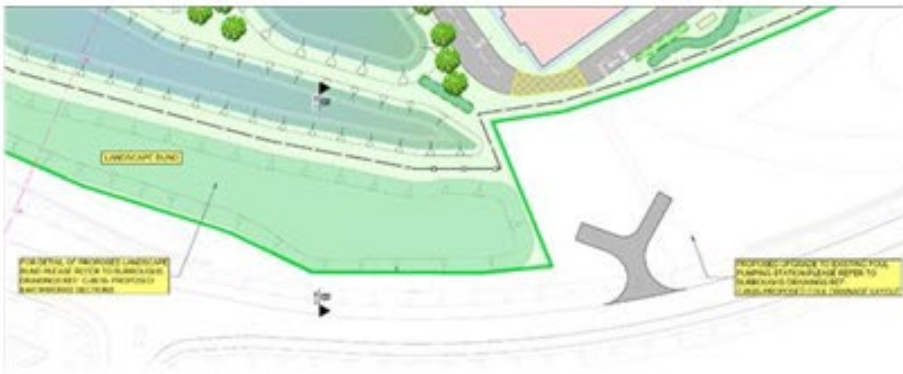
Two flood bunds, to the north-west of the proposed building would be re-modelled (detailed in purple on the plan further down below). These bunds were originally constructed as part of the works to provide the Northern Access Road. The proposed works involves new sections of bund and separating them from some existing parts. These bunds would be wide low level mounds and could measure approximately between 40cm and 1m in height at the highest parts. The width would also vary and could be around 5m in width. It is proposed to maintain these as grassed areas. The redundant areas of bund would be removed to ground level. An extract from the plans of the southern bund and related section 07 are shown below and detail the typical works to the flood bunds.



The fields and area to the north-west (identified as the light green/brown areas in the plan below) would be planted with broad leaf trees as part of a Dormouse mitigation scheme.



An existing foul drainage pumping station between the NAR and the site of the building would be removed and replaced with an upgraded pumping station. A new access from the NAR would be provided for its maintenance. Fencing and gates would also be provided.



The application is supported by the following documents:

General:

Planning Statement (CarneySweeney, July 2023);

Pre-Application Consultation Report (CarneySweeney, July 2023);

Design and Access Statement (Burns McDonnell, Rev P04, 1st March 2024)

Green Infrastructure Statement (Ramboll, March 2024)
Outline Construction Environmental Management Plan (Ramboll, March 2024)

Transport:

Transport Assessment (Ramboll, October 2023)
Framework Travel Plan (Tetra Tech, February 2024)

Drainage:

Flood Consequence Assessment (Ramboll, May 2023);
Bro Tathan Bund Relocation Modelling - Technical Note (Wallingford Hydro Solutions, May 2023)
Drainage Strategy Report (Burroughs, June 2023);
Assessment of Potential Flow Capacity (Burroughs, 2 May 23)
1620012263-RAM-ZZ-00-DR-C-00101
1620012263-RAM-ZZ-00-DR-C-00102
1620012263-RAM-ZZ-00-DR-C-00402
1620012263-RAM-ZZ-00-DR-C-00401
1620012263-RAM-ZZ-00-DR-C-00451
1620012263-RAM-ZZ-00-DR-C-00452
1620012263-RAM-ZZ-00-DR-C-00453
Technical Note (Ramboll, 23 October 2023)
St Athan Northern Access Road, FCA (Aecom, March 2017)
St Athan Pluvial Model Updates Technical Note (WHS, 20 March 2020)
Bro Tathan Bund Relocation Modelling Technical Note (Ramboll, 31 May 2023)
Appendix 2; Bro Tathan Bund Relocation Modelling Technical Note Addendum (Ramboll, 23 October 2023)
VOG Drainage Response No.2 (Ramboll TN, 20.12.23)
Bund Operation and Maintenance Plan (Ramboll, Sept 2023)

Ground Conditions:

Phase I Environmental Site Assessment (Ramboll, July 2023);
Phase II Environmental Site Assessment (Ramboll, July 2023);
Ground Investigation Report (Ramboll, June 2022);
Ground Investigation Report Addendum - Supplementary Ground Investigation (Ramboll, April 2023);
Delineation Environmental Investigation (Ramboll, July 2023);
Remediation Options Appraisal (Ramboll, July 2023);
Radiological Remediation Report St Athan Iss2 (Aurora, Sep 23)
Remediation Next Steps:PFAS Soil Sampling (Ramboll October 2023)
NRW Response on PFAS (Ramboll July 2023)
Vantage Bro Tathan Remediation: PFAS Soil Treatment Thresholds (Ramboll 23 10 2023)
PFAS Soil Stabilisation /Solidification Literature Review (Ramboll, 14.2.24)
Remediation Strategy (Ramboll April 2024)
Bro Tathan FTA - High Level Interpretation of Additional GI
Analytical Data (Tetra Tech 09 February 2024)

Ecology:

Ecological Impact Assessment (Ramboll, July 2023);
Dormouse Conservation Strategy (Arup, Aug 2023)
Response to NRW Advice (Dormice) (Ramboll, 10 Aug 23)
Preliminary Ecological Appraisal (Ramboll, February 2022)

Addendum to Dormouse Conservation Strategy and Response to Comments (NRWEcology) - Rev B (Ramboll, 11/4/24)
Habitat Management Plan (Ramboll, November 2023)
Precautionary Method of Working (Ramboll, 11.1.24)

Trees:

Arboricultural Method Statement (DTS, July 2023);
Arboricultural Impact Assessment (DTS, April 2023);
Tree Appraisal Plan DTS 22.5669.1.TAP
Tree Protection Plan no. 22.5669.7.TPP Rev 7

Landscape:

Landscape and Visual Appraisal (Ramboll, July 2023)
LVIA Figures 1 & 2 and Appendix 3
LVIA response Technical Note (Ramboll, 14 November 2023)
LVIA Viewpoint 3

Heritage:

Heritage Statement (Tetra Tech, July 2023);
Archaeological and Heritage Desk-Based Assessment (Tetra Tech, February 2022);
Geophysical Survey (Headland Archaeology, December 2022); Written Scheme of Investigation: Historic Building Recording (Tetra Tech, February 2024) Written Scheme of Investigation: Watching Brief (Tetra Tech, March 2024) Written Scheme of Investigation: Trial Trench Evaluation (Tetra Tech, March 2024)

Sustainability:

Sustainability and Energy Statement Rev 02 (Hoare Lea, July 2023);
Sustainability Part L2 Report (Hoare Lea, June 2023);
Sustainability Note (CarneySweeney received November 2023)

Air, Noise & Light:

Air Quality Assessment (Ramboll, July 2023);
Noise Impact Assessment (Ramboll, July 2023);
Lighting Calculations (Burns McDonnell, March 2024);

Public Art:

Vantage Bro Tathan Public Art (April 2024)

PLANNING HISTORY

1982/00063/OBS, Address: RAF St. Athan, Proposal: Upgrade of power, Decision: Permittal (OBS - no objections:request conditions)

2009/00500/OUT, Address: Land at and adjoining MoD St. Athan in the Vale of Glamorgan, extending from the B4265 at Boverton in the west to Castleton Farm, St Athan, in the east, and from north of the runway and north of Castleton Road at St Athan in the south to land at the northern end of the MoD St Athan site at Picketston and up to Flemingston Road, St Athan, in the north; together with land adjoining the B4265 near Gileston and land at Weycock Cross, Barry., Proposal: Development of a Defence Technical College and associated facilities and works, including 483 Service Families' Accommodation dwellings, military external and field training areas, the alteration and reconfiguration of St Athan golf course, a hotel, an energy centre, improved parking and servicing facilities for the existing spar shop on Eglwys Brewis Road, the provision of a new access road and other associated highway works and improvements, including a garage for Rose Cottage, and all associated ancillary building, sports, community, ecological mitigation and enhancement, engineering, landscaping, means of enclosure and other works., Decision: Approved

2009/00501/OUT, Address: Land at and adjoining the Aerospace Business Park at St. Athan in the Vale of Glamorgan, extending from land adjacent to the B4265 at Boverton in the west to land adjacent to Cowbridge Road, St Athan in the east, and from the B4265 at Batslays in the south to land north of Boverton Brook in the north; together with land adjoining the B4265 near Gileston and land at Weycock Cross, Barry, Proposal: Development at and adjoining the Aerospace Business Park, including: the erection of new and replacement buildings, airfield operational facilities and structures; the provision of access roads, hard standings and other infrastructure; security fencing; landscape and ecological works; garage for Rose Cottage; all associated building and engineering works; and related highway improvements, Decision: Approved

2009/01228/FUL, Address: Twenty four sites at and around MoD St Athan and the Aerospace Business Park, extending from B4265 at Boverton in the west to Castleton Farm, St. Athan, in the east, and from the B4265 at Batslays in the south to land at the northern end of the MoD St. Athan site at Picketston in the north., Proposal: Construction of 21 no. additional ponds and the erection of 5 no. bat houses, Decision: Approved

2010/00689/FUL, Address: MOD St. Athan, Proposal: Variation of conditions 3 and 4 of permission 2009/01228/FUL (timing of submission of habitat management plan and monitoring scheme) relating to construction of 21 no. additional ponds and erection of 5 no. bat houses., Decision: Approved

2010/00707/RES, Address: Defence Technical College : Zone 6 Picketston South, MOD St Athan, Proposal: Reserved Matters submission in accordance with planning permission 2009/00500/OUT for a proposed Defence Technical College (DTC), in respect of Zone 6 (Picketston South) incorporating matters including: - Picketston Sport building and pitches; access; parking facilities; landscaping; sustainability; fencing; and retained trees and hedges (and including submissions for approval of specified details in respect of conditions attached to 2009/00500/OUT relating to the DTC site as a whole), Decision: Finally Disposed Of.

2010/00901/RES, Address: Defence Technical College : Zone 7 Picketston North, MOD St Athan, Proposal: Reserved Matters submission in accordance with planning permission 2009/00500/OUT for a proposed Defence Technical College (DTC), in respect of Zone 7 (Picketston North) incorporating matters including: - Buildings (MT Workshop; Grounds Maintenance; Waste Compound; Command Task Area Storage; Outdoor Firing Range; Respirator Testing Facility); Access; Parking Facilities; Landscaping; and Sustainability, Decision: Finally Disposed Of.

2016/00121/PRE, Address: Land between B4265 and The Super Hangar, St. Athan, Proposal: Construction of new highway northern access road (NAR), Decision: PreApplication Response Charged.

2016/00291/SC1, Address: Northern access road, St. Athan, Proposal: Request for EIA screening opinions, Decision: Environmental Impact Assessment (Screening) - Not Required.

2017/00564/1/CD, Address: Land East of B4265 between Boverton and Eglwys Brewis, St. Athan, Proposal: Discharge of conditions 11, 16, 17, 18, 19, 21 and 22 - Proposed construction of a new highway (called the Northern Access Road) with footways and a cycleway, new junctions, lighting, signs, fencing, flood alleviation works, acoustic barriers and other environmental mitigation measures, landscaping, demolition of garage at Rose Cottage, and all associated engineering and building operations, Decision: Approved.

2017/00564/1/NMA, Address: St. Athan Northern Access Road, Proposal: Non Material Amendment - Amendments to Planning Condition 16
2017/00564/FUL--Proposed construction of a new highway (called the Northern Access Road) with footways and a cycleway, new junctions, lighting, signs, fencing, flood alleviation works, acoustic barriers and other environmental mitigation measures, landscaping, demolition of garage at Rose Cottage, and all associated engineering and building operations, Decision: Approved.

2017/00564/10/CD, Address: St. Athan Northern Access Road, Proposal: Discharge of Condition 6-re-surfacing. Planning ref 2017/00564/FUL: Proposed construction of a new highway (called the Northern Access Road) with footways and a cycleway, new junctions, lighting, signs, fencing, flood alleviation works, acoustic barriers and other environmental mitigation measures, landscaping, demolition of garage at Rose Cottage, and all associated engineering and building operations, Decision: Approved.

2017/00564/11/CD, Address: Northern Access Road, St. Athan, Proposal: Discharge of Conditions 3 - Junction Modelling and 4 - Highway Mitigation Measures. Planning Permission ref. 2017/00564/FUL: Proposed construction of a new highway (called the Northern Access Road) with footways and a cycleway, new junctions, lighting, signs, fencing, flood alleviation works, acoustic barriers and other environmental mitigation measures, landscaping, demolition of garage at Rose Cottage, and all associated engineering and building operations, Decision: Approved.

2017/00564/12/CD, Address: Northern Access Road, St. Athan, Proposal: Discharge of Condition 9 - Highway Condition Survey (Post Construction) and 10 - Repairs to the adopted highway of Planning Application 2017/00564/FUL, Decision: Approved.

2017/00564/2/CD, Address: Land East of B4265 between Boverton and Eglwys Brewis, St. Athan, Proposal: Discharge of condition 12 - Skylark Plots. Proposed construction of a new highway (called the Northern Access Road) with footways and a cycleway, new junctions, lighting, signs, fencing, flood alleviation works, acoustic barriers and other environmental mitigation measures, landscaping, demolition of garage at Rose Cottage, and all associated engineering and building operations, Decision: Withdrawn.

2017/00564/2/NMA, Address: St. Athan Northern Access Road, Proposal: Non Material Amendment-The following amendments are proposed to planning condition 10 (additional text underlined and deleted text struck through): Following the construction of the development and prior to the new road being opened for public use, the developer shall carry out any repairs to the adopted highway identified as being necessary in the second survey required by Condition No. 9 above. The repair works, if required, are to be completed within 5 months following construction of the new road. Planning Permission 2017/00564/FUL-Proposed construction of a new highway (called the Northern Access Road) with footways and a cycleway, new junctions, lighting, signs, fencing, flood alleviation works, acoustic barriers and other environmental mitigation measures, landscaping, demolition of garage at Rose Cottage, and all associated engineering and building operations, Decision: Approved.

2017/00564/3/CD, Address: Land East of B4265 between Boverton and Eglwys Brewis, St. Athan, Proposal: Discharge of Conditions 8 - Highway Condition Survey (Pre-Construction) and 23 - Construction Environmental Management Plan. Planning Permission ref. 2017/00564/FUL : Proposed construction of a new highway (called the Northern Access Road) with footways and a cycleway, new junctions, lighting, signs, fencing, flood alleviation works, acoustic barriers and other environmental mitigation measures, landscaping, demolition of garage at Rose Cottage, and all associated engineering and building operations, Decision: Approved.

2017/00564/3/NMA, Address: St Athan Northern Access Road, Proposal: None-Material Amendment - Amendment to text of Condition 5 - Engineering details. Planning Permission ref. 2017/00564/FUL : Proposed construction of a new highway (called the Northern Access Road) with footways and a cycleway, new junctions, lighting, signs, fencing, flood alleviation works, acoustic barriers and other environmental mitigation measures, landscaping, demolition of garage at Rose Cottage, and all associated engineering and building operations, Decision: Approved.

2017/00564/4/CD, Address: Land East of B4265 between Boverton and Eglwys Brewis, St. Athan, Proposal: Discharge of Condition 5 - Engineering Details., Decision: Conditions Partially Determined (Approved only).

2017/00564/4/NMA, Address: Northern Access Road, St Athan, Proposal: Non-Material Amendment - Proposed amendment to text of Condition 25 to omit the requirement of low noise surfacing throughout the scheme. Planning Permission ref. 2017/00564/4/NMA: Proposed construction of a new highway (called the Northern Access Road) with footways and a cycleway, new junctions, lighting, signs, fencing, flood alleviation works, acoustic barriers and other environmental mitigation measures, landscaping, demolition of garage at Rose Cottage, and all associated engineering and building operations, Decision: Approved.

2017/00564/5/CD, Address: Land East of B4265 between Boverton and Eglwys Brewis, St. Athan, Proposal: Discharge of Conditions 24 - Assessment under the Noise Insulation Regulations and 25 - Noise Mitigation Measures., Decision: Approved.

2017/00564/6/CD, Address: Land East of B4265 between Boverton and Eglwys Brewis, St. Athan, Proposal: Discharge of Condition 7-CTMP, Decision: Approved.

2017/00564/7/CD, Address: Northern Access Road, St. Athan, Proposal: Discharge of Condition 14 - Lighting Details and Condition 26 - Engineering details of the surface water drainage strategy of planning permission ref. 2017/00564/FUL: Proposed construction of a new highway (called the Northern Access Road) with footways and a cycleway, new junctions, lighting, signs, fencing, flood alleviation works, acoustic barriers and other environmental mitigation measures, landscaping, demolition of garage at Rose Cottage, and all associated engineering and building operations, Decision: Approved.

2017/00564/8/CD, Address: Northern Access Road, St. Athan, Proposal: Discharge of Condition 27 - Drainage details. Planning Permission ref. 2017/00564/FUL : Proposed construction of a new highway (called the Northern Access Road) with footways and a cycleway, new junctions, lighting, signs, fencing, flood alleviation works, acoustic barriers and other environmental mitigation measures, landscaping, demolition of garage at Rose Cottage, and all associated engineering and building operations, Decision: Approved.

2017/00564/9/CD, Address: Northern Access Road, St. Athan, Proposal: Discharge of conditions 16 - Contamination risk assessment, 17 - Contamination verification report, 18 - Cessation of contamination monitoring, 19 - Contamination not previously identified, 21 - Importing materials and 22 - Assessment of site-won materials. Planning permission ref: 2017/00564/FUL Proposed construction of a new highway (called the Northern Access Road) with footways and a cycleway, new junctions, lighting, signs, fencing, flood alleviation works, acoustic barriers and other environmental mitigation measures, landscaping, demolition of garage at Rose Cottage, and all associated engineering and building operations at Land East of B4265 between Boverton and Eglwys Brewis, St. Athan, Decision: Approved.

2017/00564/FUL, Address: Land East of B4265 between Boverton and Eglwys Brewis, St. Athan, Proposal: Proposed construction of a new highway (called the Northern Access Road) with footways and a cycleway, new junctions, lighting, signs, fencing, flood alleviation works, acoustic barriers and other environmental mitigation measures, landscaping, demolition of garage at Rose Cottage, and all associated engineering and building operations, Decision: Approved.

2022/00009/PRE, Address: Land North of Ffordd Bro Tathan, Bro Tathan, St. Athan, Proposal: Phased redevelopment of land for a data centre with ancillary office and storage areas; comprising erection of new buildings (max floorspace circa. 83,000 sqm. gia); parking, delivery/servicing areas and sub station, drainage, access works and all associated building and engineering works, Decision: Pre-Application Response Charged.

2022/00038/SC1, Address: Land North of Ffordd Bro Tathan, Bro Tathan, St. Athan, Proposal: Environmental Impact Assessment - Request for screening and scoping opinion. Planning application for phased redevelopment of land for a data centre with ancillary office and storage areas; comprising erection of new buildings (max floorspace circa 83000 sqm gia); parking, delivery/servicing areas and substation, drainage, access works and all associated building and engineering works, Decision: Environmental Impact Assessment (Screening) - Not Required.

2022/00084/SC2, Address: Land North of Ffordd Bro Tathan, Bro Tathan, St. Athan, Proposal: Environmental Impact Assessment - Request for screening and scoping opinion. Planning application for phased redevelopment of land for a data centre with ancillary office and storage areas; comprising erection of new buildings (max floorspace circa 83000 sqm gia); parking, delivery/servicing areas and substation, drainage, access works and all associated building and engineering works, Decision: Withdrawn.

CONSULTATIONS

Llanmaes Community Council were consulted on 11 April 2024. They have responded and support the application. They highlight it would bring much needed employment opportunities to the area in the construction phase, safe and secure operation of the facility and more skilled programming positions created by Vantage Data Centre's customers and commercial partners.

Llantwit Major Town Council were consulted on 9 August 2023. They have responded and support the application.

Following amendments to the application being received on 13 March they were re-consulted on 14 March 2024. They have responded supporting the application and raise no objections.

Llantwit Major Ward Members were consulted on 9 August 2023. No response has been received to date.

Following amendments to the application being received on 13 March they were re-consulted on 14 March 2024. No response has been received to date.

Council's Arts Officer was consulted on 13 November 2023. No formal response had been received with regard to the initial proposals. Following amendments to the application being received on 13 March 2024 they were re-consulted on 14 March 2024. They have responded clarifying agreement with the planning obligation contribution for art.

Council's Building Control Section were consulted on 9 August 2023. No response has been received to date. Following amendments to the application being received on 13 March they were re-consulted on 14 March 2024. No response has been received to date.

Council's Drainage Section were consulted on 9 August 2023. They initially responded as summarised below:

With reference to Technical Advice Note 15: Development and Flood Risk (TAN15) (2004) this development is predominantly situated within DAM Zone A considered to be at little or no risk of fluvial or tidal flooding. A small area at the southern boundary is situated within DAM Zone C2 in an area of flood plain without significant flood defence infrastructure. A

surface water flow path has been identified which includes areas of low to high flood risk to the west of the development flowing north to south. With consideration to Flood Map for Planning (FMfP) it is identified that areas of the site are at risk of flooding from surface water and small watercourses (Flood Zones 2-3) and from rivers (Flood Zone 2-3) at the southern boundary.

It is the intention of the Vale of Glamorgan Council as Highway Authority to adopt the flood bunds in this area as they are required to offset the impact of the adjacent road when constructed, discussions of which are currently ongoing.

It is indicated from the submitted Drainage Strategy Report (Burroughs 2023) that surface water runoff generated by the proposed development will be treated / attenuated through the use of sustainable drainage techniques prior to discharge to both Boverton Brook and Nant y Stepsau watercourses at attenuated rates. This application is subject to Schedule 3 of the Flood and Water Management Act 2010. Of which pre-application (SAB/PRE/2023/014) discussions are currently ongoing.

Given the above, we would request a holding objection to the proposed development. Advisory notes on SuDS and Watercourses are recommended.

Following amendments to the application being received on 25 October 2023 they were reconsulted. They responded on 16 November 2023 with further advice and request for clarification of details.

Following amendments to the application being received on 21 December 2023 they were requested to comment. The following comments were received on 9 February 2024.

On review of the submitted information. To confirm we find the details acceptable in principle and have no further comment to make regarding this application. This application is subject to schedule 3 of the Flood and Water Management Act 2010. Of which pre-application (SAB/PRE/2023/014 & SAB/PRE/2023/023) are currently ongoing.

Following amendments to the application being received on 13 March 2024 they were reconsulted on 14 March 2024. A further amended plan and email was received on the 24 April 2024 and was forwarded to the Drainage Section for comment. They have responded as follows:

On review of the submitted information, to confirm we find the details acceptable in principle and have no further comment to make regarding this application. This application is subject to schedule 3 of the Flood and Water Management Act 2010. Of which pre-application (SAB/PRE/2023/014 & SAB/PRE/2023/023) are currently ongoing.

Council's Ecology Officer were consulted on 9 August 2023. The following initial response was received:

A holding objection is requested for the following reasons:

- 1. There is a lack of detail and ambition in the range of habitat mitigations that clearly needs to reflect the considerable effort that has been made to quantify the impact of this proposed development on biodiversity.*
- 2. The proposal needs to demonstrate the net benefit principle.*
- 3. The loss of trees, hedgerows and scrub and their mitigation needs to meet the aspirations of the SPG on Trees, Woodlands, Hedgerows and Development*

4. *The Planting Plans in Appendix 9 need more detail covering both areas and species composition.*

Planning conditions are requested for both the Habitat Management Plan & Lighting Plan.

Following amendments to the application being received in October 2023 they were re-consulted on 24 October 2023. The following update was received on 08 November 2023

The holding objection is withdrawn due to additional habitat features being provided. I would urge trying to replicate the central hedge through landscaping details even though it would fall short of the boundary for security reasons. The need to agree the Hazel Dormouse Conservation Strategy and obtain a Protected Species License remains.

An additional update was received on the 14 November 2023 as detailed below:

In looking outside of the development site for mitigation opportunities can every effort be made to, not only accommodate Hazel Dormouse through the allocation of land and also hedge and tree planting, but also open areas suitable for Skylark and for preferably more than a single pair to demonstrate a real biodiversity benefit from this development proposal.

Following amendments to the application being received on 13 March 2024 the Council's Ecology Officer was re-consulted further on 14 March 2024. The following comments made on 08 April 2024 were received indicating no objection and updating comments made on the 08 November 2023:

The provision of new plans confirms the provision of permanently wet water bodies, hibernacula and the continuation of the trees to replace the central hedgerow. It is disappointing that they are all ornamental cherries which are subject to a number of pests and diseases. More varied planting may obviate future losses and using native species would have additional benefits.

There is also an issue here with excessive light spillage from the 8m high Thorn lighting affecting the trees and their potential for use by bats. I would suggest overlaying the Lux plan on CWL21-TIR-WS3-SP-DR-L-0101_PLANTING PLAN and modifying the specification, layout and height.

The skylark remains the main loser from this scheme and the suggested nesting on the top of bunds is unlikely to be successful in my opinion.

I note that the boundary fencing has no provision for small mammals. It would be helpful if this was rectified.

For such a large scheme the range and type of biodiversity benefits is disappointing.

Conclusion - More work is needed on some of the tree species specification, lighting and boundary fencing. However, there will be benefits for Hazel Dormouse which may offset the loss of breeding habitat for Skylark.

Following a response to the above comments being received from the applicant's agent by email on 23 April 2024; detailing conditions can be required for amendments to boundary treatment and landscaping and provision of an updated lighting plan further comments were sought from the Council's Ecologist.

An email response was received on 01 May 2024 and detail conditions for an amended lighting scheme to protect bats, alterations to landscaping and greater biodiversity enhancements on site are required.

Council's Heritage Officer was consulted on 19 March 2024. The following comments have been received on 27 March 2024:

The proposal is set away from the listed building of Picketston House and so the impact is not immediate. However the building will be seen in the distance from the property and in wider landscape and so it is considered that mitigation through appropriate colour choices and materials can be made. The agreement of a colour choice for the fencing and building materials should be agreed to reduce the impact of the buildings to the wider setting. The use of non-reflective glazing would also assist. The impact on the HER record will be left to GGAT for comment.

Council's Highway Development Section were consulted on 9 August 2023. They have responded and provided comments on the Transport Assessment, internal road design, provision of shared pedestrian/cycleway footway and crossing of the Northern Access Road (NAR), provision of bus stops and sustainable drainage.

Following amendments to the application and further information being received on 13 October 2023 they were re-consulted on 24 October 2023. They responded, in summary, as follows:

It is recognised that not all 120 staff would be on site at any one time due to shift patterns. A 3m shared pedestrian/cycling facility is required on both sides of the access. The main active travel link is on the opposite side of the NAR and in order to connect to this route a new controlled Toucan crossing point shall be provided across the Northern Access Road is required by condition.

A travel plan shall be provided and in order to meet the objectives of a travel plan and local and national polices, sustainable transport improvements are to be provided to aide in a modal shift. This will include new bus stops, a new footway along Eglwys Brewis Road and contributions to subsidise the 905 Service to re-route past the site along Northern Access Road.

The Transport Assessment has been independently reviewed and there are no concerns with regard to increased traffic along the highway network..... The sustainable transport improvements proposed should also aide in reducing the impact of traffic in the surrounding area and to benefit the proposed site.

Parking provision is acceptable (134 Spaces) and an additional 66 temporary spaces are being proposed for construction vehicles as the site is proposed to be developed in two phases.

No objection is raised subject to conditions.

Following amendments to the application being received on 13 March 2024 they were re-consulted on 14 March 2024. They have responded on 2 May 2024 as follows in summary:

No objection subject to conditions for full engineering details of any 'off site works', scheme for a new Toucan crossing, a Construction Traffic Management Plan (CTMP), Travel Plan, Pre and Post construction haulage route conditions survey.

Council's Landscape Section were consulted on 9 August 2023. A response was received and is summarised below:

In longer distance views the proposed development forms a small part of the overall view and is set against the backdrop/context of similar scale buildings. Intervening existing vegetation partially screens it and the careful location of proposed landscaping could reduce the impact further by breaking up the massing of the building in these views. The largest impact would appear to be on the village of Picketston which is in close proximity to the development. VP04 needs clarification for the impact on properties in Picketston. Further comments are provided on the provision of landscaping and planting in and around the site particularly in relation to breaking up views from the north and eastern side of the site.

Following amendments to the application being received on 13 March 2024 and clarification of the additional requirements detailed above they were re-consulted on 14 March 2024. A response has been received and is summarised as follows:

1. Landscape Visual Assessment

- a) The response to the previous comments in the technical note are welcomed and also the amended viewpoints 04 and 08 including the built form are noted.
- b) VP04 - this is a significant change to the original expansive view and more thought should be given to how the massing of the building can be filtered through the use of additional tree planting in front of this elevation to break up the massing and mitigate the impact on the local residents at Picketston. Whilst I appreciate that the low sensitivity is attributed due to the likely occupation of residents not focused on the view, they will be aware of it as a large change in the context of their setting, whether focused on it or not, and measures to reduce this impact should be included.
- c) The including the wireframe in the view does show that the development is visible from VP08 and although initially it will be distinguishable due to its slightly different character to the intervening built form it is accepted that it will blend into the context of the view over time.

2. Green Infrastructure Strategy

- a) Tables 3.1 3.2 :- when referencing the grassland areas and edge habitat/dense understory they could add carbon sequestration to the economic outcomes
- b) Table 5.1: Review of change to habitat types indicates that tree replacement ratio is less than 2:1 on site and well short of the 3:1 target recommended by PPW. Although if the woodland mitigation site is included these ratios are exceeded.

3. General Layout of the site -

- a) Welcome the inclusion of the external space for staff use.
- b) Structure Planting/Native Whip planting -

- i. Limited planting shown around the perimeter of the site. Reference to tree planting on the bund on the southeast side however no planting shown on the landscape plan
 - ii. to boost screening of the development including larger tree species in some of the hedge gapping up and areas of mixed whip planting to replace vegetation lost on site and restore lost habitat.
- c) Car park - opportunities for additional tree planting in the carpark area.
- i. Reference to temporary car park, clarify after use of this area. It would seem a good opportunity for extensive additional native planting to boost site biodiversity. Perhaps include a phase 2 landscape plan to show treatment of this area post removal.

4. Soft landscaping

Noted species selection detailed on planting plan but additional clarity needed on details of planting in individual planted areas as conceptual nature of plan makes it hard to fully assess details and appropriateness of planting for given areas. A requirement for detailed landscape proposals should be conditioned which cross references the detailed design of the proposed SUDS drainage features and rain gardens to understand appropriateness of species chosen in the context of the operation of the drainage system.

- a) See below for comments on trees
- b) Noted the inclusion of locally sourced meadow seed. Ongoing management plan indicating a variety of maintenance regimes should be provided to maximise the biodiversity benefit of these areas.
- c) I note the extensive broadleaved woodland planting proposed as part of the dormouse mitigation strategy to the west of the site, there are no planting details or mix %'s for this area, although the species mix is defined in the mitigation strategy.

5. Hard Landscaping

Welcome the inclusion of some amenity space in the design of the external areas for staff.

6. Drainage Strategy

- a) It is noted from the drainage strategy drawings that there are some potential conflicts between drainage runs and the position of trees shown on the landscape plans. Clarification should be sought that the proposals indicated can actually be achieved.

7. Trees

a) Existing trees

The loss of trees and scrub across the site is a shame but appears to be more than compensated for by the broadleaved woodland proposed in the dormouse mitigation strategy.

b) Proposed Trees

- i. Root Available Soil Volume (RASV) for the trees planted within the hard landscaped areas has been provided and meets the target minimum RASV's for small to medium sized trees shown on landscape plan. If larger trees are to be included the RASV's would need to be increased accordingly.
- ii. Welcome the addition of the tree pit details for the hard landscape areas as shown on CWL21-TIR-WS3-SP-DR-L-0103_TREE PIT DETAILS Revision: P1.0

however preference would be for the cell systems shown to be on both sides of the central reservation area to allow the trees to develop a balanced root system rather than a one sided system which the current arrangement will encourage.

- iii. Tree species mix within the fenced site is generally acceptable, although I would prefer to see a few more of the larger tree species incorporated, particularly in the car park area, generally around the perimeter of the site and particularly the north eastern side to filter some of the wider uninterrupted views of the development and break up the massing of the building within the landscape, this is particularly relevant for the more local views from Picketston where a mixture of larger and medium sized trees can help to minimise the scale of impact of the building .

Council's Public Rights of Way Section were consulted on 22 September 2023. They have responded as follows:

Although no Public Rights of Way fall within the site boundary of the proposed development, Public Right of Way No.17 Llanmaes (status - Footpath) crosses the area highlighted as proposed broadleaf woodland.

The applicant must ensure that the tree planting does not obstruct the use of the public right of way at the time of planting or due to subsequent growth of the trees. A corridor with a width of two metres either side of the footpath will be required.

No adverse effect should result to the public right of way, the applicant should ensure that materials are not stored on the footpath and no barriers, structures or any other obstructions placed across the legal alignment of the footpath. Should the footpath require temporary closure to assist in facilitating works an order should be sought under the Road Traffic Regulation Act 1984. Temporary closure should not be sought in order to allow construction of permanent obstructions.

Following amendments to the application being received on 13 March 2024 they were reconsulted on 14 March 2024. No response has been received to date.

Council's Shared Regulatory Services (Environment) were consulted on 9 August 2023. They initially responded as follows:

The reports include detailed investigations to ascertain the ground conditions at the development site. Documents (3)-(5) provide an assessment of potential contamination and associated risks to human health and the environment. Several contamination issues are discussed in these reports:

Radiological contamination 'hot spots' were identified on site and remediated by the excavation and disposal of the waste 'hot spots' via permitted and regulated by Natural Resources Wales (NRW). Document (6) notes, 'This work has been undertaken; and a summary report is awaited'. SRS would recommend the LPA requests verification/confirmation that this remediation work has been completed.

The following (non-radiological) contaminants have been identified on-site:

PFAS compounds were identified in soil and groundwater samples, associated with historic firefighting activities. No significant risk to human health has been identified, but these compounds may pose a risk to controlled waters.

Localised asbestos, marginal hydrocarbon exceedances and an isolated occurrence of volatile organic compounds were also identified.

The above reports indicate that risk to human health from these contaminants is low; subject to site workers utilising appropriate site working practices and the implementation of a material management plan to ensure the safe processing and suitable re-use of site won material. Measures relating to contamination/pollution risk will also need to be incorporated into a construction environmental management plan.

Document (6) provides options in relation to the sustainable remediation of PFAS compounds, together with brief proposals in relation to materials management (including stockpiles and remediated materials) and environmental controls for the development process.

The developer will need to submit for approval a detailed remediation strategy and verification plan; incorporating proposals to remediate the site and procedures for validating the works undertaken including the provision of a remediation validation report.

Should there be any importation of soils to develop the landscaped areas of the development, or any site won recycled material, or materials imported as part of the construction of the development, then it must be demonstrated that they are suitable for the end use. This is to prevent the introduction or recycling of materials containing chemical or other potential contaminants which may give rise to potential risks to human health and the environment for the proposed end use.

On the submission of the Radiological Remediation Report (Sept 2023) they note survey, excavation and disposal of the affected waste via a NRW permit and did not have additional comments at that time.

Following amendments to the application with amendments to the site location plan being received on 13 March 2024 they were re-consulted on 14 March 2024. They updated their response as follows:

Further to SRS Environment Team's (SRS) previous comments in relation to land contamination on 22/11/2023, SRS acknowledges that there has been an amendment to the development 'Red Line' boundary. The majority of the FTA is now excluded from the development. However SRS reiterates the recommendation that conditions are written such that discharge can be undertaken on a phased basis to reflect the phasing of development and the separation of the Leasehold Development Area and Application area which includes areas retained by WG. These retained areas are not addressed by the remediation strategies submitted to date.

Following further amended plans and details being received, including a change to the phasing plan further comments were received on 5 April 2024. These detail from the list of documents provided in the full comments that:

Outside of the green line boundary- Information provided by Ramboll relates to land within the green line boundary. (See Document 9). With regards to the application site outside of the green line boundary Ramboll (Document 10) indicate that the landowner, WG and their consultant, Tetrattech are/have been undertaking their own investigations in relation to the application area outside the green line boundary but still bounded by the red line application boundary.

Information relating to the contamination assessments and remediation required for the development of these parts of the application site will need to be submitted for these parts of the application site.

Inside of the green line boundary - The above reports indicate that risk to human health from these contaminants is low; subject to site workers utilising appropriate site working practices and the implementation of a material management plan to ensure the safe processing and suitable re-use of site won material.

Document (6) provides remediation options in relation to the sustainable remediation of PFAS compounds, together with brief proposals in relation to materials management (including stockpiles and remediated materials) and environmental controls for the development process. The remediation works discussed are intended to make the area within the green line boundary suitable for use and provide limited betterment reducing the risk to controlled waters, within the limitations of their remit and their client's control.

However, Document (6) does not constitute a remediation strategy and verification plan in accordance with current guidance,

The applicant will need to submit for approval a detailed remediation strategy and verification plan; incorporating proposals to remediate the site and procedures for validating the works undertaken including the provision of a remediation verification report.

Shared Regulatory Services (Environment) therefore requests the inclusion of conditions including a contamination assessment for land outside of the green boundary and remediation and verification for land inside the green boundary. In addition conditions for unforeseen contamination and importation of soil and aggregates and an informative statement in relation to the different development areas identified by the application is also recommended.

Following the above, discussions have taken place between SRS (Environment) and the applicant's agent and further information being submitted with regard a remediation strategy and verification plan within the green line boundary. No objection is raised in their updated comments dated 08 May 2024 and the condition requirements for remediation have been amended.

Council's Shared Regulatory Services (Pollution Control) were consulted on 9 August 2023. They responded as follows:

I am satisfied the noise report covers the noise issues and it is recommended to condition the noise level at the nearest residential property should not exceed (30db) as stated in the noise report page 10 section 3.4 Assessment Criteria.

In terms of the lighting scheme and light spillage contour map, the officer has clarified that they have no observations to make.

The air quality assessment outlines the proposed development and its impact on local air quality. The development will not generate significant traffic flows during its operational phase. Therefore, traffic flows are deemed to have no impact on local air quality and have been scoped out of the assessment.

The potential air quality impacts of back up diesel generators are the focus of the assessment. Atmospheric dispersion modelling has been undertaken to determine the impacts of emergency generators operating to provide power for the data centre. The allowable operating hours in an emergency for a 1% probability are 34 hours per year. Predicted annual mean NO₂ impacts at relevant receptor locations are not significant for these operating hours which are considered very unlikely to occur in reality. Impacts at ecological sites are not considered to be significant.

I am satisfied that air quality impacts have been considered and I agree that they are not significant.

A construction impact assessment has also been included with the AQA. As stated within the assessment, the control of dust emissions from construction sites relies upon good site management and mitigation techniques to reduce emissions of dust and limit dispersion. A summary of the mitigation measures recommended in the IAQM guidance to reduce impacts from low-risk sites is provided in Table 6.4 of the AQA. It is recommended that these measures are included within a Construction Environmental Management Plan (CEMP) which could be secured through an appropriately worded planning condition. The CEMP would also include mitigation measures to minimise impacts from HDV traffic associated with the construction works on the site.

Following amendments to the application being received on 13 March they were reconsulted on 14 March 2024. No further response has been received to date.

Council's Transport and Road Safety Section were consulted on 9 August 2023. No response has been received to date. Following amendments to the application being received on 13 March they were re-consulted on 14 March 2024. No response has been received to date.

Cadw were consulted on 24 May 2024. A response will be provided to Members at the Planning Committee meeting.

Cardiff Airport Authority were consulted on 24 November 2023. No response has been received. Following amendments to the application being received on 13 March 2024 they were re-consulted on 14 March 2024. No response has been received to date.

Dŵr Cymru / Welsh Water were consulted on 9 August 2023. They have responded with no objection and provide advice on design of the new pumping station, sustainable drainage and sewers.

Following amendments to the application being received on 13 March they were re-consulted on 14 March 2024. They have responded with similar comments and advice as detailed above.

Heneb - The Trust for Welsh Archaeology (Formerly GGAT) were consulted on 9 August 2023. They initially responded as follows:

The proposal is an area of archaeological potential with known sites dating from the prehistoric through to the Modern period. The site has previously been subject to some level of ground disturbance, particularly in the centre of the site, which is likely to have some impact on any potential remains. However, there is certainly the potential for archaeological features to survive.

Furthermore there are known 20th century military remains on the site, including Type 22 Pill Boxes, although it is apparent one has largely been demolished and an air raid shelter.

The Heritage Statement makes several recommendations with regards to archaeological mitigation, including a geophysical survey followed by a suitable programme of archaeological work. In addition to preserving the northern and western hedgerows and building surveys of the 20th century military structures.

Such an approach is appropriate. Therefore it is our recommendation that two conditions are attached to any consent.... The suggested conditions relate to a written scheme of investigation and a survey prior to commencing work.

Following amendments to the application being received on 13 March they were re-consulted on 14 March 2024. They have responded on the 18 April 2024 as follows:

The initial comments above are noted in their comments and they detail in relation to the further information submitted, *“Such an approach is appropriate and subsequent to our initial letter, we note the submission of a Written Scheme of Investigation for Trial Trench Evaluation (Tetra Tech project no. 784-B034343-V0, dated March 2024), Written Scheme of Investigation for a Watching Brief (Tetra Tech project no. 784-B034343-V0, dated March 2024) and a Written Scheme of Investigation for Historic Building Recording (Tetra Tech project no. 784-B034343-V1, dated February 2024). The combined works outlined in the documents provides suitable mitigation for the proposed development, although we note the requirement for the appointed archaeological contractor to submit and agree specific project designs for each element of the work”.*

They conclude conditions and informative to secure a programme of archaeological work and pre-commencement building recording are required.

The Ministry of Defence were consulted on 9 August 2023. They initially responded that the application site occupies the statutory safeguarding zone surrounding MOD St Athan. No objections are raised subject to a condition for a construction management plan including details of cranes and other tall construction equipment.

Following amendments to the application being received on 13 March they were re-consulted on 14 March 2024. They have responded on 08 May 2024 and reiterate their comments above. They further require re-consulting if there is any variation of the parameters (which include the location, dimensions, form, and finishing materials) detailed may significantly alter how the development relates to MOD safeguarding requirements and cause adverse impacts to safeguarded defence assets or capabilities.

Natural Resources Wales were consulted on 9 August 2023. They initially responded as follows:

We continue to have concerns with the application as submitted because inadequate information has been provided in support of the proposal. To overcome these concerns, you should seek further information from the applicant regarding Land Contamination and European Protected Species. If this information is not provided, we would object to this planning application. Further details are provided below.

We also advise that based on the information submitted to date, conditions regarding European Protected Species, Land Contamination and a Construction Environmental Management Plan should be attached to any planning permission granted. Without the inclusion of these conditions, we would object to this planning application.

Land Contamination

Within the amended information submitted in support of this application, we note that there is a revised layout, and the provision of surface water attenuation and extensive sustainable drainage systems (SuDS) on the site. The development boundary now contains an area known to be where firefighting practice of fighter jets took place and was the main perfluoroalkylated (PFAS) source area.

While we note that only a small area of the additional land is to be redeveloped, everything within the red line boundary is under consideration in terms of land contamination and will need to be assessed and mitigated under planning permission.

Phase I and II Environmental Site Assessments

We note that the redline boundary now includes the entire former firefighting area, and that the area for the development of the data centre is now smaller compared to when we provided comments in our previous response reference CAS-219634-G2M8. We understand that the firefighting area was not only used for practice, but also used for burning of waste fuels and vehicles and breaking of aircraft.

Section 5.1 of the Phase I Environmental Site Assessment refers to the firefighting area to the southeast of the boundary. Therefore, we advise that this report is amended to state that this area is within the planning boundary.

We note that through investigation, perfluorooctane sulfonate (PFOS), which is a PFAS compound, was identified on the site in 2010. All locations where PFAS has been detected exceed the adopted screening criteria. We therefore agree with the need to further delineate the extent and depth of PFAS contamination of the surface and groundwater plus sediments within the red line planning boundary.

Delineation Environmental Investigation and Remediation Options Appraisal

Within section 4 of the Remediation Options Appraisal, we note that the preferred method for PFAS remediation is stabilisation. However, we require further evidence to be provided on the durability of stabilisation for PFAS compounds, such as appropriate tank tests to demonstrate that the soil sources could be managed, and a literature review that demonstrates that stabilisation is a durable method for PFAS compound capture for the lifetime of the development.

We note reference for the use of the CL:AIRE Code of Practice on site, however, the applicant will need to demonstrate that they will meet the 4 tests adequately. They also may need to consult with our Waste Regulatory Team (wasteregulation.southcentral@naturalresourceswales.gov.uk) in order to be able to

demonstrate that PFAS compounds, unchanged by stabilisation, can meet the CL:AIRE criteria.

Section 10.2.1 of the Delineation Investigation Report states “Groundwater underlying the site is impacted with PFAS; however, the source is no longer active (PFAS containing foam is no longer used for fire training), and there are no receptors in the immediate vicinity. The ROA (remediation options appraisal) will consider a ‘do nothing’ approach based on the Conceptual Site Model. Any groundwater remediation/ treatment method would need to be focussed on the source area, i.e. the fire training area; however, a reduction of infiltration at this location will likely be the most pragmatic and sustainable approach.”

At this stage, we cannot agree to a “do nothing” approach, as there is still further site investigation proposed. The activity of firefighting may no longer be active, but the impacted soil and groundwater are still considered as source areas. The groundwater is also considered as a receptor as it is located immediately underneath the firefighting area.

SuDS

Depending on where the PFAS contamination is and given that further investigation has yet to take place, we may not necessarily advise that SuDS be implemented on this site, as it could spread any contamination further.

Summary

We therefore advise that further investigations and subsequent information is submitted prior to determination.

Subject to the submission of further information as outlined above, to ensure the contamination risks are fully considered, we would also recommend that conditions with regard contamination, verification to demonstrate the completing of a remediation strategy for contamination, long term monitoring for contamination, unforeseen contamination, details of piling or other foundation design are applied should planning permission be granted:

European Protected Species

We note that surveys have confirmed the presence of dormouse on site and identified that the site supports extensive habitat suitable for use by this species. Whilst surveys found no evidence of great crested newt use of waterbodies on site, the reports also identify that there is suitable terrestrial habitat on site for this species and that there are records of great crested newts within 1km of the site. In relation to bats, we note that activity surveys identified use of the site by at least 8 bat species for foraging and/or commuting.

We understand that with the exception of some boundary features, it is proposed to largely remove existing habitats on site to facilitate the development.

Dormice

As indicated above, we note that dormice have been confirmed to be present on site and that significant areas of dormouse habitat are proposed to be removed. Whilst we welcome the measures that are set out within the Dormouse Conservation Strategy, we have concerns in relation to some aspects of the mitigation proposals, which are detailed below. We advise that information is sought that addresses these in a revised Dormouse Conservation Strategy, prior to determination of the application.

We note that existing dormouse mitigation planting associated with a separate development and European Protected Species licence is proposed to be removed and replaced at a 1:1 ratio. The creation, successful establishment, and long-term security of such habitat is a legal requirement of that licence. As such, in the first instance we advise against proposals that will impact these areas.

If this application is to pursue bringing forward a proposal which impacts existing mitigation areas, we advise that compensation measures will need to be more significant than currently proposed. We advise that these areas are treated as high suitability habitat and compensated as a minimum at a 2:1 habitat gain.

It is proposed that all habitat loss will be compensated off-site. We note the indication that responsibility for these new habitats beyond the first 12 months will lie with Welsh Government. We advise that information is provided to demonstrate how the long-term delivery of any off-site mitigation proposed and its management and monitoring will be legally secured.

We advise that additional information is included that sets out the existing habitats and conditions within the proposed off-site compensation areas that demonstrates their suitability for woodland planting. In this context, we also note that Figure 4 Compensatory Planting Plan indicates flood bunds within the 'proposed broadleaved woodland' off-site compensation planting. In addition to consideration of potentially wet ground conditions implied by the flood bunds, we advise that any management requirements of the flood bunds themselves are considered in relation to the extent of planting that can be delivered.

The site clearance strategy proposes displacement of dormice from habitats on site. We advise that additional information is provided in support of this strategy that demonstrates there is suitable and sufficient connecting habitat to support the additional displaced animals. This should include consideration of the scope for shorter term improvement of surrounding habitat to increase its carrying capacity for dormice.

Dormouse monitoring is currently proposed within the first 5 years. We advise monitoring to be undertaken beyond this period to inform long term management. We advise that the Conservation Strategy is amended to reflect the commitment to monitor dormice as part of the long term management plan.

Summary

We would be happy to review our position in relation to dormice on receipt of a revised Dormouse Conservation Strategy that sufficiently addresses the above points. The above information should be provided prior to determination of the application.

Bats

We welcome the mitigation measures set out within the EclA in relation to bats. We advise that the EclA is included within the condition identifying approved plans and documents on the decision notice to ensure implementation of these is secured by any permission granted.

Great Crested Newts (GCN)

Whilst we note that the surveys undertaken found no evidence of use of the ditches on site by GCN, the EclA identifies that there are records for GCN in the locality and that suitable terrestrial habitat is present on site. It is proposed to prepare a method statement to

ensure site clearance considers the risk of GCN being present. We welcome this and advise that the following or a suitably worded condition is attached to any permission you are minded to grant as follows:

Construction Environmental Management Plan (CEMP)

Due to the size of the development, we advise that a CEMP will be required as part of the application and this should be required by a condition.

Foul drainage

We note the development is not proposing to change the current existing drainage system which is stated as mains sewer, although we understand the site to be situated outside of a publicly sewered area. Provided connection is to mains sewer, we do not object to the application as submitted with regards to foul drainage. Should this change, please reconsult us.

Other Matters

We advise the applicant that, in addition to planning permission, it is their responsibility to ensure they secure all other permits/consents/licences relevant to their development.

Following amendments to the application being received on 13 October 2023 with regard to contamination they were re-consulted on 24 October 2023. Further information was received from the applicant after this and were forwarded to NRW for their assessment. They responded on 5 December 2023 specifically to do with contamination and recommended conditions to deal with the matters.

Following amendments to the application being received on 13 March 2024 including a change to the red line area, updated ecology information, updated contamination information and an Outline CEMP they were re-consulted on 14 March 2024. They have responded as follows:

We continue to have concerns with the application as submitted. However, we are satisfied that these concerns can be overcome by attaching the following conditions to any planning permission granted:

- *Conditions: European Protected Species (EPS)*
- *Planning Obligation (Section 106 Agreement): Ecological Management*
- *Conditions: Land Contamination*

Please note, without the inclusion of these conditions we would object to this planning application. Further details are provided below.

European Protected Species (EPS)

Further to our advice provided under response reference CAS-234869-R0Q9 (dated 5th October 2023) and CAS-239771-K6D1 (dated 5th December 2023), a meeting between Ramboll consultants and NRW representatives was undertaken on 11th April 2024. Following this meeting, the following document was submitted and reviewed:

- *Land North of Ffordd Bro Tathan - Addendum to Dormouse Conservation Strategy and Response to Comments (NRW - Ecology), Rev B 11 April 24*

We welcome the document identified above which provides an update to elements of the previously submitted 'Bro Tathan North Dormouse Conservation Strategy_V2_Issue.docx, by Ove Arup 3 Aug 23'.

Planning Policy

The proposal has the potential to kill, injure or disturb dormouse, or damage or destroy their breeding sites and resting places. Dormouse and their breeding sites and resting places are protected under the Conservation of Habitats and Species Regulations 2017 (as amended). Where dormouse are present and a development proposal is likely to contravene the legal protection they are afforded, the development may only proceed under licence issued by Natural Resources Wales, having satisfied the three requirements set out in the legislation. A licence may only be authorised if:

- i. The development works to be authorised are for the purpose of preserving public health or safety, or for other imperative reasons of overriding public interest, including those of a social or economic nature and beneficial consequences of primary importance for the environment;*
- ii. There is no satisfactory alternative; and,*
- iii. The action authorised will not be detrimental to the maintenance of the population of the species concerned at a favourable conservation status in its natural range.*

To avoid developments with planning permission subsequently not being granted a licence, the Local Planning Authority should take Planning Policy Wales and Technical Advice Note 5 into account when considering development proposals where a European Protected Species is present.

For the purposes of providing advice at the planning application stage, our comments are limited to compliance with the third test "demonstration of no detriment to the maintenance of the favourable conservation status of European protected species".

Condition - Dormouse Conservation Plan

We welcome the updates provided within the submitted Addendum to the Dormouse Conservation Strategy and advise that a suitably worded condition for the submission of a Dormouse Conservation Plan is attached to any planning permission granted.

The Dormouse Conservation Plan should include updated principles, as included within 'Land North of Ffordd Bro Tathan - Addendum to Dormouse Conservation Strategy and Response to Comments' (NRW - Ecology), Rev B 11 April 24.' To ensure that an approved Conservation Plan is implemented, which protects dormice affected by the development.

Condition - Landscape and Ecological Management Plan (LEMP)

In order to ensure the necessary habitat management measures for Dormouse, we advise Your Authority to attach a suitably worded LEMP condition to any planning permission granted. The LEMP should build upon the principles outlined within the 'Bro Tathan North Dormouse Conservation Strategy_V2_Issue.docx, by Ove Arup 3 Aug 23' and subsequent Addendum to Dormouse Conservation Strategy and Response to Comments (NRW - Ecology), Rev B 11 April 24. A LEMP should be agreed to ensure necessary habitat management measures for Dormouse are agreed prior to commencement and appropriately managed in the long-term.

Planning Obligations

The 'Bro Tathan North Dormouse Conservation Strategy_V2_Issue.docx, by Ove Arup 3 Aug 23' states that long term management, monitoring and auditing of the project is to be taken on by a third party after the initial 12 months post construction.

We therefore advise that a Planning Obligation Section 106 Agreement (as opposed to a Unilateral Undertaking) will be required. We advise that in respect of any such agreement, provisions relating to ecology include:

- Defined commuted sum and/or requirement for index linked ground rent service charges to include ecological management and surveillance (a costed management plan will be required to inform costings)*
- Identification of relevant land to be subject to the planning obligation and be managed for biodiversity*
- Delivery of management*
- Management plan review, at minimum 5 years*

We also advise that the works are carried out under licence. We refer you to the Chief Planning Officer's letter dated 1 March 2018 which advises Local Planning Authorities to attach an informative regarding licence requirements to all consents and notices where European Protected Species are likely to be present on site.

Please note that any changes to proposals between planning consent and the licence application may affect the outcome of a licence application.

Land Contamination

Further to our advice provided under response reference CAS-234869-R0Q9 (dated 5th October 2023) and CAS-239771-K6D1 (dated 5th December 2023), we have reviewed the following additional information:

- North of Bro Tathan Business Park, St Athan, Barry - Remediation Strategy - Dated April 2024 Issue 2 By Ramboll*
- PFAS Soil Stabilisation/Solidification Literature Review Version 1 Dated 14/02/2024 By Ramboll*

We have been in receipt of the Your Authority's requested Land Quality conditions (Ref: SRS/E/13774/23/dm.r2, dated 8th May 2024). We are in agreement with these conditions, relating to remediation/verification and unforeseen contamination, and request they are attached to any permission granted.

In addition, we request that the following conditions are also included:

Condition - Groundwater Monitoring

We note the remediation strategy states (Section 8.4) that a period of groundwater monitoring will be undertaken in order to ensure that groundwater quality is improved as a result of the remediation. We therefore advise that a suitably worded condition for a long term monitoring plan is attached to any planning permission granted.

Condition - Piling is recommended

Other Matters

We advise the applicant that, in addition to planning permission, it is their responsibility to ensure they secure all other permits/consents/licences relevant to their development. Please refer to our website for further details. Advice is provided with regard land contamination for the developer.

Following the receipt of the above on the 20 May 2024 they have updated their comments by email dated 21 May 2024. The original comments with regard bats and Great Crested Newts should still be taken into account in addition to that within the most recently submitted comments. It is further detailed the original requirement for a condition for a Construction Environmental Management Plan (CEMP) to cover Great Crested Newts is still needed.

South Wales Fire and Rescue Services were consulted on 9 August 2023. They initially responded as follows:

- *The Fire Authority has no comment to make on access for fire appliances or water supplies.*
- *The Fire Authority has no objection to the proposed development and refers The Local Planning Authority to any current standing advice by the Fire Authority about the consultation.*

The developer should also consider the need for the provision of:-

- a. adequate water supplies on the site for firefighting purposes; and*
- b. access for emergency firefighting appliances*

Following amendments to the application being received on 13 March they were re-consulted on 14 March 2024. They have responded on 15 April 2024 raising no objection as previously. Further relevant advice with regard climate emergency and electric vehicle parking and charging facilities is provided.

South Wales Police were consulted on 9 August 2023. They have responded with general advice on meeting Secured By Design with regards the following areas: Perimeter Security, Vehicle Access, CCTV, Lighting, Landscaping, Vehicle Parking Areas, Bicycle Stores, Bin Stores, Building Shell Security, Drainpipes, Intruder Alarm Systems, Access Control, Door Security, Window Security and Computers.

Following amendments to the application being received on 13 March they were re-consulted on 14 March 2024. They have responded and raise no objection and detail they are happy with the overall layout of the site.

Western Power Distribution were consulted on 9 August 2023. No response has been received to date.

Following amendments to the application being received on 13 March they were re-consulted on 14 March 2024. They have responded on 15 March 2024 as follows:

Please make the applicant aware that if they require a new connection or a service alteration, they will need to make a separate application to National Grid.

REPRESENTATIONS

The neighbouring properties were consulted on 9 August 2023. A site notice was also displayed on 24th August 2023. The application was also advertised in the press on 24 August 2023. Six letters have been received and the comments are summarised below:

- It will increase traffic on Picketston lane which has become a cut through and has no safety measures such as speed bumps/reduced speed limits. It would add to existing highway safety issues for pedestrians and horse riders.
- Operating 24hrs a day with shift changes it would result in noise and disruption at early and later hours.
- Construction vehicles would increase causing damage to hedges and road surface.
- There would be significant increase light and noise pollution.
- It will have a detrimental impact on biodiversity and wildlife.
- It would devalue properties in the area.
- The application details are hard to understand.

REPORT

Planning Policies and Guidance

Local Development Plan:

Section 38 of The Planning and Compulsory Purchase Act 2004 requires that in determining a planning application the determination must be in accordance with the Development Plan unless material considerations indicate otherwise. The Vale of Glamorgan Adopted Local Development Plan 2011-2026 forms the local authority level tier of the development plan framework. The LDP was formally adopted by the Council on 28 June 2017, and within which the following policies are of relevance:

Strategic Policies:

POLICY SP1 - Delivering the Strategy

POLICY SP2 - Strategic Sites

POLICY SP5 - Employment Requirements

POLICY SP7- Transportation

POLICY SP10 - Built and Natural Environment

Managing Growth Policies:

POLICY MG9 - Employment Allocations

POLICY MG10 - St Athan - Cardiff Airport Enterprise Zone

POLICY MG16 - Transport Proposals

POLICY MG19 - Sites and Species of European Importance

POLICY MG20 - Nationally Protected Sites and Species

POLICY MG21 - Sites of Importance for Nature Conservation, Regionally Important Geological and Geomorphological Sites and Priority Habitats and Species

POLICY MG22 - Development in Minerals Safeguarding Areas

Managing Development Policies:

POLICY MD1 - Location of New Development

POLICY MD2 - Design of New Development
POLICY MD4 - Community Infrastructure and Planning Obligations
POLICY MD7 - Environmental Protection
POLICY MD8 - Historic Environment
POLICY MD9 - Promoting Biodiversity
POLICY MD14 - New Employment Proposals
POLICY MD15 - Protection of Allocated Employment Sites
POLICY MD16 - Protection of Existing Employment Sites and Premises

In addition to the Adopted LDP the following policy, guidance and documentation supports the relevant LDP policies.

Future Wales: The National Plan 2040:

Future Wales - the National Plan 2040 is the national development plan and is of relevance to the determination of this planning application. Future Wales provides a strategic direction for all scales of planning and sets out policies and key issues to be considered in the planning decision making process. The following chapters and policies are of relevance in the assessment of this planning application:

Chapter 3: Setting and achieving our ambitions

- 11 Future Wales' outcomes are overarching ambitions based on the national planning principles and national sustainable placemaking outcomes set out in Planning Policy Wales.

Chapter 4: Strategic and Spatial Choices: Future Wales' Spatial Strategy

- Guiding framework for where large-scale change and nationally important developments will be focussed over the next 20 years.
- Strategy builds on existing strengths and advantages and encourages sustainable and efficient patterns of development.

Chapter 5 - The Regions

- The Vale of Glamorgan falls within the South East region.
- Regional policies provide a framework for national growth, for regional growth, for managing growth and supporting growth.
- In the absence of SDPs, development management process needs to demonstrate how Future Wales' regional policies have been taken into account.

Policy 1 - Where Wales will grow

- Supports sustainable growth in all parts of Wales.
- Development in towns and villages in rural areas should be of an appropriate scale and support local aspirations and need.

Policy 8 - Flooding

- Focus on nature-based schemes and enhancing existing defences to improve protection to developed areas.
- Maximise opportunities for social, economic and environmental benefits when investing in flood risk management infrastructure.

Policy 9 - Resilient Ecological Networks and Green Infrastructure

- Action towards securing the maintenance and enhancement of biodiversity (to provide a net benefit), the resilience of ecosystems and green infrastructure assets must be demonstrated as part of development proposals through innovative, nature-based approaches to site planning and the design of the built environment.

Policy 10 - International Connectivity

- Cardiff Airport identified as a strategic gateway to facilitate international connectivity.
- Enterprise Zone offers opportunities for investment in the site and surrounding areas.
- New development around strategic gateways should be carefully managed to ensure their operation is not constrained or compromised.

Policy 12- Regional Connectivity

- Priority in urban areas is improving and integrating active travel and public transport.
- Priority in rural areas is supporting the uptake of ULEV vehicles and diversifying and sustaining local bus services.
- Active travel must be an essential and integral component of all new developments.
- New development and infrastructure should be integrated with active travel networks and where appropriate ensure new development contributes towards their expansion and improvement.
- Supports reduced levels of car parking in urban areas, car free developments in accessible locations and developments with car parking spaces that can be converted to other uses over time.
- Where car parking is provided for new non-residential development a minimum of 10% of car parking spaces should have electric vehicle charging points.

Policy 33 - National Growth Area - Cardiff, Newport and the Valleys

- National growth area is the focus for strategic economic and housing growth, essential services and facilities, advanced manufacturing, transport and digital infrastructure.
- Supports development in the wider region which addresses the opportunities and challenges arising from the region's geographic location and its functions as a Capital region.

Planning Policy Wales:

National planning policy in the form of Planning Policy Wales (Edition 12) (PPW) is of relevance to the determination of this application.

The primary objective of PPW is to ensure that the planning system contributes towards the delivery of sustainable development and improves the social, economic, environmental and cultural well-being of Wales.

The following chapters and sections are of particular relevance in the assessment of this planning application:

Chapter 2 - People and Places: Achieving Well-being Through Placemaking,

- Maximising well-being and sustainable places through placemaking (key Planning Principles, national sustainable placemaking outcomes, Planning Policy Wales and placemaking)

Chapter 3 - Strategic and Spatial Choices

- Good Design Making Better Places
- Previously Developed Land

Chapter 4 - Active and Social Places

- Transport
- Activities in Places (retail and commercial development)

Page 45 details policies will

• require developments to encourage modal shift and be easily accessible by walking, cycling and public transport, by virtue of their location, design and provision of on and off site sustainable transport infrastructure;

4.1.8[9] The Welsh Government is committed to reducing reliance on the private car and supporting a modal shift to walking, cycling and public transport. Delivering this objective will make an important contribution to decarbonisation, improving air quality, increasing physical activity, improving the health of the nation and realising the goals of the Wellbeing of Future Generations Act.

4.1.10 The planning system has a key role to play in reducing the need to travel, particularly by private car, and supporting sustainable transport, by facilitating developments which:

- are sited in the right locations, where they can be easily accessed by sustainable modes of travel and without the need for a car;*
- are designed in a way which integrates them with existing land uses and neighbourhoods; and*
- make it possible for all short journeys within and beyond the development to be easily made by walking and cycling.*

4.1.11 Development proposals must seek to maximise accessibility by walking, cycling and public transport, by prioritising the provision of appropriate on-site infrastructure and, where necessary, mitigating transport impacts through the provision of off-site measures, such as the development of active travel routes, bus priority infrastructure and financial support for public transport services. Importantly, sustainable transport infrastructure and services should be prioritised and put in place from the outset, before people have moved in and travel patterns have been established.

Chapter 5 - Productive and Enterprising Places

- Economic Infrastructure (electronic communications, transportation Infrastructure, economic development, tourism and the Rural Economy)

Chapter 6 - Distinctive and Natural Places

- Recognising the Special Characteristics of Places (The Historic Environment, Green Infrastructure, Landscape, Biodiversity and Ecological Networks, Coastal Areas)
- Recognising the Environmental Qualities of Places (water and flood risk, air quality and soundscape, lighting, unlocking potential by taking a de-risking approach)

Technical Advice Notes:

The Welsh Government has provided additional guidance in the form of Technical Advice Notes. The following are of relevance:

- Technical Advice Note 11 - Noise (1997)
- Technical Advice Note 12 - Design (2016)
- Technical Advice Note 15 - Development and Flood Risk (2004)
- Technical Advice Note 18 - Transport (2007)
- Technical Advice Note 23 - Economic Development (2014)
- Technical Advice Note 24 - The Historic Environment (2017)

Welsh National Marine Plan:

National marine planning policy in the form of the Welsh National Marine Plan (2019) (WNMP) is of relevance to the determination of this application. The primary objective of WNMP is to ensure that the planning system contributes towards the delivery of sustainable development and contributes to the Wales well-being goals within the Marine Plan Area for Wales.

Supplementary Planning Guidance:

In addition to the adopted Local Development Plan, the Council has approved Supplementary Planning Guidance (SPG). Some SPG documents refer to previous adopted UDP policies and to ensure conformity with LDP policies, a review will be carried out as soon as is practicable following adoption of the LDP. The Council considers that the content and guidance of the adopted SPGs remains relevant and has approved the continued use of these SPGs as material considerations in the determination of planning applications until they are replaced or otherwise withdrawn. The following SPG are of relevance:

- Biodiversity and Development (2018)
- Design in the Landscape
- Economic Development, Employment Land and Premises (2023)
- Parking Standards (2019)
- Planning Obligations (2018)
- Public Art in New Development (2018)
- Sustainable Development - A Developer's Guide
- Travel Plan (2018)
- Trees, Woodlands, Hedgerows and Development (2018)

In addition, the following background evidence to the Local Development Plan is considered relevant to the consideration of this application insofar as it provides a factual analysis and information that is material to the issues addressed in this report:

- Employment Land and Premises Study (2013)
- Local Employment Land Deliverability Paper (2015) (Also see LDP Hearing Session 5, Action Point 8 response)
- Further Advice on Employment Land and Premises Study (2015)
- Cardiff Airport and St Athan Enterprise Zone - Strategic Plan 2015
- St Athan and Cardiff Airport Enterprise Zone - Draft Strategic Development Framework 2015

Other relevant evidence or policy guidance:

- Manual for Streets (Welsh Assembly Government, DCLG and DfT - March 2007)
- Welsh Government Circular 016/2014: The Use of Planning Conditions for Development Management
- Welsh Office Circular 13/97 - Planning Obligations
- Section 58 (1) of the Marine and Coastal Access Act places a requirement on the Council to take authorisation decisions in accordance with the appropriate marine policy documents, unless relevant consideration indicates otherwise.

Equality Act 2010

The Equality Act 2010 identifies a number of 'protected characteristics', namely age; disability; gender reassignment; pregnancy and maternity; race; religion or belief; sex; sexual orientation; marriage and civil partnership. The Council's duty under the above Act has been given due consideration in the preparation of this report.

Well-being of Future Generations (Wales) Act 2015

The Well-being of Future Generations Act (Wales) 2015 places a duty on the Council to take reasonable steps in exercising its functions to meet its sustainable development (or wellbeing) objectives. This report has been prepared in consideration of the Council's duty and the "sustainable development principle", as set out in the 2015 Act. In reaching the recommendation set out below, the Council has sought to ensure that the needs of the present are met without compromising the ability of future generations to meet their own needs.

Issues

Need for Environmental Impact Assessment (EIA)

Previously the Council received a request to make a screening option as to whether or not a similar development proposal would require an Environmental Impact Assessment (2022/00038/SC1). It was concluded at that time that the proposal would not give rise to significant impacts upon the environment such that it would not require an Environmental Impact Assessment.

This proposal is essentially the same use and is for a building covering a similar area and is therefore considered largely commensurate in terms of the material considerations. Furthermore, it would be located on a site identified in an up to date LDP for employment uses. Therefore it would constitute an industrial estate development project falling under Schedule 2, 10(a) of the Environmental Impact Assessment (Wales) Regulations 2017. The proposed development site area would be above the relevant threshold listed in Schedule 2, 10(a), which is 5 hectares.

Welsh Office Circular 11/99 states that EIA will usually only be required for Schedule 2 developments in three main types of case: a) for major developments which are of more than local importance; b) for developments which are proposed for particularly environmentally sensitive or vulnerable locations); and c) for developments with unusually complex and potentially hazardous environmental effects.

In this respect, and taking into account each of the above, it is concluded from the information submitted that the potential environmental impacts of the proposed development would not be so significant to be greater than of only local significance, the site is not environmentally or historically sensitive and the proposal is unlikely to have potential hazardous environmental effects. As such there is no requirement for a formal Environmental Impact Assessment to be submitted under the Town and Country Planning (Environmental Impact Assessment) (Wales) Regulations 2017.

Principle of Development

The site is outside the settlement boundary, however it is located within both the St. Athan Strategic Opportunity Area and the Cardiff Airport and Bro Tathan Enterprise Zone, as identified within the adopted Local Development Plan which overlap each other at the Bro Tathan allocation. These designations allocate land for B1, B2 and B8 uses that promote the aerospace industry. A portion of the site is also located within the existing MOD St. Athan employment site.

Policy Context:

Impact on Countryside

Firstly, Policy MD1- Location of New Development of the Local Development Plan seeks to allow development outside of settlements that would have no unacceptable impact upon the countryside or the best and most versatile agricultural land amongst other criteria. This includes criterion 7 that requires new development to “*where possible promote sustainable construction and make beneficial use of previously developed land and buildings*”. Some of the land, within the area where the building would be situated and identified on the submitted Site Clearance Plan, could be considered ‘brown field land’ having previously been used as part of the wider St Athan air base albeit some of this land has become overgrown. Notwithstanding this, the land (considering the fall-back agricultural use of the land) is predicted to be Grade 3b and 4 quality according to Welsh Government Agricultural Land Classification (ALC) maps. Grade 3b and 4 is not amongst the ‘*best and most versatile*’ as defined by Policy MD1 of the LDP. Therefore the impact on agricultural land would be acceptable and the proposal would make some use of previously developed land and would be broadly compliant with the above policy.

National Policy

Future Wales identifies the Vale of Glamorgan, including the application site, as a growth area. Policy 1 identifies that there will be growth in employment in these areas. Specifically, it refers to the Cardiff Airport and Bro Tathan Enterprise Zone as offering ‘*a wide range of development sites and business accommodation, providing opportunities for the development of bespoke facilities*’. Therefore, Future Wales encourages growth in employment uses in the Vale of Glamorgan and specifically outlines that development sites for bespoke facilities exist at the Bro Tathan site.

A key planning principle in PPW is: ‘*Growing our economy in a sustainable manner*’. The supporting text of this principle outlines that: ‘*The planning system should enable development which contributes to long term economic well-being, making the best use of existing infrastructure and planning for new supporting infrastructure and services*’. Throughout PPW the benefit of sustainably located employment sites is identified. Therefore, PPW supports the principle of development for employment uses that are sustainable, and also supporting new infrastructure, such as data centres.

The Cardiff Airport and St Athan Enterprise Zone (the Bro Tathan allocations former name) Strategic Plan 2018 - 2021 outlines that one of the priorities for the Bro Tathan allocation is to enhance the capacity of the site to ‘*accommodate automotive and other non-aerospace businesses*’. This position has been determined by the Welsh Government, as owner of the site and promoter of the Enterprise Zone. Therefore, in their most recent plan for the site the Welsh Government have set out that they endorse non-aerospace businesses.

Local Policy

The LDP is the development plan relevant to the Vale of Glamorgan and was adopted in 2017. Objective 8 of the LDP is: *to foster the development of a diverse and sustainable local economy that meets the needs of the Vale of Glamorgan and that of the wider South East Wales Region*. The LDP Strategy recognises the Bro Tathan site as ‘*a significant opportunity to bring aerospace related inward investment to the area*’. Policy SP2 reflects the strategic importance of the Bro Tathan allocation as an area of *employment excellence, particularly for the military and aerospace sectors*. Policy SP5 goes on to identify that the three strategic employment sites within the Vale of Glamorgan (including the Bro Tathan allocation) *are intended to specifically meet the needs of the following key economic sectors*:

- *Aerospace Industry;*
- *High Tech Manufacturing; and*
- *Logistics and Distribution.*

Policy MG9, identifies that the Bro Tathan allocation is for ‘*Aerospace Business Park, employment & education*’ uses. Paragraph 6.52, which forms the supporting text of Policy MG9 states that the three strategic sites will cater ‘*specifically for the needs of the aerospace industry and high tech manufacturing*’. Policy MG10 relates specifically to the Cardiff Airport and Bro Tathan Enterprise Zone and states that a masterplan would be prepared that would include the following elements... ‘*A business park for aviation support services at Picketston*’, which is the area that the application site is located within. The supporting text goes on to identify that the Bro Tathan allocation ‘*is allocated for aerospace related development and will be expected to meet strategic rather than local*

needs. Therefore, it is evident that the priority for the Bro Tathan allocation is the aerospace industry, with aviation support services identified specifically in the immediate locality of the application site. However, the allocation listing in MG9 also specifies employment uses, which affords some flexibility to the allocation.

These proposals are supported by national policy and Objective 8 of the LDP, which broadly support sustainable economic growth. Although the uses listed for the Bro Tathan allocation does identify broadly that the allocation is for employment uses, it is evident that the intent of the LDP is to protect the Bro Tathan allocation for employment uses within the aerospace industry. Specifically, a business park for aviation support in the locality of the application site. The preference for aerospace related industry is highlighted overtly in Policies SP2, MG9 and MG10. As these proposals do not relate to development associated with the aerospace industry there is a potential degree of tension with the LDP, as they would prejudice future aerospace employment uses coming forward.

However, it is relevant that the Welsh Government have outlined that one of their priorities for the Bro Tathan allocation is to accommodate non-aerospace businesses. The Welsh Government own the land, designated the Bro Tathan allocation as an Enterprise Zone and the Welsh Government St. Athan - Cardiff Airport Strategic Plan (2015) and Strategic Development Framework documents, that justified the focus on the aerospace industry in the LDP. However, these aspirations have been superseded by the 2018-2021 Strategic Plan. Therefore, a change in approach from the Welsh Government in the 2018-2021 Strategic Plan should be given considerable weight, as it is an indication of the Welsh Government's future intentions for the site and how they will seek to promote it going forward. Therefore, whilst these proposals are not strictly in accordance with the adopted LDP, as they do not include proposals for development in the aerospace industry, material considerations, being the Welsh Government's new direction for the Bro Tathan allocation, indicate that the proposals can be considered acceptable in principle.

To this end, it is considered that the proposed development as assessed against the policy framework above would be acceptable in principle subject to an assessment of the material planning considerations below.

Visual impacts

Policy MD2 (Design of New Development) is a criteria based policy requiring development proposals to, amongst other things:

- Be of a high standard of design that positively contributes to the context and character of the surrounding natural and built environment and protects existing features of townscape and landscape interest.
- Respond appropriately to the local context and character of neighbouring buildings and uses in terms of use, type, form, scale, mix and identity.

The site is not located within or immediately adjacent to any landscape designations of either local, national or international significance, although the proximity of the Special Landscape Area (SLA) to the east and Glamorgan Heritage Coast is approximately 1.1km to the south must be considered. The site is approximately 750m to the southwest of the Upper & Lower Thaw Valley SLA. In addition Picketston House a Grade II Listed dwelling is approximately 400m to the north west and the Grade II* Listed Church of St Brise is approximately 0.5km to the south west.

The resulting building, from both phases, would be of a significant scale. Its design is as a result of its functional requirements and would be generally utilitarian in appearance and scale similar to some of the buildings to the south of the Northern Access Road, in particular the Aston Martin unit. The exterior of the buildings would be clad with vertically orientated metal wall panels that would be predominantly white and have a non-reflective surface. The south west elevation would form the main entrance of the building and would have a row of back-painted insulated glass as windows for the office area.

The proposal details the main area of the buildings surrounded by car parking and SUDs infrastructure. The substation buildings would be located to the northwest area of the site. The site would be surrounded by a 3m high security fence, the colour of which can be controlled by condition (Condition 14 refers). Some landscaping is detailed, which would help in 'softening' the impact associated with such an intense form of development of the site and providing suitable landscaping and SUDs.

A Landscape and Visual Impact Assessment by Ramboll UK Limited has been submitted in support of the application. This includes an assessment of the impact upon areas of identified landscape value near to the site. It concludes that, *"although the development proposal represents a substantial scale of change to the use of the Site, the local topography, vegetation patterns and the similar type and form of buildings in close vicinity, allow the Proposed Development to be accommodated within the landscape. Minor adverse effects would be expected on the Site and surrounding character areas due to the changes in the skyline and increase in commercial features within a former agricultural area. Minor adverse effects on visual amenity would be expected in proximity to the Proposed Development, in particular to the north east with sensitive receptors in the Picketston Settlement and Flemingston Conservation Area"*.

The Council's Landscape Officer considers, *"In longer distance views the proposed development forms a small part of the overall view and is set against the backdrop/context of similar scale buildings. Intervening existing vegetation partially screens it and the careful location of proposed landscaping could reduce the impact further by breaking up the massing of the building in these views"*. He further states, *"The largest impact would appear to be on the village of Picketston which is in close proximity to the development"*. It is further detailed the submitted information is not clear with regard the full impact and highlights a lack of screening on the eastern side. Whilst this is the case, the nearest properties in Picketston would be approximately 230m from the close part of the building. The following images have been submitted as part of an updated Landscape and Visual Impact Assessment:

View index for photo images below



Below: From lane at Picketston settlement looking west (Arrow 04)

Before development



After development



Below: Looking northwest from lane off B4265 to the south and on the edge of Heritage Coast (Arrow 08).

Before development



After development



Below: 'Zoomed in' section of image shown above (Arrow 08) to detail proposed building.



Below viewpoint from Arrow 03 - From north

Before



After - The fields in the foreground of the building would however be planted with trees for Dormouse mitigation



As identified above and in the images the main impact would be from Picketston. Further information has been submitted following the request from the Council's Landscape Officer. As detailed above the view for 'Arrow 04' has been provided. Since receiving the above images and additional clarification of points raised by the Council's Landscape Officer; he has been re-consulted. Updated comments have been received detailing it will be a significant change from the existing expansive view from the properties in Picketston, however this can be reduced by breaking up the view with additional and larger trees than proposed. Members are advised these can be required by a condition for an updated landscaping plan (Condition 19 refers).

Turning to the general wider visual impacts, whilst it is acknowledged that the proposed development would extend built development to the north of that visible within the wider existing enterprise zone, given its allocation within the Development Plan and its context near to existing large buildings of a commensurate size, form and function, it is considered that the buildings scale would not render the development of the site as proposed as being unacceptable from a visual perspective.

The proposed landscaping within the immediate vicinity of the building (not identified on the indicatives above) would help soften the proposal, including the view from Picketston. The submitted details are limited and additional planting particularly on the eastern side of the building, around the car park and the bund to the south is suggested. There is existing planting to the front of the site from the landscaping scheme for the Northern Access Road. This is currently relatively immature and will provide greater screening of the site in the years to come. The proposed ecological mitigation also includes a significant wooded area to the west of the site which in time would provide effective screening. Notwithstanding this, there is limited detail of other planting, including tree planting and filling any gaps in hedgerows, outside the perimeter boundary fence. An overall and updated landscaping plan is therefore required to ensure suitable screening and achieve compliance with green infrastructure provisions. Details of this can be obtained by a suitably worded condition (condition 19 refers).

It is considered on balance that the associated landscape and visual impacts of a large scale structure both individually and cumulatively would be of only a local relevance/importance to not give rise to any significant wider environmental effects. As such it is considered the visual impact on the site and wider area is acceptable and complies with Policy MD2 of the LDP.

Green Infrastructure, Ecology and Biodiversity impacts

On 18 October 2023, Welsh Government announced changes to Planning Policy Wales (PPW) by way of a 'Dear CPO letter' entitled 'Addressing the nature emergency through the planning system: update to Chapter 6 of Planning Policy Wales'. PPW has now been revised in Edition 12 and incorporates the updates. The main policy changes which are of relevance relate to green infrastructure, net benefit for biodiversity and the protection afforded to trees.

In the Local Development Plan (LDP), Policies MG19, MG20 and MG21 protect nature, habitats and species. Policy MD9 of the LDP is most relevant in respect of ecology matters, and it states 'New development proposals will be required to conserve and where appropriate enhance biodiversity interests'.

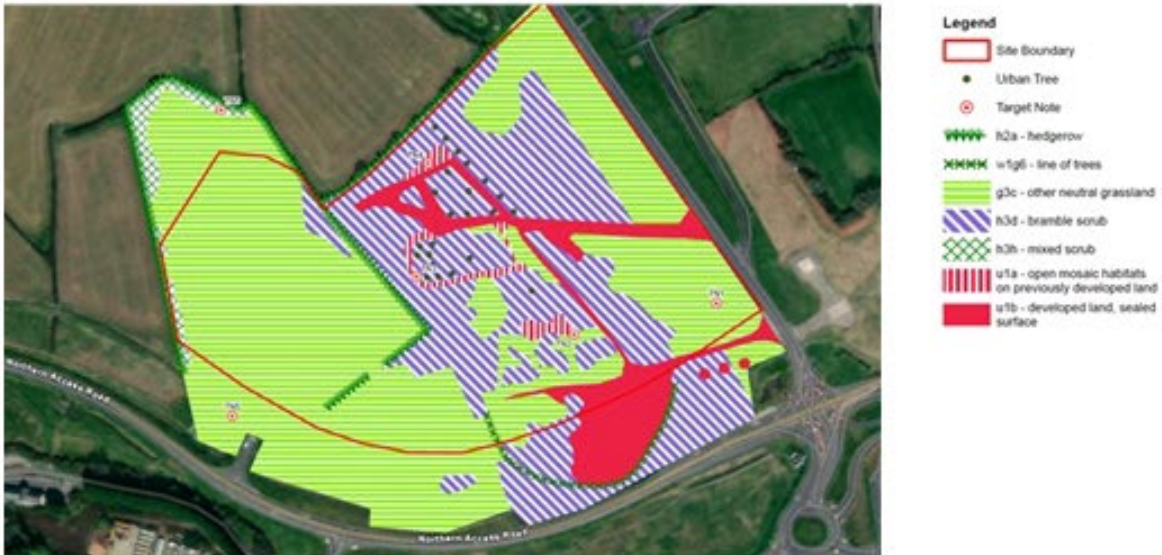
The Council's Biodiversity and Development SPG (2018) requires new development to provide ecological enhancements to promote biodiversity within the Vale of Glamorgan.

Criterion 10 of Policy MD2 requires development to incorporate sensitive landscaping, including the retention and enhancement where appropriate of existing landscaping features and biodiversity interests.

The planning application should demonstrate the mitigation hierarchy i.e. avoid-minimise-mitigate-compensate has been considered and it will need to be demonstrated that biodiversity will be conserved and enhanced. A Green Infrastructure Statement has been submitted to support the application.

Trees and Vegetation impacts

The development site for the building and related construction works (as depicted below) consists predominantly of semi-improved neutral grassland and dense scrub, largely enclosed by hedgerows, with smaller areas of bramble scrub, short perennial, woodland, open-mosaic habitat (OMH) and hard standing. The wider site area to the north-west consists of open agricultural fields surrounded by hedges.



The development can be split into two general areas. The area within the built footprint would become more urbanised resulting in the loss of grassland, bramble scrub and OMH. It should be noted that the site is within an area allocated for industrial development and therefore noting this, to some extent loss of existing vegetation is to be expected and couldn't be avoided. To mitigate and compensate for the loss: tree planting, biodiversity grass and hedge planting will take place as detailed in the Green Infrastructure Statement. The proposal also includes areas of flood attenuation and a permanent pond which will have biodiversity benefit and is indicated in an extract from the planting plan below:



A tree protection plan has also been submitted with an exclusion zone and measures to protect existing hedges and trees during construction. Details of this can be required by a suitably worded condition (Condition 18 refers).

The second area is the Dormouse “Mitigation Area” to the north west of the site and identified in the plan below which is currently open fields with hedge boundaries. This would mainly be planted with mixed broad leaf trees to create a woodland habitat as mitigation for loss of Dormouse habitat within the ‘green line’ area referred to earlier within the site context part of this report. The re-modelled flood bunds (identified in purple) would be maintained as grassed areas and kept free of tree planting to ensure their protection as flood protection.



In

general, any trees to be lost

are mainly of low quality (Category C) that should not be a material constraint. It is detailed many of these are low quality self-sown shrub and Ash with low predicted lifespan due to Ash dieback. A limited amount of Category B trees (a group of 15 Hawthorn trees), which are moderate quality, would be lost and that should be afforded appropriate consideration in the context of the development. Whilst the loss of some trees would be regrettable, the scheme is on an allocated industrial site and the development would overall provide a significantly greater amount of planting to the existing situation. The tree planting proposed that would be secured by a suitable suite of conditions would overall accord with Planning Policy Wales requirement and would exceed the required 3 to 1 replacement ratio. The replacement planting would consist of a mixture of native species such as oak, hawthorn, holly, cherry and blackthorn. The grassland would predominantly be lost to provide the woodland planting as part of a Dormouse mitigation strategy. The following table indicates the extent of loss and mitigation.

Vegetation Type	No./Area to be Removed	No./Area On-site (within 'green line') Planting	No./Area Mitigation Area planting
Trees	35 (mainly hawthorn and ash)	60	74 Standards 25,050 Whips (8.77 ha woodland habitat)
Shrubs/Scrub	16 (hawthorn scrub trees)	To be confirmed in detailed design	23,537(phase 1) 2,344 (phase 2)
Climbers	0		1506 (Phase 1) 150 (Phase 2)
Grassland/Open Mosaic Habitat/scrub	7.57ha	Estimate 3ha	0.10ha on flood bund

Whilst the above is accepted some of the areas of planting are not clear for example around the new access for the pumping station and areas that are outside the 'green line' development area but inside the 'red line'. The Councils Landscape Officer highlights more planting and larger trees should be provided within the 'green line' area of the site including to the east to break views of the building particularly from the south and east. In addition updated planting details are suggested and details provided that any gapping within hedges should be filled with native species hedge planting. The Council's Ecologist has also raised issue with the species of planting, for example the cherry trees adjacent the car park that would replace the existing central hedge line that is to be removed and has benefits for bat foraging. Finally, concern has been raised that tree planting may impact on the Public Right of Way crossing this land should be protected by a buffer zone of 2m of land free from planting either side of the path. Some of these requirements are detailed in the Habitat Management Plan but not fully detailed. Therefore a landscaping condition would be required to control the full planting requirements of the development and site area (Condition 19 refers).

In general, due to the large area of woodland planting, the impacts on trees, hedges and vegetation would be considered acceptable.

Ecology

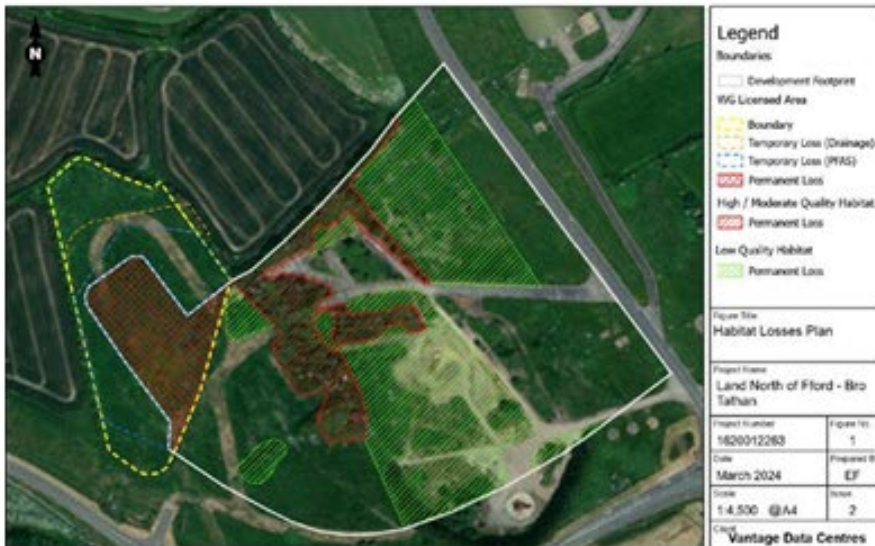
The application is supported by a Preliminary Ecological Appraisal and an Ecological Impact Assessment. The site was assessed for its potential to support protected fauna such as reptiles, amphibians nesting birds and bats. The associated impacts are discussed in turn below:

A.) Dormouse

Dormice are a European Protected Species (EPS) designated under Schedule 2 of the Conservation of Habitats and Species Regulations 2017 (as amended) (hereafter referred to as the .Habitats. Regulations). They are afforded additional protection through Wildlife and Countryside Act 1981 (as amended). Dormouse is listed as a Section 7 species, in accordance with the Environment (Wales) Act 2016 and is therefore a species of principal importance for conservation in Wales.

The application is supported by a response to NRW's comments on the proposal and from pre-application consultation. In addition a Dormouse Conservation Strategy carried out by Arup has been submitted.

The presence of dormice has been confirmed through survey work and the site contains an existing Licenced dormouse mitigation area (identified by the yellow dashed area in the plan below). Some high/moderate quality habitat areas would be lost and also some areas of lower quality habitat.



In mitigation to the above loss, an area of replacement habitat 'broadleaved woodland with scrub understory' is proposed to the west of the proposed building and fenced area (as detailed in the section on "Trees and Vegetation" above. In addition a number of Dormouse boxes would also be provided. It is detailed in the report submitted by the applicant that this would be a betterment in quality and area to the existing.

It is noted the proposed flood bunds and a public right of way are located in the mitigation area. These would need to be kept free of planting. This has been noted and is covered in the Habitat Management Plan and Planting Plan.

Since the application has been submitted further consultation and negotiation with NRW has taken place with regard the Dormouse mitigation strategy. Further information including an updated Dormouse strategy has been submitted in March and April 2024 and NRW re-consulted. They continue to have concerns, however detail that these could be suitably overcome with the inclusion of conditions for an updated conservation strategy and management plan, an informative that a European Protected Species Licence is required and a Section 106 obligation for ecological management. The details are discussed below:

Natural Resources Wales identify a European Protected species (EPS) Licence would be required for the development as the proposal has potential to impact Dormouse and their breeding and resting places. Dormice and their breeding sites are resting places protected under the Conservation of Habitats and Species Regulations 2017 (as amended). Where Dormice are present, and a development proposal is likely to contravene the legal protection they are afforded, the development may only proceed under licence issued by Natural Resources Wales, having satisfied the three requirements set out in the legislation. A licence may only be authorised if:

- i. The development works to be authorised are for the purpose of preserving public health or safety, or for other imperative reasons of overriding public interest, including those of a social or economic nature and beneficial consequences of primary importance for the environment,
- ii. There is no satisfactory alternative, and
- iii. The action authorised will not be detrimental to the maintenance of the population of the species concerned at a favourable conservation status in its natural range.

Paragraph 6.3.7 of Technical Advice Note 5: Nature Conservation and Planning (TAN5) states that the Local Authority should not grant planning permission without having satisfied itself that the proposed development either would not impact adversely on any protected species on the site or that, in its opinion, all three conditions for the eventual grant of a licence are likely to be satisfied.

In respect of Test 1, the proposal site is both in the St. Athan Strategic Opportunity Area and the Cardiff Airport and Bro Tathan Enterprise Zone, which overlap each other at the Bro Tathan allocation, and is allocated for industrial related development. Therefore, the proposal would re-develop the site for the benefit of the public in terms of providing a commercial operation within the planned areas and provide related economic benefits for the area. Therefore in these terms the development would meet this test.

In respect of Test 2, as stated above the re-development is required to bring back this underutilised site allocated for industrial development to a suitable use to meet identified employment requirements. Therefore, taking into account the allocation, there is no reasonable alternative.

With regard to Test 3, NRW have not objected and do not consider that the development is likely to be detrimental to the maintenance of the population of the species concerned at a favourable conservation status in its natural range. They note the Conservation Strategy already submitted, however they require conditions for a further Dormouse Conservation Plan and a Landscape and Ecological Management Plan (LEMP) to build upon what has been submitted (Conditions 15 and 16 refers). They further detail as long term management, monitoring and auditing of the project is to be taken on by a third party after the initial 12 month post construction that a Section 106 agreement is required. This would cover a defined commuted sum and/or requirement for index linked ground rent service charges to include ecological management and surveillance, identification of relevant land subject to the obligation to be managed for biodiversity, delivery of management and a management plan review. This has been included in the proposed 'heads of terms' below and has been agreed by the applicant.

Therefore, taking into account the above, in respect of the need for an EPS License, there is no objection on these grounds. An informative note detailing this requirement is considered necessary (Informative 5 refers).

B.) Breeding Birds

A Breeding Bird Survey Report by David Clements Ecology Ltd (November 2022) has been submitted. This details 43 species were observed over the survey and 20 were assessed as confirmed or probably breeding on site, including birds of conservation concern such as bullfinch, dunnock, goldcrest, linnets, long-tailed tit, skylark, song thrush, whitethroat, willow warbler, wood pigeon and wren.

It identifies that the loss of habitat for breeding birds would need to be compensated. For ground nesting species such as skylark as well as species that nest in dense scrub, hedgerows and trees. The proposed woodland and hedging planting for the Dormouse mitigation and rest of the development would provide a greater area of this habitat than existing and would provide a benefit for the above species apart from the Skylark.

With regard the skylark, this is listed as a Section 7 species, in accordance with the Environment (Wales) Act 2016 and is therefore a species of principal importance for conservation in Wales. The Council's Ecologist evidences a decline in population. The applicant's survey however details only one breeding pair within the development area were present at the time of the survey. As identified above the site is allocated for industrial development within the adopted development plan. Therefore this loss of habitat would need to be compensated for and the applicant's agent maintains the flood bunds would be maintained as open areas and could be acceptable. However, the Council's Ecologist has previously commented there is a balance to be had but considers the bunds may not be successful in providing suitable compensatory habitat suitable for skylark. It is further stated that taking into account the Dormouse habitat is to be improved these benefits might outweigh the impact on skylark habitat. Whilst this could be the case there is land within the red line boundary within fields L205 and L206 identified in the Dormouse Mitigation Strategy that aren't going to be planted could be improved for Skylark habitat and would benefit their population. Taking into account the importance of the species identified above details of habitat mitigation could be provided in a Landscape and Ecological Management Plan and Biodiversity Enhancement Scheme (Conditions 16 and 21 refers). Taking account the low numbers in the survey (albeit this didn't survey all the fields for the Dormouse mitigation) and the provision of some potential space for skylarks, on balance, the proposal is considered acceptable.

Site clearance must not harm or disturb nesting birds and a condition is recommended to control this. These details would be covered in an updated Landscape and Ecological Management Plan (Condition 16 refers).

Taking into account the above the impacts on breeding birds would be considered acceptable.

C.) Bats

The Ecological Impact Assessment details the site is of importance at up to local level for foraging and community bats and negligible importance for roosting bats. The main impact would be to the potential to remove important foraging and commuting paths, most notably including the central linear native hedgerow feature and surrounding foraging habitats.

Following the Council's Ecologists original comments further landscaping and foraging features would be provided to replace the central hedge (within the 'green line' area) and the Council's Ecologist has confirmed their satisfaction with the amended approach. Details can be required by a suitably worded condition (Condition 19 refers)

The application is supported by a Site Lighting Calculations and Site Lighting Plan which details that hedgerows can be kept unlit using some shading behind luminaires to prevent lighting spill. The Council's Ecologist has raised some concerns about lighting at the southern corner. An amended site plan has been submitted detailing some bollard lighting to reduce light in the surrounding tree canopy. The Council's Ecologist has been re-consulted and however considers further changes are required to reduce the impact from tall lighting columns, particularly in the area of the car park, and has requested a condition requiring an amended lighting mitigation scheme to reduce light spillage. It is considered that this matter can be controlled by way of condition (Condition 17 refers).

D.) Reptiles and Amphibians

A reptile study by David Clements Ecology Ltd (February 2023) has been carried out. This identified a limited number of slow worms and toads at the site. A reptile and amphibian clearance and mitigation strategy is therefore required. Any reptiles found would be translocated to a receptor site and site clearances would be limited to between April and September/October before they hibernate. Details of this can be required by a suitably worded condition (Condition 16 refers)

A Hibernacula was requested by the Council's Ecologist and details have been included in the Habitat Management Plan submitted by the applicant. The submitted Habitat Management Plan details these would include the provision of a hibernacula, log piles etc., however the details provided are limited and a condition to require an update as part of a Landscape and Ecological Management Plan and a Biodiversity Enhancement Scheme is considered necessary to provide further provision (Conditions 16 and 21 refers).

The provision of water and other landscape features proposed on site would beneficially provide habitat for reptiles.

Turning to Great Crested Newts the submitted survey found no on site evidence, however it considers the site suitable habitat and identifies records within the vicinity. Natural Resources Wales (NRW) have requested a Construction Environmental Management Plan (CEMP) in relation to Great Crested Newts prior to any development. With the application amendments a CEMP has been submitted. NRW have been re-consulted and commented that an updated CEMP is required (Condition 11 refers).

E.) Invertebrates

A Survey of Invertebrates by David Clements Ecology Ltd (November 2022) has been submitted. The site is considered to be of importance at the local level for invertebrates. It is detailed the species reported narrowly failed the threshold for a Site of Interest for Nature Conservation (SINC). The proposal is likely to result in significant negative effects mainly from the loss of habitat used by invertebrates. The report suggests appropriate mitigation and/or compensatory measures that is likely the adverse impacts of the development on invertebrates could be adequately mitigated for, sufficient to render the development acceptable. The submitted Habitat Management Plan details these would include the provision of grassed areas, ponds, hibernacula, log piles and invertebrate boxes. However the full details are not provided and are limited. The Council's Ecologist considers further consideration is needed for enhancements and a condition to require a Biodiversity Enhancement Scheme is considered necessary (Condition 21 refers).

F.) Other species and ecology matters

Water voles are a protected and listed as principal importance under Section 7 of The Environment (Wales) Act 2016. No evidence of water vole was however recorded and the site is considered of negligible value.

An Air Quality Assessment by Ramboll UK Ltd has been submitted. It outlines that the main impact would be from diesel powered emergency generators. There are no SAC's, SPA's or SSSI's within the screening distances of the site. St Johns Valley ancient woodland lies approximately 1.5km to the south-east of the site; Coed y Broad ancient woodland lies approximately 1.7km to the north-east are the nearest receptors. The assessment details the impacts at surrounding ecological sites are not considered to be significant.

The Council's Ecologist raised an issue that boundary fencing should have gaps to provide access for small mammals. This is to ensure connection across the site and surrounding landscape. The applicant's agent has been informed and agrees to a condition to require this. This can be provided in a Biodiversity Enhancement Scheme (Condition 21 refers).

Biodiversity enhancement

The Green Infrastructure Statement details a 'Step-wise' approach of avoid, minimise, mitigate/restore and compensation. Whilst the provision of a large building cannot be avoided owing to the nature of the proposed use, the applicants' approach has been adapted to avoid features of high importance for dormouse such as the existing hedges as much as possible. The applicant has sought to minimise the impact by redesigning some features of the development for example moving a pond to the other side of the site so as not to impact on the Dormouse mitigation area.

The proposed tree planting to create a large area of broad leafed woodland would replace a mainly low biodiverse grassland area and would provide a more biodiverse landscape than existing. The introduction of sustainable drainage features and a pond would be a benefit. Furthermore the provision of hibernacula, wood piles and invertebrate boxes would also benefit certain species as detailed above.. As detailed above improved habitat for Skylark could be provided in the application site area.

However the proposals currently before the Council do not fully detail how the requirements have been met but following consultation with NRW and the Council's Ecologist it is considered that suitable mitigation/compensation/restoration could be achieved by building upon what has been submitted and we are satisfied that this can be sought by way of conditions for updated details as part of a Landscape and Ecological Management Plan and a Biodiversity Enhancement Scheme (Conditions 16 and 21 refers).

Conclusion

In conclusion, based on the nature of the proposal and its impacts, as discussed above, the proposal is not considered to give rise to an adverse impact upon existing green infrastructure provision including trees, hedges, ecology and protected species subject to further details by condition and a European Protected Species Licence through NRW. Furthermore, ultimately the proposal would provide a biodiversity enhancement to the site and wider area. As such it would accord with Policies MG19-Sites And Species of European Importance, MG20-Nationally Protected Sites and Species, MG21-Sites of Importance for Nature Conservation, Regionally Important Geological and

Geomorphological Sites and Priority Habitats and Species, MD2-Design of New Development, MD9-Promoting Biodiversity and Planning Policy Wales of the LDP and the SPG on Biodiversity and Development, Planning Policy Wales Edition 12 and Technical Advice Note 5 - Nature Conservation and Planning (2009).

Impact on Neighbours Amenity

In relation to surrounding residential properties it should be noted Outline planning permission for 100 houses to the south of the NAR at Sant Y Nyll farm (2020/00352/OUT) is currently awaiting completion of a section 106 agreement to enable the decision to be granted. Part of the site is in close proximity to the access on the southern edge of the NAR approximately 80m from the proposed gated entrance to the site. However no details of proposed house positions are available for the outline application and they are likely to be further from the site. The nearest existing neighbours are however at Picketston village approximately 210m from the edge of the site. Other nearby dwellings are further away.

Impact of building on nearby dwellings

Despite the large scale and relative height of the proposed building which will be visible to these residents there are no significant concerns with respect it being overbearing, impacting upon privacy or resulting in a loss of light. The building would be a significant distance from the affected residents and to this end it is considered that the proposals would not give rise to unacceptable visual impacts upon the amenity enjoyed by neighbouring residential occupiers. Furthermore noting the degree of separation and position of fenestration within the building, the proposals would not give rise to overlooking impacts.

Impact of use on neighbours amenity

In terms of the use the application documents detail that there would be circa 120 staff operating mainly during working hours and a lower number including security staff overnight and at weekends. Once in operation it is not expected that the data storage use would generate a significant amount of traffic from deliveries or traffic movements. Furthermore the NAR is an established distributor road with existing levels of traffic and the scale of the proposal would not significantly increase associated impacts upon neighbouring amenity. As such it is not expected to generate unsociable noise and disturbance from the coming and goings on residential amenity. Concerns have been raised with regard to an increase of the traffic use of Picketston lane. Due to the surrounding road network and the narrowness of this lane it is not expected this would be the main route used by employees as indicated in the Transport Statement. However, if some use is made of this lane it is not expected to be significant to a degree that would represent a reason to refuse planning permission in this instance.

Noise

It is evident that a use as proposed, including the impact from the backup generators and associated infrastructure (Pumps and Chillers) could have potentially significant impacts if not properly considered and adequately mitigated. A Noise Impact Assessment by Ramboll UK Ltd has been submitted. This assesses the impact from noise from operation of the plant and associated traffic movements. Noise receptors were agreed with the Council's SRS Environmental Health team including the future proposed housing to the south of NAR and other nearby residential areas.

It summarises that, *“During normal operation noise levels from the facility are expected to be equal to or lower than the absolute limit of 30dB(A) at the closest (future) properties and lower than the existing background noise levels during the day or night at the nearest existing properties. The noise impact of the proposed facility is expected to be low.*

During emergency conditions when back-up generators are running, noise levels inside the nearest dwellings are expected to be within guideline values found in BS82333:2014”. With regard to traffic movements, due to the low staff levels for the size of the facility, the report suggests that the number of traffic movements are expected to be low and would not be a significant increase related to the existing volume of traffic on the Northern Access Road.

The Council's SRS (Pollution) Section have commented on the report and are satisfied the noise report covers the noise issues and recommended noise levels from the operation of the approved data centre at the nearest residential properties should be not greater than the 30dB “LAeq” level identified in section 3.4 of the Noise Impact Assessment (Condition 10 refers).

Taking into account the above assessment the impacts from noise from the operation of the data centre would be considered acceptable.

Air Quality

An Air Quality Assessment by Ramboll UK Ltd has been submitted. This outlines the proposed development and its impact on local air quality. The development will however not generate significant traffic flows during its operational phase. Therefore, traffic flows are deemed to have no impact on local air quality and have been scoped out of the assessment.

The potential air quality impacts of back up diesel generators are the focus of the assessment. Atmospheric dispersion modelling has been undertaken to determine the impacts of emergency generators operating to provide power for the data centre. The allowable operating hours in an emergency for a 1% probability are 34 hours per year. Predicted annual mean NO2 impacts at relevant receptor locations are not significant for these operating hours which are considered very unlikely to occur in reality. Impacts at ecological sites are not considered to be significant.

As such the proposal would be acceptable in respect of the air quality impacts and would comply with Policy MD7 of the LDP.

Light

The scheme includes an updated Site Lighting Plan, Light spill plan and Lighting Calculations with the minor amendments made to the layout. This details a number of pole or wall mounted lighting on the buildings and through the outside grounds of site including the use of infra-red lights along the ecology sensitive boundaries. The Council's SRS (Pollution) has agreed the details are sufficient and have no concerns although further details would be required with regard to ecology as detailed above (Condition 17 refers).

Heat

Due to the type of development it is expected data storage would generate a level of heat. The proposed building includes chiller units to control the build-up. The Council's SRS (Pollution) have been asked to comment but have not raised this as an issue in their comments.

Construction Environmental Management Plan (CEMP)

The Council's SRS (Pollution) have commented that a construction impact assessment has also been included with the Air Quality Assessment. As stated within the assessment, the control of dust emissions from construction sites relies upon good site management and mitigation techniques to reduce emissions of dust and limit dispersion. A summary of the mitigation measures recommended in the IAQM guidance to reduce impacts from lowrisk sites is provided in Table 6.4 of the AQA. The Council's SRS (Pollution) have assessed the submitted CEMP and conclude it is acceptable. However, as detailed above, NRW have additional requirements with regard Great Crested Newts and an updated CEMP is therefore required (Condition 11 refers).

Conclusion on neighbouring amenity

In summing up, the proposal is on an allocated site and due to the use of the neighbouring sites as employment land, it is generally accepted that the noise, traffic and any odours that would be generated from the use would likely be compatible with similar uses within the existing enterprise zone itself. As detailed above the impacts on the amenity of nearby residents would be acceptable, subject to the conditions detailed above.

Land contamination

As noted previously, Policy MD7 (Environmental Protection) requires development proposals to demonstrate they will not result in an unacceptable impact on people, residential amenity, property and/or the natural environment including in relation to land contamination and hazardous substances.

Owing to the historic use of the site it is evident that there is significant potential for land contamination within the confines of the site. A Ground Investigation Report, Environmental Assessment, Delineation Environmental Investigation and Remediation Options Appraisal by Ramboll UK Ltd have been submitted in support of the application.

Radiological contamination 'hot spots' were identified on site and remediated via permitted works and regulated by Natural Resources Wales. Details of this have been submitted and concludes that "*Following the remediation, a validation survey was undertaken, which included sampling of the bases of the excavated areas. No evidence was found of remaining materials which would be classified as radioactive waste or require a radioactive substances permit for accumulation and disposal.*" The Council's SRS (Environment) have been informed and agree with the remediation carried out and do not comment further on this issue.

Other non-radiological contaminants were identified including PFAS compounds from historic firefighting activities and local asbestos. The Council's SRS (Environment) details approval is required for a detailed remediation strategy and verification plan. They also detail that any importation of soil or materials should be demonstrated suitable for the end use to prevent the introduction of chemical or other potential contaminants which may give risk to potential risks to human and environmental health. NRW were consulted and responded on 5 October 2023 that they had concerns that whilst little development was proposed in this area it would require mitigating to protect soil and groundwater sources. It was advised that sustainable drainage systems (SuDs) may not be implemented and advised further investigations.

Following this a number of discussions have taken place between NRW and the applicant's agent particularly with regard initial conditions requested by NRW and the Council's SRS (Environment) Section. Subsequently further information has been submitted and the application site area was amended on 13 March 2024 to remove the area of historic firefighting activities.

The Council's SRS (Environment) commented on 5 April 2024 and request the inclusion of conditions including a contamination assessment for land outside of the 'green line boundary' and remediation and verification for land inside the 'green line boundary'. In addition conditions for unforeseen contamination and importation of soil and aggregates and an informative statement in relation to the different development areas identified by the application is also recommended.

Subsequently further discussions have taken place and further documents submitted including a Remediation Strategy (By Ramboll and dated April 2024). The Council's SRS (Environment) have been re-consulted and on 8 May 2024 raise no objection and have revised the required conditions (Conditions 6 and 7 refers). NRW have updated their comments and agree with the Council's conditions and request additional conditions with regard long term monitoring of ground water and piling (Conditions 8 and 9 refers).

Taking into account the above the impacts from contamination from previous uses at the site have been recognised and can be adequately mitigated through conditions.

Highways, Access and Sustainable Transport

The proposed road access would be directly from Ffordd Bro Tathan Northern Access Road (NAR) and utilising an existing spur. This would be upgraded with pedestrian/ cycle facilities and the entrance to the site would be via a secure gated access. A Toucan crossing would be provided across the NAR. An area of car parking and cycle parking would be provided to the south west of the building. An internal road would be provided around the building and a secondary construction and emergency access would be from Lancaster Avenue. In addition, since the application was submitted, updated details have been received with a new access from the NAR, to the east of the main entrance. This would be used to serve an upgraded foul drainage pumping station and its maintenance.

Firstly concerns have been raised, from the public consultation, with regard to the impact on Picketston Road from construction traffic and workers from the new Data Centre using the lane. As detailed above, in the section on neighbour amenity impact, due to the surrounding main road network and the narrowness of this lane it is not expected this would be the main route used by employees. Furthermore a Construction Traffic Management Plan is required prior to works commencing to detail haulage routes.

However, if some use is made of this lane, it is not expected to be significant due to the relatively low staff numbers proposed for the building. Therefore the proposal would be acceptable in these terms.

A Transport Assessment has been submitted, which assesses the traffic impact on the local highway network and junctions. It concludes the proposal would result in a negligible impact on the local highway network during the AM and PM peak periods. It also assesses the submitted Draft Travel Plan and public transport links. The Council's Highways Development Section agree with the findings and raise no concerns with regard increased traffic on the wider highway network, the Northern Access Road and the access. A condition requiring a full travel plan is considered necessary (Condition 25 refers).

In relation to parking it is noted initially 200 parking spaces would be provided as part of Phase 1 which would consist of 134 permanent ones and 66 for construction workers. It is noted the building would house approximately 120 staff for the operation of the data centre. Whilst the parking provision is over this number the facility would also provide a training centre facility for staff from other data centres. Therefore, the 134 is not considered excessive for the overall operation that would run from the site. It is detailed in the submission that once the construction has been completed the 66 non-permanent parking spaces would be removed and area planted. Details of this is necessary and a condition to control this is recommended (Condition 26 refers).

Turning to the proposed accesses to the site, the Council's Highways Section raise no objection and recommend conditions for the provision of a Toucan Crossing and engineering details of the highways access works (Conditions 22 and 23 refers). The highways engineering works would also need to be approved under a legally binding Highways Agreement. To avoid duplication with other legislation, it is therefore recommended that this is provided as an informative note (Informative note 10 refers).

In relation to the provision of the required highways infrastructure, including pedestrian/cycling facilities and Toucan crossing at the main access, these would be provided by the above conditions prior to the occupation of Phase 1 of the development. Any new bus stops and new pavement facilities towards the Carpenters Arms highlighted in the Highways Section comments would contribute to sustainable transport infrastructure and funding for their provision has been agreed as part of the section 106 sustainable transport contribution.

Further requirements are recommended by the Council's Highways Section for a Construction Traffic Management plan, Travel Plan and a pre and post construction condition survey along an agreed haulage route to require any damage that would be linked to the construction to be repaired by the developer. These matters are sought to be controlled by way of recommended conditions (Conditions 24, 28 and 29 refer).

The Transport Assessment further details the cycle facilities (locker, changing facilities and showers) should be secured as part of the planning conditions. These are shown on the floor plans and whilst limited should be secured by condition. Furthermore the proposed 30no. cycle parking facilities should be provided on occupation of the building. These are considered acceptable and would help contribute to a potential beneficial modal shift to sustainable transport (Condition 27 refers).

Turning to the impact on footpaths, Public Right of Way No.17 Llanmaes (status - Footpath) crosses the area highlighted as proposed broadleaf woodland. The Council's Public Rights of Way Officer details tree planting must not obstruct the use of the public right of way at the time of planting or due to subsequent growth of the trees. A corridor with a width of two metres either side of the footpath will be required. This can be controlled by a condition for landscaping details (Condition 19 refers). Further advice on keeping the path free or requiring a temporary closure during construction works is detailed. An informative advising the applicant of this is considered necessary (Informative note 9 refers).

Therefore, taking account the above assessment and following consultation with the Council's Highway Development section, it is considered that subject to the submissions and suitable conditions attached to any permission granted that the proposal would have an acceptable access, provide suitable sustainable transport and would be acceptable in highway safety terms. As such the proposal would accord in these terms with Policy MD 2-Design of New Development of the Local Development Plan.

Drainage and Flooding

LDP Policy MD7 (Environmental Protection) requires development proposals to demonstrate that they will not result in an unacceptable impact on people, residential amenity, property and/or the natural environment from flood risk and its consequences. The policy goes further to state that 'in respect of flood risk, new developments will be expected to avoid unnecessary flood risk and meet the requirements of TAN15.'

Flood Risk and Surface Water Drainage

The development site area is located within the NRW Development Advice Map (DAM) Flood Zone A. This is defined within Planning Policy Wales, Technical Advice Note 15 (TAN15) as areas "considered to be at little or no risk of fluvial or tidal/coastal flooding". However, some parts of the development site are considered to be at low to medium risk of flooding from Surface Water. However, the site is located adjacent to a recognised area of flood risk with a small area of C2 flood zone within the red line to the west of the access. This is close to the Northern Access Road and from the Boverton Brook on the opposite side of the road. However no built development is proposed for this part of the site and it is outside the 'green line' on the location plan. The application is supported by a Drainage Strategy Report and a Flood Consequence Assessment. The following SuDS features are proposed to intercept, treat, attenuate, and discharge surface water runoff: Shallow conveyance swales; Dry swales; Detention/Infiltration basin; Localised bio retention areas; and Porous paving areas.

The proposals detail that downpipes would be utilised for the data centre roof areas; this would convey surface water directly to infiltration/detention basins. Surface water runoff from access roads, walkways and associated hardstanding areas surrounding the building would be directed to vegetative strips and swales. Permeable paving is to be utilised in the car parking areas underlain by granular material.

The swales will convey surface water to the downstream areas of the site. Similarly, infiltration/detention basins will be situated in the lower areas of the site to allow surface water to drain via gravity.

The Western extent of the site is encroached by an existing system of flood bunds which require reconfiguration to enable suitable space for the proposed development. The scheme will change the topography of the site (within the leaseholder boundary 'green line' area) and require the affected bunds to be redesigned and relocated as a compensatory measure. The two flood bunds affected were installed as part of the Northern Access Road scheme to manage existing surface water flows. To accommodate the proposal the southern bund would be truncated at its eastern end and a short length of additional bund added to tie into the development plateau. The development plateau would be set at 44.25m AOD. The western end of the northern bund would be retained and the crest level increased. Two tiers of additional bunding are proposed to store flood water in the fields on each side of the existing northern defence.

As the site will be generally level, the proposed surface water drainage will mimic the natural catchment split, directing approximately 30% of flows into the Nant Y Stepsau ordinary watercourse, and 70% into the Boverton Brook ordinary watercourse. It is currently proposed that all surface water not infiltrating into the ground will ultimately discharge to both these watercourses. Discharge rates into both watercourses will be in accordance with the Welsh Government statutory standards for SuDS, and agreed upon by both Vale of Glamorgan (VoG) and Natural Resources Wales (NRW). No objections have been raised by NRW and the Council's Drainage Section to the flood defences detailed above and therefore considered to be acceptable.

A Sustainable Drainage Approving Body (SAB) application must demonstrate compliance with the statutory standards, following a set of principles in the design of the system and satisfy the standards in relation to runoff destination, hydraulic control, water quality, amenity, biodiversity, construction, operation and maintenance. The applicant has discussed with the Council's Drainage Section on their initial comments raised and have reviewed and provided updated information. The Council's Drainage Section have been re-consulted and confirm the proposal is acceptable in principle subject to the completion of the SAB application. If permission is granted an informative note detailing this requirement would be needed (Informative note 2 refers).

Foul Drainage

Foul drainage will connect to the existing sewerage network. A diversion will be carried out to facilitate the proposed building and a new upgraded pumping station installed to the south of the site with a new maintenance access from the NAR as part of amendments made to the application. Dŵr Cymru Welsh Water were re-consulted and commented on 02 April 2024 that they have no objection and detail that they, "*are satisfied that flows from the development can be accommodated in the public sewerage network*".

They provide advice that further technical discussions are required on the design of the adoptable new pumping station, need for sustainable drainage and sewers. The full design of the pumping station would therefore be covered under Welsh Waters control. This can be included on any decision as an informative note (Informative Note 7 refers).

In summing up, the development would be acceptable in terms of flood risk, surface water drainage and foul drainage and would accord with Policy MD7-Environmental Protection of the LDP.

Heritage/Archaeology

Policy MD8 (Historic Environment) of the LDP requires that development proposals must protect the qualities of the built and historic environment of the Vale of Glamorgan, including the following criterion:

4. For sites of archaeological interest, development proposals must preserve or enhance archaeological remains and where appropriate their settings.

There is an identified archaeological feature (pillbox) within the western part of the site and an air raid shelter that are proposed to be removed.

A Heritage Impact Assessment and Statement by Tetra Tech Ltd has been submitted with the application. This identifies potential for archaeological remains relating to all periods (Bronze Age, Iron Age, Roman, Medieval and more modern) and advise further archaeological work. It identifies the pill box found has group value in association with other bunkers and pill boxes on the wider site St Athan site and its importance as a Second World War RAF station.

Heneb (Formerly the Glamorgan Gwent Archaeological Trust (GGAT) provides the Vale of Glamorgan Council with their professional opinion. They state that, *“The Heritage Statement makes several recommendations with regards to archaeological mitigation, including a geophysical survey followed by a suitable programme of archaeological work. In addition to preserving the northern and western hedgerows and building surveys of the 20th century military structures”*.

They recommend two conditions which relate to a written scheme of investigation and a survey prior to commencing work. Following this and to avoid a pre-commencement condition the applicant has re-engaged with Heneb and provided a Written Scheme of Investigation and Geophysical Survey. Heneb have been re-consulted and comment that conditions requiring a programme of archaeological work and building recording are still required (Conditions 30-32 refers).

The Council’s Heritage Officer does not object and comments the proposal is set away from the listed building of Picketston House and so the impact is not immediate. The agreement of a colour choice for the fencing and building materials should however be agreed to reduce the impact of the buildings to the wider setting (Condition 14 refers).

With regards other assets, the nearest Scheduled Ancient Monuments (SAM) are approximately 1.5 to 2km away. National guidance requires Cadw is consulted if the site is within the setting of the SAM and visible from the scheduled monument and of a certain size in relation to the distance from it. The size of the proposed site would be within the size criteria. In relation to whether the site is within the setting of the SAMs; many of these are beyond existing built areas in relation to the site and the proposal would not impact on their setting. The others that may have unobstructed views and due to the existing built context to the site, it is considered the proposal would not have a significant impact on these or there setting. Whilst the above is considered the case Cadw have been consulted. At the time of writing this report their formal comments haven’t been received and will therefore be reported at Planning Committee as a ‘Matters Arising’.

Therefore, subject to the above conditions it is considered that the proposals would comply with Policy MD8 of the development plan.

Mineral Safeguarding

The proposed development is also located partly within an area identified as a mineral safeguarding area under LDP Policy MG22 - Development in Mineral Safeguarding Areas. The mineral safeguarding areas are based upon the British Geological Survey (BGS) Aggregate Safeguarding Map for South East Wales which identifies that northern and western parts of the site development site being situated within Limestone (including dolomite) area. Category Two resources have been selected as those resources that are considered to be of more than local importance and may have some regional significance but are less important nationally than the Category One resources. Policy MG22 sets out the following criteria for new developments in mineral safeguarding areas by demonstrating that:

1. Any reserves of minerals can be economically extracted prior to the commencement of the development; or
2. development would have an unacceptable impact on environmental or amenity considerations; or
3. the development would have no significant impact on the possible working of the resource by reason of its nature or size; or
4. the resource in question is of poor quality / quantity

The Vale of Glamorgan Council's Mineral Safeguarding SPG (2018) provide guidance on how developers should consider each criterion under Section 5 of the SPG. The proposal should set out how the development meets one (or more) of the criteria in accordance with the guidance outlined in the Mineral Safeguarding SPG.

The application supporting information details the principal elements of the proposed development are located outside of the safeguarding zone, with the 'overlap' being limited works associated with the alterations to existing flood bunds in the locality. The proposed bunds will comprise low earth mounds which "would have no significant impact on the possible working of the resource by reason of its nature or size". It is considered that this justification would meet criterion 3 and the issue would be acceptable.

Other Matters

Concerns have been raised that the proposal would devalue property values. Whilst this issue is noted Planning Policy Wales states in section 1.19 that, "*The planning system should be efficient, effective and simple in operation. It is not the function of the planning system to interfere with or inhibit competition between users of and investors in land. It should not discriminate against or favour any particular group or members of society.*" It would therefore not be a material planning consideration in this instance and would not be a matter that would warrant a refusal of the planning application.

In relation to the construction management strategy condition suggested by the MOD in relation to cranes and to safeguard their interests this can be ensured by a suitably worded condition (condition 12 refers).

Section 106 Planning Obligations

The Council's Planning Obligations Supplementary Planning Guidance (SPG) provides the local policy basis for seeking planning obligations through Section 106 Agreements in the Vale of Glamorgan. It sets thresholds for when obligations will be sought, and indicates how they may be calculated.

Following consideration of the proposed development and potential impacts and needs arising from the development, it is recommended the Council seek planning obligations covering the following: -

- Sustainable Transport
- Training and Development
- Public Open Space
- Public Art

Sustainable Transport

Increasing importance is enshrined in local and national planning policies emphasising the need for developments to be accessible by alternative modes of transport than the private car.

In terms of local policy, LDP Policies SP1, MD1 and MD2 favours proposals which are located to minimise the need to travel, especially by car and which help to reduce vehicle movements or which encourage cycling, walking and the use of public transport. LDP Policy MD2 states that new development will be permitted where it provide a safe and accessible environment for all users, giving priority to pedestrians, cyclists and public transport users. TAN 18: Transport and Manual for Streets and therefore remain relevant.

The Council would be within their remit to request an off-site contribution to enhance sustainable transport facilities near to the site. The Council's SPG on Planning Obligations states a contribution would be required that equates to £2,300 per 100 sq m of floor space.

Based on the proposed floor space detailed the total requirement would equate to £1,546,221. The applicant's agent however rightly details contributions must meet the provisions of Section 122 of the CIL Regulations. This requires all Section 106 contributions to be:

- necessary to make the development acceptable in planning terms,
- directly related, and
- fairly and reasonably related in scale and kind.

Firstly, it is noted the SPG calculation does not differentiate between types of commercial development that would be less staff intensive. Of further note for parking requirements the Parking Standards SPG splits commercial development into different levels of requirement for example offices has a greater requirement than industrial warehousing.

As the contribution is to provide infrastructure to encourage a modal shift directly related to the proposed development it can be argued that a generic figure is not fair as it does not reasonably relate to the kind of development.

The applicant details the use would only require 120 staff and that the contribution would not be fairly and reasonably related in scale and kind. A building that could accommodate that number of staff would normally be significantly smaller and would thus require less of a contribution.

The proposed building has a significant floor space. However a Data Centre has a significant area of space that is just for computer storage, hence the low staff numbers proposed (i.e. 120). Details provided by the applicant from other data centres details similar low levels of staff and therefore clarifies the number of staff proposed as being reasonable. Taken from guidance on job densities set out in the Welsh Planning Practice Guidance Note 'Building an Economic Development Evidence Base to Support a Local Development Plan' (referenced in PPW) which prescribes a density of 67sq m per job for B2 or B8. If this notional job density is applied to the proposal (67,227sq m) this would mean that based on average densities, the building could theoretically generate 1,003 jobs if it was a typical B2 or B8 building. This figure is approximately 8.3 times more staff than being proposed and suggests a relaxation from the full SPG requirement would be reasonable and fairly related to the proposal in this instance.

To relax the SPG contribution the Council would have to be sure that in actual operation the staff numbers would not significantly increase beyond the 120 detailed. Therefore if planning permission were to be granted a condition to restrict the use as a data centre and as detailed on the proposed plans would ensure any increase in staff would be limited (Condition 3 refers).

Further to the above, Members are advised the site is part of the wider Bro Tathan area which has had a significant amount of sustainable transport infrastructure already. For example the NAR provides a shared pedestrian and cycle facility along the frontage of the application site.

During the application process the applicant has requested the Council to provide examples of sustainable transport schemes to evidence what schemes a contribution would be put to. In conjunction with the Council's Highway Development Section it has been evidenced that a contribution could be put to the schemes such as the following: Toucan Crossing to cross the NAR, Bus Stops on NAR, a subsidy for bus service 905 to extend its route to the NAR and the provision of a pavement extension towards Eglwys Brewis and the Carpenters Arms. It is also noted the assessment of the submitted Transport Assessment details improvements could be made to cycling facilities to nearby train stations such as to Llantwit Major. Through discussions the applicant has detailed a contribution of £350,000 could be made to the above. In addition, as detailed above in the Highways Section, a Toucan Crossing is required and this would be at the expense of the applicant and therefore additional to the contribution that was offered. This type of crossing would be considered as sustainable transport infrastructure as it would provide a safe link to the existing pedestrian/cycle facilities on the opposite side of the road. The provision of this feature therefore would amount to an 'in kind' contribution as part of the development works.

Therefore, taking into account the above argument, the Toucan crossing and the £350,000 contribution would be considered a fair and reasonable contribution in relation to the number of staff predicted. The Toucan crossing would be required by condition as this would be an more appropriate method of requiring its provision (Condition 23 refers)

The trigger for the payment would be to pay:

- (a) 40% of the Sustainable Transport Contribution to the Council within 30 days of Practical Completion of Phase 1;
- (b) the balance of the Sustainable Transport Contribution to the Council within 30 days of Practical Completion of Phase 2.

Training and Development

The development of skills and education in an economy are essential to maximise employment opportunities, in order to achieve 'A Prosperous Wales' (Planning Policy Wales, Edition 12), and to ensure that people secure decent work and enjoy a better quality of life.

Part of the justification for permitting new commercial developments is the employment opportunities they present. Training local residents, especially for those in deprived areas, to be able to apply for some of the new job opportunities helps to create sustainable communities.

The Council's SPG details this can be provided by:

- Provision of on-site training and development.
- Contributions towards facilitating skills training and to boost local economic development.

The SPG requires one trainee (£1255) per 500sqm of new floor space. Taken from the proposed floor space this would require **135 trainees** or a payment of **£168,739.77**.

The number of trainees is disproportionate to the suggested number of staff at the site (i.e. circa 120). As such the applicant's agent has requested that a number are provided as construction workers and that part through a financial contribution if needed. It is considered this would be reasonable as long as the Training and Development Scheme includes some element related to the Data Storage use.

The trigger would be to provide a scheme on or before the occupation of phase 1 and that in the event that, on Occupation of Phase 2, the number of trainees required for the Training and Development Provision have not been provided in accordance with the scheme approved pursuant to paragraph 4.1.1 above, then a payment of £1,255 per trainee shall be made to the Council in respect of the shortfall (if any) which shall be used by the Council to provide training and development opportunities to people within the vicinity of the Development.

Public Open Space

TAN 16: Sport, Recreation and Open Space (2009) states "Planning conditions and obligations (Section 106 Agreements) can be used to provide open space, sport and

recreational facilities, to safeguard and enhance existing provisions, and to provide for their management”.

Commercial developments are expected to make provision for Public Open Space and / or recreational facilities to meet the needs of the future population they will bring to the area.

The Councils Planning Obligations SPG for commercial development requires 16m² per person[^] or 15% of site area.

[^] based on maximum numbers of staff to be in the workplace at any one time.

Based upon 120 staff as detailed within the submission this would amount to an area of circa 1920 square metres of open space to be provided.

A plan has been submitted that detail a POS area of 1900sq m located close to the building with access along pedestrian pathways and looking towards the open countryside. This is considered an acceptable size of area and provision for the site. As the POS area would be entirely within the commercial site area it is unlikely this area would be adopted by the Council. However a maintenance plan would be required through the Section 106 agreement. The trigger for the provision is detailed below:

- (i) Phase 1 shall not be occupied until a minimum of 40% of the Public Open Space Land has been laid out and a certificate of Practical Completion has been issued.
- (ii) Phase 2 shall not be occupied until the Public Open Space Land has been laid out and a certificate of Practical Completion has been issued.
- (iii) The Lessee shall maintain the Public Open Space for a period of 20 years in accordance with a Public Open Space Maintenance Plan. The Public Open Space Maintenance Plan shall be submitted to the Council for approval prior to first Occupation of the Development.

Public Art

Technical Advice Note (TAN) 12 ‘Design’ (March 2016) Section 5.15 recognises the importance role of public art, in creating and enhancing “individuality and distinctiveness” within a development, town, village and cities.

Public Art can bring distinctiveness and material and craft quality to developments, enable local people to participate in the process of change and foster a sense of ownership. It is therefore an important part of achieving design quality.

The Council introduced a ‘percent for art’ policy in July 2003, which is supported by the Council’s adopted SPG on Public Art. It states that on major developments, developers should set aside a **minimum of 1% of their project budget** specifically for the commissioning of art and, as a rule, public art should be provided on site integral to the development proposal. The public art scheme must incorporate sufficient measures for the appropriate future maintenance of the works.

Public art should be considered early in the design process and be integral to the overall design of a building, public space or place. The choice of artists and the nature of subsequent work should be the subject of full collaboration from the outset between the artist, the local community and professionals involved in the design process. This is in accordance with TAN 12, paragraph 5.15.4.

The applicant's agent has detailed an artist would be commissioned to provide the art. They detail the build cost of this highly technical building would have resulted in a 1% contribution disproportionate to what is required in relation to the size and scale of the building. This is appreciated and the applicant's agent has further re-iterated the CIL regulation tests, as identified above in the 'Sustainable Transport' section, which the contribution would need to meet. Following negotiation between the Council and the agent, £200,000 has been offered. The Council's Arts Officer considers this would acceptably provide art that is fair and reasonable in relation to the scale and kind of development.

The trigger for the provision would be as follows:

- (i) On or before Occupation of Phase 1, to either:
 - (a) pay the Public Art Contribution to the Council to be used towards the provision of Public Art within the vicinity of the Development; or
 - (b) provide the Public Art in accordance with the approved Public Art Scheme.

- (ii) In the event that the Lessee elects to provide the Public Art in accordance with clause (b) above, to:
 - (a) submit the Public Art Scheme to the Council for approval at least six (6) months prior to Occupation of Phase 1; and
 - (b) implement the Public Art Scheme in accordance with the approved details and in any event no later than 12 months following Occupation of Phase 1.

- (iii) In the event that the cost of implementing the approved Public Art Scheme (as determined by the Council acting reasonably) is less than the Public Art Contribution, to pay the difference to the Council to be used towards the provision of Public Art within the vicinity of the Development.

Planning Obligations Administration Fee

In addition, and separate to any obligation sought, the Council requires the developer to pay an administration fee, equivalent to 20% of the application fee or 2% of the total financial contribution being sought, whichever is the greater. This fee covers the Council's costs to negotiate, monitor and implement the terms of the necessary Section 106 agreement. Due to the size of the building and related fee this would be £60,000 and would be the higher fee in relation to a fee worked out on the total financial contribution being sought. It is difficult to work this figure out as some of the contributions are not based on financial contributions.

The applicant has requested a pragmatic approach to working out the fee as the larger amount may not be reasonable with regard the monitoring and negotiation for one planning applications obligations. The Council's Section 106 Officer has detailed a fee of £25,000 would be reasonable for the level of work required by the section 106 officer and others relate to the implementation and monitoring of the contributions. The applicant has been made aware of this reduction and has responded with no comments. As such this is considered acceptable.

RECOMMENDATION

Subject to the interested person(s) first entering into a Section 106 Legal Agreement(s) to include the following necessary planning obligations:

- The developer shall pay the sum of three hundred and fifty thousand pounds (£350,000) to contribute towards the provision of sustainable transport.
- The developer shall provide a scheme for 135 trainees or pay the sum of one thousand two hundred and fifty five pounds (£1,255) per trainee in respect of any shortfall (if any) to contribute towards the provision of training and development.
- The developer shall provide public open space as detailed on the general arrangement plan (CWL21-BUR-WS3-SP-DR-C-0100_General Arrangement Rev P4) and a maintenance plan.
- The developer shall pay the sum of two hundred thousand pounds (£200,000) to contribute towards the provision of public art.
- The developer shall pay the sum of twenty five thousand pounds (£25,000) as an administration fee.
- Dormouse Conservation Strategy - Long term management, monitoring and auditing.

And subject to the following conditions:

APPROVE subject to the following condition(s):

1. The development shall begin no later than five years from the date of this decision.

Reason:

To comply with the requirements of Section 91 of the Town and Country Planning Act 1990.

2. The development shall be carried out in accordance with the following approved plans and documents unless otherwise to be approved and superseded by details required by any other condition or obligation attached to this consent:

CWL21-BUR-WS3-SP-DR-C-0001_LOCATION PLAN Rev P2
CWL21-BUR-WS3-SP-DR-C-0100_General Arrangement Rev P4
CWL21-BUR-WS3-SP-DR-C-0101_PHASE 1 GA Rev P3
CWL21-BUR-WS3-SP-DR-C-0102_Site Boundary Rev P4
CWL21-BUR-WS3-SP-DR-C-0103_Block Plan Rev P3
CWL21-BUR-WS3-SP-DR-C-0104_PHASE PLAN Rev P4
CWL21-BUR-WS3-SP-DR-C-0105_EXISTING SITE LAYOUT
CWL21-BUR-WS3-SP-DR-C-0200_SITE CLEARANCE Rev P2
CWL21-BUR-WS3-SP-DR-C-0120_SECTIONS SH1 Rev P2
CWL21-BUR-WS3-SP-DR-C-0121_SECTIONS SH2 Rev P2
CWL21-BUR-WS3-SP-DR-C-0122_SECTIONS SH3 Rev P2
CWL21-BUR-WS3-SP-DR-C-0300_Proposed Fencing Rev P3
CWL21-BUR-WS3-SP-DR-C-0350_PROPOSED FENCING DETAILS SHEET 1 OF 2
Rev P2
CWL21-BUR-WS3-SP-DR-C-0351_PROPOSED FENCING DETAILS SHEET 2 OF 2
Rev P2

CWL21-BUR-WS3-SP-DR-C-0500_Proposed Surface Water Drainage Rev P4
 CWL21-BUR-WS3-SP-DR-C-0505_Proposed Foul Water Drainage Rev P4
 CWL21-BUR-WS3-SP-DR-C-0512_SURFACE WATER SH1 Rev P3
 CWL21-BUR-WS3-SP-DR-C-0513_SURFACE WATER SH2 Rev P3
 CWL21-BUR-WS3-SP-DR-C-0560_PROPOSED PUMPING STATION SECTIONS Rev P2
 CWL21-BUR-WS3-SP-DR-C-0601 - PROPOSED CONTOURS Rev P3
 CWL21-BUR-WS3-SP-DR-C-0604 - PROPOSED FORMATION ISOPACHYTE Rev P3
 CWL21-BUR-WS3-SP-DR-C-0610_EARTHWORKS SECTIONS Rev P2
 CWL21-BUR-WS3-SP-DR-C-0620_EARTHWORKS SECTIONS SH1 Rev P2
 CWL21-BUR-WS3-SP-DR-C-0621_EARTHWORKS SECTIONS SH1 Rev P2
 CWL21-BUR-WS3-SP-DR-C-0622_EARTHWORKS SECTIONS SH1 Rev P2
 CWL21-BUR-WS3-SP-DR-C-0623_EARTHWORKS SECTIONS SH1 Rev P2
 CWL21-BUR-WS3-SP-DR-C-0700_GEOMETRY ARRANGEMENT Rev P3
 CWL21-BUR-WS3-SP-DR-C-0701_Road Pavement Arrangement P02
 CWL21-BUR-WS3-SP-DR-C-0707_HGV Vehicle Track P3
 CWL21-BUR-WS3-SP-DR-C-0708_Crane Vehicle Track P3
 CWL21-BUR-WS3-SP-DR-C-0709_Fire Truck Vehicle Track P3
 CWL21-BUR-WS3-SP-DR-C-0720_GEOMETRY CROSS SECTIONS Rev P2
 CWL21-BUR-WS3-SP-DR-C-1100_Kerbs & Paved Areas Arrangement P5
 CWL21-BUR-WS3-SP-DR-C-2700_EXISTING SERVICES
 CWL2-DR-SP-L0100-V2-WS2-TIR LANDSCAPE STRATEGY Rev P3
 CWL2-DR-SP-L0101-V2-WS2-TIR PLANTING PLAN Rev P3
 CWL2-DR-SP-L0102-V2-WS2-TIR LANDSCAPE SPECIFICATION Rev P2
 CWL21-TIR-WS3-SP-DR-L-0103_TREE PITS Rev P1
 CWL21-DR-00-AP100-BMD GENERAL ARRANGEMENT PLAN - GROUND FLOOR Rev P3
 CWL21-DR-01-AP101-BMD GENERAL ARRANGEMENT PLAN - FIRST FLOOR Rev P3
 CWL21-DR-02-AP102-BMD GENERAL ARRANGEMENT PLAN - ROOF LEVEL Rev P3
 CWL21-DR-03-AP103-BMD GENERAL ARRANGEMENT PLAN - CHILLER DECK Rev P3
 CWL21-DR-ZZ-AP200-BMD GENERAL ARRANGEMENT ELEVATIONS - PHASE 1
 CWL21-DR-ZZ-AP210-BMD GENERAL ARRANGEMENT ELEVATIONS - PHASE 2
 CWL21-DR-ZZ-AP220-BMD PROPOSED MATERIAL MATRIX
 CWL21-DR-ZZ-AP300-BMD BUILDING SECTIONS A, B, C Rev P3
 CWL2-DR-ZZ-AP400-BMD SECURITY KIOSK - PLAN AND ELEVATIONS Rev P03
 CWL2-DR-ZZ-AP410-BMD SUBSTATION - PLAN AND ELEVATIONS
 CWL2-DR-ZZ-AP420-BMD 25MVA SWITCHROOM - PLAN AND ELEVATIONS
 CWL2-DR-ZZ-AP430-BMD SPRINKLER TANKS - PLAN AND ELEVATIONS
 CWL21.1-BMD-WS3-SP-DR-E-1400 Rev P2 SITE LIGHTING PLAN (dated 26/04/2024)
 CWL21-BMD-WS3-SP-DR-E-1401-SITE LIGHTING - LIGHTSPILL PLAN Rev P2
 CWL2-DR-ZZ-AP900-BMD ISOMETRIC 3D VIEWS - OVERALL SITE
 CWL2-DR-ZZ-AP910/P3-BMD CGI PERSPECTIVE VIEWS Rev P3
 50685-BUR-GEN-XX-DR-C-0101_Proposed Site Layout Rev P7
 50685-BUR-GEN-XX-DR-C-0350_Proposed Fencing Rev P3
 50685-BUR-GEN-XX-DR-C-0501_Proposed SW Drainage Layout Rev P5
 50685-BUR-GEN-XX-DR-C-0701_Vehicle Tracking Layout Rev P4
 50685-BUR-GEN-XX-DR-C-0720_Proposed Site Sections Rev P3

50685-BUR-GEN-XX-DR-C-0730_ProposedSiteElevations Rev P1
RAM-CWL2-XX-SK-C-00007-Proposed Crossing General Arrangement-Toucan
Crossing

Documents

Planning Statement (CarneySweeney, July 2023)
Pre-Application Consultation Report (CarneySweeney, July 2023)
Design and Access Statement (Burns McDonnell, Rev P04, 1st March 2024)
Green Infrastructure Statement (Ramboll, March 2024)
Outline Construction Environmental Management Plan (Ramboll, March 2024).

Transport

Transport Assessment (Ramboll, October 2023)
Framework Travel Plan (Tetra Tech, February 2024).

Drainage

Flood Consequence Assessment (Ramboll, May 2023)
Bro Tathan Bund Relocation Modelling - Technical Note (Wallingford Hydro
Solutions, May 2023)
Drainage Strategy Report (Burroughs, June 2023)
Assessment of Potential Flow Capacity (Burroughs, 2 May 23)
1620012263-RAM-ZZ-00-DR-C-00101
1620012263-RAM-ZZ-00-DR-C-00102
1620012263-RAM-ZZ-00-DR-C-00401
1620012263-RAM-ZZ-00-DR-C-00402
1620012263-RAM-ZZ-00-DR-C-00451
1620012263-RAM-ZZ-00-DR-C-00452
1620012263-RAM-ZZ-00-DR-C-00453
Technical Note (Ramboll, 23 October 2023)
St Athan Northern Access Road, FCA (Aecom, March 2017)
St Athan Pluvial Model Updates Technical Note (WHS, 20 March 2020)
Bro Tathan Bund Relocation Modelling Technical Note (Ramboll, 31 May 2023)
Appendix 2; Bro Tathan Bund Relocation Modelling Technical Note Addendum
(Ramboll, 23 October 2023)
VOG Drainage Response No.2 (Ramboll TN, 20.12.23)
Bund Operation and Maintenance Plan (Ramboll, Sept 2023).

Ground Conditions

Phase I Environmental Site Assessment (Ramboll, July 2023)
Phase II Environmental Site Assessment (Ramboll, July 2023)
Ground Investigation Report (Ramboll, June 2022)
Ground Investigation Report Addendum - Supplementary Ground Investigation
(Ramboll, April 2023)
Delineation Environmental Investigation (Ramboll, July 2023)
Remediation Options Appraisal (Ramboll, July 2023)
Radiological Remediation Report St Athan Iss2 (Aurora, Sep 23)
Remediation Next Steps:PFAS Soil Sampling (Ramboll October 2023)
NRW Response on PFAS (Ramboll July 2023)
Vantage Bro Tathan Remediation: PFAS Soil Treatment Thresholds (Ramboll 23 10
2023)
PFAS Soil Stabilisation /Solidification Literature Review (Ramboll, 14.2.24)
Remediation Strategy (Ramboll April 2024)

Bro Tathan FTA - High Level Interpretation of Additional GI Analytical Data (Tetra Tech 09 February 2024).

Ecology

Ecological Impact Assessment (Ramboll, July 2023)
Dormouse Conservation Strategy (Arup, Aug 2023)
Response to NRW Advice (Dormice) (Ramboll, 10 Aug 23)
Preliminary Ecological Appraisal (Ramboll, February 2022)
Addendum to Dormouse Conservation Strategy and Response to Comments (NRW-Ecology) - Rev B (Ramboll, 11/4/24)
Habitat Management Plan (Ramboll, November 2023)
Precautionary Method of Working (Ramboll, 11.1.24).

Trees

Arboricultural Method Statement (DTS, July 2023)
Arboricultural Impact Assessment (DTS, April 2023)
Tree Appraisal Plan DTS 22.5669.1.TAP
Tree Protection Plan no. 22.5669.7.TPP Rev 7

Landscape

Landscape and Visual Appraisal (Ramboll, July 2023)
LVIA Figures 1 & 2 and Appendix 3
LVIA response Technical Note (Ramboll, 14 November 2023)
LVIA Viewpoint 3

Heritage

Heritage Statement (Tetra Tech, July 2023)
Archaeological and Heritage Desk-Based Assessment (Tetra Tech, February 2022);
Geophysical Survey (Headland Archaeology, December 2022)
Written Scheme of Investigation: Historic Building Recording (Tetra Tech, February 2024)
Written Scheme of Investigation: Watching Brief (Tetra Tech, March 2024)
Written Scheme of Investigation: Trial Trench Evaluation (Tetra Tech, March 2024)

Sustainability

Sustainability and Energy Statement Rev 02 (Hoare Lea, July 2023)
Sustainability Part L2 Report (Hoare Lea, June 2023)
Sustainability Note (CarneySweeney received November 2023)

Air, Noise & Light

Air Quality Assessment (Ramboll, July 2023)
Noise Impact Assessment (Ramboll, July 2023)
Lighting Calculations (Burns McDonnell, March 2024).

Public Art

Vantage Bro Tathan Public Art (April 2024)

Reason:

For the avoidance of doubt as to the approved development and to accord with Circular 016:2014 on The Use of Planning Conditions for Development Management.

3. The development shall only be used for the proposed B8 data storage use and ancillary B1 office use for no other purpose (including any other purpose in class B1 and B8 of the schedule to the Town and Country Planning (Use Classes) Order 1987 (or in any provision equivalent to that class in any statutory instrument revoking and re-enacting that order with or without modification). The ancillary B1 office shall only be carried out in the 'Office' areas detailed in section 5.3 of the Design and Access Statement. All other areas shall only be occupied by staff for maintenance purposes.

Reason:

To control the precise nature of the B8 and B1 use of the site and to protect from permitted changes to alternative B8 uses and/or increase in B1 office space that could potentially harm neighbouring amenity and impact on parking, sustainable transport provision and highway safety and to ensure compliance with the terms of Policy MD2 (Design of New Developments) of the Local Development Plan.

4. The generators approved as part of this scheme shall only be used in case of an emergency (e.g. power failure) and in accordance with the approved Noise Impact Assessment (Ramboll, July 2023) and a servicing, maintenance and testing plan to be submitted to and approved in writing by the Local Planning Authority prior to the first occupation of any part of the building.

Thereafter the servicing, testing and management of the generators shall only be carried out in accordance with the approved management plan and maintained in this manner thereafter.

Reason:

In the interest of residential amenity and to ensure that the generators remain an ancillary part of the development and to ensure compliance with Policies SP1 (Delivering the Strategy) and MD2 (Design of New Development) of the Local Development Plan.

5. The development shall thereafter be carried out in accordance with the phasing identified on plan number Cwl21 Bur Ws3 Sp Dr C 0104 Phasing plan Rev P4.

Reason:

To ensure the development is completed in a phased manner and to ensure compliance with Policies SP1 (Delivering the Strategy) and MD2 (Design of New Development) of the Local Development Plan.

6. The remediation scheme approved (Ramboll, 17/04/2024; Remediation Strategy North of Bro Tathan Business Park, St Athan, Barry Ref 1620012263-011) must be fully undertaken in accordance with its terms. The Local Planning Authority must be given two weeks written notification of commencement of the remediation scheme works.

On the completion of the measures identified in the approved remediation scheme and prior to the occupation of any part of the development unless otherwise agreed in writing by the Local Planning Authority, a verification report that demonstrates the effectiveness of the remediation carried out must be submitted to and approved in writing by the Local Planning Authority.

All work and submissions carried out for the purposes of this condition must be conducted in accordance with the Environment Agency's 'Land contamination: risk management (LCRM)' (October 2020) and the WLGA / WG / NRW guidance document 'Land Contamination: A guide for Developers' (2017) unless the Local Planning Authority agrees to any variation.

Reason:

To ensure that any unacceptable risks from land contamination to the future users of the land, neighbouring land, controlled waters, property and ecological systems are minimised, and to ensure that the development can be carried out safely without unacceptable risks to workers, neighbours and other offsite receptors in accordance with policy MD7 of the Vale of Glamorgan Local Development Plan.

7. In the event that contamination is found at any time when carrying out the approved development that was not previously identified it must be reported in writing within 2 days to the Local Planning Authority, all associated works must stop, and no further development shall take place until a scheme to deal with the contamination found has been submitted to and approved in writing by the Local Planning Authority. An investigation and risk assessment must be undertaken and where remediation is necessary a remediation scheme and verification plan must be prepared and submitted to and approved in writing by the Local Planning Authority. Following completion of measures identified in the approved remediation scheme a verification report must be submitted to and approved in writing by the Local Planning Authority. The timescale for the above actions shall be agreed with the LPA within 2 weeks of the discovery of any unsuspected contamination.

Reason:

To ensure that any unacceptable risks from land contamination to the future users of the land, neighbouring land, controlled waters, property and ecological systems are minimised, and to ensure that the development can be carried out safely without unacceptable risks to workers, neighbours and other offsite receptors in accordance with policy MD7 of the Vale of Glamorgan Local Development Plan.

8. Prior to the first beneficial operation of the development, a long term monitoring plan for land contamination (including groundwater) shall be submitted and approved in writing by the Local Planning Authority. The long term monitoring plan should include:

- Details of the methods and triggers for action to be undertaken.
- Timescales for the long term monitoring and curtailment mechanisms.
- Timescales for submission of monitoring reports to the LPA.
- Details of any necessary contingency and remedial actions and timescales for actions.
- Details confirming that the contingency and remedial actions have been carried out.

The monitoring plan shall be carried out in accordance with the approved details, within the agreed timescales.

Reason:

To ensure necessary monitoring measures are approved to manage any potential adverse impacts as a result of development in accordance with Policy MD7 of the Vale of Glamorgan Local Development Plan.

9. No development (apart from site clearance and earthworks as detailed in the approved plans and works in the Dormouse Conservation Strategy as required by condition 15 of this consent) shall commence until details of piling or any other foundation designs using penetrative methods sufficient to demonstrate that there is no unacceptable risk to groundwater have been submitted to and approved in writing by the Local Planning Authority. Any piling shall be implemented in accordance with the approved details.

Reason:

In order to ensure there is no unacceptable risk to groundwater during construction and methods/design are agreed prior to the commencement of development or phase of development and to ensure accordance with Policies SP1 (Delivering the Strategy), MD2 (Design of New Developments) and MD7 (Environmental Protection) of the Local Development Plan.

10. The level of noise emitted from the site shall be in accordance with that detailed in section 3.4 of the submitted Noise Impact Assessment. Noise from the operation of the approved data centre shall not exceed 30dB "LAeq" at any time, as measured at the nearest residential property. If at any time the noise levels from the operation of the data centre exceeds the above level, the operation shall cease until remedial measures are taken to resolve the situation and a noise report, to clarify that the noise levels from the operation of the data centre at the affected residential properties are in accordance with the above requirements, has been submitted to and approved in writing by the Local Planning Authority.

Reason:

To ensure that noise would not have a detrimental impact on neighbours amenity, and to ensure compliance with the terms of Policies MD2 (Design of New Developments) and MD7 (Environmental Protection) of the Local Development Plan.

11. Each phase of development identified on plan number Cwl21 Bur Ws3 Sp Dr C 0104 Phasing plan Rev P4, including any works of demolition shall not commence until a Construction Environment Management Plan (CEMP) has been submitted to, and approved in writing by, the Local Planning Authority. The CEMP shall include the following details:
- 1.) Construction methods: details of materials, how waste generated will be managed;
 - 2.) General Site Management: details of the construction programme including timetable, details of site clearance.
 - 3.) Plan and management of the disposal of foul drainage. Disposal of surface water drainage. Installation of oil and petrol separators. Installation of trapped gullies. Installation of roof drainage - sealed at ground level.
 - 4.) General Site Management: Details of site construction drainage, containments areas, appropriately sized buffer zones between storage areas (of spoil, oils, fuels, concrete mixing and washing areas) and any watercourse, surface drain and surface network.
 - 5.) Resource Management: details of fuel and chemical storage and containment; details of waste generation and its management; details of water consumption, wastewater and energy use
 - 6.) Traffic Management: details of site deliveries, plant on site, wheel wash facilities
 - 7.) Pollution Prevention: demonstrate how relevant Guidelines for Pollution Prevention and best practice will be implemented, including details of emergency spill procedures and incident response plan.
 - 8.) A method statement to ensure site clearance considers the risk of Great Crested Newt being present.

The CEMP shall be implemented as approved during the site preparation and each construction phases of the development.

Reason:

To ensure necessary management measures are agreed and implemented for the protection of the environment during construction and to ensure compliance with the terms of Policies SP1-Delivering the Strategy, MD2-Design of New Development, MD7-Environmental Protection of the Local Development Plan.

12. No equipment of 70m or more above ground level shall be used in the construction of the development hereby approved unless a construction management strategy has been submitted to and approved in writing by the Local Planning Authority covering the application site and any adjoining land which will be used during the construction period. Such a strategy shall include the details of cranes and other tall construction equipment over 70m above ground level. The approved strategy (or any variation approved in writing by the Local Planning Authority) shall be implemented for the duration of the construction period.

Reason:

To ensure that construction work and construction equipment on the site and adjoining land does not impede the effective operation of air traffic navigation transmitter/receiver systems and to ensure compliance with the terms of Policies SP1-Delivering the Strategy, MD2-Design of New Development, MD7-Environmental Protection of the Local Development Plan.

13. The development shall be carried out in accordance with the levels details as shown on plans detailed below:

CWL21-BUR-WS3-SP-DR-C-0120_SECTIONS SH1 Rev P2
CWL21-BUR-WS3-SP-DR-C-0121_SECTIONS SH2 Rev P2
CWL21-BUR-WS3-SP-DR-C-0122_SECTIONS SH3 Rev P2

Reason:

To ensure that visual amenity is safeguarded, and to ensure the development accords with Policy MD2 (Design of New Development) of the Local Development Plan.

14. Notwithstanding the submitted details and prior to their use within the development hereby approved, a schedule of materials (including colour) to be used in the construction of the development (including all ancillary buildings and fencing) hereby approved shall be submitted to and approved in writing by the Local Planning Authority. The development shall be completed in accordance with the approved details prior to first beneficial use of the building.

Reason:

To safeguard local visual amenities, as required by Policies SP1 (Delivering the Strategy), Policy MD2 (Design of New Development), SP10 (Built and Natural Environment) and MD8 (Historic Environment) of the Local Development Plan.

15. Notwithstanding the submitted details and prior to any works or development a Dormouse Conservation Plan shall be submitted to and approved in writing by the Local Planning Authority.

The Dormouse Conservation Plan should include updated principles, as included within 'Land North of Ffordd Bro Tathan - Addendum to Dormouse Conservation Strategy and Response to Comments' (NRW - Ecology), Rev B 11 April 24.'

Furthermore, the Conservation Plan should include, but not necessarily be limited to, the following:

- Extent, distribution and quality of dormouse habitat to be retained, lost, created
- Appropriate drawing(s) illustrating habitats retained, lost, created
- Details of areas to be planted and planting schemes, the detail of planting to be delivered and planting schemes, shown on appropriate drawings
- Long term site security and details of the ownership of compensation areas
- Details of timing, phasing and duration of construction activities and conservation measures

- Details of avoidance and mitigation measures
- Principles of a management plan
- Principles of a lighting scheme
- Post-construction monitoring and record dissemination for a period of not less than 25 years.

The approved Dormouse Conservation Plan shall be carried out in accordance with the approved details.

Reason:

To ensure the approved Dormouse Conservation Plan is implemented and in the interests of ecology and to ensure compliance with Policies SP1 (Delivering the Strategy), MD9 (Promoting Biodiversity), MG19 (Sites and Species of European Importance), MG20 (Nationally Protected Sites and Species) and MG21 (Sites of Importance for Nature, Regionally Important Geological and Geomorphological Sites and Priority Habitats and Species) of the Local Development Plan.

16. Notwithstanding the submitted details, no development or works (including site clearance) shall commence until a Landscape and Ecological Management Plan (LEMP) has been submitted to and approved in writing by the Local Planning Authority.

The LEMP should build upon the principles outlined within the 'Bro Tathan North Dormouse Conservation Strategy_V2_Issue.docx, by Ove Arup 3 Aug 23' , subsequent Addendum to Dormouse Conservation Strategy and Response to Comments (NRW - Ecology), Rev B 11 April 24 and Habitat Management Plan (Ramboll, November 2023) and Precautionary Method of Working (Ramboll, 11.1.24).

It should also include, but not necessarily be limited to, the following:

- Details of habitats and ecological features present or to be created, both in written form and shown on appropriate drawings, including planting plans
- Defined aims and objectives (including defined key performance indicators for long-term monitoring)
- Details of the desired condition for each habitat and criteria to determine when habitats have achieved this
- Details of short and long-term habitat management prescriptions to both achieve and maintain the desired condition
- Details of monitoring methodologies for habitat(s) and species
- Details of scheduling and timings of activities
- Persons or bodies responsible for undertaking management and surveillance together with required skills and competencies
- Licensing requirements (or management surveillance and other defined activities)
- Details of reporting, review and update of the plan (informed by monitoring) at specific intervals as agreed.

All works and development (including site clearance) shall be carried out in accordance with the approved Landscape and Ecological Management Plan (LEMP). Thereafter the site shall be managed in accordance with the details in the approved LEMP in perpetuity.

Reason:

In the interests of ecology and to ensure compliance with Policies SP1 (Delivering the Strategy), MD9 (Promoting Biodiversity), MG19 (Sites and Species of European Importance), MG20 (Nationally Protected Sites and Species) and MG21 (Sites of Importance for Nature, Regionally Important Geological and Geomorphological Sites and Priority Habitats and Species) of the Local Development Plan.

17. Notwithstanding the submitted details and prior to the construction works on the building (apart from site clearance and earthworks as detailed in the approved plans and works in the Dormouse Conservation Strategy as required by condition 15 of this consent) a lighting scheme shall be submitted to and approved in writing by the Local Planning Authority. The lighting scheme shall include a light mitigation strategy, including measures to reduce light spillage onto foraging habitats for bats and other species. Thereafter the development shall be carried out, retained and managed in accordance with the approved details in perpetuity.

Reason:

In the interests of ecology and visual and neighbouring amenity and to ensure compliance with Policies SP1 (Delivering the Strategy), MD2 (Design of New Development), MD9 (Promoting Biodiversity), MG19 (Sites and Species of European Importance), MG20 (Nationally Protected Sites and Species) and MG21 (Sites of Importance for Nature, Regionally Important Geological and Geomorphological Sites and Priority Habitats and Species) of the Local Development Plan.

18. All the trees and hedges shown on the Tree Protection Plan no. 22.5669.7.TPP Rev 7 as "to be retained" and/or any trees whose canopies overhang the site shall be protected in accordance with the details on the plan. The fencing shall be erected in accordance with the approved details before any equipment, machinery or materials are brought onto the site for the purposes of the development (including site clearance), and shall be maintained until all equipment, machinery and surplus materials have been removed from the site. Nothing shall be stored or placed within any fenced area, and the ground levels within those areas shall not be altered, nor shall any excavation be made.

Reason:

In order to avoid damage to trees on or adjoining the site which are of amenity value to the area and to ensure compliance with Policies SP10 (Built and Natural and MD2 (Design of New Developments) of the Local Development Plan.

19. Notwithstanding the submitted details no development shall take place (apart from site clearance and earthworks as detailed in the approved plans and works in the Dormouse Conservation Strategy as required under condition 15 of this consent) until there has been submitted to and approved in writing by the Local Planning Authority a scheme of hard and soft landscaping. Soft Landscaping shall include, and not limited to include, the planting of gaps in existing hedges to include some larger tree species, seed mix for all grass areas, ongoing maintenance and management plan, relationship to sustainable drainage features, planting of bunds in the 'green line area' (identified on the location plan) and larger and more trees within the 'green line area'. The scheme shall also include details of phasing and timings of the provision of the landscaping, indications of all existing trees (including spread and species) and hedgerows on the land, identify those to be retained and set out measures for their protection throughout the course of development.

Reason:

In the interest of visual and residential amenities, in the interests of biodiversity and ecology and to protect the public right of way crossing the site and to ensure compliance with the terms of Policies SP1 (Delivering the Strategy), SP10 (Built and Natural Environment), MD1 (Location of New Development), MD2 (Design of New Developments) and MD9 (Promoting Biodiversity) of the Local Development Plan.

20. All planting, seeding or turfing comprised in the approved details of landscaping shall be carried out in accordance with the phasing and timing details approved by condition 19; and any trees or plants which within a period of 5 years from the completion of the development die, are removed or become seriously damaged or diseased shall be replaced in the next planting season with others of similar size and species.

Reason:

To ensure satisfactory maintenance of the landscaped area to ensure compliance with Policies SP1 (Delivering the Strategy), SP10 (Built and Natural Environment), MD2 (Design of New Developments) of the Local Development Plan.

21. Notwithstanding the submitted details and prior to the commencement of construction works on the Phase 1 building (apart from site clearance and earthworks as detailed in the approved plans and works in the Dormouse Conservation Strategy as required under condition 15 of this consent) a Biodiversity Enhancement Strategy addressing enhancement measures shall have been submitted to and approved in writing by the Local Planning Authority. The development shall thereafter be carried out in accordance with the approved strategy and timings set out within and thereafter retained in accordance with the approved details whilst the development remains in existence.

The Strategy shall include, but not necessarily be limited to, the following:

- a) Details of any bird/bat box provision.
- b) Details of any landscaping features.
- c) Details of any additional ecological enhancements e.g. for reptiles, amphibians and invertebrates.

- d) Details of Skylark habitat provision and its maintenance.
- e) Wildlife friendly fencing.

Reason:

In the interests of ecology and to ensure compliance with Policies SP1 (Delivering the Strategy) and MD9 (Promoting Biodiversity) of the Local Development Plan.

22. Notwithstanding the submitted plans and Transport Assessment, full Engineering details of the 'highways works' to the main access from the Northern Access Road (including footway/cycleway provision), new access from the Northern Access Road to serve the upgraded pumping station and emergency/secondary gate access as shown on plan number Cwl21 Bur Ws3 Sp Dr C 0100 General arrangement P4 shall be submitted to and approved in writing by the Local Planning Authority. The approved 'highways works' shall be completed in full prior to the first beneficial occupation of Phase 1 of the development.

Reason:

To ensure satisfactory development of the site and to ensure estate roads are designed and constructed to a suitable and safe standard in accordance with Policy MD2-Design of New Development of the LDP.

23. Notwithstanding the submitted details, a scheme for a new Toucan controlled crossing point across the Northern Access Road at a location to be agreed shall be submitted to and approved in writing by the Local Highway/Planning authority. The approved scheme shall be completed on site and operational prior to the first beneficial occupation of Phase 1 of the development.

Reason:

In the interests of highway safety in accordance with Policy MD2-Design of New Development of the LDP.

24. Prior to the commencement of any works (including site clearance) a Construction Traffic Management Plan shall be submitted to and approved in writing with the Local Highway/Planning Authority. The 'CTMP' shall include information on construction traffic travelling to the site, haulage route, Journeys outside of peak times, parking on site for construction vehicles, site compound plan, areas for plant storage and loading and unloading of materials, control of mud and debris entering the highway, wheel washing facilities and any other information deemed necessary by the Local Highway Authority. The development shall thereafter be carried out in accordance with the approved plan.

Reason:

In the interests of maintaining highway efficiency and safety in accordance with Policy MD2-Design of New Development in the LDP.

25. Notwithstanding the submitted details and prior to the first beneficial occupation of any part of phase 1 of the development, a Travel Plan shall be submitted to and approved in writing by the Local Planning Authority. The Travel Plan shall be prepared to include a package of measures tailored to the needs of the site and its future users, which aims to widen travel choices by all modes of transport, encourage sustainable transport and cut unnecessary car use. The Travel Plan shall thereafter be completed in accordance with the approved details and timings within.

Reason:

In the interests of accessibility to Sustainable Transport Modes, to minimize potential hazards and to aid in the delivery of sustainable Transport objectives and to support Local Transport Plan Policies in accordance with Policy MD2-Design of New Development of the LDP.

26. Prior to the first occupation of any part of the phase 2 building, details for the removal of the 66no. non-permanent car parking spaces and related access as identified in a green colour on plan CWL21-BUR-WS3-SP-DR-C-0100_General Arrangement Rev P4 and the restoration of the area and a scheme of hard and soft landscaping shall have been submitted to the Local Planning Authority for approval in writing. Thereafter, the 66no. non-permanent parking spaces and related access shall be removed and the area landscaped in accordance with the approved details including a timetable for the removal and landscaping works to be completed.

Any trees or plants which within a period of 5 years from the completion of the landscaping die, are removed or become seriously damaged or diseased shall be replaced in the next planting season with others of similar size and species.

Reason:

In the interests of visual amenity and the promotion of sustainable transport in accordance with Policy MD2-Design of New Development.

27. Any part of the phase 1 development shall not be occupied until facilities for the secure covered storage of 30 cycles and cycle facilities (locker, changing facilities and showers) have been provided in accordance with plan numbers: CWL21-BUR-WS3-SP-DR-C-0350_PROPOSED FENCING DETAILS SHEET 1 OF 2 Rev P2, CWL21-BUR-WS3-SP-DR-C-0100_General Arrangement Rev P4, CWL21-DR-00-AP100-BMD GENERAL ARRANGEMENT PLAN - GROUND FLOOR Rev P3 and CWL21-DR-01-AP101-BMD GENERAL ARRANGEMENT PLAN - FIRST FLOOR Rev P3.

Thereafter the approved cycle parking and facilities shall be retained and maintained as such in perpetuity unless otherwise agreed in writing by the Local Planning Authority.

Reason:

In the interest of sustainable transport provision and promotion in accordance with Policy MD2-Design of New Development in the Local Development Plan.

28. No development (including any site clearance, earthworks and demolition) shall take place until a Condition Survey of an agreed route along the adopted highway has been submitted to and approved in writing by the Local Planning Authority. The extent of the area to be surveyed must be agreed with the Local Highways Authority prior to the survey being undertaken. The survey must consist of:

- A plan to an appropriate scale showing the location of all defects identified within the routes for construction traffic
- A written and photographic record of all defects with corresponding location references accompanied by a description of the extent of the assessed area and a record of the date, time and weather conditions at the time of the survey.

Reason:

To ensure that any damage to the adopted highway sustained throughout the development process can be identified and subsequently remedied at the expense of the developer in accordance with Policy MD2 (Design of New Developments) of the Local Development Plan.

29. Within 1 month following the completion of each phase of the development (as detailed on the approved phasing plan), a further Condition Survey along the route agreed under Condition 28 shall be submitted to the Local Planning Authority for their approval in writing. Each further Condition Survey shall identify any remedial works to be carried out which are a direct result of the development and shall include the timings of the remedial works. Any agreed remedial works shall thereafter be carried out at the developer's expense in accordance with the agreed timescales.

Reason:

To ensure that any damage to the adopted highway sustained throughout the development process can be identified and subsequently remedied at the expense of the developer in accordance with Policy MD2 (Design of New Developments) of the Local Development Plan.

30. No development (including site clearance and earthworks approved) shall take place until the applicant, or their agents or successors in title, has secured implementation of a programme of archaeological work in accordance with that outlined in CWL-C, Bro Tathan Written Scheme of Investigation for a Watching Brief (project no. 784-B034343-V0, dated March 2024).

Reason:

To identify and record any features of archaeological interest discovered during the works, in order to mitigate the impact of the works on the archaeological resource, and to ensure compliance with Policies SP10 (Built and Natural Environment) and MD8 (Historic Environment) of the Local Development Plan.

31. No development (including approved site clearance and earthworks) shall take place within the area identified in Appendix B of the "CWL-C, Bro Tathan Written Scheme of Investigation for Trial Trench Evaluation (project no. 784-B034343-V0, dated March 2024)" until the applicant, or their agents or successors in title, has secured implementation of a programme of archaeological work in accordance with that out-lined in "CWL-C, Bro Tathan Written Scheme of Investigation for Trial Trench Evaluation (project no. 784-B034343-V0, dated March 2024).

Reason:

To identify and record any features of archaeological interest discovered during the works, in order to mitigate the impact of the works on the archaeological resource, and to ensure compliance with Policies SP10 (Built and Natural Environment) and MD8 (Historic Environment) of the Local Development Plan.

32. Prior to commencement of development (including any site clearance, earthworks and Dormouse mitigation works), protective Heras shall be erected around the Air Raid Shelter and the Pillbox referenced in the "Air Raid Shelter and Pillbox Historic Building Recording, CWL-C Bro Tathan Written Scheme of Investigation for Historic Building Recording (project no. 784-B034343-V1, dated February 2024). The Heras fencing shall be at least a distance of five metres from any point of the Air Raid Shelter and Pillbox and maintained as such throughout the development unless agreed in writing by the Local Planning Authority. No works shall be undertaken within this fenced area until an appropriate programme of historic building recording and analysis has been secured and implemented in accordance with that outlined in "Air Raid Shelter and Pillbox Historic Building Recording, CWL-C Bro Tathan Written Scheme of Investigation for Historic Building Recording (project no. 784-B034343-V1, dated February 2024)".

Reason:

As the site is of architectural and cultural significance the specified records are required to mitigate impact and to ensure compliance with Policies SP1 (Delivering the Strategy) / SP10 (Built and Natural Environment) and MD8 (Historic Environment) of the Local Development Plan.

REASON FOR RECOMMENDATION

The decision to recommend 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 and Future Wales - the National Plan 2040.

Having regard to Policies SP1-Delivering the Strategy, SP10-Built and Natural Environment, MG9-Employment Allocations, MG10-St Athan-Cardiff Airport Enterprise Zone, MG19-Sites and Species of European Importance, MG20-Nationally Protected Sites and Species, MG21-Sites of Importance for Nature Conservation, Regionally Important Geological and Geomorphological Sites and Priority Habitats and Species), MG22-Development in Minerals Safeguarding Areas, MD1-Location of New Development, MD2-Design of New Development, MD8-Historic Environment, MD9-Promoting Biodiversity and MD14-New Employment Proposals of the Vale of Glamorgan Adopted Local Development Plan 2011-2026 and Future Wales - the National Plan 2040, PPW 12 and TAN 12, the proposed development is considered acceptable in respect of principle of development, visual impact, residential amenity, green infrastructure and ecology, flooding and drainage, contamination, minerals safeguarding and the historic environment.

Having regard to the Council's duties under the Equality Act 2010 the proposed development does not have any significant implications for, or effect on, persons who share a protected characteristic.

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.

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

NOTE:

- 1. Before work is commenced the applicant must ensure that, where necessary, the appropriate Building Regulation consent has been obtained.**
- 2. New developments of more than one dwelling or where the area covered by construction work equals or exceeds 100 square metres as defined by The Flood and Water Management Act 2010 (Schedule 3), will require SuDS Approval Body (SAB) approval prior to the commencement of construction.**

Further information of the SAB process can be found at our website or by contacting our SAB team: sab@valeofglamorgan.gov.uk

- 3. The Council's SRS (Environment) Section advise contamination assessments and the effects of unstable land are considered on the basis of the best information available to the Planning Authority and are not necessarily exhaustive. The Authority takes due diligence when assessing these impacts, however you are minded that the responsibility for**
 - (i) determining the extent and effects of such constraints;**

(ii) ensuring that any imported materials (including, topsoil, subsoils, aggregates and recycled or manufactured aggregates/ soils) are chemically suitable for the proposed end use. Under no circumstances should controlled waste be imported. It is an offence under Section 33 of the Environmental Protection Act 1990 to deposit controlled waste on a site which does not benefit from an appropriate waste management license. The following must not be imported to a development site;

- Unprocessed / unsorted demolition wastes.
- Any materials originating from a site confirmed as being contaminated or potentially contaminated by chemical or radioactive substances.

Japanese Knotweed stems, leaves and rhizome infested soils. In addition to section 33 above, it is also an offence under the Wildlife and Countryside Act 1981 to spread this invasive weed; and

(iii) the safe development and secure occupancy of the site rests with the developer.

Proposals for areas of possible land instability should take due account of the physical and chemical constraints and may include action on land reclamation or other remedial action to enable beneficial use of unstable land.

The Local Planning Authority has determined the application on the basis of the information available to it, but this does not mean that the land can be considered free from contamination.

4. Natural Resources Wales recommends that developers should:

- 1.) Follow the risk management framework provided in Land contamination risk management (LCRM)
- 2.) Refer to 'Land Contamination: a guide for developers (WLGA, 2017) for the type of information that we require in order to assess risks to controlled waters from the site. The Local Authority can advise on risk to other receptors, such as human health.
- 3.) Refer to the Environment Agency's (2017) 'Approach to Groundwater Protection'

In addition to planning permission, it is the developers responsibility to ensure they secure all other permits/consents/licences relevant to their development. Please refer to our website for further details.

5. Warning: An European protected species (EPS) Licence is required for this development.

This planning permission does not provide consent to undertake works that require an EPS licence.

It is an offence to deliberately capture, kill or disturb EPS or to recklessly damage or destroy their breeding sites or resting places. If found guilty of any offences, you could be sent to prison for up to 6 months and/or receive an unlimited fine.

To undertake the works within the law, you can obtain further information on the need for a licence from Natural Resources Wales on 0300 065 3000 or at <https://naturalresources.wales/conservation-biodiversity-and-wildlife/european-protected-species/?lang=en>

6. Any works to watercourses, including ditches and streams where defined by the Land Drainage Act 1991, require Land Drainage Consent by the relevant drainage body (Lead Local Flood Authority - Vale of Glamorgan Council). Works include permanent and temporary works, including temporary crossings during construction phases.
7. Dwr Cymru Welsh Water advise further technical discussions are required around the design of the new adoptable pumping station through the Section 104 application process.

The applicant may need to apply to Dwr Cymru / Welsh Water for any connection to the public sewer under S106 of the Water Industry Act 1991. If the connection to the public sewer network is either via a lateral drain (i.e. a drain which extends beyond the connecting property boundary) or via a new sewer (i.e. serves more than one property), it is now a mandatory requirement to first enter into a Section 104 Adoption Agreement (Water Industry Act 1991). The design of the sewers and lateral drains must also conform to the Welsh Ministers Standards for Gravity Foul Sewers and Lateral Drains, and conform with the publication "Sewers for Adoption"- 7th Edition. Further information can be obtained via the Developer Services pages of www.dwrcymru.com

The applicant is also advised that some public sewers and lateral drains may not be recorded on our maps of public sewers because they were originally privately owned and were transferred into public ownership by nature of the Water Industry (Schemes for Adoption of Private Sewers) Regulations 2011. The presence of such assets may affect the proposal. In order to assist us in dealing with the proposal the applicant may contact Dwr Cymru Welsh Water on 0800 085 3968 to establish the location and status of the apparatus. Under the Water Industry Act 1991 Dwr Cymru Welsh Water has rights of access to its apparatus at all times.

Our response is based on the information provided by your application. Should the proposal alter during the course of the application process we kindly request that we are re-consulted and reserve the right to make new representation.

If you have any queries please contact the undersigned on 0800 917 2652 or via email at developer.services@dwrcymru.com

8. The archaeological work must be undertaken to the appropriate Standard and Guidance set by Chartered Institute for Archaeologists (CIfA), (www.archaeologists.net/codes/ifa) and it is recommended that it is carried out either by a CIfA Registered Organisation (www.archaeologists.net/ro) or an accredited Member.

If you have any questions or require further advice on this matter please do not hesitate to contact us. Tel: (01792) 655208 or www.heneb.org.uk

9. **Public Right of Way No.17 Llanmaes (status - Footpath) crosses the area highlighted as proposed broadleaf woodland planting.**

The applicant must ensure that the tree planting does not obstruct the use of the public right of way at the time of planting or due to subsequent growth of the trees. A corridor with a width of two metres either side of the footpath will be required.

No adverse effect should result to the public right of way, the applicant should ensure that materials are not stored on the footpath and no barriers, structures or any other obstructions placed across the legal alignment of the footpath. Should the footpath require temporary closure to assist in facilitating works an order should be sought under the Road Traffic Regulation Act 1984. Temporary closure should not be sought in order to allow construction of permanent obstructions.

Further advice on Public Rights of Way can be found on the Council's website at the following address:

<https://www.valeofglamorgan.gov.uk/en/enjoying/Public-Rights-of-Way/Public-Rights-of-Way.aspx>

10. **In order to secure proper implementation of the 'off site Highways works' the developer will be required to enter into a legally binding Section 278/111 highways agreement before undertaking works along the adjacent highways.**
11. **This permission does not purport to grant consent for the display of any advertisements which require consent under the Town and Country Planning (Control of Advertisements) Regulations, 1992.**
12. **South Wales Fire and Rescue Services advise the developer should consider the need for the provision of :-**
- a. **adequate water supplies on the site for firefighting purposes; and**
 - b. **access for emergency firefighting appliances.**

They further provide the following advice:

Changes to our climate and weather patterns will have a significant impact on the well-being of both current and future generations. In line with the Wellbeing of Future Generations (Wales) Act 2015 and the Future Wales - the national plan 2040 framework document, the following areas should be considered early in the planning process:

The climate emergency is likely to increase the risk of flooding as a result of sea-level rises, more frequent severe weather systems and more intense rainfall. Planning authorities should adopt a precautionary approach of positive avoidance of building developments in areas of flooding from the sea or from rivers. Surface water flooding will affect the choice of location and the layout and design of schemes and these factors should be considered at an early stage in formulating any development proposals.

Wildfires are a significant potential threat particularly in populated areas adjoining green spaces such as mountains or forestry. Therefore, it is critical that new developments are designed with this in mind. Where a new development is proposed in an area which is at risk of a wildfire, consideration should be given on how to mitigate the spread of wildfires. For example, sustainable land management could assist with prevention measures.

Large Commercial Solar Arrays, Battery Energy storage Facilities, Electric Vehicle Parking/Charging Facilities:

Fires involving the installations detailed above can be very difficult to extinguish. Conditions can cause a thermal runaway within battery cells, which is a highly exothermic reaction creating toxic, flammable, and/or explosive chemical atmospheres.

The developer of such sites should ensure they have suitable safety measures to contain and restrict the spread of fire, using fire-resistant materials and adequate separation between locations where energy systems may be stored.

Active fire safety systems should be incorporated into the design if necessary and may include, automatic fire detection systems, automatic fire suppression and smoke control systems.

The Authority recognises that the charging of electric vehicles and the use of batteries (including lithium-ion) as Energy Storage Systems (ESS) is a new and emerging practice in the global renewable energy sector. As with all new and emerging practices within UK industry, developers should consider the risks associated with such systems early in the design stage of the project.

13. Western Power Distribution advise that if the developer require a new connection or a service alteration, they will need to make a separate application to National Grid (<https://www.nationalgrid.co.uk/>)

Please note that this consent is specific to the plans and particulars approved as part of the application. Any departure from the approved plans will constitute unauthorised development and may be liable to enforcement action. You (or any subsequent developer) should advise the Council of any actual or proposed variations from the approved plans immediately so that you can be advised how to best resolve the matter.

In addition, any conditions that the Council has imposed on this consent will be listed above and should be read carefully. It is your (or any subsequent developers) responsibility to ensure that the terms of all conditions are met in full at the appropriate time (as outlined in the specific condition).

The commencement of development without firstly meeting in full the terms of any conditions that require the submission of details prior to the commencement of development will constitute unauthorised development. This will necessitate the submission of a further application to retain the unauthorised development and may render you liable to formal enforcement action.

Failure on the part of the developer to observe the requirements of any other conditions could result in the Council pursuing formal enforcement action in the form of a Breach of Condition Notice.

2024/00216/FUL Received on 25 April 2024

APPLICANT: Mr Tim Vaughan C/O Agent

AGENT: Mrs Arran Dallimore Uunit 1A Compass Business Park, Pacific Road, Ocean Park, Cardiff, CF24 5HL

Pantwilkin Stables, Llanquian Road, Aberthin, Cowbridge

Retrospective planning consent for the change of use of several existing rural buildings for employment uses (B1 & B8) and associated works

REASON FOR COMMITTEE DETERMINATION

The application is required to be determined by Planning Committee under the Council's approved scheme of delegation because the application has been called in for determination by Cllr Nicholas Wood for the reason that he believes the Officer's interpretation of policy needs to be interrogated. In line with the planning statement and Counsels opinion, Cllr Wood believes that the application would promote rural diversification and boost the rural economy and as such, considers a recommendation of refusal to be contrary to the Future Plan, PPW and the LDP.

EXECUTIVE SUMMARY

The application relates to Pant Wilkin, a large commercial horse racing enterprise, located within the countryside, to the north of the A48. The site is located within the Upper and Lower Thaw Valley Special Landscape Area (SLA) and is served by a recently constructed access track from the A48.

Retrospective planning consent is sought for the change of use of several existing rural buildings for employment uses (B1 & B8) and associated works.

There is a long planning history on site, including a refused planning application (2022/01222/FUL) for *Change of use of equine buildings to employment uses, storage uses and cafe, and associated works (part retrospective)*. The reasons for refusal are set out below but included an in principle objection to the unsustainable location and lack of justification for the setting; visual impact concerns due to the addition of first floor windows etc. and; an objection due to a failure to comply with TAN15 for flooding.

The site forming the basis of this application differs from the previous application as it now covers a much larger area. The café and furniture warehouse (included in the previous application) have now vacated the site and as such, no longer form the basis of this application.

Consultation responses have been received from many internal and external consultees – further details are included below. An objection has been received from two neighbours – albeit one is listed as anonymous, and one representation of support has been received. A letter has also been received by Andrew RT Davies AM raising concerns on the potential for the Authority to lose an appeal on a refusal and as such supports the call-in request.

The application is recommended for refusal due to the nature of the uses in this unsustainable countryside location and its failure to comply with the requirements of the LDP's policies on rural diversification and location of employment uses. Given the in principle objections, the Authority also consider the previous reason for refusal on flooding grounds to still be relevant.

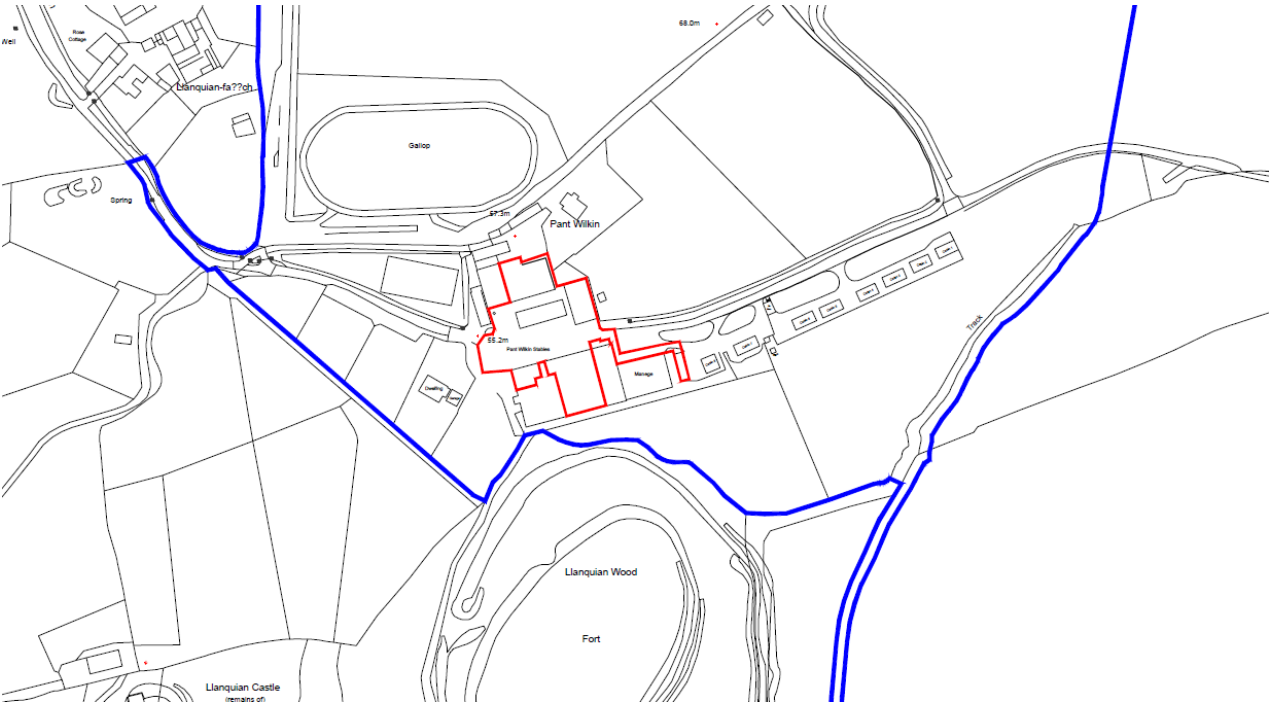
SITE AND CONTEXT

Pant Wilkin is a large commercial horse racing enterprise, located on land in the countryside north of the A48. It is approximately 3km north east of Cowbridge and 1km east of the village of Aberthin. Pant Wilkin is served by a recently constructed access track which links it to the A48.

The site is in the countryside, and partially within the Upper & Lower Thaw Valley Special Landscape Area (SLA). It is also partially located within the Llanquian Wood Site Of Importance for Nature Conservation (SINC) and in proximity to two scheduled monuments (Llanquian Wood Camp and Llanquian Castle).

An area of the site is within Zone C2 for flood risk on the Development Advice map accompanying Technical Advice Note 15 (Development and Flood Risk) and a similar area is partly within Zone 2 and partly within Zone 3 on the 2021 Flood Map for Planning. The site is also partially located within an area considered to be at risk of surface water flooding.

The site is within an area safeguarded for its limestone resources. There are also Public Rights of Way that cross through the site.



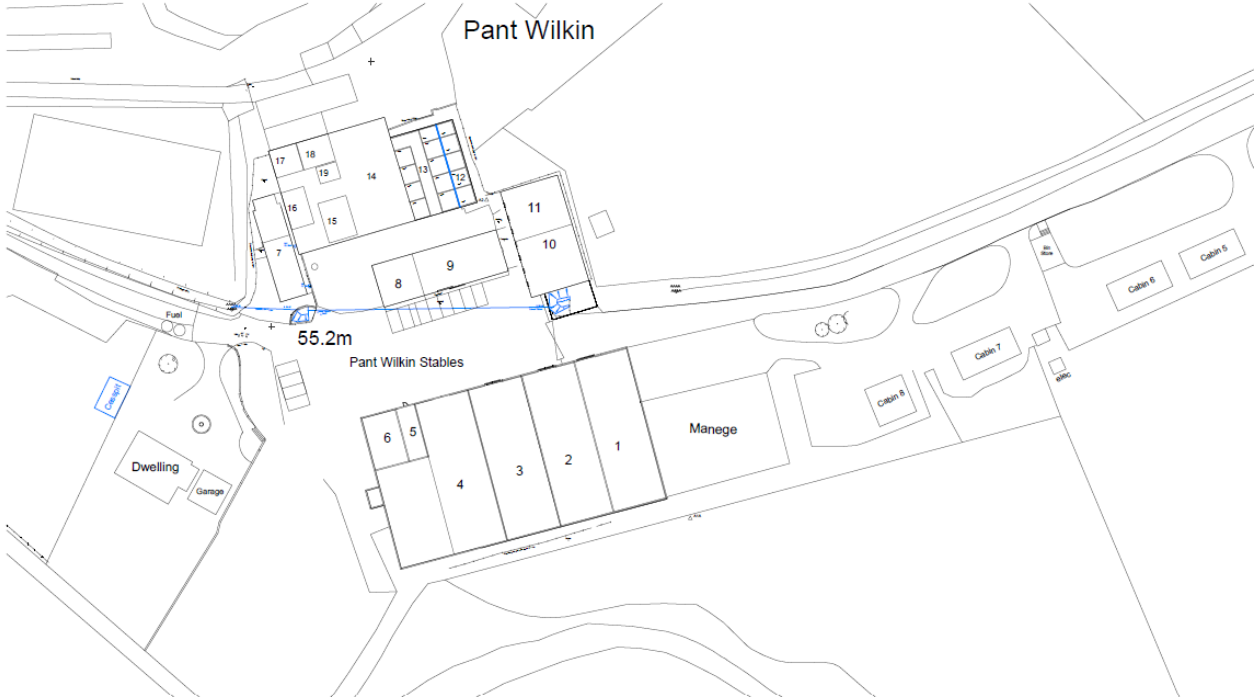
DESCRIPTION OF DEVELOPMENT

Retrospective planning permission is sought for the change of use of the identified existing rural buildings within the site edged red for employment uses (B1 & B8) and associated works.

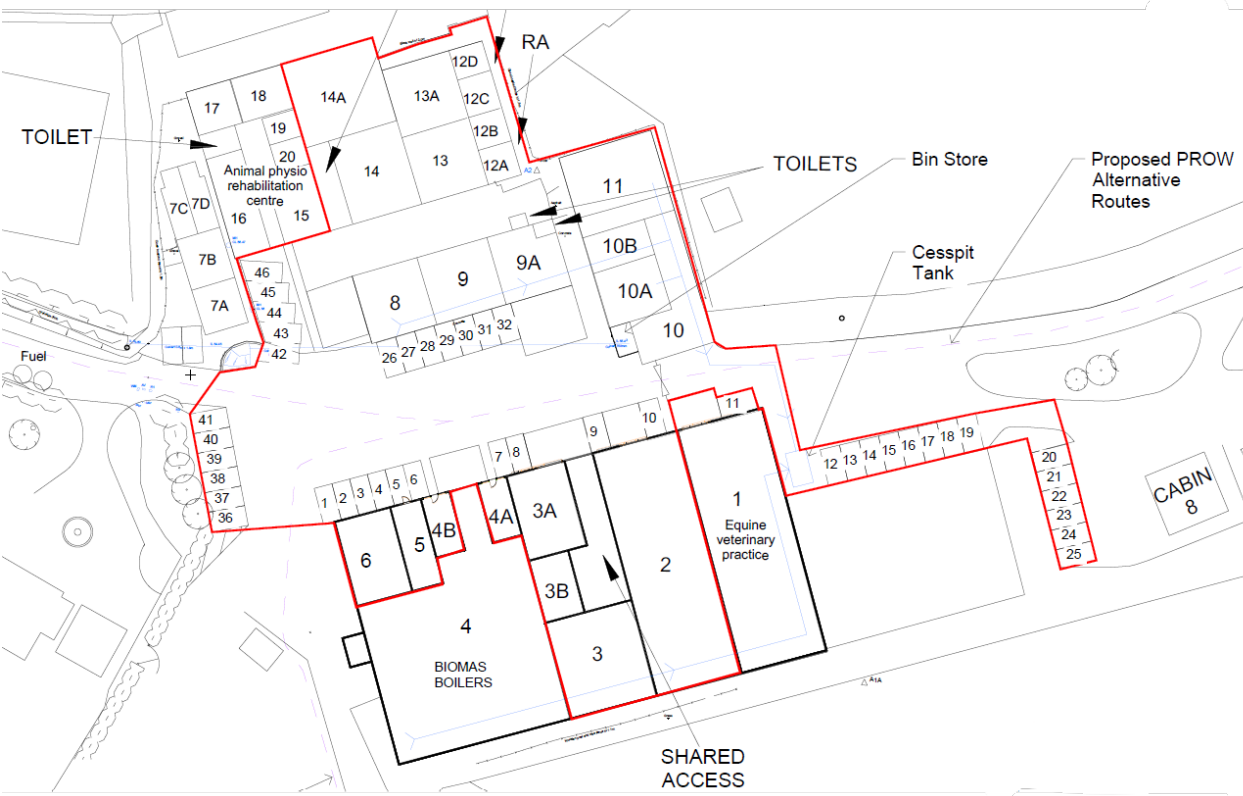
The previous application included the addition of windows at first floor level and the accompanying planning statement states that these have now been removed. The units have been subdivided and as such, this forms part of the overall proposal.

Extracts of the existing and proposed site plans are included below:

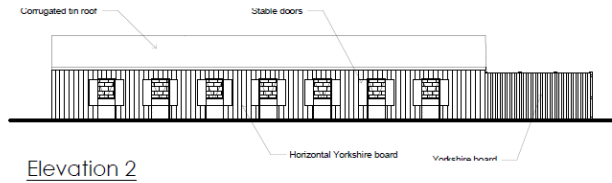
Existing site plan:



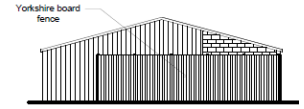
Proposed site plan:



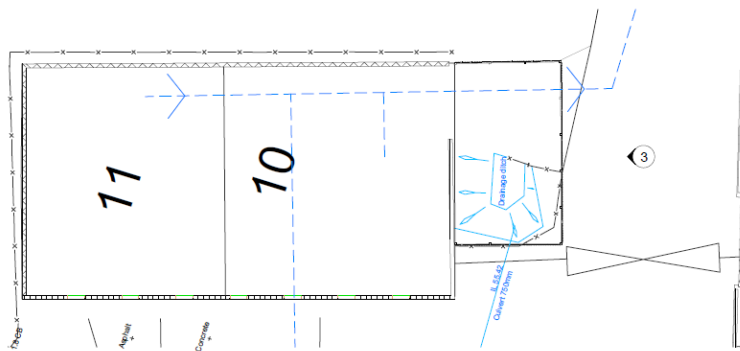
The proposal includes some external material alterations and also seeks retrospective consent for alterations and additions to unit 10 as shown in the existing and proposed plan extracts below:



Elevation 2



Elevation 3

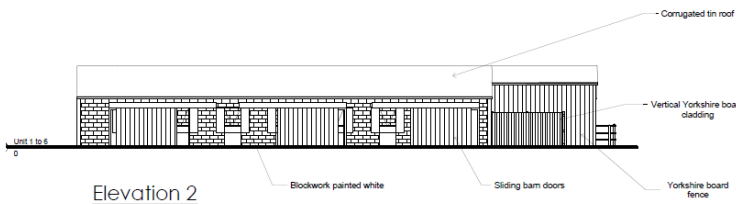


Floor Plan

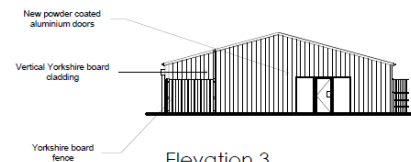


Elevation 4

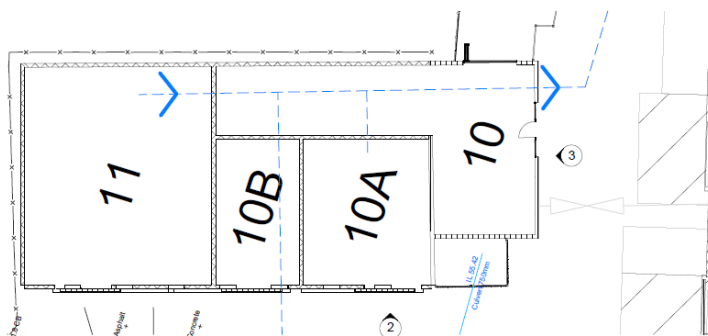
Proposed Site Plan



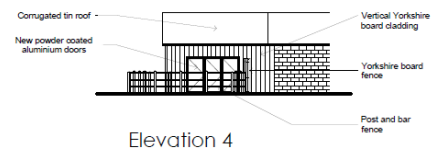
Elevation 2



Elevation 3



Floor Plan



Elevation 4

PLANNING HISTORY

1993/00321/LAW, Address: Pant Wilkin Farm, Aberthin, Nr. Cowbridge, Proposal: Agricultural contracting business, Decision: Refused

1993/01214/FUL, Address: Pant Wilkin Farm, Aberthin, Cowbridge, Proposal: Extension of existing yard to be used in conjunction with existing agricultural contracting business, Decision: Refused

1995/00611/LAW, Address: Pant Wilkin Farm, Aberthin, Cowbridge, Proposal: Storage and maintenance of agricultural machinery, use of yard area as parking for vehicles and machinery, Decision: Refused

2002/00577/FUL, Address: Pant Wilkin Farm Buildings, Welsh St. Donats, Proposal: To establish a small paper (only) recycling business to handle confidential documents for delivery to Georgia Pacific, Bridgend Paper Mill, Class B2 use for existing building, Decision: Refused

2007/01478/FUL, Address: Pant Wilkin, Aberthin, Proposal: Stationing of a temporary dwelling for three years to service national hunt training yard, Decision: Refused

2007/01481/FUL, Address: Pant Wilkin Farm, Aberthin, Proposal: Change of use of farm buildings to national hunt training yard with horse walker and gallops, Decision: Approved

2008/00743/FUL, Address: Pant Wilkin Stables, Llanquian Road, Aberthin, Cowbridge, Proposal: Retention of additional stables, 2 horse walkers and refurbishment of part building 2. Retention of increase in width of gallops, Decision: Approved

2008/01071/FUL, Address: Pant Wilkin Stables, Llanquian Road, Aberthin, Cowbridge, Proposal: Siting of mobile home for 3 years for yard manager with treatment plant and gas tank. Erection of office/ owner's reception area/ grooms rest room (part retrospective), Decision: Approved

2009/00514/FUL, Address: Pant Wilkin Stables, Llanquian Road, Aberthin, Proposal: Erection of building for 22 stables and feed store (part retrospective), 2 isolation stables and retention of 5 pens within existing building, Decision: Approved

2009/00517/FUL, Address: Pant Wilkin Stables, Llanquian Road, Aberthin, Proposal: Retention of cover over horse walkers. Retention of two horse walkways, Decision: Approved

2009/00950/FUL, Address: Pant Wilkin Stables, Llanquian Road, Aberthin, Cowbridge, Proposal: Erection of lean to to provide 5 stables, Decision: Approved

2009/01224/FUL, Address: Pant Wilkin Stables, Llanquian Road, Aberthin, Cowbridge, Proposal: Erection of building to house 2 horse walkers, Decision: Approved

2010/00834/FUL, Address: Pant Wilkin Stables, Llanquian Road, Aberthin, Proposal: Erection of stables (nos. 79 to 103), lean to hay barn, extension to staff rest room/office facilities and provision of staff/visitor parking area, using the existing access off the A48, Decision: Approved

2019/00447/FUL, Address: Pant Wilkin Farm Stables, Llanquian Road, Aberthin, Proposal: Regularisation of change of use of the on-site office building to an office building and two self-contained flats; change of use of a barn from an equine use to an equine use and three self-contained flats at first floor; change of use of a further equine barn to a residential use by virtue of the housing of four static caravans within; and retention of a single dwellinghouse (log cabin) and associated gas tank and outbuilding. Decision: pending

2019/01154/FUL, Address: Pant Wilkin Stables, Llanquian Road, Aberthin, Proposal: Change of use of former stables to Equine clinic; Equine rug wash company; Dog grooming parlour with dog day care facilities; Dog and equine wholesale store; and Animal physiotherapy suite., Decision: Approved. The approved site plan is shown below:



2021/00449/1/CD, Address: Pantwilkin Stables, Llanquian Road, Aberthin, Proposal: Discharge of Condition 2 (CTMP). Planning approval 2021/00449/FUL - Provision of new internal access road (retrospective) and new hedgerow, Decision: Approved

2022/00502/FUL, Pantwilkin Stables, Llanquian Road, Aberthin. Agricultural building for sheep, fodder, farm machinery and equipment. Approved.

2022/01222/FUL, Address: Pantwilkin Stables, Aberthin, Proposal: Change of use of equine buildings to employment uses, storage uses and cafe, and associated works (part retrospective) , Decision: Refused for the following reasons:

1. *The proposed uses, as outlined in the submission documents would not support the principles of sustainable development and would not reduce the need to travel, particularly by private car, being sited in a location that would not be easily accessed by sustainable modes of travel. The proposals are not supported by any*

justification setting out that the nature of the businesses necessitates a location away from existing settlements and/or employment areas. The proposals are therefore considered unacceptable and fail to comply with Policies SP1 (Delivering the Strategy), MD1 (Location of New Development), MG13 (Edge and Out of Town Retailing Areas), MD14 (New Employment Proposals) and MD17 (Rural Enterprises) of the Vale of Glamorgan Local Development Plan 2011-2026. In addition, the proposals fail to comply with Planning Policy Wales, paragraphs 4.1.1 and 4.1.10.

- 2. By virtue of the location of the development within a C2 flood zone and the unjustified siting in this flood risk area, the proposals are considered to result in unacceptable risk of flooding, where no Flood Consequence Assessment has been submitted. As such, the implications of flooding have not been adequately addressed by the applicant and the proposal therefore fails to comply with Policy MD1 (Location of New Development) of the Vale of Glamorgan Local Development Plan 2011-2026 and the advice set out in TAN15.*
- 3. The addition of first floor windows on the rural buildings would be harmful to their rural character and result in a domesticated / commercial appearance harmful that to the rural setting of the building and the wider site and be harmful to the appearance and character of the countryside. The proposals therefore fail to comply with Policy MD11 (Conversion and Renovation of Rural Buildings), MD2 (Design of New Development) and MD1 (Location of New Development) of the Vale of Glamorgan Council Local Development Plan 2011-2026 and the advice set out within the Conversion and Renovation of Rural Buildings SPG.*

2023/01262/FUL – Pantwilkin Stables. Agricultural building for sheep, fodder, farm machinery and equipment. Reduced size of building to that approved under reference 2022/00502/FUL. Refused for the following reason:

- 1. By virtue of its location within a larger site where there are other buildings which are not being utilised for agricultural purposes, it is considered that there are existing buildings that could be re-used to accommodate the proposed agricultural uses. The proposals would therefore be contrary to Policy MD1 - Location of New Development of the Vale of Glamorgan Local Development Plan, in addition to paragraph 5.6.11 of Planning Policy Wales (12th Edition).*

Relevant Enforcement History

A report was presented to the Planning Committee on 30 November 2023 seeking authorisation to issue Enforcement Notices under Section 172 of the Town and Country Planning Act 1990 (as amended) in respect of a number of separate breaches of planning control which had been carried out on land and within various existing buildings at the site. The full report can be seen appended to this report.

Whilst this related to other breaches on site, it also related to the use of former equestrian buildings for business uses. In relation to the buildings, it was resolved at that meeting:

(1) T H A T the Head of Legal and Democratic Services be authorised to issue the following Enforcement Notices under Section 172 of the Town and Country Planning Act 1990 (as amended):

Use of Former Equestrian Buildings for Business Uses

- (i) Permanently cease the use of the buildings for unauthorised uses. (Note: The Enforcement Notice to specify the full range of unauthorised uses.)*
- (ii) Remove the first floor windows serving the first floor uses and cover with timber cladding.*
- (iii) Permanently remove from the buildings and land any fixtures and fittings, furniture, machinery and any other equipment or materials used in association with any of the unauthorised uses.*

It should be noted that the site forming the basis of the Enforcement case is the same that forms the basis of this planning application.

CONSULTATIONS

Cowbridge with Llanblethian TC were consulted and commented to raise an objection as it contravenes planning policy.

The Council's **Highway Development** department were consulted and to date, no comments have been received.

The **Public Rights of Way Officer** commented to state that a legal diversion for the right of way must be obtained, confirmed and implemented prior to any development taking place. They stated that the success of any diversion application cannot be guaranteed, in which case the original alignment of the right of way will remain.

Shared Regulatory Services were consulted :

(Pollution), no comments have been received.

(Contaminated Land, Air & Water Quality), responded to state that they had no comments in relation to land contamination.

HENEB, previously **GGAT**, commented to state that it was unlikely for significant archaeological remains to be encountered and that there would be no adverse impact on the setting of the designated assets. HENEB raised no objections but stated that if any features are disturbed, they should be contacted.

Cadw, Ancient Monuments were consulted and commented to state that the alterations to the buildings would be visible from the scheduled monuments. However, due to screening, the level of alterations and the distance to the monuments etc. they conclude that the proposals would not have an impact on the setting of the scheduled monuments. Consequently, they have no objections.

Dwr Cymru / Welsh Water commented to state that they had no comment as the application does not require connection to the public sewer.

The Councils **Creative Rural Communities Team** were consulted and to date, no comments have been received.

Natural Resources Wales were consulted and commented to state that they had no objections but offered advice on flood risk and foul drainage.

Cowbridge Ward Members were consulted and Cllr Champion commented to object to the proposals as the application is against planning policy.

REPRESENTATIONS

The neighbouring properties were consulted on 28 March 2024.

A site notice was also displayed on 3 April 2024.

The application was also advertised in the press on 18 April 2024.

To date, one objection has been received. A summary of the comments are as follows:

- Incorrect address
- Pantwilkin Farmhouse not consulted
- Would result in a change from agricultural setting to industrial park
- Site is visible from a right of way
- Consultees include unauthorised businesses

To date, one supporting comment has been received. A summary of the comments are as follows:

- Fantastic use for old buildings
- Diversification in the countryside
- Providing employment
- Helping rural economy
- Provides employment that saves vehicle miles and saves environment
- Planners should be ashamed slowing down a growing economy

It should be noted that comments, initially registered as having been received from Cowbridge with Llanblethian TC were received but later found to not be from them. However, the comments should still be logged but in this instance, they should be noted as having been received from an anonymous member of the public. These comments were an objection and stated that the proposal was an inappropriate use of the buildings.

Andrew RT Davies AM commented on the application and in summary to state that he was concerned that given the submission of counsel opinion disputing the Authority's recommendation, the application may be overturned at appeal, resulting in considerable costs. Pant Wilkin is a key local employer and has a key role in the economic development of the Cowbridge area and wider Western Vale. Andrew RT Davies AM supported the request for the application to be called-in to Committee.

REPORT

Planning Policies and Guidance

Local Development Plan:

Section 38 of The Planning and Compulsory Purchase Act 2004 requires that in determining a planning application the determination must be in accordance with the Development Plan unless material considerations indicate otherwise. The Vale of Glamorgan Adopted Local Development Plan 2011-2026 forms the local authority level tier of the development plan framework. The LDP was formally adopted by the Council on 28 June 2017, and within which the following policies are of relevance:

Strategic Policies:

POLICY SP1 – Delivering the Strategy
POLICY SP9 – Minerals
POLICY SP10 – Built and Natural Environment
POLICY SP11 – Tourism and Leisure

Managing Growth Policies:

POLICY MG17 – Special Landscape Areas
POLICY MG22 – Development in Minerals Safeguarding Areas

Managing Development Policies:

POLICY MD1 - Location of New Development
POLICY MD2 - Design of New Development
POLICY MD7 - Environmental Protection
POLICY MD8 - Historic Environment
POLICY MD9 - Promoting Biodiversity
POLICY MD11 - Conversion and Renovation of Rural Buildings
POLICY MD13 - Tourism and Leisure
POLICY MD14 - New Employment Proposals
POLICY MD17 - Rural Enterprise

In addition to the Adopted LDP the following policy, guidance and documentation supports the relevant LDP policies.

Future Wales: The National Plan 2040:

Future Wales – the National Plan 2040 is the national development plan and is of relevance to the determination of this planning application. Future Wales provides a strategic direction for all scales of planning and sets out policies and key issues to be considered in the planning decision making process. The following chapters and policies are of relevance in the assessment of this planning application:

Chapter 3: Setting and achieving our ambitions

- 11 Future Wales' outcomes are overarching ambitions based on the national planning principles and national sustainable placemaking outcomes set out in Planning Policy Wales.

Chapter 4: Strategic and Spatial Choices: Future Wales' Spatial Strategy

- Guiding framework for where large-scale change and nationally important developments will be focussed over the next 20 years.
- Strategy builds on existing strengths and advantages and encourages sustainable and efficient patterns of development.

Chapter 5 – The Regions

- The Vale of Glamorgan falls within the South East region.
- Regional policies provide a framework for national growth, for regional growth, for managing growth and supporting growth.
- In the absence of SDPs, development management process needs to demonstrate how Future Wales' regional policies have been taken into account.

Policy 1 – Where Wales will grow

- Supports sustainable growth in all parts of Wales.
- Development in towns and villages in rural areas should be of an appropriate scale and support local aspirations and need.

Policy 2 – Shaping Urban Growth and Regeneration – Strategic Placemaking

- Based on strategic placemaking principles.

Policy 4 – Supporting Rural Communities

- Supports sustainable and vibrant rural communities.

Policy 5 – Supporting the Rural Economy

- Supports sustainable, appropriate and proportionate economic growth in rural towns.
- Supports development of innovative and emerging technology businesses and sectors to help rural areas unlock their full potential, broadening the economic base and creating higher paid jobs.

Policy 8 – Flooding

- Focus on nature-based schemes and enhancing existing defences to improve protection to developed areas.
- Maximise opportunities for social, economic and environmental benefits when investing in flood risk management infrastructure.

Policy 9 – Resilient Ecological Networks and Green Infrastructure

- Action towards securing the maintenance and enhancement of biodiversity (to provide a net benefit), the resilience of ecosystems and green infrastructure assets must be demonstrated as part of development proposals through innovative, nature-based approaches to site planning and the design of the built environment.

Planning Policy Wales:

National planning policy in the form of Planning Policy Wales (Edition 12, February 2024) (PPW) is of relevance to the determination of this application.

The primary objective of PPW is to ensure that the planning system contributes towards the delivery of sustainable development and improves the social, economic, environmental and cultural well-being of Wales.

The following chapters and sections are of particular relevance in the assessment of this planning application:

Chapter 2 - People and Places: Achieving Well-being Through Placemaking,

- Maximising well-being and sustainable places through placemaking (key Planning Principles, national sustainable placemaking outcomes, Planning Policy Wales and placemaking)

2.2 Sustainable Places are the goal of the land use planning system in Wales; they are the output of the planning system rather than the process of achieving them. All development decisions, either through development plans policy choices or individual development management decisions should seek to contribute towards the making of sustainable places and improved well-being.

2.3 The planning system should create sustainable places which are attractive, sociable, accessible, active, secure, welcoming, healthy and friendly. Development proposals should create the conditions to bring people together, making them want to live, work and play in areas with a sense of place and well-being, creating prosperity for all.

2.4 Individual places can take many forms and interpretation of what makes a good place will vary. Each place will have its own unique characteristics, history and identity, based on how people have and will interact with the landscape and townscape. This 'sense of place' varies, from the rural countryside which provides an economic and environmental base for agriculture and tourism to thrive, to urban areas which are continually evolving and providing the focus for major social and economic development. The intrinsic value of a place to people or communities is particularly important, which may be due to aesthetic, cultural, spiritual or historical reasons and planning authorities are best placed to understand these. Many of the unique characteristics of places will be revealed in the local well-being assessments and area statements produced in accordance with the Well-being of Future Generations and Environment Acts.

2.5 The planning system is the key mechanism for delivering sustainable places. It provides a critical mechanism where opportunities for long term benefit and integrated decision making meet, allowing preventative and proactive solutions to be found.

Chapter 3 - Strategic and Spatial Choices

- Good Design Making Better Places

3.12. Good design is about avoiding the creation of car-based developments. It contributes to minimising the need to travel and reliance on the car, whilst maximising opportunities for people to make sustainable and healthy travel choices for their daily journeys. Achieving these objectives requires the selection of sites which can be made easily accessible by sustainable modes as well as incorporating appropriate, safe and sustainable links (including active travel networks) within and between developments using legal agreements where appropriate.

3.39. For most rural areas the opportunities for reducing car use and increasing walking, cycling and use of public transport are more limited than in urban areas. In rural areas most new development should be located in settlements which have relatively good accessibility by non-car modes when compared to the rural area as a whole. Development in these areas should embrace the national sustainable placemaking outcomes and, where possible, offer good active travel connections to the centres of settlements to reduce the need to travel by car for local journeys.

- Promoting Healthier Places

4.1.1 The planning system should enable people to access jobs and services through shorter, more efficient and sustainable journeys, by walking, cycling and public transport. By influencing the location, scale, density, mix of uses and design of new development, the planning system can improve choice in transport and secure accessibility in a way which supports sustainable development, increases physical activity, improves health and helps to tackle the causes of climate change.

4.1.10 The planning system has a key role to play in reducing the need to travel, particularly by private car, and supporting sustainable transport, by facilitating developments which:

- are sited in the right locations, where they can be easily accessed by sustainable modes of travel and without the need for a car;*
- are designed in a way which integrates them with existing land uses and neighbourhoods; and*
- make it possible for all short journeys within and beyond the development to be easily made by walking and cycling*

4.1.13 The sustainable transport hierarchy should be used to reduce the need to travel, prevent car-dependent developments in unsustainable locations, and support the delivery of schemes located, designed and supported by infrastructure which prioritises access and movement by active and sustainable transport.

4.1.30 Provision for active travel must be an essential component of development schemes and planning authorities must ensure new developments are designed and integrated with existing settlements and networks, in a way which makes active travel a practical, safe and attractive choice.

- Sustainable Management of Natural Resources
- Placemaking in Rural Areas
- Accessibility
- Previously Developed Land
- The Best and Most Versatile Agricultural Land
- Development in the Countryside (including new housing)
- Supporting Infrastructure
- Managing Settlement Form –Green Wedges

Chapter 4 - Active and Social Places

- Transport
- Living in a Place (housing, affordable housing and gypsies and travellers and rural enterprise dwellings)
- Activities in Places (retail and commercial development)
- Community Facilities
- Recreational Spaces

Chapter 5 - Productive and Enterprising Places

- Economic Infrastructure (electronic communications, transportation Infrastructure, economic development, tourism and the Rural Economy)

- Energy (reduce energy demand and use of energy efficiency, renewable and low carbon energy, energy minerals)
- Making Best Use of Material Resources and Promoting the Circular Economy (design choices to prevent waste, sustainable Waste Management Facilities and Minerals)

Chapter 6 - Distinctive and Natural Places

- Recognising the Special Characteristics of Places (The Historic Environment, Green Infrastructure, Landscape, Biodiversity and Ecological Networks, Coastal Areas)
- Recognising the Environmental Qualities of Places (water and flood risk, air quality and soundscape, lighting, unlocking potential by taking a de-risking approach)

Technical Advice Notes:

The Welsh Government has provided additional guidance in the form of Technical Advice Notes. The following are of relevance:

- Technical Advice Note 6 – Planning for Sustainable Rural Communities (2010)
- Technical Advice Note 11 – Noise (1997)
- Technical Advice Note 12 – Design (2016)
- Technical Advice Note 15 – Development and Flood Risk (2004)
- Technical Advice Note 23 – Economic Development (2014)
- Technical Advice Note 24 – The Historic Environment (2017)

Welsh National Marine Plan:

National marine planning policy in the form of the Welsh National Marine Plan (2019) (WNMP) is of relevance to the determination of this application. The primary objective of WNMP is to ensure that the planning system contributes towards the delivery of sustainable development and contributes to the Wales well-being goals within the Marine Plan Area for Wales.

Supplementary Planning Guidance:

In addition to the adopted Local Development Plan, the Council has approved Supplementary Planning Guidance (SPG). The following SPG are of relevance:

- Biodiversity and Development (2018)
- Conversion and Renovation of Rural Buildings (2018)
- Economic Development, Employment Land and Premises (2023)
- Minerals Safeguarding (2018)
- Parking Standards (2019)

Other relevant evidence or policy guidance:

- Welsh Government Circular 016/2014: The Use of Planning Conditions for Development Management

Equality Act 2010

The Equality Act 2010 identifies a number of ‘protected characteristics’, namely age; disability; gender reassignment; pregnancy and maternity; race; religion or belief; sex; sexual orientation; marriage and civil partnership. The Council’s duty under the above Act has been given due consideration in the preparation of this report.

Well-being of Future Generations (Wales) Act 2015

The Well-being of Future Generations Act (Wales) 2015 places a duty on the Council to take reasonable steps in exercising its functions to meet its sustainable development (or wellbeing) objectives. This report has been prepared in consideration of the Council’s duty and the “sustainable development principle”, as set out in the 2015 Act. In reaching the recommendation set out below, the Council has sought to ensure that the needs of the present are met without compromising the ability of future generations to meet their own needs.

Issues

In assessing the proposal against the above policies and guidance it is considered that the main issues include:

- The principle of the development, in this countryside location
- Flooding
- The visual impact
- The impact on neighbouring amenity
- The impact on access, highway safety and parking
- The planning history at the site (or part of) is also considered material in the determination of this application, as is the recent Enforcement history.

Principle of development

As aforementioned, in July 2020 planning permission was granted for an equine clinic; an equine rug wash company; a dog grooming parlour with dog day care facilities; dog and equine wholesale store; and animal physiotherapy suite (ref. 2019/01154/FUL). It should be noted that this approval, whose merits were considered on balance to be acceptable, related to a significantly smaller site area/amount of floor space.

A recent application (ref. 2023/01222/FUL) for the change of use of former equine buildings to employment uses, storage uses and café (plus associated works) was refused, partly due to an in principle objection. The refusal reason relating to principle stated the following:

The proposed uses, as outlined in the submission documents would not support the principles of sustainable development and would not reduce the need to travel, particularly by private car, being sited in a location that would not be easily accessed by sustainable modes of travel. The proposals are not supported by any justification setting out that the nature of the businesses necessitates a location away from existing settlements and/or employment areas. The proposals are therefore considered

unacceptable and fail to comply with Policies SP1 (Delivering the Strategy), MD1 (Location of New Development), MG13 (Edge and Out of Town Retailing Areas), MD14 (New Employment Proposals) and MD17 (Rural Enterprises) of the Vale of Glamorgan Local Development Plan 2011-2026. In addition, the proposals fail to comply with Planning Policy Wales, paragraphs 4.1.1 and 4.1.10.

Unlike the 2023 planning application, where the uses were specified for each of the units, the current application now seeks a change of use to retain the occupiers of the identified units, but as an open B1 and B8 (for all of the units).

The Town and Country Planning (Use Classes) Order 1987 (as amended), categorises the use of land and buildings and determines whether planning permission is required for a change of use within or between classes.

- B1 relates to “Business” uses which in the main relate to office uses (other than A2), research and development and industrial process (which can be carried out with out detriment to residential amenity)
- B8 relates to “Storage or distribution” and is a use for storage or as a distribution centre. This class includes open air storage.

Moreover the application is not specific and in effect relates to B1 or B8 uses or any mix of both, which could relate to all the buildings being used for B8 uses or as a B1 use, albeit it is noted that the application has been made to retain the commercial occupiers of the buildings within these use class. The application as proposed would enable subsequent changes of use within those use classes.

Members should also note that this planning application covers a larger area than the previous planning application (ref. 2023/01222/FUL). The total floor area of the buildings identified within the application is approximately 1,940 sq. m. Nonetheless, the above reason for refusal is still considered of relevance and is a significant material planning consideration in the assessment of the current proposal.

The application site is located outside a settlement boundary and as such, as per the adopted Local Development Plan, it is considered as countryside. It is not a fringe of settlement location, and is considered as relatively remote from centres of population and services, in the open countryside. The relevant policies include SP1 (Delivering the Strategy), MD1 (Location of New Development), MD11 (Conversion and Renovation of Rural Buildings); MD14 (New Employment Proposals), and MD17 (Rural Enterprise).

Policy MD1 emphasises the importance of protecting the countryside from unsustainable and unjustified new development that do not have access to or promote the use of sustainable modes of transport. The policy allows for new development subject to criteria, including that the proposal has no unacceptable impact on the countryside and does not result in the loss of the best and most versatile agricultural land.

Under agricultural land classification, the area is classified as good to moderate agricultural land. However, the application seeks to change the use of existing buildings and provide parking etc. on an existing hardstanding. As such, it is not considered to result in the loss of any agricultural land.

Planning Policy Wales does state that planning authorities should adopt a positive approach to the conversion of rural buildings for business re-use (paragraph 5.6.6). This is supported by LDP policy MD1 which specifies that new enterprises are promoted, **where appropriate**.

Policy MD14 (New Employment Proposals) states that on existing and allocated employment sites development proposals for B1, B2 and B8 employment uses, and complementary ancillary uses will be supported. Elsewhere proposals for new employment uses will be permitted where:

- 1. It is located within or adjacent to an existing settlement boundary, where the scale and type of employment use is complementary to its location and neighbouring uses; or*
- 2. Where the proposal is for an agriculture, forestry or rural enterprise where a need for a rural location is justified; or*
- 3. Where it is clearly demonstrated that the nature of the business necessitates a location away from existing settlements and/or employment areas in order to mitigate impact on amenity.*

Pant Wilkin stables already operates a horse racing business on a substantial scale and the site is therefore an existing employer, albeit one where given the nature of the equine business, requires a rural location, and not a use that is predominantly B1, B2 or B8 in nature. The buildings proposed for a change of use under this application have previously been stated as being underused by the primary use of Pant Wilkin Stables.

As aforementioned, there is an existing consent on site for conversion for an equine clinic; an equine rug wash company; a dog grooming parlour with dog day care facilities; dog and equine wholesale store; and animal physiotherapy suite. The previous application (2019/01154/FUL) was on balance justified in terms of policies MD1 and MD14 as the proposed uses were considered “*small scale rural employment, as well as services for the rural community, in animal related businesses*”. The nature of these uses are animal related and as such the specific uses were considered acceptable and not out of place in a rural setting and were considered to be of an appropriate proportion and scale to the wider uses within the yard. They were also considered to complement or be directly linked to the primary use of the wider site as a large commercial racing stables.

This application however seeks consent for open B1 and B8 uses. Whilst paragraph 4.6 of the planning statement states the following:

The units which form part of this application currently house several businesses, all of which fall within use classes B1 (Business) & B8 (Storage or distribution). This application seeks to regulate and provide a single planning permission to allow the units to be utilised in perpetuity for said uses that fall with Use Classes B1 & B8.

Details of the businesses using the units have not been provided and as such, this has to be treated as a request for open B1 and B8 uses. Whilst the previous application listed the uses, this application does not and also includes a larger site area.

The planning statement states that “*the full occupancy of the respective rural buildings clearly illustrates the demand for small scale rural business space within the area, which*

make a positive contribution to the rural economy” (paragraph 4.7). The Planning Statement continues to state that the proposal would support diversification of the rural economy (paragraph 5.30).

LDP policy MD17 (Rural Enterprise), specifies that proposals for the development of **small scale** employment uses that promote **rural enterprise** will be permitted where the proposal involves the conversion of an existing rural building in accordance with policy MD11.

Policy MD11 (Conversion and renovation of rural buildings), specifies that proposals for the conversion of existing rural buildings for rural enterprise use will be acceptable where the conversion would not give rise to the need for a replacement building, and can be achieved without substantial reconstruction, extension or alteration. Policy MD11 reflects the policy position set out in national policy, with preference being given to alternative business, community or tourism uses over residential use and is set out below:

Proposals for the conversion or renovation of existing rural buildings for rural enterprise, tourism, community or residential use will be acceptable where:

- 1. Conversion of an existing rural building would not give rise to the need for a replacement building; and*
- 2. Reuse can be achieved without substantial reconstruction, extension or alteration that unacceptably affects the appearance and rural character of the building or its setting;*

The supporting text to this policy states that for both traditional and modern rural buildings, the Council will favour reuses which can make a positive contribution to the rural economy, such as rural enterprises, farm and craft shops, **small scale** commercial and light industrial enterprises, or tourism and recreation facilities.

The guidance set out within the Conversion and Renovation of Rural Buildings (2018) SPG sets out under Section 7 the appropriate re- use of rural buildings:

- 7.1. One of the benefits of allowing the conversion of rural buildings to alternative uses is to ensure the survival of traditional rural buildings which add to the character and charm of the rural Vale of Glamorgan. Therefore, in such cases, it is necessary to ensure that alternative uses require a minimum of changes to the fabric of the building and its setting in order to retain its character and visual amenity in the rural landscape.*
- 7.2. The other main benefit is the opportunity it provides to boost the rural economy of the Vale of Glamorgan. National planning policy emphasises the important role that the re-use of rural buildings has in meeting the needs of rural areas for commercial and industrial development, tourism, sport and recreation uses. Such uses include workshops, offices, farm shops, community halls, and holiday accommodation which can provide direct and indirect employment opportunities in the rural Vale and can have considerable benefit to the local economy and community.*
- 7.3. Both benefits above support the policy preference in favour of uses other than residential use, which in itself has limited benefit to the rural economy, and can have more significant harmful effects in terms of alterations to existing rural buildings and their setting.*

7.4. *Where alternative uses are being promoted within an existing rural enterprise as part of a diversification scheme, the applicant will need to demonstrate that the proposal would not conflict with the existing enterprise, **and remain ancillary to the main operations of the existing business**. Accordingly, depending on the nature of the proposal it may be necessary to limit the scale of the proposed activity, via planning conditions or obligations.*

For clarification, TAN6 defines a rural enterprise as follows:

4.3.2 *For the purpose of this technical advice note qualifying rural enterprises comprise land related businesses including agriculture, forestry and other activities that obtain their primary inputs from the site, such as the processing of agricultural, forestry and mineral products together with land management activities and support services (including agricultural contracting), tourism and leisure enterprises.*

A Counsel letter, submitted by the applicant in support of the application states that the definition referred to in TAN6 is *expressly for the purposes of TAN6 only* (paragraph 17). However, it is considered that TAN6 (Planning for Sustainable Communities) should be read alongside PPW (and other policies) and provides *“practical guidance on the role of the planning system in supporting the delivery of sustainable rural communities”* (paragraph 1.4.1, TAN6). This application forms part of a diversification scheme and is part of a rural community. This policy and the aforementioned definition is therefore considered relevant and the TAN 6 definition of a rural enterprise is considered to be an entirely reasonable definition in the context of this and other similar assessments.

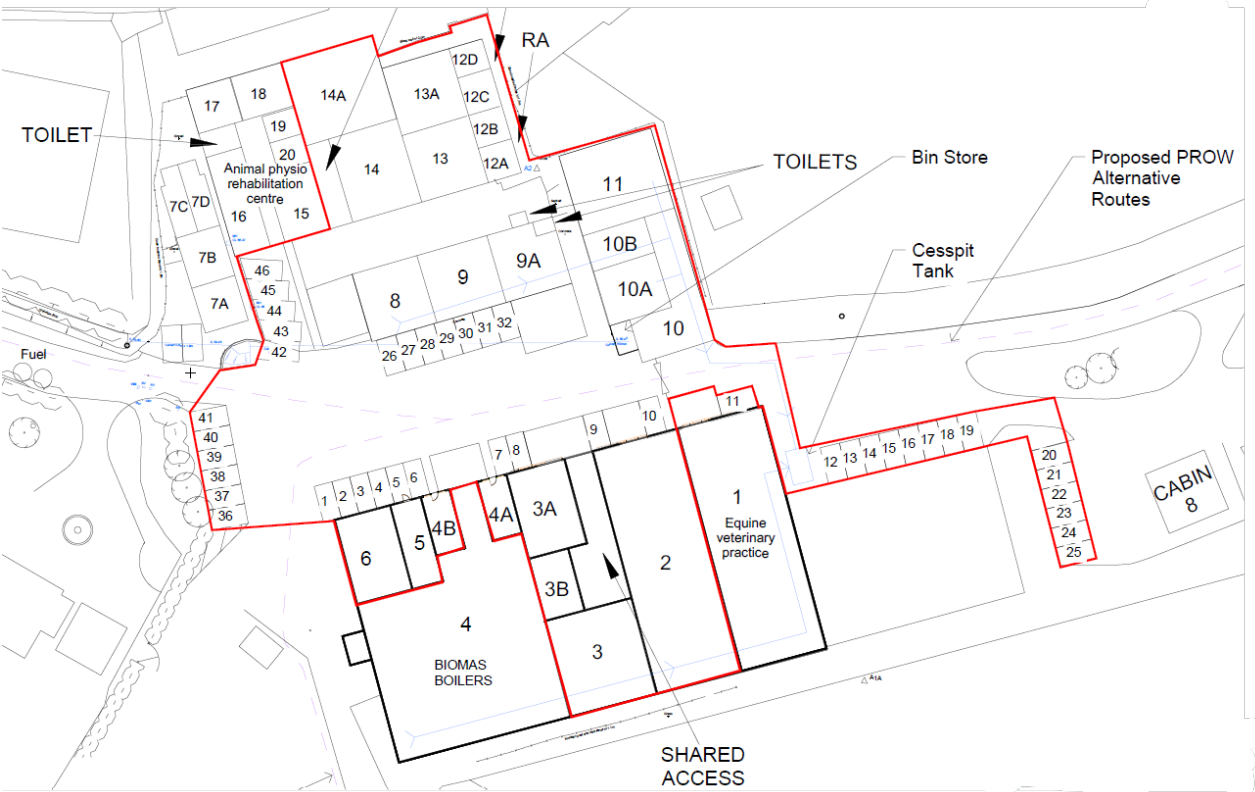
The Counsel opinion states:

The supporting text makes clear these are uses which can make a positive contribution to the rural economy such as rural enterprises, farm and craft shops, small scale commercial and light industrial enterprises, or tourism and recreation facilities. Given that small scale commercial enterprises are included (without any reference to whether the business has a rural ‘feel’ about it or not), then this must be considered part of a rural enterprise (it cannot be said to be tourism, community or residential). Accordingly, rural enterprise ought to be given a broad interpretation as any enterprise which supports the rural economy and I would have thought that can include supporting existing rural businesses, such as the racing yard, to diversify and remain viable.

Officers do not agree with this very liberal interpretation of a ‘rural enterprise’ and it is considered that a rural enterprise is, as per the TAN 6 definition, more than simply defined by whether it occurs in a rural location. This principle is clearly supported by Policy MD11 and the SPG, which is permissive to the kinds of uses that fall within the TAN 6 definition, in addition (referenced in the supporting text) to small scale commercial enterprises.

As aforementioned, the supporting text of policy MD11 states that the Council will favour re-use of both modern and traditional rural buildings, where the use will make a positive contribution to the rural economy. In addition, the supporting text of MD17 states that the Council recognises the need to promote rural enterprise and diversification in the rural Vale and maximise opportunities for **small scale, sustainable** employment outside of larger settlements.

However, in this instance, key reference is drawn to the supporting text, where it refers to “small scale employment uses”. The proposed uses are across approximately 1,941 sq. m of floorspace. There is a clear and important distinction to be drawn between ‘small scale’ and ‘non-small scale’, when considering the merits of this kind of use. In the first instance, it cannot reasonably be considered that the proposal is small in scale, whether in its own right or in terms of its relationship to the existing authorised use of the wider Pant Wilkin site. It involves almost 2000m2 of floorspace across 24 units, and is not by any reasonable definition ancillary or subservient to the other authorised uses. This point is critical as the proposal clearly fails to comply with Policy MD11 and the SPG. Secondly, and while this application is not in itself a platform to challenge the reasonableness of the policy, it cannot be the case that re-use of any building in the countryside at any scale is acceptable for employment/commercial uses. The countryside hosts many extremely large buildings (or complexes of buildings) in generally unsustainable locations, and the wholesale conversion of these to B1 or B8 uses would be starkly contradictory to local and national policy on sustainability, and the importance of locating such uses in accessible locations close to centres of population.



Site edged red

The submitted Counsel opinion appears to infer that any use at any scale would be acceptable

15...there can be no dispute that the principle of converting these buildings must be acceptable in accordance with Policy MD11. Indeed, the supporting text stresses that, where possible, the Council wishes to see rural buildings retained. The Council’s preference is for these to be developed for alternative uses that contribute positively to the rural economy in line with national policy (as opposed to residential). This scheme does exactly that. The Council takes issue with the nature of the businesses using them thereafter. However, whatever their nature, they are businesses providing employment in

a rural area and are also helping to diversify an existing rural business which employs many people and helping it to remain viable. As such, it must be the case that re-use of the buildings (as opposed to vacancy) is itself a good thing and, further, that re-use for any commercial activities is a good thing (as opposed to residential which is less preferable).

Conversely, officers are firmly of the view that this is an inappropriate and flawed interpretation of the policy, which misses the clear requirements relating to the nature of permitted uses and scale. Similarly at paragraph 20 of the Counsel opinion, there is reference to para. 7.2 of the SPG (to support the applicant's view that any boost to the economy must be acceptable), but an omission of any reference to paragraph 7.4, which again provides context in terms of what represents an appropriate scale of use.

Paragraph 7.4 of the SPG (Conversion and Renovation of Rural Buildings) as highlighted above makes reference to alternative uses being promoted within an existing rural enterprise as part of a diversification scheme but states that such a proposal should not conflict with an existing enterprise and would need to remain ancillary to the main operations of the existing business.

This paragraph ties in with policy MD17 (and the supporting text to policy MD11) and again strengthens the requirement for such uses to be 'small scale'. A large section of the yard is proposed for open B1 and B8 use in this instance and as such, it is considered that such a change of use would be clearly too great in scale to comply with the 'small scale' requirements of these policies, given the generous scale, it is not considered ancillary to the main equine use of the wider equine enterprise. Essentially, it is considered that the proposal would be tantamount to the creation of a new industrial centre, with the equine use a secondary element of the site. The proposal is wholly in conflict with Policy MD14 which states:

Elsewhere proposals for new employment uses will be permitted where:

- 1. It is located within or adjacent to an existing settlement boundary, where the scale and type of employment use is complementary to its location and neighbouring uses; or*
- 2. Where the proposal is for an agriculture, forestry or rural enterprise where a need for a rural location is justified; or*
- 3. Where it is clearly demonstrated that the nature of the business necessitates a location away from existing settlements and/or employment areas in order to mitigate impact on amenity*

This proposal satisfies none of the above criteria.

Attention is drawn to the following, which was stated in the Officer's report for the previous application (2023/01222/FUL):

Whilst the proposed changes of use will provide small scale employment, as aforementioned, these are not considered to relate to land related businesses and as such, the proposal fails to comply with policy MD17 in that they do not promote rural enterprise.

Whilst this makes reference to small scale, it should be noted that the number of units proposed in that application were significantly less than proposed in this instance (albeit the level previously proposed was still considered unacceptable).

Paragraph 18 of the supporting Counsel letter states the following:

“I turn then to Policy MD17 which deals specifically with Rural Enterprise. This provides that small scale employment use that promotes rural enterprise will be permitted where a proposal involves the conversion of an existing rural building in accordance with MD11. This provides further support for the acceptability of the proposal: the employment use is ‘small scale’, it promotes rural enterprise (see above: by promoting the rural economy and diversifying the racing yard), and it involves the conversion of existing rural buildings. It is a permissive policy. It should be noted that, even if this scheme were judged not to be ‘small scale’, the policy does not prohibit larger scale employment uses from coming forward in the countryside: just that they would be assessed under other policies.”

Whilst it is of note that policy MD17 specifically relates to “small scale employment uses”, this proposal seeks consent for businesses to diversify an existing rural enterprise. Paragraph 7.4 of the SPG Conversion and Renovation of Rural Buildings (2018) states that where these uses are being proposed in an existing rural enterprise, it needs to be demonstrated that the proposal does not conflict with the existing enterprise. The proposal does not benefit from this policy given that it is not small in scale. The Counsel opinion notes that *‘if this scheme were judged not to be ‘small scale’, the policy does not prohibit larger scale employment uses from coming forward in the countryside: just that they would be assessed under other policies’*. In that case, the proposal then sits in conflict with policies MD11 and MD14 for the reasons stated above.

With regards to policy MD11 (Conversion and Renovation of Rural Buildings), criterion 1 states that conversion or renovation will be accepted where it would not give rise to the need for a replacement building. The recent planning history is of importance in this regard. Planning application 2022/00502/FUL granted consent for a new agricultural building and in the Officer’s report, the following was stated:

It has been queried whether there are other buildings on the stables site that could be used as an agricultural barn instead of the erection of a new building, but the applicant has advised that there are no other buildings available due to other uses within these buildings. There are a number of other buildings and other uses on the wider stables site and it is also noted that some of the buildings on the site appear to be within unauthorised uses, which are currently under investigation.

Since the granting of the 2022/00502/FUL consent, planning application ref. 2022/01222/FUL for a “change of use of equine building to employment uses, storage uses and café, and associated works (part retrospective)” in the wider site has been determined and refused as detailed above.

Subsequently, planning application 2023/01262/FUL which sought retrospective consent for an agricultural building (retrospective consent for retention of the building approved via 2022/00502/FUL which was not built in accordance with the plans) was refused. The building is located in close proximity to the buildings forming the basis of this application (and indeed the 2022/01222/FUL refused application) that were in situ prior to the granting of the previous application for a new agricultural building (2022/00502/FUL).

Whilst the officer’s report for the approved sheep building does make reference to these uses in passing, full consideration of application ref. 2022/01222/FUL had not been made at that time. However, given that a refusal was issued on the uses within the wider site, this was considered a material planning consideration in the assessment of the most

recent application to retain the agricultural / sheep building. As a result, it was refused as it was considered there are other buildings on site not being used for agricultural purposes and as such, could be re-used. It was recognised that there was a fall-back position to build the building in accordance with the approved application, however, the planning history was material and as such, an application for an agricultural building was no longer supported.

Whilst this application is not considering the principle of a new agricultural building, the applications for changing the use of such buildings, as outlined above, are considered of relevance and it has been demonstrated that that the conversion of these buildings (as proposed) has given rise to the need for a replacement building. As such, the proposal is considered contrary to criterion 1 of policy MD11 (Conversion and Renovation of Rural Buildings) of the LDP.

Criterion 2 of policy MD11 assesses the nature of any alterations etc. and as such, will be assessed later in the report.

Both national and local Planning Policy strongly favour development in sustainable locations. The application site is approximately a 4.5km road journey from Cowbridge (via the approved access off the A48) and is not served by public transport in any practical or regular way. The driving distance to the site from Aberthin is around 4km, as Llanquian Road does not provide vehicle access to the site. However, it would be possible (though perhaps not that likely) for Aberthin residents to walk or cycle to the site. However, given the range of uses classes being proposed and the types of business that could operate within the uses, it cannot be assumed that staff or customers would only be travelling from Aberthin.

In the previously approved application, 2019/01154/FUL, the proposal was considered acceptable on balance on the basis that the uses were considered to generate only a modest increase in vehicle journeys to the site given the nature and intensity of the uses.

Planning Policy Wales states the following:

4.1.1 The planning system should enable people to access jobs and services through shorter, more efficient and sustainable journeys, by walking, cycling and public transport. By influencing the location, scale, density, mix of uses and design of new development, the planning system can improve choice in transport and secure accessibility in a way which supports sustainable development, increases physical activity, improves health and helps to tackle the causes of climate change.

4.1.10 The planning system has a key role to play in reducing the need to travel, particularly by private car, and supporting sustainable transport, by facilitating developments which:

- are sited in the right locations, where they can be easily accessed by sustainable modes of travel and without the need for a car;*
- are designed in a way which integrates them with existing land uses and neighbourhoods; and*
- make it possible for all short journeys within and beyond the development to be easily made by walking and cycling*

The nature of the current proposals results in a number of different current or future businesses, each of which have members of staff who would need to commute to and

from work on a daily basis. The proposal in this instance differs from the previously refused application in that it no longer seeks consent for specific businesses; some are no longer proposed (such as the café or furniture warehouse); and this proposal seeks an open consent for B1 and B8 uses. However, given the current and future occupiers are unlikely (or at best not required) to have any clear relationship to the wider equine business and as such, it is a reasonable likelihood that these members of staff would be travelling to site specifically for their businesses and would not otherwise be travelling there for the equine use of the site. The lack of public transport means that staff would highly be dependant on the use of the car to access the site. It is unknown as to whether any of the uses would result in any additional traffic by means of deliveries, other customers / visitors but this is again considered likely, and these too would also be heavily reliant on driving and would only likely travel to site to a specific business / activity and would not otherwise be travelling there for wider the equine use of the site.

Whilst it is acknowledged that some of the previous uses have now left the site, this application seeks consent for an open ended B1 and B8 use and as such, the above concerns on car dependency, as also raised in the previously refused application, are still considered of relevance.

Planning Policy Wales states that the *“planning system is the key mechanism for delivering sustainable places”* (paragraph 2.5) and that development proposals *“should create the conditions to bring people together, making them want to live, work and play in areas with a sense of place and well-being, creating prosperity for all”* (paragraph 2.3). Facilitating accessible and healthy environments is considered as a key planning principle for Placemaking as *“land use choices and the places we create should be accessible for all and support healthy lives”* (page. 17).

Given the high level of dependency on the car and the nature of the uses that do not require a rural location to operate, the proposals are considered at odds with criterion 2 of Policy MD14 as the uses are unlikely to be for agriculture, forestry or rural enterprise, where a need for a rural location is justified. The proposal is also contrary to criterion 3 of Policy MD14 as it has not been demonstrated that the nature of the business or businesses necessitates a location away from existing settlements and/or employment areas in order to mitigate impact on amenity.

These range of uses would fall within B1 and B8 uses, are not located within a suitable location and as such, the proposals fail to comply with paragraphs 4.1.1 and 4.1.10 of Planning Policy Wales, in that the specified commercial use of the units would not support the principles of sustainable development and would not reduce the need to travel, particularly by private car, being sited in a location that would not be easily accessed by sustainable modes of travel. In addition, the unsustainable nature of the site results in a proposal that does not comply with the thrust of PPW which includes sustainable places at the heart of its Placemaking principles.

Moreover, the uses proposed would be contrary to criterion 2 of Policy MD1 which seeks to, amongst other things, reinforce the role and function of minor rural settlements as key providers of commercial, community and health facilities which is also echoed in criterion 3 of Policy SP1 Delivering the Strategy.

Paragraph 13 of the supporting Counsel letter states the following in respect of PPW :

Policy 5 (Supporting the Rural Economy) seeks to support the rural economy and positively meet the employment needs of rural areas including through diversification. There are no limitations within this policy to employment in rural areas having to be 'rural based' or in some way of a rural nature (and the 'one size fit all' approach is deprecated). The policy is supportive of any growth that provides employment in these locations which, as the supporting text notes, helps prevent younger people from having to move away to larger settlements or making longer journeys by car as commuters. The Officer's Report appeared to assume that all workers at the business would themselves be travelling long distances from elsewhere. I have not seen any evidence to support this and I consider it would be helpful to illustrate if it is the case that employees are relatively local.

The topic of business size has been addressed above. However, the reference to the type of business and its 'rural nature' etc. is considered of relevance when assessing the proposals against the policies for sustainable development. Whilst the above is noted, the very nature of the businesses and their lack of relationship with the wider equine use does contribute to an increased need for the use of the car. In addition, the final point is noted, however, this application seeks B1 and B8 uses and as such, any details on commuting etc. would be restrictive to the use of the unit at this current time. Therefore, no detail on employee travel has been sought as this is unlikely to be the case in perpetuity. It should also be noted that whilst section 5 of PPW does refer to rural diversification, there are many references to 'small rural diversification proposals' and as aforementioned, in this instance, the Authority do not consider the proposals to be small scale.

In considering the open B1 and B8 uses that have been applied for, such uses do not require a rural location and as such, should be sited within one of the many business parks within the Vale of Glamorgan, buildings permitted for a B8 use or in respect of the B1 uses, within the town centres, where such sites are more likely to be readily accessible by more sustainable modes of travel.

Rural enterprises are generally businesses that are suited to a rural area because they are supportive of agricultural or forestry activities and require a rural location to operate, both functionally and in respect of a rural customer base, where such rural enterprise uses are supported in both national and local policy. However, the open proposal for B1 and B8 uses would result in businesses that generally would be found either in a town centre or in out of town centres and industrial estates.

The concluding paragraphs of the supporting Counsel letter state that PPW

"acknowledges that certain diversification proposals will only be accessible by car and notes that small rural diversification can actually reduce distances travelled by car". It then states that:

If the Council were to disagree and find that there was a breach of the development plan as a whole (bearing in mind the principles above relating to policies pulling in different directions), then it should still go on to consider whether there are other material considerations in favour of the scheme. There appear to me to be many: principally that the scheme will ensure the future retention of the buildings themselves and the future sustainability of the racing yard (which itself is a significant rural employer), secondly that it will provide employment and vibrancy in a rural area, thirdly that the lawful fallback

position has clearly not worked on a practical level and thus there is no viable alternative to enable the re-use of the buildings in the way the Council would like.

Firstly, as aforementioned, the proposal, given its generous scale, is not considered a “small rural diversification” and as such, it is considered that it would not comply with the general thrust of PPW in terms of sustainability. With regards to the re-use of the buildings, whilst this is favoured by the Authority, this should not be done at the expense of promoting the use of unsustainable transport and detrimentally impacting upon town centres and existing industrial uses. Notwithstanding this, the buildings are of no architectural merit and whilst the SPG does relate to both traditional and modern agricultural buildings, the loss of such buildings would not be unacceptable.

The comments on viability have been noted, however, no such evidence has been submitted, but in any case that would not justify a harmful and unsustainable complex of uses at the scale proposed. Notwithstanding this, the Authority maintain a pragmatic approach and as such, the above referenced policies do provide an opportunity to facilitate other uses within existing rural enterprises. However, there is a clear reference to a need for this to be ‘small scale’ and an ancillary element to the existing wider use. In this instance, a large section of the yard is proposed for alternative use and as such, this is not considered to comply with the ‘small scale’ requirement.

It is accepted that the current and proposed uses provide and will provide employment, however for the reasons set out above, such areas of employment should be within established employment areas.

To summarise, and taking the above into consideration, whilst the Authority generally supports rural diversification and opportunities for appropriate rural employment uses in respect of the re-use of rural buildings, in line with national guidance, such uses still need to minimise the need to travel for employment. In this instance, the B1 and B8 uses proposed are not considered appropriate in this rural location. These uses should be placed in town centre or industrial settings where such uses are normally present and where they are served by sustainable transport links.

The proposals are therefore considered unacceptable and fail to comply with policies SP1 (Delivering the Strategy) criterion 3 and 4, MD1 (Location of New Development) criterion 2, 3 and 5, MD14 (New Employment Proposals) criterion 1, 2 and 3 and MD17 (Rural Enterprises). In addition, the proposals fail to comply with Planning Policy Wales, paragraphs 4.1.1 and 4.1.10.

It should also be noted that during the course of this application it was found that one of the units (unit number 10). included within this application was being used for a use that did not fall within a B1 or B8 use. The use, a personal trainer / sports massage therapist, falls under a ‘sui-generis’ use class. However, this application has assessed the proposals based on the submitted scheme and as such, consideration has not been made on the acceptability of such a use.

Flooding

As aforementioned, the site is partially located within a C2 flood zone and as such, Criteria 8 of policy MD1 is of relevance, which seeks to ensure that development avoids areas of flood risk in accordance with the sequential approach set out in national policy.

The planning application proposes what are considered as less vulnerable development (commercial). The Natural Resources Wales Flood Risk Map confirms the site to be within Zone C2 of the Development Advice Map (DAM) as contained in TAN15 and the Flood Map for Planning (FMfP) identifies the application site to be at risk of flooding and falls into Flood Zones 2 and 3 (Rivers).

C2 flood areas represent those areas of the floodplain without significant flood defence infrastructure.

Section 6 of TAN15 requires the Local Planning Authority to determine whether the development at this location is justified, assessing the proposals against the tests in TAN15.

The works to the commercial premises detailed above fall within the category of 'less vulnerable development'. For the purposes of TAN15, development should only be justified in such a location if it satisfies the requirements of sections 6 and 7 of the TAN. Paragraph 6.2 of TAN15 states the following:

“New development should be directed away from zone C and towards suitable land in zone A, otherwise to zone B, where river or coastal flooding will be less of an issue. In zone C the tests outlined in sections 6 and 7 will be applied, recognising, however, that highly vulnerable development and Emergency Services in zone C2 should not be permitted. All other new development should only be permitted within zones C1 and C2 if determined by the planning authority to be justified in that location. Development, including transport infrastructure, will only be justified if it can be demonstrated that:-

i. Its location in zone C is necessary to assist, or be part of, a local authority regeneration initiative or a local authority strategy required to sustain an existing settlement; or,

ii Its location in zone C is necessary to contribute to key employment objectives supported by the local authority, and other key partners, to sustain an existing settlement or region;

and,

iii It concurs with the aims of PPW and meets the definition of previously developed land (PPW fig 2.1); and,

iv The potential consequences of a flooding event for the particular type of development have been considered, and in terms of the criteria contained in sections 5 and 7 and appendix 1 found to be acceptable.”

An FCA has been submitted as part of this application, which states the following in relation to section 6:

1.13. With regards to Paragraph 6.2 of the TAN15, it is understood that the retrospective development is for the change of use of the stables from equestrian use to employment use – B1 and B8 (retrospective). Thus, the development seeks to contribute to employment opportunities, adhering to the first part (ii) of the justification test. The site is also brownfield and therefore meets the definition of the second part (iii) of the justification test. The report sets out the risk of flooding to the site and appropriate mitigation measures; the development would be considered 'Less Vulnerable'

(commercial use) with appropriate mitigation measures recommended throughout this report – therefore also meeting the second part (iv) of the justification test.

Firstly, with regards to the first section of the tests, whilst the above FCA comments are noted, the key point of reference in paragraph ii is that it is ‘supported by the local authority’. This formed a reason for refusal in the previous application (2023/01222/FUL) and given the aforementioned comments on principle, it is evident that an employment proposal of this scale and in this location is not supported by the Authority. The location of the proposals are therefore not considered justified and as such, the proposals do not comply with paragraphs i or ii.

With regards to paragraphs iii, paragraph 3.55 of Planning Policy Wales defines previously developed land as follows:

“...is that which is or was occupied by a permanent structure (excluding agricultural or forestry buildings) and associated fixed surface infrastructure. The curtilage (see note 1 below) of the development is included...”

As such, given that the site is occupied by a permanent structure, it complies with criterion iii of paragraph 6.2, TAN15. With regards to criterion iv, section 7 of TAN15 states the following:

“7.1 If a development proposal in zone C1, or in C2 if it is defined as being of low vulnerability, meets the test outlined in section 6, the justification will be in the knowledge that those developments will flood and will need to be planned accordingly.”

In this instance, the proposals do not meet the test outlined in section 6 and as such, the proposal fails to comply with criterion 8 of policy MD1 and TAN15.

Taking the above into consideration, whilst the proposed uses are considered as ‘less vulnerable’, they are not considered justified in this location as per the tests of TAN15 and as such, as per the advice set out in TAN15, shall not be permitted in a C2 floodzone. Whilst a Flood Consequence Assessment has been submitted and no objections have been raised by Natural Resources Wales, the proposal is not justified in this location. The proposal therefore fails to comply with criterion 8 of policy MD1 and the advice set out in TAN15.

Design and Visual impact

The proposed changes of use would result in no extensions to the buildings. The previously refused application (2023/01222/FUL) included the retention of first floor windows, which formed a reason for refusal due to a failure to comply with policy MD11 – in particular criterion 2. However, these proposals now show that the windows are to be removed.

Criterion 2 of policy MD11 states that the conversion or renovation of existing rural buildings will be acceptable where:

2. Reuse can be achieved without substantial reconstruction, extension or alteration that unacceptably affects the appearance and rural character of the building or its setting.

Firstly, the proposed site plan indicates additional car parking spaces would be provided. However, the area already benefits from extensive hardstanding and as such, the additional car parking spaces are considered to be of an acceptable scale and will have a limited and acceptable impact on the rural character of the area.

In support of the current application, further plans have been submitted, including those for unit number 10. This unit was previously occupied a café, however this unit has been reoccupied, as set out above. In light of the additional plans, it is evident that there has been an unauthorised extension to unit 10, which has a taller eaves height. The extension is considered unjustified, given the presence of many other agricultural buildings on site. However, criterion 2 specifically relates to extensions that unacceptably impacts the building / setting's rural character or appearance and in this instance, given its scale and having regard to the location within the yard and its context with much larger buildings, on balance, it is considered acceptable in terms of its design and visual impact.

Taking the above into consideration, the proposals are considered acceptable in terms of their visual impact and comply with criterion 1 and 2 of policy MD2 (Design of New Developments) and criterion 2 of policy MD11 (Conversion and Renovation of Rural Buildings).

Impact on neighbours

Given the distance to residential properties, the proposals would not result in any unacceptable overbearing impact on neighbours.

In the previous application, the Council's Shared Regulatory Services requested a number of conditions, such as operating hours and restrictions on the noise levels for machinery. In terms of noise levels, it is considered that the addition of appropriate conditions could address issues on noise and ensure no harmful impact on neighbouring properties. Notwithstanding this, the site has historically been a working farm / equestrian centre and as such, some noises are to be expected and as such, with the addition of conditions, it is considered that the proposals would not result in a detrimental impact to neighbours in terms of noise.

Whilst it is noted that these comments were not received as part of this application, they are still considered of relevance.

Minerals

Policy SP9 seeks to ensure a continuous supply of minerals by safeguarding known resources from permanent development that would unnecessarily sterilise them or hinder their future extraction. In addition, policy MG22 states that new development will only be permitted in an area of known mineral resource where it has first been demonstrated that:

- 1. Any reserves of minerals can be economically extracted prior to the commencement of the development;*
- 2. Or extraction would have an unacceptable impact on environmental or amenity considerations; or*
- 3. The development would have no significant impact on the possible working of the resource by reason of its nature or size; or*

4. The resource in question is of poor quality / quantity

Given the proposed scale of the development and its proximity to residential properties, it is considered that the proposal would not result in a significant impact on the possible working of the resource. The proposal therefore complies with policies SP9 and MG22 of the LDP.

Other matters

The application site is close to two scheduled monuments. Policy MD8 therefore requires that the proposal respects the special historic character and quality of the areas, including historic views, and must preserve or enhance archaeological remains and where appropriate their settings. CADW were consulted and concluded that due to the limited nature of the proposed changes, the distances and the screening, the proposals have no impact on the setting of either scheduled monument.

The site is also partially within a Site of Importance for Nature Conservation (SINC). However, given the proposal relates to a change of use of existing buildings, there will be no impact on this SINC.

The Public Rights of Way Officer has objected to the proposals as a right of way traverses through some of the buildings. However, this is considered to be a legal matter.

REASON FOR RECOMMENDATION

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 and Future Wales – the National Plan 2040.

Having regard to the Council's duties under the Equality Act 2010 the proposed development does not have any significant implications for, or effect on, persons who share a protected characteristic.

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.

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

RECOMMENDATION

THE VALE OF GLAMORGAN COUNCIL

PLANNING COMMITTEE: **30 NOVEMBER, 2023**

REPORT OF THE HEAD OF SUSTAINABLE DEVELOPMENT

5. ENFORCEMENT ACTION

LAND AND BUILDINGS AT PANT WILKIN STABLES, ABERTHIN

Executive Summary

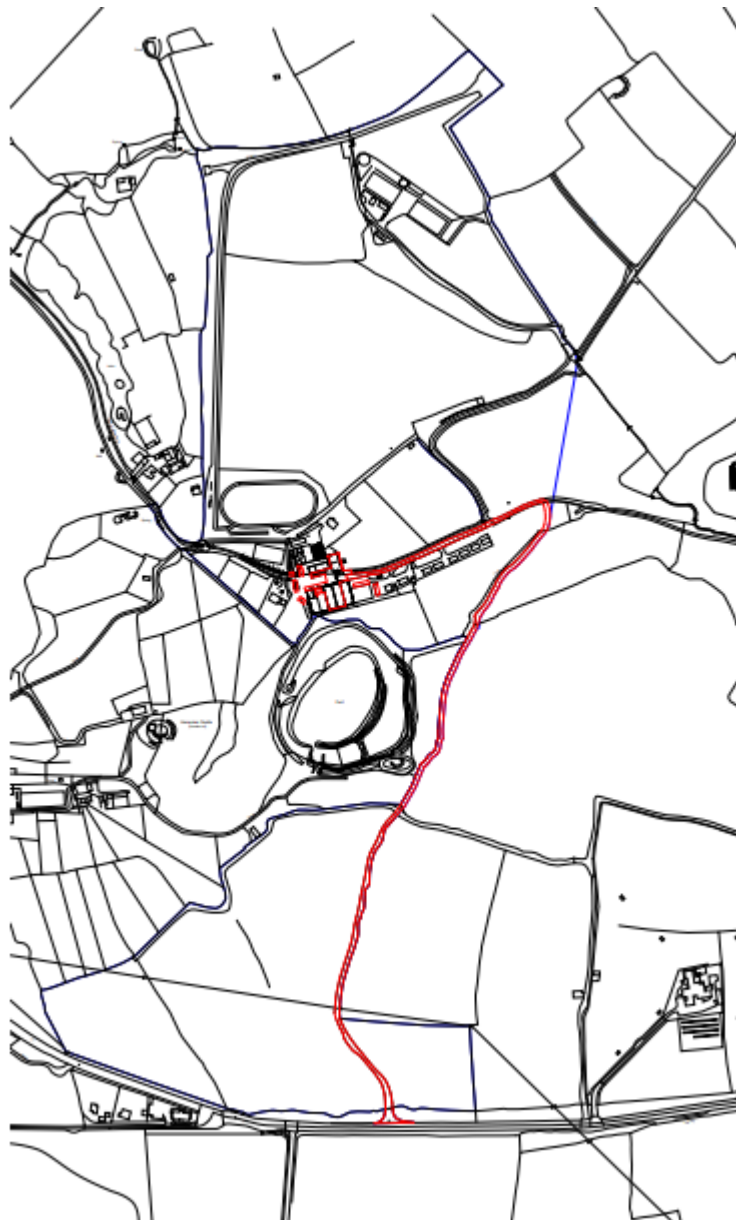
This report seeks authorisation to issue Enforcement Notices (EN) under section 172 of the Town and Country Planning Act 1990 (as amended) in respect of a number of separate breaches planning control which have been carried out on the land and within various existing buildings at the site. The principal issue is whether the unauthorised development, involving both operational development and changes in the use of the buildings and land constitute acceptable development in this rural location or would have any adverse impact on the surrounding landscape and neighbouring properties.

The breaches of planning control identified in this report have been the subject of extensive investigation. In some cases, the breach of planning control has arisen out of the breach of a previous planning consent, or following the refusal of a recent planning application. In other cases, the landowner has agreed to make an appropriate application to regularise the position, however no applications have been received that would have provided the opportunity for the position to be properly assessed and determined. The report therefore recommends that a number of ENs are issued, either to require the removal of development or to require the use of land and buildings to cease. Authorisation is also sought to pursue legal proceedings in the event that the ENs are not complied with.

Background and Site Description

1. A complaint was received by the Local Planning Authority on 31st January 2022 regarding the use of Llanquian Road in order to provide access to Pant Wilkin Stables, Aberthin which was contrary to a planning condition attached to application 2008/00743/FUL, relating to the retention of additional stables and other associated development. The complaint also referred to fact that a café had been set up within the training yard and was operating under the name of Fredwell Café. Whilst the matter of the use of Llanquian Road was subsequently investigated and resolved, the Council's investigation of the alleged café and other complaints received since 2022, has identified a number of other matters at the site which constitute breaches of planning control and are considered to require regularisation.

2. Pant Wilkin is a large commercial horse racing enterprise, located on land in the countryside north of the A48. It is approximately 3km north east of Cowbridge and 1km east of the village of Aberthin. Pant Wilkin is served by a recently constructed access track which links it to the A48. The site is in the countryside, and partially within the Upper & Lower Thaw Valley Special Landscape Area (SLA). It is also partially located within the Llanquian Wood Site of Importance for Nature Conservation (SINC) and in proximity to two scheduled monuments (Llanquian Wood Camp and Llanquian Castle).
3. An area of the site is within Zone C2 for flood risk on the Development Advice map accompanying Technical Advice Note 15 (Development and Flood Risk) and a similar area is partly within Zone 2 and partly within Zone 3 on the 2021 Flood Map for Planning. The site is also partially located within an area considered to be at risk of surface water flooding. The site is within an area safeguarded for its limestone resources. There are also Public Rights of Way that cross through the site. A plan showing the extent of land forming Pant Wilkin stables is provided below:



Details of the Breaches and Action Pursued to Date

4. The land at Pant Wilkin Stables to which this report relates consists of mainly agricultural land which is used in association with the commercial horse racing enterprise and much of the recent development which has been granted planning permission at the site is associated with that business. Following the approval of planning permission on 6th July 2016 for the re-organisation of stabling for 53 horses and associated works, a new stable building was constructed in an elevated location to the north-east of the existing stable yard (2016/00480/FUL). Although a number of subsequent planning applications have been approved for development associated with the relocated stables and equestrian enterprise, there have also been complaints received relating to those consents and other activities undertaken on the land. Furthermore, two planning applications have recently been refused consent and have prompted further investigations in relation to development that has already been undertaken.
5. The current breaches of planning control which have been identified on the land forming part of Pant Wilkin Stables and the action pursued to date are set out below:

Use of Former Equestrian Buildings for Business Uses

6. Following the receipt of a complaint in January 2022 and investigation undertaken, it was identified that in addition to the establishment of a café at the site (Fredwell Café), a number of other former equestrian buildings had been converted to business uses including offices and a sofa warehouse (Chase Living). The former equestrian buildings are located surrounding the yard leading to the main dwelling at Pant Wilkin Stables and consist of mainly single storey timber and metal clad buildings.
7. In July 2020, a planning application had been approved for the change of use of some of the former stables to an Equine clinic, Equine rug wash company, Dog grooming parlour with dog day care facilities, a Dog and equine wholesale store and Animal Physiotherapy suite (2019/01154/FUL). The uses and buildings that were approved under application 2019/01154/FUL are detailed on the plan below:



8. As a result of the Council's investigation, new uses were however found occupying other buildings. The landowner was contacted and given the option of either removing the café, which appeared to be a newly built unit and ceasing the unauthorised uses, or submitting a planning application to retain the development. A further complaint was subsequently received that an arboriculture / tree services business had also become established in one of the former equestrian buildings and it was advise that the sawing and splitting of timber to produce firewood was causing a noise nuisance. The landowner was advised that this unauthorised use should also be included in the planning application he was intending to submit.



Fredwell Cafe

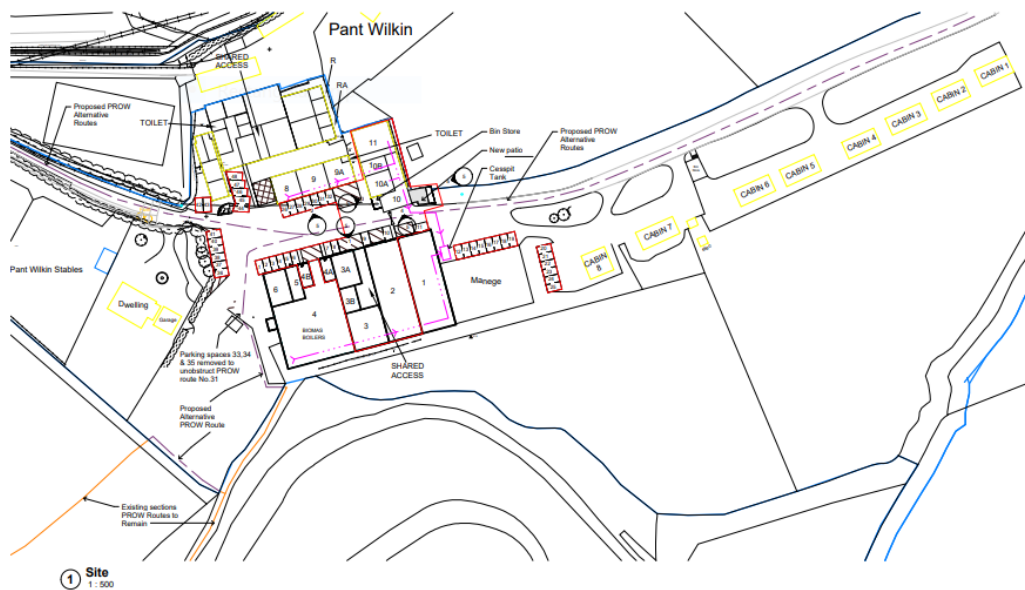


Chase Living Sofa Warehouse



Office Accommodation

9. On 2nd November 2022, a planning application was received for the 'Change of use of equine buildings to employment uses, storage uses and cafe, and associated works (part retrospective)' (2022/01222/FUL). The application sought the retrospective change of use of 10 separate units amounting to 987sqm of floor space to a mixture of uses including B1 (light industrial) and B8 (general industrial), together with the storage and distribution of domestic and garden furniture (371sqm) and a Café (101sqm). The application states that the uses were non retail rural type businesses that are typically seen at rural diversified sites and all of the buildings formerly stabled horses, but had become available for alternative uses when the upper stable yard had become established. The proposed site plan which accompanied the application is provided below:



10. During a site visit undertaken on 4th September 2023 in connection with the above application, it was identified however that a number of the uses found within the units specified within the application, differed from what had been applied for and a number of further buildings were being used for a variety of business uses. Some of these uses were identified as B1 (office / light industrial), B2 (general industrial), B8 (storage) uses, however two of the units were being used as a children’s play centre and a bakery. One of the larger units (Unit 2) which was proposed to be used for the storage and distribution of domestic and garden furniture also appeared to be used for retail purposes.



Children’s Play Centre



Hare & Hounds Bakery



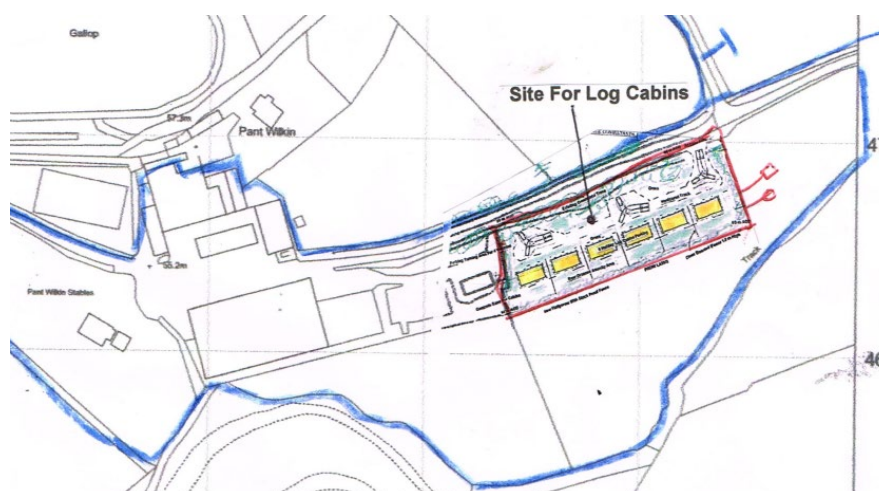
Chase Living Sofa Warehouse

11. The planning application submitted for the change of use of the 10 units (2022/01222/FUL) was assessed based on the application description and supporting plans, however this was refused on 19th October 2023. The reasons for refusing the application include that the proposed uses outlined in the submission documents would not support the principles of sustainable development and would not reduce the need to travel, particularly by private car, being sited in a location that would not be easily accessed by sustainable modes of travel. The proposals were also not supported by any justification that the nature of the businesses necessitated a location away from existing settlements or employment areas. The application proposal was therefore determined to be unacceptable and contrary to LDP policies SP1, MD1, MG13, MD14 and MD17 of the LDP as well as Planning Policy Wales (PPW).

12. Two further reasons for refusing the application related to the fact that the development was in a C2 flood zone, where the implications of flooding had not been adequately assessed and also that the addition of first floor windows on the rural buildings were considered harmful to their rural character and resulted in a domesticated / commercial appearance harmful to the rural setting of the building and wider site and also the appearance and character of the countryside. The application was therefore determined as being contrary to LDP policies MD1, MD2 and MD11 of the LDP and the advice set out in TAN 15 (Development and Flood Risk) and the Council's SPG relating to the Conversion and Renovation of Rural Buildings.
13. Following the refusal of application 2022/01222/FUL, a meeting was held with the landowner on 8th November 2023 to discuss why the existing uses are unacceptable and it was confirmed that enforcement action is likely to be taken to require them to cease. Correspondence has subsequently been received from the landowner's agent confirming that an amended planning application will be submitted removing the café and retail element / sofa warehouse, restricting the use of the buildings and including additional information to address the reasons for refusal. Concerns remain however regarding the number of units which are currently operating at the site, most of which are not related in any way to the horse racing enterprise and are not considered to justify a rural location.

Use of Holiday Log Cabins for General Rental Purposes

14. A complaint was received in March 2023 which suggested that the holiday cabins which were approved under application 2019/00783/FUL were no longer being occupied as holiday accommodation, but were being let for general residential purposes. A previous suggestion that the cabins were being used as staff accommodation had been investigated in 2022, however no breach had been identified.
15. In 2019, application 2019/00783/FUL had been approved for six holiday cabins and the approved site plan, which details the location of the cabins in relation to the stable yard, is provided below:



16. The Planning Statement accompanying the application suggested that the holiday cabins would be part of a rural enterprise diversification proposal sited near to the lower yard and that the racing yard would provide an attraction to race minded tourists. Information provided as part of the application also suggested that the holiday cabins were intended to cater for the short break market and for families and small groups to holiday together for mainly weekend breaks. It was also identified that Cowbridge was well served by pubs, restaurants and shops, with the coast within a 20 minute drive.
17. The proposal was considered to comply with policies relating to rural tourism and the rural economy and was therefore approved subject to the following condition:

‘3. The development shall be occupied as holiday accommodation only and shall not be occupied as a person’s sole or main place of residence. An up-to-date register shall be kept at the holiday accommodation hereby permitted and be made available for inspection by the Local Planning Authority upon request. The register shall contain details of the names of all of the occupiers of the accommodation, their main home addresses and their date of arrival and departure from the accommodation.’
18. During a site visit undertaken on 22nd March 2023, it was confirmed that none of the holiday cabins were being used as holiday accommodation and all were being used as either short or long-term lets. The landowner was contacted and advised that given the circumstances in which the holiday cabins were approved, it was very unlikely that the Council would consider changing the requirement of the condition. He was therefore asked to confirm how he intended to comply with the condition and advised that if the log cabins continued to be occupied in breach of the condition, it was very likely that the Council would take enforcement action to secure compliance.
19. In response the landowner advised that there was one cabin where the tenant was occupying on a full-time basis and that a search of the accommodation websites confirmed that three lodges were being shown as available. It was subsequently confirmed on 11th June 2023 that the accommodation was being operated through a letting agent, however he had asked that all future occupiers comply with the occupancy condition. It was confirmed however that the letting agent understood that the requirements for holiday accommodation was determined by different criteria, including that the property could not be occupied as a persons’ sole or main place of residence and could not be occupied by any long term tenants for more than 155 days of the year.
20. During a subsequent site visit on 14th June 2023 with the agent responsible for letting the holiday log cabins, it was confirmed that their rental was not only restricted to people ‘on holiday’, but the cabins were also being let on a short and long-term let basis, including to people who using the cabin as temporary accommodation whilst they were waiting to move into other properties and also to people who were working in the area and required short-term temporary accommodation.

21. The landowner was sent correspondence on 14th July 2023 which confirmed that it was clear from both recent site visits, that despite being advertised as holiday accommodation, at least some of the cabins were not being used for this purpose and were being let out on both a short and long-term general letting basis. It had also been confirmed by his letting agent that a number of the cabins were being let out as short and long-term lets to people who were working in the area, rather being used as holiday accommodation and this was considered to be in breach of the existing condition. In respect of the requirements for holiday accommodation identified by the letting agent, it was confirmed that these appeared to relate to a general letting use, rather than the holiday accommodation use to which the cabins were restricted. As a result it was confirmed that the Council was considering whether it was expedient to take enforcement action to require the unauthorised use to cease.
22. During a site visit on 4th September 2023, the position was discussed further with the landowner and he was advised to take the necessary steps to ensure that the condition was complied with. The Council has recently received correspondence from the letting agent confirming that adjustments have been made on one of the booking platforms to advise potential customers that the cabins are for holiday guests only. It was confirmed that where other platforms have no such facility, the wording on the welcome message and listings confirming that work or longer stay are not permitted, however it is confirmed that a self-check in system operates at the cabins and it cannot be guaranteed that people will reply. It has been advised that individual people's details including their registered address can be obtained from one of the booking platforms, however this would not in itself determine whether that person was using the cabins as holiday accommodation or for work.
23. As a result of the information obtained during the investigation, it appears that the holiday log cabins have been let out for both holiday accommodation and short and long-term letting. The original site visit in March 2023 identified that one of the cabins has been let out on a continuous basis since the summer of 2020 and during a recent meeting with the landowner, it was confirmed that the same tenant remains in occupation.
24. Whilst it would appear that some efforts are now being made to prevent the use of the cabins other than as holiday accommodation, the booking systems that are being use for the cabins, whilst alerting potential customers that they are for holiday accommodation only, would not prevent a booking from being made for non-holiday use. Concerns also remain that at least one of the cabins has been let on a long-term basis in breach of the planning condition and essentially occupied in the same way as a residential dwelling. It is therefore considered that unless enforcement action is taken to require this unauthorised use to cease, the use would be immune from enforcement action, as the building would have been occupied as a residential dwelling for over 4 years.

Motor Cross Activities

25. A complaint was received in September 2021 regarding the establishment of a motorcycle track in a field located adjacent to the new access and north of the A48.
26. The landowner was contacted and advised that whilst alternative uses could be carried out on land for up to 28 days of the year under Part 4 of Schedule 2 of the Town and County Planning (General Permitted Development) Order 1995 (Temporary Buildings and Uses), the number of days was restricted to 14 if the use involved motor cycle racing including practising for these activities. Confirmation was sought regarding the number of days on which the alternative use of the land had occurred and whether the land had reverted back to the lawful use of the land in between events.
27. In response, the landowner confirmed on 5th October 2021 that he had already received contact from the Council's Shared Regulatory Service (SRS) regarding the activity. He had harrowed a small track on the land adjacent to the A48 which was being used by his son to ride a 50cc motorbike once a week for approximately one hour and two friends had also used the track on two occasions in the last three months. It was confirmed that the track was not for hire or reward and had been used by his son on 7-8 occasions.
28. It was confirmed to the landowner on 5th October 2021 that whilst the use that had been described was not an organised or commercial event, the relevant regulations did not differentiate between organised or informal uses and therefore, the use of the land involving motorcycling could only be carried out for a total of 14 days in any calendar year before planning permission was required. It was advised that provided that the number of days did not exceed 14, no further action would be taken, however the landowner was advised that further action could be taken by SRS in relation to the noise. Following the provision of this advice, no further complaints were received to suggest that the activities were continuing.
29. Following the receipt of a further complaint in April 2023 and information provided which suggested that the motor cross activity had taken place on a number of occasions exceeding 14 days, the matter was discussed with the landowner during a site visit on 31st May 2023. The landowner confirmed that his personal use of the field had not exceeded 14 days, however it was confirmed that the field had been used by other third parties, without his consent. He was asked to provide confirmation of the dates when the field had been used by himself and other third parties. It was also confirmed that as a result of the construction of soil ramps on the land to be used in association with the motor cross activity, it was considered that the use of the land was no longer considered to be temporary. The landowner was requested to confirm whether it was his intention to submit a planning application for the use and was requested to cease the use of the land.
30. In response, the landowner confirmed on 9th June 2023 that he was concerned that the field had been used without his consent and he had placed signs on the land confirming that it was private land to ensure that it didn't happen again. It was suggested that the ramps were temporary and the use was not intended to be continuous.



Motor cross track with soil ramps

31. The landowner was advised on 14th July 2023 that it was not relevant or material who was undertaking this activity, only that the activity was taking place which appeared to be causing a noise disturbance. The ramps were considered to form permanent structures in the field i.e. they are not removed in between each motor cross use to enable the land to be used for agricultural purposes. In the absence of the appropriate planning consent, the landowner was again requested to cease this activity immediately and remove the ramps and it was confirmed that it may be expedient for enforcement action to be taken as the unregulated use of the land for this purpose would be unacceptable.
32. The landowner confirmed on 3rd August 2023 that the motor cross activity had taken place on 8 occasions between 25th March 2023 and 6th July 2023. It was confirmed that the use of the land had never intended to be for monetary return / reward and that he would ask his planning agent to prepare and submit a planning application. At the time of preparing this report, no planning application for this use of the land had been received.

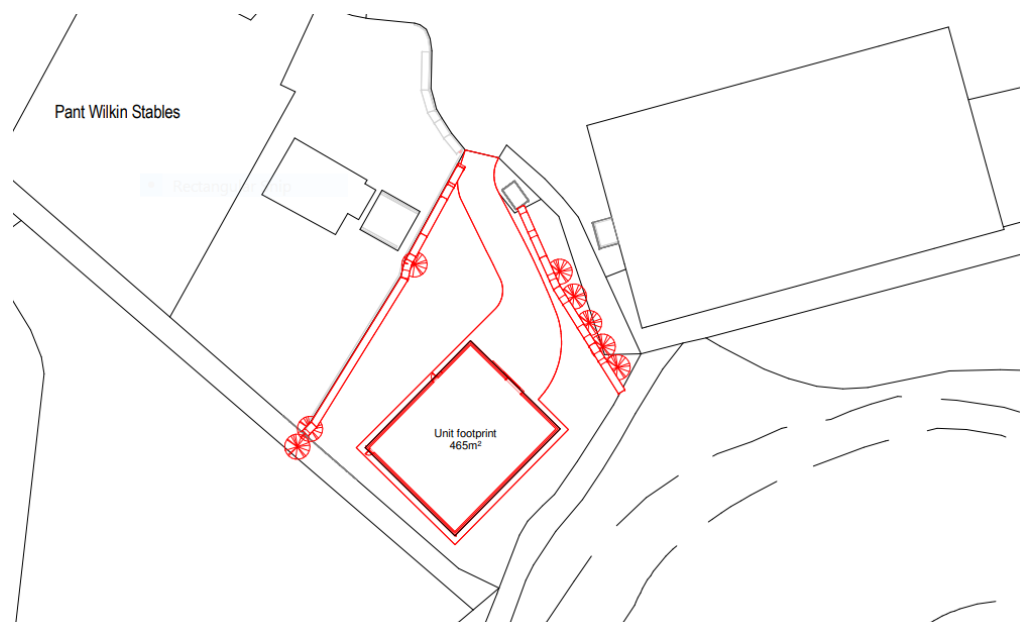
Commercial Building (in place of Agricultural 'Sheep' Building)

33. In May 2023, it was identified that an alternative building to that approved under application 2022/00502/FUL was being constructed adjacent to the lower yard.
34. By way of background on 23 October 2022, planning permission was granted for an agricultural building for sheep, fodder, farm machinery and equipment (2022/00502/FUL) which was to be sited adjacent to the existing yard and to

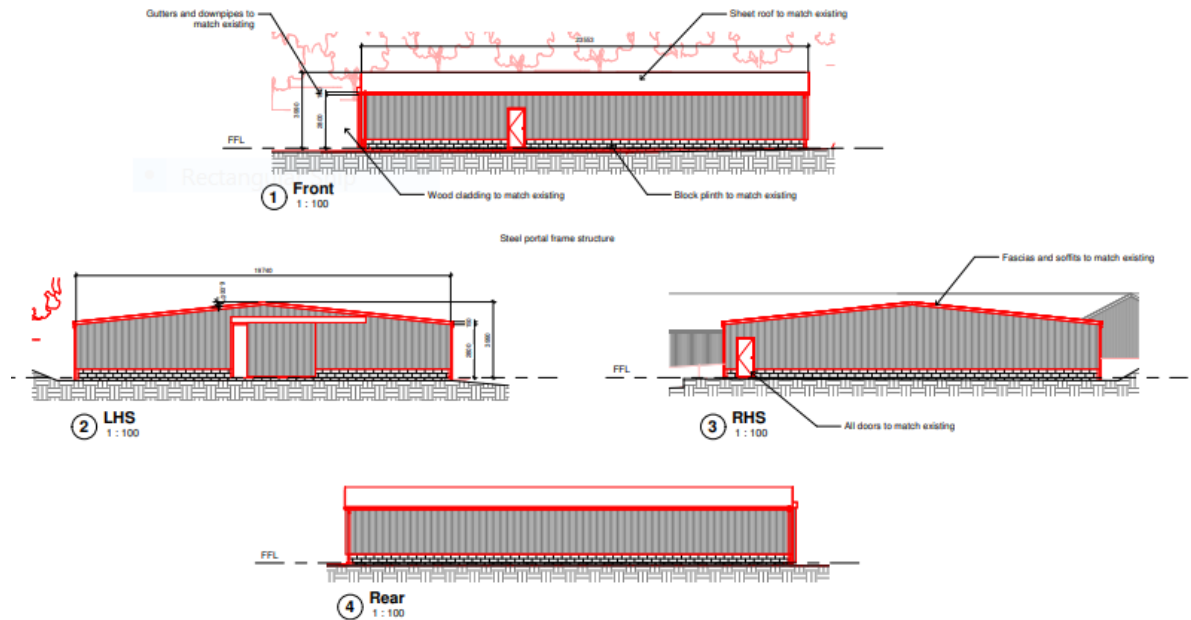
the south-east of the existing dwellinghouse. The proposed building was to be approximately 23.55m in length by 19.74m in width, with an eaves height of 2.8m and ridge height of 3.99m. The walls were proposed to be finished partly in concrete block and partly in timber spaced boarding, with the roof finished in grey fibre cement slate. The stated purpose of the building was to accommodate sheep and during the determination of the application, the landowner confirmed that he had purchased 17 ewes earlier in the year, but these were being kept at a farm elsewhere until he was set up to keep them permanently. A planning condition was attached to the decision which contained the following requirement:

'3. The agricultural building hereby approved shall be used solely for agricultural purposes as set out within this application and shall not be used for any other purpose whatsoever. In the event that the use of the agricultural building hereby approved permanently ceases, the building shall be removed from the site along with all associated fixings and the ground shall be returned to its former condition as grassland within 6 months of the permanent cessation of the use for agriculture.'

35. Details of the approved plans are provided below:



Proposed site plan



Proposed elevations

36. A further site inspection on 14th June 2023 confirmed that the building being constructed had different dimensions to the approved agricultural building and was being built in a different location being, located immediately adjacent to the south-east corner of the site. The building had also been constructed with a cavity wall and divided into two separate units each of which was dry lined with a roller shutter doors located on the north-west side. The land surrounding the building had also been tarmacked and had been laid out as a car park, whereas a narrow road was shown leading to the approved agricultural building.
37. The landowner was advised that a number of discrepancies with the approved plans had been identified, including the size, design and location of the building and he was asked how he intended to regularise the position.
38. The landowner confirmed on 3rd August 2023 that the building was longer but a lot narrower and it was confirmed that the reason for this was to enable machinery to be moved in and out more efficiently as it would have been difficult from one entrance. It was confirmed however that his planning agent would seek to regularise the position.



View from north-west

39. During a subsequent site visit on 9th October 2023, it was identified that the building was being used by an aircraft stair manufacturing company for commercial storage purposes and the far unit was being used for spray painting.



View from north showing building in commercial use



View of building from Stalling Down

40. During a meeting held with the landowner on 8th November 2023, it was confirmed that due to the significant differences between the constructed building and approved plans, it was considered that the building constructed was not that which had been approved under 2022/00502/FUL and that a new planning application would be required. It was also considered that condition 3. attached to the consent could not be enforcement against as it was not the building approved under application 2022/00502/FUL that had been constructed. It was also advised that it was questionable whether there was any justification for a new commercial building in this location and therefore, no guarantee that a further application would be considered favourably. At the time of preparing this report, no planning application for this building had been received.

Excavation of Land adjacent to Equine Hospital

41. During an officer site visit undertaken in April 2023 in relation to planning application 2022/01305/FUL for an 'equine rehabilitation building' to the north-east of the upper stable complex, it was identified that additional engineering works had been carried out to the north-west of the proposed application site.
42. A further site visit on 31st May 2023 confirmed that engineering / excavation works had been undertaken in an area to the rear of the upper stable complex. The landowner advised at the time of the visit that works had needed to be undertaken to repair a recent landslide in that area and were included as part of a recently approved application 2022/00808/FUL.



View of excavated area from the south

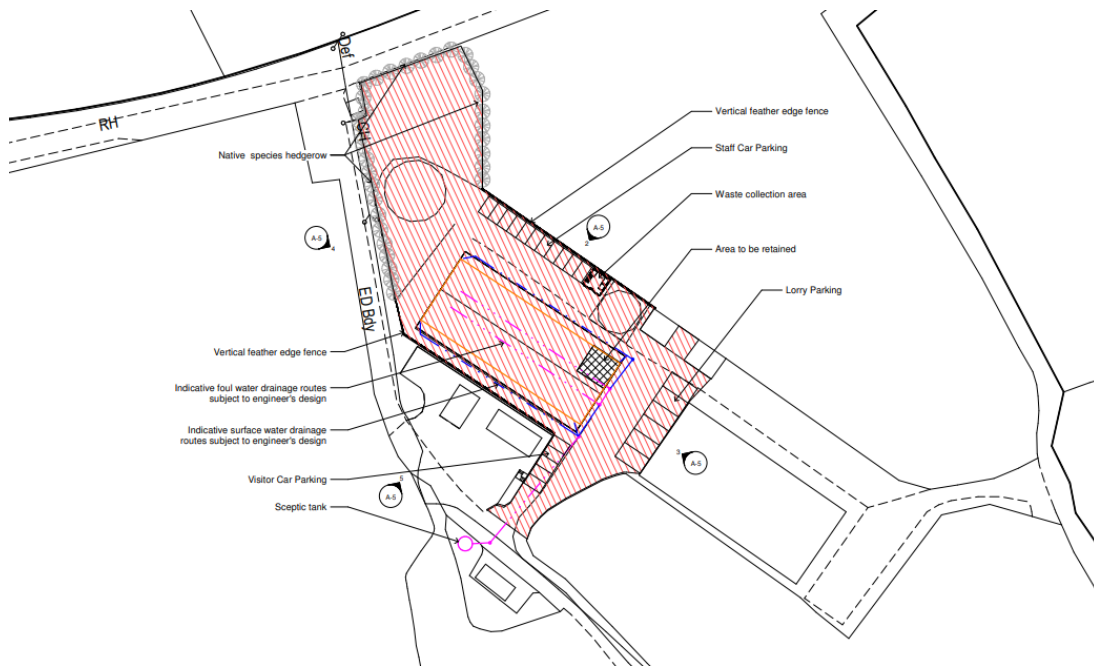


View of excavated area from the south-east

43. Application 2022/00808/FUL was approved on 3 April 2023 for the 'retention of stable block and yard as built and change of use of stables to a mixed use of stables and equine veterinary hospital with ancillary offices and facilities' (2022/00808/FUL). The approved location plan identifying the application site boundary outlined in red and proposed site plan is provided below:



Approved location plan for 2022/00808/FUL



Approved proposed site plan for 2022/00808/FUL

44. The red hatched area shown on the above plan indicates the area of land which was proposed to be adopted by the equine vets and included land to the north of the circular horse walker, where the excavations works had been undertaken, However, this area of land falls outside of the application site boundary and no plans showing the details or extent of the excavations works or resulting land profiles had been approved as part of the application. It has

therefore been concluded that these engineering / works were not included or approved as part of application 2022/00808/FUL.

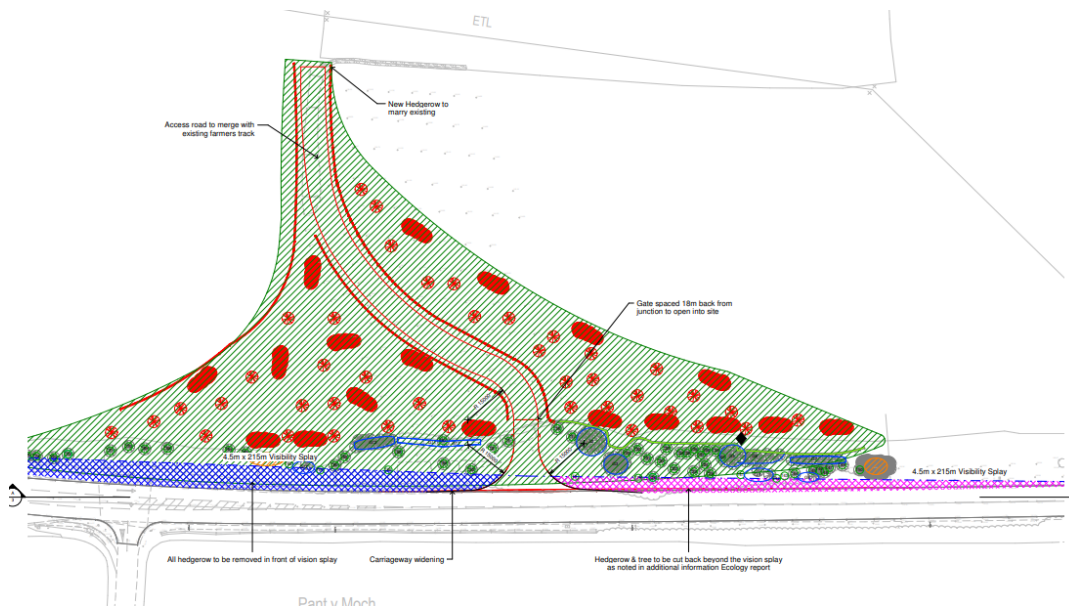
45. The landowner was advised on 5th June 2023 that the excavations works undertaken were considered to extend beyond what would reasonably be required to repair a landslide and were considered to constitute an engineering operation which required planning permission. Although the landowner had suggested that the works were included as part of his recent application approved on 3rd April 2023, it was confirmed that application 2022/00808/FUL related to the to the retention of the stable block and yard and the change of use of stables to stables and an equine veterinary hospital with ancillary facilities and there were no details on the file relating to these engineering works. It was also identified that the excavation works undertaken were also outside of the application site and therefore needed to be regularised. It was requested that all engineering works in this area cease until the position was regularised.
46. In response, the landowner confirmed on 9th June 2023 that he had understood that the approved plans included the additional area where works had been undertaken. He advised that he had always been asked to lower the site slightly and had done same here, lowering the paddock to a flat level surface to allow the vets to turn the horses out in the day if required for welfare reasons. It was confirmed that land had always been a paddock and there was therefore not change of use in this area.
47. It was confirmed on 14th July 2023 this land fell outside of the area to which application 2022/00808/FUL relates and there was no suggestion that extensive engineering and excavation of the land would be undertaken. It was advised that the plan referred only to the planting of a 'native species hedgerow' which would not have required consent. The engineering works therefore required planning consent and it was suggested that a further planning application would be required to regularise these works and include details of any further engineering / reprofiling works that were proposed. At the time of preparing this report, no planning application for these works had been received.

Land Filling Adjacent to A48

48. Following a complaint received in June 2023 that additional materials were being imported onto the land on the west of the new access from the A48 to reprofile the land, the landowner was asked on 5th June 2023 to provide further clarification regarding these works and when they were likely to be completed.
49. The landowner confirmed on 9th June 2023 that he had spoken to the contractor and that more recent piles were from the excavation works for new piping on the A48 which he had been requested to undertake as part of his section 278 Highways agreement. He advised that no land filling had taken place and the ground needed levelling off and restoring to agricultural land. It was confirmed that the contractor was hoping to complete the levelling off in

the next 2 - 3 weeks and it would then be complete, other than some drainage works that had been requested.

50. The landowner was advised on 14th July 2023 that following a recent site visit, it appeared that there had been a considerable volume of materials brought onto the land to the north of the site which did not appear to have formed part of the previous application for the access off the A48 (2020/00720/FUL). This application only included the use of consolidated stone and tarmac for the access and the landowner was asked to confirm where the additional imported materials were included as part of the consent for the new access. A copy of the approved plan for the access showing the extent of works is provided below:



51. The landowner's response received on 3rd August 2023 advised that he had levelled off the site as agreed and that some topsoil would be applied from within the site and it would then be reseeded and returned to agricultural use. The access road had been finished as requested by highways, with the exception of two new pipes and the drain covers.
52. The landowner has not provided any further information in relation to the land filling, however it would appear from the investigation undertaken and photographs taken of the site, including from Stalling Down, that some land filling has taken place that was not included within the approved application for the access (2020/00720/FUL) and therefore constitutes unauthorised engineering works.



View of area to west of new access looking towards A48



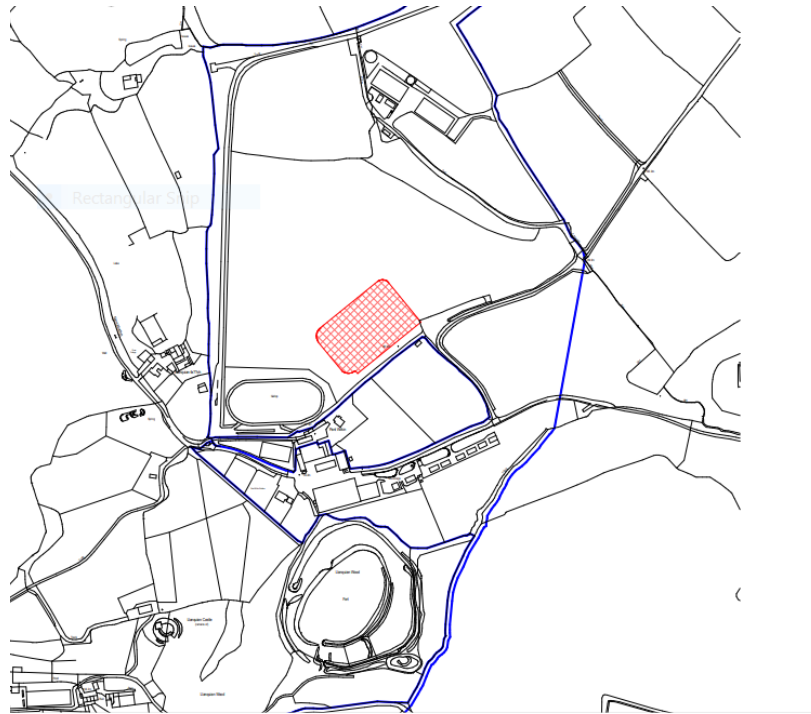
View of area to west of new access looking north-west



View of area to west of new access taken from Stalling Down.

Ground Works for Proposed Event Parking Area

53. Following a complaint received regarding ground engineering works being undertaken on an area of land adjacent to the menage, an application was received on 29th September 2022 for the 'Formation of event parking area for equestrian use (part retrospective)' (2022/01084FUL).
54. The application details confirmed that surplus sub-soil from previous developments at the upper stable yard had been used to level up a site adjoining the menage arena at the lower yard. The site would then be surfaced in stone to form a levelled parking area for vehicles in association with use of the arena for equestrian events. It was advised that part 4 of Schedule 2 of the Town and Country Planning (General Permitted Development) Order 1995 would allow a change of use of the arena for equine events for up to 28 days a year, however if the number of planned events exceeded 28 days per year, a formal application would be submitted to extend the arena use. Details of the location of the proposed event parking area are shown on the plan below:



55. Following the officer's consideration of the application, it was determined however that as the proposal would result in the loss of good quality agricultural land and that the introduction of a hardstanding area for parking would represent an inappropriate form of development in the countryside and was therefore unacceptable. The application was therefore refused planning permission on 25th September 2023.
56. During a recent site visit on 9th October 2023, it was identified that some engineering works had been undertaken in this area involving the importation of soil and levelling of the land which constitutes an engineering operation and requires planning permission. This can be seen in the photographs below, firstly from within the site to the north, and secondly, from Stalling Down.



View of the event parking area from the north



View of the event parking area from Stalling Down

57. During a recent meeting with the landowner on 8th November 2023, he indicated that it was his intention to submit a further planning application which would seek to address the soil quality and landscape issues. At the time of preparing this report, no further planning application for the event parking area had been received.

Planning History

58. The site benefits from the following planning history:

2007/01481/FUL: Change of use of farm buildings to national hunt training yard with horse walker and gallops - decision: approved

2008/00743/FUL: Retention of additional stables, 2 horse walkers and refurbishment of part building 2. Retention of increase in width of gallops – decision: approved

2008/01071/FUL: Siting of mobile home for 3 years for yard manager with treatment plant and gas tank. Erection of office/ owner's reception area/ grooms rest room (part retrospective) – decision: approved

2009/00514/FUL: Erection of building for 22 stables and feed store (part retrospective), 2 isolation stables and retention of 5 pens within existing building – decision: approved

2009/00517/FUL: Retention of cover over horse walkers. Retention of two horse walkways – decision: approved

2009/00950/FUL: Erection of lean to provide 5 stables – decision: approved

2009/00951/FUL: Retention of viewing platform – decision: refused

2009/01224/FUL: Erection of building to house 2 horse walkers – decision: Approved

2009/01257/FUL: Retention of viewing platform - resubmission with landscaping scheme – decision: approved

2009/01297/FUL: Provision of hardstanding parking area for vehicles and access track – decision: withdrawn

2010/00802/OUT: Outline application for dwelling with annex and garage for manager/proprietor of Pant Wilkin Stables, with treatment plant and access included – decision: approved

2010/00834/FUL: Erection of stables (nos. 79 to103), lean to hay barn, extension to staff rest room/office facilities and provision of staff/visitor parking area, using the existing access off the A48 – decision: approved

2011/00441/PD: Manege area – decision: permitted development

2012/00361/FUL: Temporary re-siting of log cabin, gas tank, garden shed and treatment plant for two years, provision of manege, circular canter and schooling jumping lane – decision: approved

2012/01152/FUL: Dwelling house with treatment plant drainage and access, in connection with racing stables – decision: approved

2013/00698/FUL: Change of use to 400 m Gallops and return walking track for stables – decision: approved

2014/01113/FUL: Renewal of temporary permission for log cabin and associated works for two years - decision: approved

2019/00075/FUL: Erection of stables and associated works – decision: approved

2019/00447/FUL: Regularisation of change of use of the on-site office building to an office building and two self-contained flats; change of use of a barn from an equine use to an equine use and three self-contained flats at first floor; change of use of a further equine barn to a residential use by virtue of the housing of four static caravans within; and retention of a single dwellinghouse (log cabin) and associated gas tank and outbuilding – decision: pending

2019/00783/FUL: Provision of 6 holiday log cabins, treatment plant drainage and associated works – decision: approved

2019/01154/FUL, Pantwilkin Stables, Llanquian Road, Aberthin, Change of use of former stables to equine clinic (lameness and stomach disorders), equine rug wash company, dog grooming parlour and dog and equine wholesale store, cattery – approved.

2020/00720/1/CD, Pant Wilkin Stables, Llanquian Road, Aberthin, Discharge Conditions 4 & 5 of planning permission 2020/00720/FUL:-Provision of new Access to Pant Wilkin Stables – approved

2020/00720/2/CD, Pantwilkin Farm House, Llanquian Road, Aberthin, Discharge of Condition 11 (Permanently stop up access Llanquian Road) - Planning approval 2020/00720/FUL - Provision of new access to Pant Wilkin Stables – approved

2020/00720/FUL, Pant Wilkin Stables, Llanquian Road, Aberthin, Provision of new Access to Pant Wilkin Stables - approved

2021/00449/1/CD, Pantwilkin Stables, Llanquian Road, Aberthin, Discharge of Condition 2 (CTMP). Planning approval 2021/00449/FUL - Provision of new internal access road (retrospective) and new hedgerow,

2021/00449/FUL, Address: Pant Wilkin Stables, Llanquian Road, Aberthin, Proposal: Provision of new internal access road (retrospective) and new hedgerow,

2021/00588/FUL, Pant Wilkin Stables, Aberthin, Assistant trainers dwelling, use of an existing access - approved

2022/00502/FUL, Pantwilkin Stables, Llanquian Road, Aberthin, Agricultural building for sheep, fodder, farm machinery and equipment - approved

2022/00808/FUL, Pantwilkin Stables, Llanquian Road, Aberthin, Retention of stable block and yard as built and change of use of stables to a mixed use of stables and equine veterinary hospital with ancillary offices and facilities - approved

2022/01084/FUL, New House, Pantwilkin Stables, Aberthin, Formation of event parking area for equestrian use (part retrospective) – refused

2022/01222/FUL, Pantwilkin Stables, Aberthin, Change of use of equine buildings to employment uses, storage uses and cafe, and associated works (part retrospective) – refused

2022/01237/FUL, Pantwilkin Stables, Aberthin, Change of Use Planning Application for 36 additional bespoke 5* Luxury Holiday Lodges at Pant Wilkin Stables, - undetermined

2022/01305/FUL, Pantwilkin Stables, Aberthin, Equine rehabilitation building - approved

2023/00234/FUL, Pantwilkins Stables, Aberthin, Provision of three fishing lakes (farm diversification) and associated works – undetermined

Planning Legislation

59. Section 173 of the Town and Country Planning Act 1990 states that in relation to the contents and effect of an enforcement notice:

(3) An enforcement notice shall specify the steps which the authority require to be taken, or the activities which the authority require to cease, in order to achieve, wholly or partly, any of the following purposes.

(4) Those purposes are -

- (a) remedying the breach by making any development comply with the terms (including conditions and limitations) of any planning permission which has been granted in respect of the land, by discontinuing any use of the land or by restoring the land to its condition before the breach took place; or
- (b) remedying any injury to amenity which has been caused by the breach.

(5) An enforcement notice may, for example, require -

- (a) the alteration or removal of any buildings or works;
- (b) the carrying out of any building or other operations;

Policy and Guidance

60. Welsh Government advice on the enforcement of the planning control is found in the Development Management Manual (Revision 2, May 2017). It states that, 'When considering enforcement action, the decisive issue for the LPA should be whether the unauthorised development would unacceptably affect public amenity or the existing use of land and buildings meriting protection in the public interest.'

Local Development Plan:

61. The Development Plan for the area comprises the Vale of Glamorgan Adopted Local Development Plan 2011-2026, which was formally adopted by the Council on 28 June 2017, and within which the following policies are of relevance:

Strategic Policies:

POLICY SP1 – Delivering the Strategy
POLICY SP9 – Minerals
POLICY SP10 – Built and Natural Environment
POLICY SP11 – Tourism and Leisure

Managing Growth Policies:

POLICY MG17 – Special Landscape Areas
POLICY MG22 – Development in Minerals Safeguarding Areas

Managing Development Policies:

POLICY MD1 - Location of New Development
POLICY MD2 - Design of New Development
POLICY MD7 - Environmental Protection
POLICY MD8 - Historic Environment
POLICY MD9 - Promoting Biodiversity
POLICY MD11 - Conversion and Renovation of Rural Buildings
POLICY MG13 - Edge and Out of Town Retailing Areas
POLICY MD14 - New Employment Proposals
POLICY MD17 - Rural Enterprise

In addition to the Adopted LDP the following policy, guidance and documentation supports the relevant LDP policies.

Future Wales: The National Plan 2040:

62. Future Wales – the National Plan 2040 is the national development plan and is of relevance to the determination of this planning application. Future Wales provides a strategic direction for all scales of planning and sets out policies and key issues to be considered in the planning decision making process. The following chapters and policies are of relevance in the assessment of this planning application:

Chapter 3: Setting and achieving our ambitions

- 11 Future Wales' outcomes are overarching ambitions based on the national planning principles and national sustainable placemaking outcomes set out in Planning Policy Wales.

Chapter 4: Strategic and Spatial Choices: Future Wales' Spatial Strategy

- Guiding framework for where large-scale change and nationally important developments will be focussed over the next 20 years.
- Strategy builds on existing strengths and advantages and encourages sustainable and efficient patterns of development.

Chapter 5 – The Regions

- The Vale of Glamorgan falls within the South East region.
- Regional policies provide a framework for national growth, for regional growth, for managing growth and supporting growth.
- In the absence of SDPs, development management process needs to demonstrate how Future Wales' regional policies have been taken into account.

Policy 1 – Where Wales will grow

- Supports sustainable growth in all parts of Wales.
- Development in towns and villages in rural areas should be of an appropriate scale and support local aspirations and need.

Policy 2 – Shaping Urban Growth and Regeneration – Strategic Placemaking

- Based on strategic placemaking principles.

Policy 4 – Supporting Rural Communities

- Supports sustainable and vibrant rural communities.

Policy 5 – Supporting the Rural Economy

- Supports sustainable, appropriate and proportionate economic growth in rural towns.
- Supports development of innovative and emerging technology businesses and sectors to help rural areas unlock their full potential, broadening the economic base and creating higher paid jobs.

Policy 8 – Flooding

- Focus on nature-based schemes and enhancing existing defences to improve protection to developed areas.
- Maximise opportunities for social, economic and environmental benefits when investing in flood risk management infrastructure.

Policy 9 – Resilient Ecological Networks and Green Infrastructure

- Action towards securing the maintenance and enhancement of biodiversity (to provide a net benefit), the resilience of ecosystems and green infrastructure assets must be demonstrated as part of development proposals through innovative, nature-based approaches to site planning and the design of the built environment.

Planning Policy Wales:

63. National planning policy in the form of Planning Policy Wales (Edition 11, 2021) (PPW) is of relevance to the determination of this matter.

The primary objective of PPW is to ensure that the planning system contributes towards the delivery of sustainable development and improves the social, economic, environmental and cultural well-being of Wales.

The following chapters and sections are of particular relevance in the assessment of this planning application:

Chapter 2 - People and Places: Achieving Well-being Through Placemaking,

- Maximising well-being and sustainable places through placemaking (key Planning Principles, national sustainable placemaking outcomes, Planning Policy Wales and placemaking)

Chapter 3 - Strategic and Spatial Choices

- Good Design Making Better Places

3.12. Good design is about avoiding the creation of car-based developments. It contributes to minimising the need to travel and reliance on the car, whilst maximising opportunities for people to make sustainable and healthy travel choices for their daily journeys. Achieving these objectives requires the selection of sites which can be made easily accessible by sustainable modes as well as incorporating appropriate, safe and sustainable links (including active travel networks) within and between developments using legal agreements where appropriate.

3.39. For most rural areas the opportunities for reducing car use and increasing walking, cycling and use of public transport are more limited than in urban areas. In rural areas most new development should be located in settlements which have relatively good accessibility by non-car modes when compared to the rural area as a whole. Development in these areas should embrace the national sustainable placemaking outcomes and, where possible, offer good active travel connections to the centres of settlements to reduce the need to travel by car for local journeys.

- Promoting Healthier Places

4.1.1 The planning system should enable people to access jobs and services through shorter, more efficient and sustainable journeys, by walking, cycling and public transport. By influencing the location, scale, density, mix of uses and design of new development, the planning system can improve choice in transport and secure accessibility in a way which supports sustainable development, increases physical activity, improves health and helps to tackle the causes of climate change.

4.1.10 The planning system has a key role to play in reducing the need to travel, particularly by private car, and supporting sustainable transport, by facilitating developments which:

- are sited in the right locations, where they can be easily accessed by sustainable modes of travel and without the need for a car;
- are designed in a way which integrates them with existing land uses and neighbourhoods; and
- make it possible for all short journeys within and beyond the development to be easily made by walking and cycling

4.1.13 The sustainable transport hierarchy should be used to reduce the need to travel, prevent car-dependent developments in unsustainable locations, and support the delivery of schemes located, designed and supported by infrastructure which prioritises access and movement by active and sustainable transport.

4.1.30 Provision for active travel must be an essential component of development schemes and planning authorities must ensure new developments are designed and integrated with existing settlements and networks, in a way which makes active travel a practical, safe and attractive choice.

- Sustainable Management of Natural Resources
- Placemaking in Rural Areas
- Accessibility
- Previously Developed Land
- The Best and Most Versatile Agricultural Land
- Development in the Countryside (including new housing)
- Supporting Infrastructure
- Managing Settlement Form –Green Wedges

Chapter 4 - Active and Social Places

- Transport
- Living in a Place (housing, affordable housing and gypsies and travellers and rural enterprise dwellings)
- Activities in Places (retail and commercial development)
- Community Facilities
- Recreational Spaces

Chapter 5 - Productive and Enterprising Places

- Economic Infrastructure (electronic communications, transportation Infrastructure, economic development, tourism and the Rural Economy)
- Energy (reduce energy demand and use of energy efficiency, renewable and low carbon energy, energy minerals)
- Making Best Use of Material Resources and Promoting the Circular Economy (design choices to prevent waste, sustainable Waste Management Facilities and Minerals)

Chapter 6 - Distinctive and Natural Places

- Recognising the Special Characteristics of Places (The Historic Environment, Green Infrastructure, Landscape, Biodiversity and Ecological Networks, Coastal Areas)
- Recognising the Environmental Qualities of Places (water and flood risk, air quality and soundscape, lighting, unlocking potential by taking a de-risking approach)

Technical Advice Notes:

64. The Welsh Government has provided additional guidance in the form of Technical Advice Notes. The following are of relevance:

- Technical Advice Note 6 – Planning for Sustainable Rural Communities (2010)

paragraph 3.1.2:-

‘Planning authorities should support the diversification of the rural economy as a way to provide local employment opportunities, increase local economic prosperity and minimise the need to travel for employment. The development plan should facilitate diversification of the rural economy by accommodating the needs of both traditional rural industries and new enterprises, whilst minimising impacts on the local community and the environment. The expansion of ICT technology, in particular broadband, into rural areas could help to overcome the barriers associated with distance to market, and access to customers and business services. It could also support diversification into higher paid employment sectors. Planning authorities should support planning applications which are intended to enhance infrastructure networks in rural areas.’

In addition paragraph 3.1.3 highlights that planning authorities should promote the expansion of established businesses:

‘This should include supporting the expansion of businesses that are currently located in the open countryside provided there are no unacceptable impacts on local amenity.’

- Technical Advice Note 11 – Noise (1997)

Paragraph 8. –

‘Local planning authorities must ensure that noise generating development does not cause an unacceptable degree of disturbance. They should also bear in mind that if subsequent intensification or change of use results in greater intrusion, consideration should be given to the use of appropriate conditions.’

Paragraph 9. –

‘Noise characteristics and levels can vary substantially according to their source and the type of activity involved. In the case of industrial development, for example, the character of the noise should be taken into account as well as its level. Sudden impulses, irregular noise or noise which contains a distinguishable continuous tone will require special consideration.’

Paragraph 13. –

‘Care should be taken to keep the noisiest activities away from the boundary or to take measures to reduce the impact of noise. Authorities should also take into account the fact that the background noise level in some suburban and rural areas is very low, and the introduction of noise generating activities into such areas may be especially disruptive.’

- Technical Advice Note 12 – Design (2016)

- Technical Advice Note 13 – Tourism (1997)
- Technical Advice Note 15 – Development and Flood Risk (2004)
- Technical Advice Note 23 – Economic Development (2014)
- Technical Advice Note 24 – The Historic Environment (2017)

Supplementary Planning Guidance:

65. In addition to the adopted Local Development Plan, the Council has approved Supplementary Planning Guidance (SPG). The following SPG are of relevance:

- Biodiversity and Development
- Economic Development, Employment Land and Premises (2023)
- Conversion and Renovation of Rural Buildings
- Minerals Safeguarding (2018)
- Parking Standards (Interactive Parking Standards Zones Map)

Welsh National Marine Plan:

66. National marine planning policy in the form of the Welsh National Marine Plan (2019) (WNMP) is of relevance to the determination of this authorisation. The primary objective of WNMP is to ensure that the planning system contributes towards the delivery of sustainable development and contributes to the Wales well-being goals within the Marine Plan Area for Wales.

Other relevant evidence or policy guidance:

- Welsh Government Circular 016/2014: The Use of Planning Conditions for Development Management
- Welsh Office Circular 24/97 - Enforcing Planning Control
- Welsh Government Development Management Manual – Section 14 Annex “Enforcement Tools”

Equality Act 2010

67. The Equality Act 2010 identifies a number of ‘protected characteristics’, namely age; disability; gender reassignment; pregnancy and maternity; race; religion or belief; sex; sexual orientation; marriage and civil partnership. The Council’s duty under the above Act has been given due consideration in the preparation of this report.

Well Being of Future Generations (Wales) Act 2015:

68. The Well-being of Future Generations Act (Wales) 2015 places a duty on the Council to take reasonable steps in exercising its functions to meet its sustainable development (or wellbeing) objectives. This report has been prepared in consideration of the Council's duty and the "sustainable development principle", as set out in the 2015 Act. In reaching the recommendation set out below, the Council has sought to ensure that the needs of the present are met without compromising the ability of future generations to meet their own needs.

Reasons for Serving the Enforcement Notices

69. National planning guidance advises that when deciding whether to take enforcement action, the principal issue for the Council should be whether the unauthorised development would have an unacceptable effect on public amenity and in all cases, the Council is required to consider the expediency of taking action. Enforcement action should not be pursued simply to regularise development which is otherwise acceptable in planning terms and is likely to be granted planning permission.
70. The main planning issues arising from this case are whether the development, involving both operational development and changes in the use of the buildings and land, constitute acceptable development in this rural location or would have any adverse impact on the surrounding landscape and neighbouring properties.
71. The main policies which have been identified as relevant in determining whether the development is acceptable include policy SP1 (Delivering the Strategy), MD1 (Location of New Development), MD2 (Design of New Development), MD7 (Environmental Protection), MD8 (Historic Environment) MD11 (Conversion and Renovation of Rural Buildings); MD13 (Tourism and Leisure), MD14 (New Employment Proposals), MD17 (Rural Enterprise) and MG17 (Special Landscape Areas).
72. Policy MD1 seeks to emphasise the importance of protecting the countryside from unacceptable and unjustified new development, and ensuring that it contributes positively to the rural economy and the viability and sustainability of rural communities. The policy allows for new development subject to criteria, including that the proposal has no unacceptable impact on the countryside and does not result in the loss of the best and most versatile agricultural land.
73. Planning Policy Wales states that planning authorities should adopt a positive approach to the conversion of rural buildings for business re-use (5.6.6). This is supported by LDP policy MD1 which specifies that new enterprises are promoted, where appropriate.
74. Policy MD14 (New Employment Proposals) states that on existing and allocated employment sites development proposals for B1, B2 and B8 employment uses, and complementary ancillary uses will be supported. Elsewhere proposals for new employment uses will be permitted where:
1. It is located within or adjacent to an existing settlement boundary, where the scale and type of employment use is complementary to its location and neighbouring uses; or

2. Where the proposal is for an agriculture, forestry or rural enterprise where a need for a rural location is justified; or

3. Where it is clearly demonstrated that the nature of the business necessitates a location away from existing settlements and/or employment areas in order to mitigate impact on amenity.

75. Policy MD17 (Rural Enterprise), specifies that proposals for the development of small scale employment uses that promote rural enterprise will be permitted where the proposal involves the conversion of an existing rural building in accordance with policy MD11.

76. Policy MD11 (Conversion and Renovation of Rural Buildings) reflects the policy position set out in national policy, with preference being given to alternative business, community or tourism uses over residential use and is set out on the basis that proposals for the conversion or renovation of existing rural buildings for rural enterprise, tourism, community or residential use will be acceptable where:

1. Conversion of an existing rural building would not give rise to the need for a replacement building; and

2. Reuse can be achieved without substantial reconstruction, extension or alteration that unacceptably affects the appearance and rural character of the building or its setting;

The supporting text to this policy states that for both traditional and modern rural buildings, the Council will favour reuses which can make a positive contribution to the rural economy, such as rural enterprises, farm and craft shops, small scale commercial and light industrial enterprises, or tourism and recreation facilities.

77. The guidance set out within the Conversion and Renovation of Rural Buildings (2018) SPG states the following under Section 7, in respect of the appropriate re-use of rural buildings:

7.1. One of the benefits of allowing the conversion of rural buildings to alternative uses is to ensure the survival of traditional rural buildings which add to the character and charm of the rural Vale of Glamorgan. Therefore, in such cases, it is necessary to ensure that alternative uses require a minimum of changes to the fabric of the building and its setting in order to retain its character and visual amenity in the rural landscape.

7.2. The other main benefit is the opportunity it provides to boost the rural economy of the Vale of Glamorgan. National planning policy emphasises the important role that the re-use of rural buildings has in meeting the needs of rural areas for commercial and industrial development, tourism, sport and recreation uses. Such uses include workshops, offices, farm shops, community halls, and holiday accommodation which can provide direct and indirect employment opportunities in the rural Vale and can have considerable benefit to the local economy and community.

7.3. Both benefits above support the policy preference in favour of uses other than residential use, which in itself has limited benefit to the rural economy, and can have more significant harmful effects in terms of alterations to existing rural buildings and their setting.

7.4. Where alternative uses are being promoted within an existing rural enterprise as part of a diversification scheme, the applicant will need to demonstrate that the proposal would not conflict with the existing enterprise, and remain ancillary to the main operations of the existing business. Accordingly, depending on the nature of the proposal it may be necessary to limit the scale of the proposed activity, via planning conditions or obligations.

78. For clarification, TAN6 defines a rural enterprise as follows:

4.3.2 For the purpose of this technical advice note qualifying rural enterprises comprise land related businesses including agriculture, forestry and other activities that obtain their primary inputs from the site, such as the processing of agricultural, forestry and mineral products together with land management activities and support services (including agricultural contracting), tourism and leisure enterprises.

The supporting text of policy MD11 states that the Council will favour re-use of both modern and traditional rural buildings, where the use will make a positive contribution to the rural economy. The supporting text of MD17 states that the Council recognises the need to promote rural enterprise and diversification in the rural Vale and maximise opportunities for small scale, sustainable employment outside of larger settlements.

79. Policy MD2 (Design of New Development) requires development proposals to safeguard existing public and residential amenity.

80. Policy MD7 (Environmental Protection) requires proposals to demonstrate that they will not result in an unacceptable impact on people, residential amenity, property and the natural environment in respect of a number of different impacts including noise, vibration, odour nuisance, light pollution and flood risk.

81. Policy MD8 (Historic Environment) requires that within designated landscapes, proposals must respect the special historic character and quality of these areas.

82. Policy MG17 (Special Landscape Areas) requires that development proposals demonstrate that they would cause no unacceptable harm to the important landscape character of the area.

Use of Former Equestrian Buildings for Business Uses

83. As identified above, the current breach of planning control includes the buildings forming part of the recently refused application 2022/012220/FUL comprising mainly B1 (office / light industrial) and B8 storage uses with the café and furniture warehouse, together with a number of other uses including the children's play area and bakery. Whilst it is not disputed that these uses may provide small scale employment opportunities it is a requirement of policy MD17 is that the small scale employment uses 'promote rural enterprise'.

84. The previous application for the conversion of a limited number of former agricultural buildings (2019/01154/FUL) was justified in terms of policy MD1 and MD14, as the proposed uses were considered “small scale rural employment, as well as services for the rural community, in animal related businesses”. However, none of the existing uses, with the exception of the arboriculture / tree services business, have any connection with the existing horse racing rural enterprise and are typically the type of uses that might be found on an industrial estate.
85. Whilst the landowner’s agent has recently confirmed, following the refusal of application 2022/012220/FUL, that a revised planning application is intended to be submitted in an attempt to address the reasons for refusal, concerns remain regarding the number of units which are proposed to be re-used. In particular, it is not considered that the revision proposed would be ‘small scale’ or ‘remain ancillary’ to the main operations of the existing business as required in Policy MD17 or guidance in the SPG and for that reason, there are concerns with the acceptability of any future submission. Given the length of time the existing uses have been operating at the site in breach of planning control, it is considered expedient that an enforcement notice is issued to require the existing unauthorised use of the buildings to cease.

Use of Holiday Log Cabins for General Rental Purposes

86. At the time they were approved in 2019, it was considered that the six holiday cabins proposed would diversify the activity of an established rural enterprise, that being, the horse training enterprise. There was also considered to be a clear connection between the holiday cabin business and the established equestrian business and the proposal was therefore considered to comply with LDP policies, particularly MD1 and MD13, as it comprised a rural diversification scheme.
87. At the start of the Council’s investigation, it was identified that none of the cabins were being used for holiday accommodation as required by condition 3. on the original consent (2019/00783/FUL) as all of them were being let out on short and long-term lets, rather than being used as holiday accommodation. This is considered to be contrary to policies SP1, MD1, MD13, and MD17 as the use of the cabins would essentially be no different to a residential dwelling in the countryside, being rented out to anyone requiring accommodation. Whilst the letting agent has recently confirmed that changes are to be made to the booking platforms to make customer aware that the cabins are not to be used for business purposes, it is considered unlikely that this will prevent further breaches from occurring.
88. Furthermore, the landowner has confirmed that one of the cabins has a long-term tenant in occupation. If this tenant continued to reside at the property on a permanent basis, then over time, the permanent use of the cabin as a dwelling would be immune from enforcement action. It is therefore considered expedient that an enforcement notice is issued to require compliance with condition 3. of 2019/00783/FUL.

Motor Cross Activities

89. It is clear from the history of complaints received relating to this activity that despite the proximity of the land to the A48, the frequency of its use is causing a noise disturbance and nuisance to local residents. The information provided by the landowner has suggested that the land has only had a limited use and within the 14 days permitted for temporary uses, however the number of days suggested by the complainants is a lot higher and in excess of 14 days.
90. Notwithstanding this difference, the construction on the land of soil ramps which are not removed in between events, has resulted in the number of days exceeding 14 in any calendar year and therefore planning permission is required for the change of use of the land. Whilst the motor cross activity appears to be restricted to the landowner's son and his friends, the landowner has provided evidence to suggest that the land has already been used on one occasion by a third party without his permission and there is currently no restriction in place that would prevent the land being used on a commercial basis.
91. For such uses to be considered acceptable, it would generally be expected for the likely noise generated by the activity to be assessed and for it to be demonstrated, through a suitable noise assessment, that the resulting noise will not cause an impact on local residential properties. In the absence of such an assessment through the submission of an appropriate planning application, it cannot be demonstrated that the proposal would not cause an unacceptable impact on the amenity of local residents and the current activities are clearly having that effect, which is considered to be contrary to LDP policies MD7 and TAN 11: Noise. It is therefore considered that it would be expedient to take enforcement action to require the use of the land for motor cross activities to cease and the removal of the soil ramps.

Commercial Building (in place of Agricultural 'Sheep' Building)

92. Whilst the building that has been constructed adjacent to the lower yard is in the same area of the site as the agricultural building that was approved under planning application 2022/00502/FUL, its size, design, method of construction and external materials are not in accordance with that consent. Furthermore, whilst the approved building was proposed to be used to accommodate sheep and was conditioned for that purpose, the existing building has only been used for commercial storage and general industrial purposes.

93. Whilst the landowner has advised that he would regularise the position by submitting a planning application, it is considered that the current building and surrounding car park would be assessed as a new unauthorised development in the countryside, which is readily visible from the open countryside, including Stalling Down. The previous planning consent was granted on the basis that it was required for agricultural purposes and no justification has been provided for the construction of a new commercial building in the countryside. Due to the method of construction of the existing building with cavity walls and dry lining, it is considered unlikely that it would now be suitable for agricultural purposes, other than storage and there are already a number of other buildings in the yard which could be used for that purpose. Furthermore, the building is surrounded by a large area of tarmac which is used as a car park and not approved in connection with the agricultural building.
94. It is therefore likely that such a proposal would be considered contrary to LDP policies SP1, S10, MG17, MD1, MD2 and MD7 and it would comprise an unjustified development which has an adverse impact on the rural character of the area and Special Landscape Area. It is therefore considered that it would be expedient to take enforcement action to require the demolition and removal of the building and surrounding tarmac hardstanding / car park.

Excavation of Land adjacent to Equine Hospital

95. The additional area that has been excavated to the rear of the stable complex clearly falls outside the recent planning consent that was granted for the retention of stable block and yard and change of use of stables to a mixed use of stables and equine veterinary hospital approved under application 2022/00808/FUL.
96. Having considered the location of this area of land which sits behind the existing stable complex, it is not however considered that the additional area that has been excavated would cause an unacceptable harm to the rural character of the area or Special Landscape Area. This is particularly so as it sits alongside other areas where consent has recently been granted for development which requires the land to be excavated (2022/01305/FUL - equine rehabilitation building and 2021/00588/FUL - assistant trainers dwelling).
97. It is considered likely that no planning objections would have been raised, had the additional excavated area been included as part of the application for the equine veterinary hospital application (2022/00808/FUL) and it would not therefore be expedient to require this land to be infilled. The current unfinished appearance of the excavated area is however unattractive and it is therefore considered that further re-profiling works would need to be carried out in order make the development acceptable. It is therefore considered expedient to issue an enforcement notice to require minimal re-profiling of the excavated area and landscaping to be undertaken.

Development Where Enforcement Action Is Not Expedient

Land Filling Adjacent to A48

98. It would appear from the plans that were approved as part of the new access application (2022/00720/FUL) and photographs taken of the area that additional material has been brought onto this area of the site which constitutes an engineering operation and should have been included as part of the planning application. At the time the new access application was implemented, the importation of materials to the site was regulated by NRW, however the Council's Shared Regulatory Service also reviewed the information that was submitted by the contractor and was satisfied that there were no significant contaminant concerns identified in relation to the materials proposed for import.
99. There has been no recent evidence to suggest that any further materials are being imported into this area of the site and a recent site visit has confirmed that the land has been landscaped and sown with grass seed. The land is sited to the west of the new access and is screened from the A48 by the hedgerow running along the south of the site. Whilst the land is readily visible from the north, including land within the Special Landscape Area (SLA) and Stalling Down, it is not considered that the re-profiling with additional material causes an unacceptable harm to the character of the area or SLA, or that it would be expedient to take enforcement action.

Ground Works for Proposed Event Parking Area

100. As the recent planning application seeking the formation of an event parking area has been refused and this was partly retrospective (2022/01084/FUL), consideration has been given to whether any of the works that have been undertaken to date are unacceptable.
101. The information submitted as part of the application suggests that surplus sub-soil from previous developments undertaken within the site had been used to level up a site adjoining the menage and lower yard stables and these works have clearly occurred. Whilst the scale of the works undertaken would constitute an engineering operation, the appearance of the site is not considered to cause an unacceptable harm to the character of the area or SLA that it would be expedient to take enforcement action at the present time. This position will however be monitored and should any further unauthorised works be undertaken on the land, the position will be reviewed.

Conclusions

102. As identified earlier in this report, the decisive issue for the Council in considering whether to take enforcement action should be whether the unauthorised development would unacceptably affect public amenity or the existing use of land and buildings meriting protection in the public interest.

103. As a result of the investigations undertaken in relation to a number of breaches of planning control at the site, it has been concluded that a number of the breaches that have occurred conflict with LDP policies which are aimed at protecting the countryside from unacceptable development. Although previous applications have been approved by the Council for development which is considered to relate to the existing rural enterprise, including the use of former equestrian buildings, the wooden cabins for holiday accommodation and a new agricultural building, none of the new uses introduced onto the site have any connection with the existing horse racing rural enterprise or support the principles of sustainable development and are considered unacceptable uses in this rural location. It is therefore considered that these uses conflict with policies contained within the LDP including SP1 (Delivering the Strategy), MD1 (Location of New Development), MD2 (Design of New Development), MD7 (Environmental Protection), MD8 (Historic Environment) MD11 (Conversion and Renovation of Rural Buildings); MD13 (Tourism and Leisure), MD14 (New Employment Proposals), MD17 (Rural Enterprise) and MG17 (Special Landscape Areas), the Council's SPG relating to the Conversion and Renovation of Rural Buildings and Planning Policy Wales.
104. The other unauthorised use involving the motor cross activity, although not currently operating as a commercial business, is continuing to have an adverse impact on the rural character of the area and local residents as a result of noise and disturbance. This use of the land is therefore considered to conflict with policies MD1, MD7, Planning Policy Wales and TAN 11: Noise.
105. The unauthorised engineering operations which have been carried out in three different locations across the site have all been assessed as acceptable at the present time, however the area to the north of the upper stable complex will need to be reprofiled and landscaped to be visually acceptable.
106. It is 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.

Resource Implications (Financial and Employment)

107. Any costs involved in drafting and issuing Notices, attending enquiries and undertaking monitoring work can be met within the departmental budget. There are no employment issues.

Legal Implications (to include Human Rights Implications)

108. If an Enforcement Notice is served, the recipient has a right of appeal under Section 174 of the Town and Country Planning Act 1990 (as amended).
109. Notwithstanding this, the planning system by its very nature respects the rights of the individual whilst acting in the interest of the wider community. It is an inherent part of the decision-making process for the Council to assess the effects that a proposal will have on individuals and weigh these against the wider public interest in determining whether development ought to be allowed.

110. In view of the conclusions reached in respect of the sustainability of this development, the rural character of the area and residential amenity, the actions proposed are considered to be in the public's interest and outweigh any rights the individual has under the 1998 Act.

Equal Opportunities Implications (to include Welsh Language Issues)

111. None.

RECOMMENDATION

- (1) That the Head of Legal Services be authorised to issue the following Enforcement Notices under Section 172 of the Town and Country Planning Act 1990 (as amended):

Use of Former Equestrian Buildings for Business Uses

- (i) Permanently cease the use of the buildings for unauthorised uses. (Note: the Enforcement Notice to specify the full range of unauthorised uses)
- (ii) Remove the first floor windows serving the first floor uses and cover with timber cladding.
- (iii) Permanently remove from the buildings and land any fixtures and fittings, furniture, machinery and any other equipment or materials used in association with any of the unauthorised uses.

Use of Holiday Log Cabins for General Rental Purposes

- (i) Secure compliance with condition 3. of planning application reference 2019/00783/FUL by ensuring that the holiday log cabins are not occupied other than as holiday accommodation and are not occupied as a person's sole or main place of residence.
- (ii) Permanently remove from the holiday log cabins any fixtures and fittings, furniture, equipment and domestic items that are not associated with their use as holiday accommodation.

Motor Cross Activities

- (i) Permanently cease the use of the land for any motor cross events or any activity involving motorcycles, including practising.
- (ii) Permanently remove the soil ramps / jumps from the land.

Commercial Building (in place of Agricultural 'Sheep' Building)

- (i) Demolish the building.

- (ii) Break up and remove the tarmac hardstanding / car park.
- (iii) Permanently remove from the land all materials resulting from the taking of steps (i) and (ii) above.

Excavation of Land adjacent to Equine Hospital

- (i) Permanently cease any further excavation of the land.
 - (ii) Carry out minimal works to the embankments to provide a natural profile.
 - (iii) Landscape the embankments using only native plant species.
- (2) In the event of non-compliance with the Notices, authorisation is also sought to take such legal proceedings as may be required.

Reason for Recommendation

- (1) It appears to the Council that the above breaches of planning control constituting operational development, including the construction of a commercial building and excavation works have occurred within the last 4 years. It appears that the unauthorised use of the former equestrian and other buildings, occupation of the holiday cabins other than for holiday accommodation and motor cross activities has occurred within the last 10 years.
- (2) As a result of the investigations undertaken, it has been concluded that a number of the breaches that have occurred conflict with LDP policies which are aimed at protecting the countryside from unacceptable development. Although previous applications have been approved by the Council for development which is considered to relate to the existing rural enterprise, including the use of former equestrian buildings, the wooden cabins for holiday accommodation and a new agricultural building, none of the new uses introduced onto the site have any connection with the existing horse racing rural enterprise or support the principles of sustainable development and are considered unacceptable uses in this rural location. It is therefore considered that these uses conflict with policies contained within the LDP including: SP1 (Delivering the Strategy), MD1 (Location of New Development), MD2 (Design of New Development), MD7 (Environmental Protection), MD8 (Historic Environment) MD11 (Conversion and Renovation of Rural Buildings); MD13 (Tourism and Leisure), MD14 (New Employment Proposals), MD17 (Rural Enterprise) and MG17 (Special Landscape Areas), the Council's SPG relating to the Conversion and Renovation of Rural Buildings and Planning Policy Wales.
- (3) The other unauthorised use involving the motor cross activity, although not currently operating as a commercial business, is continuing to have an adverse impact on the rural character of the area and local residents as a

result of noise and disturbance. This use of the land is therefore considered to conflict with policies MD1, MD7, Planning Policy Wales and TAN 11: Noise.

- (4) 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.

Background Papers

Enforcement File Ref: ENF/2023/0081/PRO

Contact Officer - Sarah Feist, Tel: 01446 704690

Officers Consulted:

All relevant Chief Officers have been consulted on the contents of this report.

IAN ROBINSON
HEAD OF SUSTAINABLE DEVELOPMENT

