

**ITEMS RECEIVED AFTER THE PRODUCTION OF THE REPORT**  
**FOR THE PLANNING COMMITTEE**  
**TO BE HELD ON 26 SEPTEMBER 2024**

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<b>Page</b>	<b>Application</b>	<b>Location</b>	<b>Item No.</b>	<b>Description</b>
	2024/00086/FUL	Coedarhydyglyn Estate, Five Mile Lane, Barry	1.	Representation from Agent relating to conditions.
	ENF/2023/0008	Dyffryn Springs, St Lythans Road, Dyffryn	2.	Representation from Agent regarding Committee Report.

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## MATTERS ARISING FOR COMMITTEE

COMMITTEE DATE : 26 September 2024

<b>Application No.:</b> 2024/00086/FUL	<b>Case Officer:</b> Mr Huw Davies
<p><b>Location:</b> Coedarhydyglyn Estate, Five Mile Lane, Barry</p> <p><b>Proposal:</b> Retention of fill on the site (comprising clean, naturally occurring indigenous material) associated with the Five Mile Lane Improvements (ref. 2016/00305/RG3) (as defined by "cut and fill plan: asbuilt survey field survey 2021 and Topo VoG 2017 – 5 May 2021").</p>	

**From:** Geraint John – Application Planning Agent

### Summary of Comments:

*The Agent has queried the accuracy of the 'consultations response' section of the report in which it states that SRS (Pollution) have not responded. Given that precautionary conditions have been received in relation to unforeseen contamination which is discussed in depth within the body of the report.*

*The agent has also requested the removal of Condition 2 (Biodiversity Enhancement), stating it is not necessary given that the proposal includes the addition of a single Tree. The existing Condition 2 states:*

*Within three months of the date of this permission a Biodiversity Enhancement Strategy addressing enhancement measures shall be 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 the following:*

- a) Details of any bird/bat box provision*
- b) Details of any landscaping features*
- c) Details of any additional ecological enhancements*

**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.*

## **Officer Response:**

*The comments raised with regards to the consultations response sections have been noted, and the officer has responded outlining that there are two separate SRS consultees. One of which relates to SRS (Contamination) and the other relating to SRS (Pollution). We have not received any response from the Pollution team. The SRS (Contamination) team have responded and have requested a precautionary unforeseen contamination condition, as outlined within point 10 of consultee section within the officer report. Following this discussion, the Agent is satisfied with this concern.*

*The comments raised in relation to the removal of condition 2 have also been noted, and a discussion has been had between the officer and the planning agent outlining the necessity of Condition 2. Whilst the addition of a native tree is supported as part of a Green Infrastructure enhancement, this does not cover both Green Infrastructure Requirements and Biodiversity Enhancement, both of which are separate requirements for planning applications. The condition placed upon the approval requests the submission of a Biodiversity Enhancement Strategy outlining ecological benefits – and whilst the standard condition does specify bat/bird box, this is open ended, and can be renegotiated for features more appropriate to the site/context. The agent also states that returning the field into an agricultural use would be a biodiversity enhancement in itself, however this would simply be a restoration of a previous use, and not an enhancement feature.*

*Suggestions have been made by the officer of infilling any gaps within the hedgerow, forming a continuation of the existing hedgerow along the fence or sowing wildflower seeds – however the agent deems these as unsuitable.*

*The agent also claims that the scheme cannot be separated from the wider highway/five mile lane development scheme, however this specific application relates to the 'retention' of fill on one specific parcel of land, which is development in itself. Therefore, it would require some form of biodiversity enhancement separate to those of previous applications. Whilst it is agreed that the current retention proposal would be more sustainable than the alternative stated by the agent (carting away the material), it is the Council's view that a simple and suitable biodiversity enhancement strategy is both achievable and necessary and as such, the condition shall remain.*

## **Action required:**

Members to note.

**MATTERS ARISING FOR COMMITTEE****COMMITTEE DATE : 26 SEPTEMBER 2024**

<b>Application No.:</b> ENF/2023/0008	<b>Case Officer:</b> Sarah Feist
<b>Location:</b> Dyffryn Springs. St. Lythans Road, Dyffryn	
<b>Proposal:</b> Erection of a wedding marquee	

**From: Correspondence from Agent regarding Committee report.**

**Summary of Comments: The agent has annotated sections of the committee report with comments:**

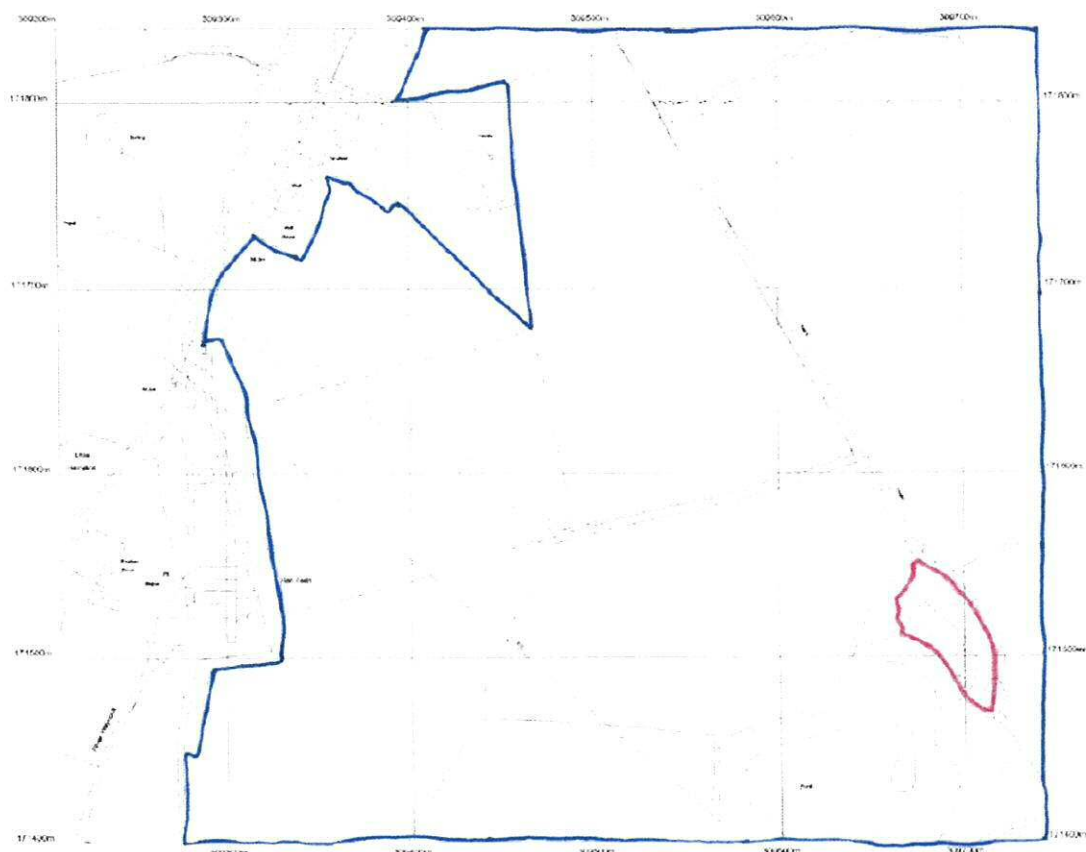
**Paragraph 6- Agent notes that Para 6 does not refer to recent submissions relating to the roof colour of the marquee.**

**Paragraph 14- Agent notes that the paragraph is accurate if referring to previous landscaping proposal.**

**Paragraph 15- Applicant notes that he assumes this para refers to recent proposal relating to the colour of the roof.**

**Officer Response: The above assertions are correct.**

**Action required: Members to note**

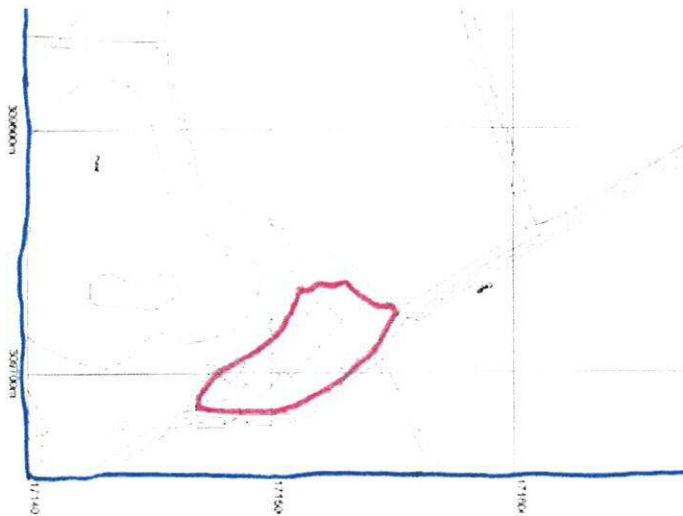


5. A full planning application was submitted on 5 April 2023 for the permanent retention of the building in question for wedding and entertainment functions (2023/00374/FUL). This application was subsequently refused on 18 March 2024 by virtue of its harmful design and unacceptable visual impact upon the SLA. At the time of writing this report, the building had not been removed and therefore, the development remains unauthorised and in breach of planning control.
6. Following this refusal of planning permission, correspondence has been received on behalf of the landowner suggesting that amendments to the marquee are undertaken together with landscaping measures in an attempt to mitigate the impact of the development. Officers have considered this correspondence however, it is considered that the mitigation in respect of the proposed landscaping would be difficult to deliver and would be unlikely to address the visual impact of the marquee in the wider landscape and SLA.

DOES NOT REFER TO POTENTIAL CHANGE TO ROOF STRUCTURE OR COLOUR.

#### Details of the Breach

7. Following an initial site inspection, it was confirmed that a large marquee had been erected permanently for the purpose of holding wedding functions without the benefit of planning permission. The marquee in question has a footprint of 12m x 33m, with a smaller 'porch' like area measuring approximately 6m x 9m, with an eaves height of 3m and a main ridge height of 5m. The highest point of the marquee reaches 6m tall in the 'porch' like section, whilst the remainder is approximately 5m tall. The marquee is finished



### Action Pursued to Date

11. An initial email was sent to the company address of Dyffryn Springs on 2<sup>nd</sup> February 2023 to arrange a site visit and examine the building. Following correspondence with the owner, a site meeting was held on 1<sup>st</sup> March 2023 where access was gained to the site and the inside of the building in question. Discussions regarding the use of the building and the history of the site took place. It was confirmed during this site visit that a previous marquee had been erected on site for a number of years facilitating the wedding venue business, however it was replaced by the current, larger building.
12. A follow up email was sent to the owner on 9<sup>th</sup> March 2023 confirming that the building requires consent from the Local Planning Authority. The owner was therefore advised to submit a full application in an attempt to regularise the development. It was advised however that planning permission may not be granted for the building. The owner of the site subsequently confirmed that an application would be submitted to the Local Planning Authority. A full planning application was received by the Council's Planning Department on 5<sup>th</sup> April 2023.
13. An email was sent to the owner on 30<sup>th</sup> August 2023 confirming that there may be some concerns relating to the acceptability of the application. The application was subsequently refused on 18<sup>th</sup> March 2024 by virtue of its unacceptable visual impact.
14. As identified earlier in this report, since the refusal of planning permission, correspondence has been received on behalf of the owner which put forward various amendments to mitigate the impact of the development however, officers have advised that these suggestions would not overcome their concerns regarding the impact of the building on the SLA.
15. Further amendments to address the visual appearance of the marquee have also been recently submitted which are under consideration by officers, however at the time of finalising this report, no formal proposal has been submitted seeking planning permission for the retention of the marquee. In the

ACCURATE IF  
REFERRING  
ONLY TO  
LANDSCAPE  
SCREENING

PRESUMABLY  
REF.'S TO  
CHANGES TO  
ROOF ETC.

absence of a suitable alternative proposal being formally determined and implemented and therefore no guarantee that the unacceptable impact of the marquee can be mitigated, it is considered expedient to report the matter to the Planning Committee to seek authorisation for enforcement action.

### Planning History

16. The site benefits from the following planning history:

- 1991/00430/FUL - New access road to farm - Approved 26 July 1991.
- 2000/00652/FUL, Address: Field 5644, Home Farm, Dyffryn, St. Nicholas, Proposal: Single storey fishing amenity building with associated children's play area, car parking and access road, Decision: Refused for the following reason:
  1. The proposal represents an unacceptable scale and form of development in an attractive open countryside location and would therefore be contrary to Policies EV3; EV19; LT16 of the Adopted South Glamorgan Structure Plan 1989 and Policies ENV1; ENV25; EMP8 and TOUR5 of the Vale of Glamorgan Unitary Development Plan Deposit Draft (as amended) 1998.
- 2001/00760/FUL, Address: Home Farm, Dyffryn, St. Nicholas, Proposal: Use of lakes for fishing with associated amenities building, car park and access, Decision: Approved subject to conditions, including, landscaping; restriction on hours; drainage; car parking; and restriction on external illumination.
- 2002/00495/FUL, Address: Dyffryn Springs, Home Farm, Dyffryn, St. Nicholas, Proposal: Two additional lakes for angling purposes, with associated disabled car parking and access track, Decision: Approved subject to conditions, including, landscaping; cross sections of track and car parking; restriction on hours to between 7.30am to one hour after dusk; and restriction on external illumination.
- 2003/01078/FUL - Retention of A1 Garden Centre use at Dyffryn Springs Nurseries - Approved 13 November 2003 subject to conditions, including temporary consent to 30 September 2005; and restricted to plant sales only.
- 2006/01660/FUL - Retention of A1 Garden Centre use at Dyffryn Springs Nurseries - Approved 31 January 2007 subject to conditions, including temporary consent to 2 February 2008; and restricted to plant sales only.
- 2008/00395/FUL, Address: Dyffryn Springs, Home Farm, Dyffryn, Proposal: Extension of toilets to comply with disability regulations, Decision: Approved
- 2008/00788/FUL - Proposed permanent continuation of A1 use at Dyffryn Springs Nursery - Approved 5 August 2008 subject to conditions, including restriction on sale of plants only; and removal of permitted development rights for any change of use.