

THE VALE OF GLAMORGAN COUNCIL

PLANNING COMMITTEE : **12 DECEMBER 2024**  
REPORT OF THE HEAD OF SUSTAINABLE DEVELOPMENT

5. 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:

2024/0012/PO	AC	High Street Arcade, Cardiff. CF10 1BB	The renovation / refurbishment of the existing High Street Arcade to create a new food hall, event space and ancillary spaces (including works to the existing basement). Works include structural repairs and alterations to ground first, second floor, roof and atrium glazing, full m&e installation, ventilation and extraction, drainage and finishes as described in the contract document
2024/0013/PO	AC	The Old Church Room, Radyr, Cardiff. CF15 8DF	New platform lift to serve ground and first floor. Ground floor toilets to be altered to accommodate one large unisex toilet and accommodate the insertion of the platform lift shaft. First floor spaces to also be altered to accommodate the new platform lift

2024/0550/BN	A	9, The Grove, Barry, CF62 6RD	Installation of RSJ for bi fold door opening
2024/0588/BR	AC	A B Car Sales, Cardiff Road, Barry. CF63 2NW	Construction of a single storey side extension to the existing MOT garage structure
2024/0594/BN	A	16, Meadowvale, Barry. CF63 1ER	Removal of existing lightwell in flat roof of existing ground floor extension. Build new bedroom over existing extension footprint with new flat roof
2024/0600/BR	AC	24, Voss Park Drive, Llantwit Major. CF61 1YE	Single storey rear extension, replacement roof to garage and front porch
2024/0605/BN	A	160, Westbourne Road, Penarth. CF64 5BQ	Single storey rear extension
2024/0608/BR	AC	Glynderi, 32, Broadway, Cowbridge. CF71 7ER	Single storey rear extension
2024/0609/BN	A	39, Rhoose Road, Rhoose. CF62 3EQ	Single storey rear extension with flat roof (3.5m x 5.3m ). 2 ground floor load bearing walls removed & porch to front of building (1.3 x 2.3m)
2024/0610/BN	A W	Hillsboro, Ewenny Road, St. Brides Major. CF32 0SD	Two storey rear and side extension
2024/0611/BN	A W	14, Tennyson Road, Penarth. CF64 2RY	Single storey extension to replace existing outhouse
2024/0612/BN	A	3-6, Maple Road, Penarth. CF64 3NP	Replacement roof
2024/0613/BR	AC	27, Dinas Road, Penarth. CF64 3PJ	Single storey rear extension
2024/0614/BN	A	14, Greenway Court, Barry. CF63 2FE	Replace existing conservatory roof with a warmer roof (tiled) only
2024/0616/BR	AC	41, Samson Street, Llantwit Major. CF61 2SH	New front porch

2024/0618/BN	A W	7, Tennyson Road, Penarth. CF6 2RY	Rear side extension only
2024/0619/BN	A	Ysgol Gymraeg Bro Morgannwg Primary School, Colcot Road, Barry. CF62 8YU	Install dual data points with cabling
2024/0621/BN	A	41, Somerset Road (West), Barry. CF62 8BL	Knock through between lounge and kitchen/diner
2024/0622/BR	AC	Ashfield, Cowbridge Road, Ystradowen. CF71 7SY	Removal of the glass frontage and timber cladding and replacement with an insulated cavity block wall, rendered to match. New PVC windows. Roof mounted photovoltaics. Increase opening between kitchen and family room & alterations to room above existing hallway
2024/0623/BN	A W	Land to the Rear of Sunbeams, Twyncyn, Dinas Powys. CF64 4AS	2 new 5 bedroom detached dwellings
2024/0624/BR	AC	27, Robinswood Close, Penarth. CF64 3JG	Part demolition of existing dwelling garage, construction of new extension to front and side of building with new roof structure to whole of dwelling, drainage alterations. External wall insulation to existing external walls. Form opening for sliding doors to rear elevation. Internal alterations to the GF.
2024/0626/BN	A	7, Rowan Close, Penarth. CF64 5BU	Replacement of the PVC porch front door and surrounding PVC framing and windows, with a brick exterior with a new door and two sidelights (no change to roof or foundations). knock through of the porch to hallway wall

2024/0629/BN	A	8, Cennin Pedr, Barry. CF63 1DF	Removal of back door, patio door & window and replace with bifold doors (installation of new steel). Installation of new steel for internal wall removal that joins the back wall
2024/0631/BN	A W	11, Craven Walk, Penarth. CF64 5RU	Alterations to existing bungalow to comprise: proposed entrance porch, rear extension, existing garage re-built and extension to side of house, proposed loft conversion and internal alterations
2024/0636/BN	A	13, Lakeside, Barry. CF62 6ST	2 storey extension only (less than 40m2)

(b) Building Regulation Applications - Reject

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

2024/0574/BN	R	Grantham House, Pencoedtre Lane, Barry. CF63 1QF	2 bay window extensions only
2024/0596/BN	R	REFUSED - 33A, 34A, 34B, Windsor Terrace, Penarth. CF64 1AB	REFUSED - Installation of kitchens and bathrooms and refurbishment of existing flats.
2024/0602/BR	R	REJECTED - 4, Cliff Parade, Penarth. CF64 5BP	REJECTED - Construction of replacement dwelling with basement, outbuilding and pool.

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

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

2024/0166/AI		13, St. Andrews Road, Barry. CF62 8BR	New single storey attached garage and porch extension (works to incorporate material alterations to structure, controlled services, fittings and thermal elements)
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2024/0165/AI	A	13, Mountjoy Avenue, Penarth. CF64 2SX	Proposed loft conversion
2024/0164/AI	A	115, Tynewydd Road, Barry. CF62 8BB	Removal of internal wall
2024/0163/AI	A	Unit 2, Link Trade Park, Llandough, Penarth. CF11 8TQ	Internal first floor fit out to expand existing veterinary practice (works to incorporate material alterations to structure, controlled services, fittings and thermal elements)
2024/0162/AI	A	23, Cilgant Y Meillion, Rhoose. CF62 3LH	Single storey rear extension with associated structural alterations, single storey front porch extension and detached garden room
2024/0161/AI	A	7, Chantry Rise, Penarth. CF64 5RS	Rear, side and loft extensions to existing dwelling including internal alterations and Juliet balcony
2024/0160/AI	A	17, Stallcourt Avenue, Llantwit Major. CF61 1TE	Single storey rear extension (works to incorporate material alterations to structure, controlled services, fittings and thermal elements)
2024/0159/AI	A	27, Clisson Close, Cowbridge. CF71 7FP	Garage conversion

2024/0158/AI	A	13, Carys Close, Penarth. CF64 3RD	Internal reconfiguration, internal structural alterations, external structural alterations to create 3 No. window openings and 1 No. bi-fold door, enlargement of existing window opening, replacement of thermal element (roof structure to existing dwelling and detached garage) and replacement of controlled fittings (4 No. windows and 1 No. door) (works to incorporate material alterations to structure, controlled services and fittings)
2024/0157/AI	A	8A, Breaksea Close, Sully, Penarth. CF64 5ST	Single storey side extension
2024/0156/AI	A	8, Cedar Way, Penarth. CF64 3NL	Two storey rear extension and single storey side extension (works to incorporate material alterations to structure, controlled services, fittings and thermal elements)
2024/0155/AI	A	75, Colcot Road, Barry. CF62 8HL	Loft conversion with rear dormer and associated works
2024/0154/AI	A	8, Raglan Close, Dinas Powys. CF64 4NW	Front porch extension (works to incorporate material alterations to structure, controlled services, fittings and thermal elements)
2024/0153/AI	A	14, Dyfrig Street, Barry. CF62 5TW	Rear dormer loft conversion (works to incorporate material alterations to structure, controlled services, fittings and thermal elements)

2024/0152/AI	A	11, Bradenham Place, Penarth. CF64 2AG	Removal of load bearing wall between living room's, removal of chimney stack wall on ground floor and 1st floor, remove the back wall of the house and replace with glass & glass doors
2024/0151/AI	A	Southwinds, St. Lythans. CF5 6BQ	Proposed two storey extension with integral roof terrace / balustrade at first floor level and internal alterations to dwelling

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REPORT OF THE HEAD OF SUSTAINABLE DEVELOPMENT

6. 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   |



2018/00482/4/CD	A Gardeners Mews, Hensol Castle Estate, Hensol	Discharge of Conditions 12 (Levels) and 15 (Foul, Land and Surface Water Drainage Details). Planning permission ref: 2018/00482/HYB - Hybrid planning application as an 'enabling development' to facilitate the restoration of Hensol Castle, comprising of the following: Site 1: Full Application: for the erection of 10 dwellings and associated access and works on land at Gardeners Mews to the north of the Walled Garden, Hensol. Site 2: Outline Application: for the erection of 6 detached dwellings and associated access and works on land to the west of Sail Newydd, Hensol'
2018/01408/6/CD	A Former Cowbridge Comprehensive School, Aberthin Road, Cowbridge	Discharge of Condition 13 (CEMP) Planning Permission ref 2018/01408/FUL - Proposed demolition of existing school, development of 34 dwellings (30 flats and four houses) and associated works including the construction of bespoke bat roost, access/parking and landscaping

2018/01408/7/CD	A	Former Cowbridge Comprehensive School, Aberthin Road, Cowbridge	Discharge of Condition 3.(Materials Details) for planning application ref 2018/01408/FUL - Proposed demolition of existing school, development of 34 dwellings (30 flats and four houses) and associated works including the construction of bespoke bat roost, access/parking and landscaping
2018/01408/8/CD	A	Former Cowbridge Comprehensive School, Aberthin Road, Cowbridge	Discharge of Condition 20. (Building Recording) for planning ref 2018/01408/FUL - Proposed demolition of existing school, development of 34 dwellings (30 flats and four houses) and associated works including the construction of bespoke bat roost, access/parking and landscaping
2019/00111/5/CD	A	Land South of Cog Road, Sully	Discharge of Condition 1.( Materials Details) for planning permission ref: 2019/00111/RES - The development of 325 new homes, new public open space, landscaping, ecological area, access points and highways infrastructure, pursuant to Outline. Planning Permission 2013/01279/OUT at Land to the South of Cog Road, Sully

2019/01337/FUL	A	Garwa Quarry, St. Mary Hill, Ruthin	Variation of Condition 3 - Time Limit 31/12/2019 - Extraction of carboniferous limestone, Garwa Farm (Ref 382(Z)1341), 09/06/1070, as amended by Deepening of quarry from 135ft. to 90ft. AOD (Ref 1048), as amended by revised working scheme and end date Condition 3 (Ref. 97/00796/FUL)
2019/01354/1/CD	A	Land at Doghill Farm, Dyffryn, Vale of Glamorgan	Discharge of Condition 6 (Bat Mitigation). Planning permission ref: 2019/01354/FUL - Demolition of existing dwelling and erection of replacement dwelling
2019/01407/5/NMA	A	District Centre, Land at Barry Waterfront, Barry	Non Material Amendment - An Amendment to amphitheatre detail to include a knee rail around water feature for planning ref 2019/01407/RES - Amend plan schedule to revise housing schedule and minor amendments to the fenestration/elevation detail. Variation of Condition 1 of Planning Permission ref. 2017/01356/RES (Construction of new District Centre comprising of 57 residential apartments, 1,885sq.m food & drink use (A3), 390sq.m flexible commercial use (D1/D2/A3), together with associated infrastructure works, parking and landscaping)

2020/00113/1/NMA	R	Shorkot Farm, Leckwith	Non Material Amendment - Confirmation of roof material previously used as concrete tiles. New internal layout as per clients request. Altering window positions accordingly. Adding back door. Planning permission ref: 2020/00113/FUL - Proposed re-siting and alteration of annexe as approved by 2018/00621/FUL
2023/00031/1/CD	A	Aberthaw Power Station, Pump House Road, West Aberthaw, Barry	Details of the method of demolition and restoration pursuant to prior notification reference 2023/00031/PND
2023/00360/1/NMA	A	Bakelite Synthetics, Momentive Speciality Chemicals, Sully Moors Road, Sully	Non Material Amendment- An amendment to install designed cable bridge over internal roadway to carry high voltage, low voltage and communication cable from substation and solar location B to main transformer and solar location A. Transformer will now be raised and placed onto a steel platform. For planning permission ref 2023/00360/FUL - 1.3 MW Solar PV system for on-site usage
2023/00716/1/CD	A	St. Quentins House, Castle Hill, Llanblethian, Cowbridge	Discharge of Conditions 3.(Materials Details) 4.(Materials Sample Panel). For planning application ref 2023/00716/FUL - Demolition of the existing outhouses to erect a Single storey side extension with associated works

2023/00826/5/CD	A	Darren Farm, Westgate, Cowbridge	Discharge of Condition 12. (Archaeology 1) and 13.(Archaeology 2) for planning ref 2023/00826/FUL - Redevelopment of site incorporating the erection of a Class B1 office building and a retirement living scheme for older people with communal lounge, refuse, guest suite, electric buggy, and house manager accommodation. Associated car parking with electric charging points, cycle storage realigned vehicular access, sub station, retaining walls, sustainable drainage and landscaped grounds. at Darren Farm, Westgate, Cowbridge
2023/00989/FUL	R	Green Dragon Cottage, Llancadle Road, Llancadle	Change of use to extend the garden at the rear of the property, to incorporate a wooden summerhouse, a greenhouse and orchard
2023/01041/2/CD	A	Castle Upon Alun House, Lane - Junction Castle Upon Alun Farm To Junction Cross Croescwta Cottages, St Brides Major	Discharge of Condition 5 (Bat Roost/External Store - Materials Samples) 8 (Bothy - Slate and Roof Vents) Permission Ref:2023/01041/LBC - Proposed conversion and change of use of existing listed building to holiday let with associated external works and erection of a new storage building to include a bat roost at Castle Upon Alun House, St. Brides Major

2023/01057/LBC	A	The Market Place Restaurant, 66, High Street, Cowbridge	Proposed 3 domestic units and 1 retail/cafe/office. The objective is to bring the building back into a viable use and thus secure its future
2023/01142/FUL	A	5, Gibbonsdown Close, Barry	Double storey extension to side of house
2023/01215/1/CD	A	Land adj to Hawthorn Cottage, Greenwood Close, Twyn yr Odyn, Wenvoe	Discharge of Conditions 8. (Lighting, Landscaping and Biodiversity Enhancement) 12.( Materials Details). For Planning Permission Ref: 2023/01215/FUL - 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 at Land adjacent to Hawthorn Cottage, Twyn Yr Odyn
2023/01221/CAC	A	Cowbridge 33/11KV Substation, North Road, Cowbridge	Demolition of existing switchroom building and floor, to be reinstated with sub base and limestone chippings to tie in with the rest of the compound
2023/01269/FUL	A	61, Ffordd Pentre, Barry	Relocation of extension of garden fence to facilitate disabled access and increase safety from vehicles

2023/01274/FUL	A	24, Tan Y Fron, Barry	Rear two storey extension, side extension for new staircase to access the upper floor and front porch.
2024/00066/1/NMA	A	Caerleon House, 4 Rhoose Road, Rhoose	Non Material Amendment - An amendment to the balcony we would like a slightly sloped flat roof with windows at about 20 degree pitch, for planning permission 2024/00066/FUL - Two storey extension with balcony to rear of property to provide enlarged kitchen/living area to ground floor, with additional bedroom and ensuite at first floor. Existing conservatory/utility area to be demolished
2024/00135/FUL	R	Leach Castle Farm, Bonvilston	Change of use and conversion of existing barn to holiday let
2024/00160/FUL	R	Land at Coed Arthur, Llancarfan	Change of use and siting of residential caravan (temporary)
2024/00266/FUL	A	Shorkot Farm House, Leckwith	Alterations/variations to as built granny annexe: 1. Change roof covering to Cambrian (Redland) composite slates. 2. Walls to be rendered and painted. 3. Velux roof lights added. 4. North East elevation window moved and reduced. 5. South East window moved. 6. External wood burning flue added. 7. Staircase added to serve small loft area

2024/00272/FUL	A	Llandough House, Llandough, Cowbridge	The proposal is for the creation of a series of 3 wildlife ponds in the floodplain adjacent to the River Thaw but not connected to the Thaw river.
2024/00279/FUL	R	Land off Groesfaen Road, Peterston Super Ely	Change of use of agricultural land to secure dog walking facility, including associated parking
2024/00285/1/NMA	A	2 Home Farm Bungalow, St Lythans Road, Dyffryn	Non Material Amendment - An Amendment to the larger window to the dormer is to be amended to a juliet balcony with inward opening doors, for Planning permission ref 2024/00285/FUL - Proposed single storey rear extension and addition of a dormer window to the existing roof
2024/00303/FUL	A	22, Victoria Road, Penarth	The addition of a new roof vent for proposed relocation of an existing wood burning stove in the 1970s extension
2024/00310/FUL	A	Adjacent 44, Milton Road, Barry	Proposed residential development of a single dwelling



2024/00347/FUL	A	Factory House, Factory Road, Llanblethian, Cowbridge	Renovation and extension of existing single-storey garage and conversion into 1-bedroom holiday cottage (C5 Dwellinghouses, used other than as sole or main residences), including addition of semi-subterranean single-storey rear bathroom extension with access to existing amenity space and car parking
2024/00371/LBC	A	East Hall, Fonmon	Listed Building Consent for installation of utilities, replacement of windows and door, new flagstones and structural works including underpinning, and retention of works to flooring, fireplace, removal of partitions, structural works and new external walls.
2024/00395/FUL	A	MOD St Athan, St Athan, Barry	Demolition of existing buildings, construction of a permanent building and associated landscaping at MOD St Athan.

2024/00428/FUL	A	Kitchener and Thomas, 33-35,Windsor Road, Penarth	Variation of a condition, of planning permission 2023/00821/FUL for Return retail space back to two independent shops. Refurbishment of front elevation including new shop front. Construction of rear extension to provide additional retail space. The proposed changes include: Amendments to shopfront and front elevation window proportions; Details of shop awning added to drawings; Rear dormer fenestration amended; Rear dormer levels amended to suit terrace level, due to existing levels of building now uncovered on site; and Minor internal plan changes.
2024/00463/FUL	A	2, Penny Lane, Cowbridge	Proposed change of use from A1 to A3 use
2024/00470/FUL	R	1, Breaksea Close, Sully	Partial demolition of side extension to existing house. Construction of infill partial 2 storey dwelling
2024/00479/FUL	A	Bron y Graig, Wick Road, St. Brides Major	Addition of balcony to rear dormer and proposed new cladding. Driveway extended to the front of the house
2024/00492/FUL	A	19, Lakeside, Barry	Alterations to existing side extension to enclose front balcony off master bedroom and alterations to fenestration

2024/00517/FUL	A	Ground Floor Flat, 8 Park Road, Penarth	Replacement of existing pitched and flat roof structures to rear single storey existing structure with changes to design, roof covering, and roof Windows; all with associated external works.
2024/00551/OBS	B	Land comprising The Former Michaelston College Site to the West of Michaelston Road and South of Drope Road, Ely, Cardiff.	Redevelopment of the former Michaelston College site for the construction of a Well- Being Village incorporating Community Living Units (107 Units) associated communal areas/ care facilities with community hub to include a cafe, GP Surgery, Community Hall, residential development (128 units)
2024/00558/FUL	A	Parc Farm, Parc Farm Lane, St Donats	Provision of ménage (60 m x 30 m) for private use. Formation of access track to ménage and buildings (part retrospective)
2024/00592/FUL	A	72, Stanwell Road, Penarth	Building envelope maintenance including: replacing roof, replacing rainwater goods, replacing rendering, repointing brickwork, refurbishing sandstone and adding chimney caps
2024/00619/FUL	A	Tentorium, St Andrews Road, Dinas Powys	Proposed extension to front and new storm porch, alterations to rear fenestration
2024/00629/FUL	A	Land off Five Mile Lane, Bonvilston, Vale of Glamorgan	Provision of a below ground electrical cable to cross Five Mile Lane (A4226).

2024/00631/FUL	A	Holm House, Marine Parade, Penarth	Conversion of existing hotel (C1 use class) to a single dwelling (C3 use class) including a granny annexe and associated works.
2024/00635/FUL	A	2, Bungalow, Waycock Road, Barry	Retrospective planning permission for increased dimension of both previously approved dormers on the front elevation (East facing), insertion of bi-folding doors on the rear elevation (West facing), insertion of additional skylight on the roofslope of the rear elevation (West facing), omission of door on the side elevation (South facing), changed door type on front elevation (East facing).
2024/00643/FUL	A	14 Victoria Square, Penarth	All existing single glazed windows are to be replaced with new double glazed accoya sashes with period mouldings and section sizes to match existing windows. Sashes to be glazed with 14mm argon filled, toughened double glazed units and will be fully decorated using white Teknos paint.
2024/00654/FUL	A	Southerndown Golf Club, Ogmore By Sea	New timber office for use by director of golf and office staff
2024/00661/FUL	A	15, Marine Walk, Ogmore By Sea	Garage Conversion

2024/00668/FUL	A	The Vines, 22A Evenlode Avenue, Penarth	Removal or Variation of Condition 2 and 4 - 2023/00861/FUL Replacement dwelling including replacement outbuilding and associated works
2024/00671/FUL	A	Vale Veterinary Centre, Units 18/ 19, Ty Verlon Industrial Estate, Barry,	Change of use of industrial units to veterinary practice (D1), internal alterations and minor fenestration changes (to existing openings) and associated works
2024/00675/PNA	A	Langcross Farm, Pen-y-turnpike Road, Dinas Powys	To provide a dry track during Autumn/Winter months for tractors & Trailers. Land to be used for grazing & hay crops/haylage.
2024/00676/FUL	A	Car Park Near Waitrose Cowbridge, Birds Lane, Cowbridge	Electrical Vehicle Charging Bays and associated works
2024/00679/FUL	A	Ruthglen, 11 St Andrews Road, Wenvoe	Proposed works including ground floor extension to form new living room, garage extension with new roof, first floor conservatory and loft extension with side dormer for staircase and rear dormer. Previously approved in application 2017/00344/FUL
2024/00684/FUL	A	Church House, Fort Road, Lavernock	2 Storey Side Extension and detached garage
2024/00687/FUL	A	32, Stanwell Road, Penarth	Replace all external windows at the property. Repoint the existing stone wall at the front garden boundary of the property and repair the front gate or replace it if beyond repair.

2024/00691/FUL	A	17, Grove Place, Penarth	Construction of a fully insulated Garden Room, with an internal area of 16m <sup>2</sup> comprising a Recreation Room, separate Shower Room / WC and small store.
2024/00703/FUL	A	Lillypot House, Redway Road, Bonvilston	Demolition of an existing conservatory and porch, construction of a new single storey extension, modifications to include replacement of existing flat roof with a new pitched slate roof and extension, together with a number of internal alterations
2024/00704/FUL	A	32, Aneurin Road, Barry	Retrospective planning permission to erect a single-storey conservatory to the rear of the property.
2024/00706/FUL	A	17, St Owains Crescent, Ystradowen	Remodelling of porch and two storey rear extension. Demolition of outbuilding in rear garden.
2024/00708/FUL	A	2, Orchard Crescent, Dinas Powys	Proposed rear single-storey side extension and extension above existing garage with associated internal renovation works
2024/00710/FUL	A	17, Picca Close, Wenvoe, Vale of Glamorgan	Proposed conversion of part of the existing garage into gymnasium at ground floor level and construction of a roof dormer to form games room at first floor level.
2024/00711/FUL	A	6 Bradenham Place, Penarth	Proposed rear dormer loft conversion with Juliet balcony, proposed new rear side and rear extension, lean-to construction

2024/00715/FUL	A	10, Maes-y-ffynon, Bonvilston	Proposed two storey extension to rear with Juliet balcony.
2024/00718/LAW	A	159, Plymouth Road, Penarth	Demolish existing conservatory and construct new rear extension on its footprint
2024/00723/FUL	A	Cotts Equine, Barn 1, Pantwilkin Stables, Aberthin, Cowbridge	Proposed change of use from equine clinic to specialist heart veterinary surgery (Sui Generis) and associated work
2024/00725/FUL	A	Ty Coeden, 10 Ardwyn Walk, Dinas Powys	Variation of Condition 2 (Approved Drawings) of Planning Permission 2024/00289/FUL: Ground floor side extension with flat roof terrace and loft conversion. Installation of 4 rooflights on North West and South East roof slopes
2024/00727/FUL	A	Lyndhurst, 6 Clive Crescent, Penarth	Replacement of existing timber garage with a modern block built or timber framed garage to be used primarily for storage and as a work shop to support the refurbishment of the house. Replacement of existing concrete slab to support the new garage, rear of the slab to remain without a structure on it to allow the future addition of a lean to green house.

2024/00734/FUL	A	The Hawthorns, Penllyn Road, Llanharry	Minor variations to planning permission Ref 2018/00756/FUL, dated 29 August 2018 granted for 'Refurbishment of stone built granary into a 3 bedroom holiday property with car parking and adjacent gardens at Barn adjacent to The Hawthorns, Penllyn Road, Llanharry'
2024/00736/FUL	A	White Lodge, 117, Fontygary Road, Rhoose	Extend existing pitched roof over a flat roof on Eastern side elevation. Construct flat roof dormer to part of South facing rear pitched roof. Provide new pitched roof over existing flat roofed garage.
2024/00737/FUL	A	Hillfields Farm, Pont Sarn Lane, Peterston Super Ely	Proposed creation of new first floor, ground floor extension remodelling of property
2024/00738/FUL	A	5 Rowan Close, Penarth	Application to install an air source heat pump alongside the N elevation of the property
2024/00741/FUL	A	1 Britten Road, Penarth	Garage conversion to new Utility room and Office accommodation
2024/00744/FUL	A	15, Church Road, Rhoose	Erection of Wooden shed in garden. 3 X 5 metres on grid and gravel base on the lawn.
2024/00746/FUL	A	33, Wick Road, Ewenny	Proposed ground floor extensions to provide open plan kitchen / living area. Loft conversion to provide 2 bedrooms & en-suite shower room.



2024/00748/FUL	A	104 Colcot Road, Barry	Demolish existing rear single storey extension(s) and replace with proposed replacement rear single storey extension with conversion of garage into habitable accommodation including changes to garage roof, walls and fenestration. All with associated external works.
2024/00757/FUL	A	15 Church View Close, Llandough, Penarth	Single storey front Porch, single storey side Utility and first floor side extension over existing ground floor extension
2024/00759/FUL	A	South Quay Parkside Commercial Plot 395, Barry Waterfront, Barry	Change of use to a Class A1 Retail Unit for the sale of wedding dresses
2024/00761/FUL	A	97, Cae Newydd, St Nicholas	Proposed alterations and extensions to include first floor extension
2024/00765/FUL	A	6, Tair Onen, St Hilary	Proposed alterations and extension over existing garage and dining room
2024/00778/FUL	R	9 St Dyfrig Close, Dinas Powys	Revision of previously Approved Dormer Loft Extension.
2024/00781/FUL	A	27, West Farm Road, Ogmore By Sea	The removal of the existing roof tiles and the construction of a new rear dormer to create a larger first floor layout. Internal alterations to the two floors will consist of a new Kitchen, Dining Area, Utility, Bathroom, staircase and improved bedrooms with roof lights

2024/00782/FUL	A	Bryn Farm, Clawddcoch, Cowbridge	Proposed cattle feed barn.
2024/00785/FUL	A	11, Craven Walk, Penarth	Alterations to existing bungalow to comprise: proposed entrance porch, rear extension, existing garage re-built and extended, proposed loft conversion and associated works.
2024/00791/FUL	A	The Park, Park Crescent, Barry	The proposal is to form an opening in the rear elevation & install a double door to create access to the rear garden and assist the means of escape in an emergency
2024/00794/FUL	A	St Lythans, 10 Robinswood Close, Penarth	Single storey side extension with rear dormer and enlargement of existing side dormer plus internal remodelling and all associated works.
2024/00795/FUL	A	122-124 The Waverley Care Centre, Plymouth Road, Penarth	New stretcher and 21 passenger lift to facilitate easy evacuation in case of fire and emergency
2024/00796/FUL	A	Parkmount, Bridgeman Road, Penarth	First floor single storey extension to the rear elevation above garage.

2024/00800/FUL	R	256-258, Holton Road, Barry	Proposed conversion of remaining existing sales/displays storage area to additional 3 no.1 bedroom flats (No's 1,3 and 4) Existing flats (No's 2,5,6,7 and 8) to remain as existing and approved 2017/00995/FUL. Storage building to the rear of property converted to bin and bike store with storage to first floor
2024/00808/FUL	R	Police Station, Wesley Street, Llantwit Major	Demolition of the existing single storey side extension with change of use of the existing Police Station into two semi detached 3 bed dwellings including proposed single storey rear and two storey side extensions, plus the construction of a detached 3 bed cottage, including associated landscaping, boundary treatments, drainage and parking.
2024/00809/FUL	A	Set Office Supplies, Llandough Trading Estate, Llandough, Penarth	Proposed first floor office extension (and associated works)
2024/00813/FUL	A	29, Augusta Crescent, Penarth	Hip to gable conversion to existing bungalow with Juliet balcony. Existing garage re-built and converted to residential use complete with single storey extension to rear and alterations to fenestration
2024/00818/FUL	A	Morrisons, Penny Way, Barry	Creation of charging zone, erection of EV chargers, erection of canopy, sub-station enclosure, LV panel, meter cabinet and associated works.

2024/00820/FUL	A	Upper Barn, Flemingston	Replace existing wooden single glazed windows with heritage flush wood grain effect uPVC windows in agate grey
2024/00822/LAW	A	24, Wimborne Crescent, Sully	Siting of a mobile home/caravan within the garden
2024/00837/FUL	A	19A, Vale Business Park, Llandow	Change of use from B2 industrial including automotive use to B8 Storage and distribution.
2024/00848/PNT	A	Dinas Road, Penarth	The installation of a 20m high Phase 7 monopole with wraparound cabinet supporting 9no. antennas, 2no. 300mm transmission dishes and ancillary development thereto. For informative purposes, 5no. cabinets are shown on the accompanying drawings.
2024/00849/FUL	A	Glynderi, 32 Broadway, Cowbridge	Proposed single storey rear extension
2024/00850/FUL	R	Land to the rear of 19 and 21 Victoria Road, Penarth	Demolition of 2 garages to the rear of 19 and 21 Victoria Road. Construction of 1 single storey new dwelling with gardens, courtyard and parking, accessed off Jack's Lane.
2024/00874/FUL	A	4, Croft Gardens, Sully	Conversion of part of the existing detached garage into a Games Room for family use.
2024/00879/OBS	B	Aviation House, Brocastle Avenue, Waterton	Solar farm and associated infrastructure



THE VALE OF GLAMORGAN COUNCIL

PLANNING COMMITTEE: 12 DECEMBER 2024

REPORT OF THE HEAD OF SUSTAINABLE DEVELOPMENT

7. APPEALS

(a) Planning Appeals Received

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LPA Reference No: 2023/00777/FUL  
Appeal Method: Written Representations  
Appeal Reference No: CAS-03564-X4P1M0  
Appellant: Precision Construction  
**Location:** **Land to rear of 1-9, Hilda Street, Barry, CF62 7AQ**  
Proposal: Proposed demolition of existing buildings. Construction of two storey block of 6 one bed self-contained flats, with cycle storage / refuse storage and amenity space. Changes in levels and construction of retaining walls.  
Start Date: 30 September 2024

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LPA Reference No: 2024/00423/FUL  
Appeal Method: Written Representations  
Appeal Reference No: CAS-03679-F3L3D9  
Appellant: Mr Ben Frith  
**Location:** **18, Dochdwy Road, Llandough, Penarth**  
Proposal: A first floor extension to provide a bedroom and utility room with a carport at ground level below.  
Start Date: 15 October 2024

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LPA Reference No: 2023/01189/FUL  
Appeal Method: Written Representations  
Appeal Reference No: CAS-03645-F0L2T8  
Appellant: Matthew & Victoria Barker  
**Location:** **1, The Verlands, Cowbridge**  
Proposal: Construction of new 2 bedroom dwelling.  
Start Date: 30 October 2024

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LPA Reference No: 2023/01019/FUL  
Appeal Method: Written Representations  
Appeal Reference No: CAS-03743-B9Z9K9  
Appellant: Mrs Jacqueline Stevens  
**Location:** **Whitcliffe House, 2, Whitcliffe Drive, Penarth**  
Proposal: Revision to 2023/00224/FUL - Proposed dormer bungalow to rear of 2 Whitcliffe Drive. Existing access widened. New garage to 2 Whitcliffe Drive.  
Start Date: 31 October 2024

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LPA Reference No: 2023/01291/FUL  
Appeal Method: Written Representations  
Appeal Reference No: CAS-03737-S0K9Z5  
Appellant: Mr. David Thomas  
**Location:** **Regenerate it, 20-22, Holton Road, Barry**  
Proposal: Conversion of part of first and second floors to 4 flats.  
Start Date: 8 November 2024

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LPA Reference No: 2019/00871/OUT  
Appeal Method: Written Representations  
Appeal Reference No: CAS-02641-G8G7M5  
Appellant: Legal & General (Strategic Land) Ltd  
**Location:** **Land at Model Farm, Port Road, Rhoose, CF62 3BT**  
Proposal: Hybrid application comprising an outline application for the demolition of existing buildings and erection of 44.75ha Class B1/B2/B8 Business Park, car parking, landscaping, drainage infrastructure, ecological mitigation and ancillary works (all matters reserved aside from access) within Area A and a full application for change of use from agricultural land to country park (Use Class D2) within Area B.  
Start Date: 11 November 2024

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(b) Enforcement Appeals Received

None.

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(c) Planning Appeal Decisions

LPA Reference No: 2024/00213/FUL  
Appeal Method: Written Representations  
Appeal Reference No: CAS-03606-S7N8C1  
Appellant: Mr. Rob Cheeseman  
**Location: 12, Min Y Mor, Barry**  
Proposal: Proposed new first floor room over existing lounge. Associated internal remodelling and exterior cladding. New flat roofs to existing dormers to match proposed works.  
Decision: Appeal Dismissed  
Date: 3 October 2024  
Inspector: M Lowe  
Council Determination: Delegated

**Summary**

The main issues were considered to be the effect of the proposal on the character and appearance of the area and the living conditions of the occupants of No.10 Min-y-Mor.

*Character and Appearance*

The appeal dwelling was an L-shaped dormer bungalow located within the southern part of Min-y-Mor, which was predominantly comprised of bungalows with pitched roofs and gables mostly facing towards the road. The wider area was generally mixed in character comprising of a range of single and two storey dwellings.

The Inspector did not consider that the change in appearance of the proposed front dormer windows would have any significant effect as the reduction in their already modest size would ensure they remained subservient to the main dwelling. It was however considered that the addition of a first floor front extension would significantly increase the size of the existing front element of the building and thereby erode its subservient relationship with the host property. The inclusion of a very gently sloping roof would also contrast significantly with the visual rhythm of pitched roofs in this part of the street scene. Due to the scale of the extension and its prominent position within the site frontage, this would form a highly visible and dominant feature within the street scene which would be in conflict with policies within the LDP and the SPG.

*Living Conditions*

The proposed first floor extension would be located close to the boundary with No.10 Min-y-Mor which has ground floor and first floor bedroom windows facing across the appeal site. The outlook and light from the ground floor windows was already curtailed by the close relationship with the appeal property. It was therefore determined that the first floor extension would not materially change the levels of outlook or light from the ground floor side windows to the extent that unacceptable harm would be caused. However, the main source of outlook and light for the first floor bedroom was from the principal window facing the appeal site which benefited from a pleasant open



aspect. Due to the scale and close proximity of the first floor extension, the window would face onto a flank wall, which would severely limit the outlook from the bedroom resulting in an unacceptable sense of enclosure. Furthermore, this window faced a south-easterly direction and as such, there would also be some loss of late morning sunlight and daylight reaching this room, which would exacerbate the overbearing and oppressive impacts of the proposal. It was therefore concluded that the proposal would result in significant harm to the living conditions of the occupants of No.10 Min-y-Mor, contrary to LDP policies and the objectives of the SPG.

#### *Other Matters*

The appellant's contentions that the proposed development would help improve the sustainable credentials of the existing dwelling, enhance the living accommodation and create employment opportunities for local workers were noted however, these benefits were not necessarily reliant on the scheme design.

#### *Conclusion*

It was therefore concluded that the appeal should be dismissed.

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LPA Reference No:	2023/00711/FUL
Appeal Method:	Written Representations
Appeal Reference No:	CAS-03384-N2G7T5
Appellant:	Mr T A Thomas
<b>Location:</b>	<b>Land to the rear of 160, Windsor Road, Penarth</b>
Proposal:	The erection of a storage and lock up facility with office space over.
Decision:	Appeal Dismissed
Date:	14 October 2024
Inspector:	L Hughson-Smith
Council Determination:	Delegated

#### **Summary**

The main issues were considered to be the effect of the proposal on the character and appearance of the surrounding area, and the living conditions of No. 158 and No. 160 Windsor Road.

#### *Character and Appearance*

The appeal site was a modestly sized plot of land adjoining the rear garden to No. 160 Windsor Road and a detached building was proposed, with storage on the ground floor and office space above. The proposed roof design had some similarities to a gambrel style roof, proposing steep symmetrical slopes to the front and rear elevation, and a flat upper plane.

Whilst there was some variation in the scale of buildings along Pill Street, these were generally focal buildings positioned on corners and forming part of the original layout for the area. In contrast, and due to its roof design and scale, the proposal would introduce an atypical standalone structure to the street which would have little regard to its character and would be obviously

out of sync with the scale, form and appearance of the surrounding terraced housing. Its discordance with the streetscene would be particularly obvious from Windsor Road, whereby it would be viewed in the wider setting of the street and noticeably disrupt the cohesiveness of the streetscene and fail to harmonise with the character of the area.

The appellant had sought to integrate the proposal into the context through reducing its height, using sympathetic materials and maintaining the building line with the adjacent properties however, this was not considered by the Inspector to overcome the harm identified in relation to its design and scale. It was therefore concluded that the proposed development would be harmful to the character and appearance of the surrounding area contrary to the policies of the LDP.

#### *Living Conditions*

The proposed building would be in close proximity to the neighbouring gardens however, as it would be positioned towards the rearmost part, the Inspector was satisfied that it would not have an impact on the gardens of No. 158 and No. 160 to an extent which would be harmful to the outlook of the occupiers.

Whilst the Council's concerns that the proposed building would overshadow the garden of No. 160 were noted, the Inspector did not consider that the overshadowing associated with the proposal would be more significant than currently experienced from the adjacent taller properties along Pill Street. It was noted that the proposed window would be in relatively close proximity to the neighbouring property and had the appeal been allowed, a condition could have been imposed to safeguard neighbouring privacy. It was therefore concluded that the appeal proposal would not be harmful to the living conditions of the occupier of No. 158 and No. 160, with particular regard to outlook and sunlight and would accord with policies of the LDP.

#### *Other Matters*

Whilst the benefits of the proposal were noted, the Inspector considered the scope of these benefits would be modest and did not therefore outweigh the harm identified to character and appearance of the area.

#### *Conclusion*

The proposal would be acceptable in terms of its impacts on residents' living conditions however, the harm to the character and appearance of the area would be significant and it was therefore concluded that the appeal should be dismissed.

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LPA Reference No:	2015/00031/5/CD
Appeal Method:	Public Inquiry
Appeal Reference No:	CAS-01476-M1N1C0
Appellant:	BIOMASS UK NO.2 LTD
Location:	<b>Barry Biomass Energy Centre, Barry Docks, Woodham Road, Barry</b>

Proposal: Conditions 5, 11, 12, 13, 14, 15, 16, 17, 19, 20, 21, 25 & 29 of Planning Application 2015/00031/OUT: Outline application for a wood fired renewable energy plant (non-determination appeal).  
Decision: Appeal Withdrawn  
Date: 21 October 2024  
Inspector: A McCooey  
Council Determination: Committee

### Summary

This appeal was received on 22<sup>nd</sup> November 2021 in response to the Council's failure to discharge the planning conditions relating to the planning consent granted under planning application 2015/00031/OUT. The appeal was previously linked to an appeal against the Enforcement Notice issued by the Council on 17<sup>th</sup> September 2021 in respect of the Barry Biomass renewable energy plant. The Planning Inspector determined on 22<sup>nd</sup> August 2023 that the Enforcement Notice should be quashed, which determined the appeal against the Notice.

Since then, two further appeals have been received against the refusal of planning applications 2023/00032/FUL and 2023/00033/FUL relating to the Biomass site and land to the north. As part of these appeals, a re-assessment of all relevant material planning considerations including the potential for any planning conditions relating to the site would need to be undertaken. The appellant has therefore requested that the appeal against 2015/00031/5/CD is withdrawn.

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LPA Reference No: 2024/00109/FUL  
Appeal Method: Written Representations  
Appeal Reference No: CAS-03682-K0N7X1  
Appellant: Mr Matthew Sheppard  
**Location: 5, Hazledene Close, Barry**  
Proposal: Retrospective approval required for a feather edge garden fence that runs adjacent to the pathway.  
Decision: Appeal Dismissed  
Date: 7 November 2024  
Inspector: L Hughson-Smith  
Council Determination: Delegated

### Summary

This main issue was considered to be the effect of the development on the character and appearance of the surrounding area.

It was identified that Hazledene Close was characterised by dwellings consistently set back from the road by front gardens which are broadly open or enclosed with low level boundaries. Many front gardens are used for parking however, several have been maintained as soft landscaping, resulting in an attractive, open streetscene. Some properties had taller front enclosures

however, this was not typical and did not significantly alter the street's overall character.

Given its position against the back edge of the pavement, the height of the close boarded fence was considered significant, and influenced by the slope of the garden ground levels. It enclosed much of the appeal property's front garden and, as a result of its siting on a sweeping curvature in the road, occupied considerable street frontage. Due to its extent, siting and height, the fence was an imposing hard and rigid feature which had obviously diminished the openness of the streetscene. Whilst the fence had replaced a much taller hedge, which would have had some effect on openness, a hedge provided a soft and natural enclosure which integrated well with the landscaping in the context, and contributed to the overall attractiveness of the streetscene.

The Inspector had regard to the close boarded fences associated with the properties near the entrance of Hazledene Close including, the properties which faced onto Gibbonsdown Rise and Willow Crescent. However, it was identified that they primarily served as side boundaries or were not directly to the front of the property and were not therefore, directly comparable to the appeal site in terms of position or context. With regard to the appeal decision relating to the fence at No. 1 Hazledene Close, whilst there were some similarities with the appeal scheme, the fence nonetheless differed in extent, scale and position within the street. It was therefore concluded that the development was harmful to the character and appearance of the surrounding area, contrary to policies of the LDP and SPG.

#### *Other Matters*

Whilst noting the maintenance difficulties associated with the previous conifer hedge and benefits of providing an enclosed private space at the front, the visual harm arising from the fence was considered significant. Support from a neighbour and the absence of consultee objections did not imply the fence is acceptable.

#### *Conclusion*

It was therefore concluded that the appeal should be dismissed.

#### **Comment**

Following this decision, correspondence has been sent to the owner of the property requesting that the height of the fence is reduced to a maximum height of 1 metre where it is adjacent to the highway, which would then constitute 'permitted development'. In response, the owner has submitted a revised planning application for an amended design to the boundary and this will be considered prior to pursuing any further action.

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LPA Reference No:	2024/00154/FUL
Appeal Method:	Written Representations
Appeal Reference No:	CAS-03446-Y7Q2W0
Appellant:	Mr Harpreet Singh
<b>Location:</b>	<b>Bambrah Stores, 25-27, Ivor Street, Barry, CF62 5UL</b>

Proposal: Conversion of two first floor flats to three flats.  
Decision: Appeal Dismissed  
Date: 15 November 2024  
Inspector: L Hughson-Smith  
Council Determination: Delegated

### **Summary**

The main issue was considered to be the effect of the proposal on the living conditions of the future occupiers of the flats having regard to the provision of amenity space. The proposal was to subdivide the two flats above the ground floor convenience shop into three smaller one-bedroom flats. It also included the provision of an external shared amenity space to the rear of the appeal property, facilitated in part by the demolition of an existing garage, and would be accessed via a shared, gated lane.

Whilst the Inspector noted that the existing flats were not served by amenity space, the intensification of the upper floor would result in the proposed flats having particularly small internal spaces in comparison to the existing arrangement. It was therefore considered that considerable weight should be placed on the need for amenity space to ensure an overall good living environment for the future occupants, consistent with policy MD2 of the LDP and guidance in the SPG.

Whilst the evidence suggested that the proposed amenity space fell well below the SPG minimum standards, as the appeal site was in an urban and sustainable location whereby higher density development was appropriate, the Inspector considered that it would be unreasonable to withhold planning permission based solely on the SPG minimum space standards not being met. It was considered that the quality, usability and accessibility of the amenity space to be as important, consistent with the SPG advice.

It was identified that the proposed amenity space was an irregular shape due to the position of the boundary wall along the lane, resulting in the space being constrained in width and depth. It was enclosed with boundary walls which incorporated a significant roller shutter door that appeared to provide vehicular access and if it was to remain in use, it would severely restrict the usability of the space and potentially raise safety concerns. The roller shutter door was also a dominant feature which, together with the proposed fence separating the space from the rear of the shop, would result in an enclosed space with a limited outlook and create a confined and oppressive external space. For these reasons, the Inspector was not convinced that essential functions such as relaxation, entertainment and play, clothes washing and drying, and domestic storage could be undertaken in the proposed amenity space.

In addition, it was considered that the distance and nature of the proposed access to the amenity space to be impractical and occupants would need to leave the appeal property via the stairs, walk across the front of the convenience shop and then open a gate and walk along the lane to be able to use it. This would restrict its practical usability, particularly for entertainment and play, and further undermine its ability to provide meaningful amenity space.

Although the appellant had asserted that prospective tenants do not demand amenity space, the proposal needed to be considered against the planning policy requirements of the adopted LDP, which required the provision of amenity space. Whilst the Inspector considered that a degree of flexibility could be applied in terms of the size of the space, the quality, usability and accessibility of the proposed amenity space was inadequate and would result in unacceptable living conditions for future occupants and conflict with policies of the LDP, SPG and Planning Policy Wales (edition 12).

*Other Matters*

Whilst it was noted that the proposal would result in an additional flat in a sustainable location which supported housing choice, given the amount of development proposed, the scope of this benefit was considered to be limited and did not outweigh the harm identified to the living conditions of the future occupants.

*Conclusion*

It was therefore concluded that the appeal should be dismissed.

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(d) Enforcement Appeal Decisions

None.

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(e) April 2024 – March 2025 Appeal Statistics

		Determined Appeals			Appeals withdrawn /Invalid
		Dismissed	Allowed	Total	
<b>Planning Appeals</b> (to measure performance)	<b>W</b>	18	2	20	-
	<b>H</b>	-	-	-	-
	<b>PI</b>	-	-	-	-
<b>Planning Total</b>		18 (90%)	2 (10%)	20	-
<b>Committee Determination</b>		-	-	-	
<b>Other Planning appeals (inc. appeal against a condition)</b>		-	1	1	1
<b>Enforcement Appeals</b>	<b>W</b>	1	-	1	-
	<b>H</b>	-	-	-	-
	<b>PI</b>	-	-	-	-
<b>Enforcement Total</b>		1	-	1	-
<b>All Appeals</b>	<b>W</b>	19	3	22	-
	<b>H</b>	-	-	-	-
	<b>PI</b>	-	-	-	-
<b>Combined Total</b>		19 (86%)	3 (14%)	22	1

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 : **28 NOVEMBER 2024**

REPORT OF THE HEAD OF SUSTAINABLE DEVELOPMENT

8. TREES

(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

2024/00753/TCA	A	Crossways, 82 Westward Rise, Barry	Work to Tree(s) in a Conservation Area: Removal of a conifer in the back garden that has become very tall and is dying in the middle. Branches are dropping down as the tree is dying
2024/00753/TCA	A	Crossways, 82 Westward Rise, Barry	Work to Tree(s) in a Conservation Area: Removal of a conifer in the back garden that has become very tall and is dying in the middle. Branches are dropping down as the tree is dying
2024/00764/TCA	A	31, Cwrt-y-vil Road, Penarth	Work to Tree(s) in a Conservation Area: T1. Lawson Cypress - Fell
2024/00766/TPO	A	St Quentin's Castle, Llanblethian Castle , Cowbridge	Work to Tre(s) covered by Tree Preservation Order No. 7 1973: Please see tree survey



2024/00790/TPO	R	Nirvana, 2 Castle Precinct, Llandough, Cowbridge	Work to Tree(s) covered by Tree Preservation Order No.1 1950: T1 - Cedar- Removal Ref: 01
2024/00819/TCA	A	Pant Y Coed, Llanbethery, Barry	T1 - Sectioning down and removal of one Leylandi Tree
2024/00824/TCA	A	Strady Lodge, Llancadle, Barry	T1 - Reduction of one previously reduced Sycamore tree to previous reduction points, approx. 2 meter reduction
2024/00833/TPO	A	Brooklands, 3 Mill Park, Cowbridge	Work to Tree covered by TPO No.13 of 2004: T1- Ash - Reduce by 30%
2024/00876/TCA	A	9, Paget Place, Penarth	Work to Tree(s) in a Conservation Area: MP Tree Surgery will reduce the large Ash and Silver Birch (T1 & T2) on site plan) by approx. 25-30% of their crowns.

THE VALE OF GLAMORGAN COUNCIL

PLANNING COMMITTEE: 12<sup>th</sup> December 2024

REPORT OF THE HEAD OF SUSTAINABLE DEVELOPMENT

9. ENFORCEMENT ACTION

(i) LAND AND BUILDINGS AT ATLANTIC BUSINESS PARK, BARRY

EXECUTIVE SUMMARY

Following a complaint made to the Council, an investigation has confirmed that units 3, 30, and 40 – 42 of the Atlantic Business Park, Barry, are currently used for purposes falling outside of use classes B1 (light industrial business use) and B8 (storage and distribution). Consent for the business park was granted in 2018 (application ref: 2018/01317/FUL) subject to a condition that the units are only used for purposes falling under use classes B1 (Business) and/or B8 (Storage or Distribution), on the basis that the business park is situated within a local employment allocation for these uses. The purpose of restricting the future use of the units within the site, was to ensure that they continue to contribute to the fulfilment of local employment requirements for uses falling within the remit of B1 and B8.

In the absence of any planning applications for the identified units, which include a stone mason (B2), gymnasium (D2), brewery and associated tap room/bar (B2 & A3), it is considered unacceptable to allow these uses to continue with no planning control. In the event no action is taken, the unauthorised uses are likely to become lawful after 10 continuous years. Given the nature of the uses and the potential harmful impact resulting from uncontrolled noise, traffic movements and odours on the amenity of nearby residential dwellings, and the loss of employment space, it is considered expedient to take enforcement action to require the use of the identified units for any purpose, other than those falling under classes B2 and B8, to cease.

Background

1. A complaint was received by the Local Planning Authority on 2<sup>nd</sup> November 2022, regarding the unauthorised use of unit 30 as a gymnasium and fitness centre. Following this complaint, a site visit was made to the business park on 5<sup>th</sup> April 2023, which confirmed the use of a number of units at the park for uses other than B1 (light industrial business use) and B8 (storage and distribution). The remaining units in breach include:
  - Unit 3, Stone Masons, use class: B2.
  - Unit 30, Gymnasium and Fitness Centre, use class: D2.
  - Units 40 – 42, Brewery and Bar, use classes: B2 & A3.
2. The business park comprises of 42 units in total and is located off Hayes Lane, Barry. The site is situated within the wider Atlantic Trading Estate and forms an employment allocation under Policy MG9 of the LDP for B1 and B8

uses. The business park is also adjacent to a new affordable housing development (application ref: 2023/00506/RG3) and can be seen outlined in red from the aerial photograph below.



Photographs of each of the units in breach are included below.



Units 41 & 42 – B2, Brewery.



Unit 40 – Brewery Bar/Tap Room, A3 use.



Unit 3 – Stonemasons, B2.



Unit 3 – Stonemasons, B2.



Unit 30 – Vale Community Fitness, D2.

### Details of the Breach

3. Condition no.6 ('the condition') of the consent for the business park (ref: 2018/01317/FUL) restricts the permitted uses as follows: -

*Notwithstanding the provision of the Town and Country Planning (Use Classes) Order 1987, the building hereby approved shall be restricted to uses falling within Classes B1 and B8 only of the schedule of the Town and Country Planning (Use Classes) Order 1987, or in any provision equivalent to that Class in any statutory instrument amending, revoking, or re-enacting that Order.*

*Reason:*

*To control the precise nature of the use of the building given its location within an allocated employment site, and to ensure compliance with the terms of Policies MD1 and MD2 of the Local Development Plan.*

4. Following several site inspections, it is confirmed that units 3, 30, as well as 40 – 42 are currently used for purposes falling outside use classes B1 and B8 of the Town and Country Planning (Use Classes) Order 1987 as amended. Other units in breach of the condition were also identified but have since been resolved following discussions with officers, either by regularising the use with a planning application or by reverting back to operating within the scope of either classes B1 or B8.

#### Action Pursued to Date

5. Following the initial site inspection of 5<sup>th</sup> April 2023, the occupiers of the units in question were all written to and advised of the breach of condition. The occupiers were informed that should they wish to continue to occupy the unit, they had the opportunity to apply for planning permission in order to retrospectively regularise the current unauthorised use. Due to the variations between each use and the likelihood of differing impacts in terms of generating noise, odours, traffic movements etc. individual applications were invited rather than seeking an amendment to the consent for the whole business park, which was restricted to B1 and B8 uses only. This course of action was followed, to enable control to be maintained over the precise nature of the use of the units and to ensure acceptable environmental impacts do not arise.
6. Following a period of correspondence for the remaining duration of 2023, during which planning applications were invited to allow businesses the opportunity to seek to regularise the uses of the identified remaining units in breach, no applications were received. Therefore, further site inspections were carried out, including visits in May and October 2024, confirming the list of units still in breach of the condition. No further action has been pursued to date and it is necessary to consider the expediency of taking formal enforcement action.

#### Planning History

7. The business park as a whole benefits from the following relevant planning history:

2018/01317/FUL - Construction of six portal framed buildings and associated roads, division of buildings to form 43 light industrial units. Approved.

2018/01317/1/NMA – Variation to planning permission 2018/01317/FUL: to amend the layout of Building 4, from 7 units to one complete building for single occupancy, including associated amendments to the external elevations and addition of a first floor mezzanine for ancillary offices, reduce building 5 from 7 bays to 6. Approved

In addition, as a result of the investigation, the following planning consents have been granted to specific units within the Business Park:

#### Unit 21

2023/00287/FUL - Existing empty unit to be changed into a cafe requiring change of use to A3. Approved: 30 August 2023.

### Unit 29

2023/01210/FUL - Change of use of premises from B1 to B2. Approved: 12 March 2024.

### Policy

#### **Local Development Plan:**

8. 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 SP5 – EMPLOYMENT REQUIREMENTS

*Managing Growth Policies:*

POLICY MG9 – EMPLOYMENT ALLOCATIONS

*Managing Development Policies:*

POLICY MD1 - LOCATION OF NEW DEVELOPMENT  
POLICY MD2 - DESIGN OF NEW DEVELOPMENT  
POLICY MD7 - ENVIRONMENTAL PROTECTION  
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

#### **Planning Policy Wales:**

9. National planning policy in the form of Planning Policy Wales (Edition 12, 2024) (PPW) is of relevance to the matters considered in this report.
10. 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.
11. The following chapters and sections are of particular relevance in the assessment of this planning application:
12. Chapter 5 - Productive and Enterprising Places
  - Economic Infrastructure (electronic communications, transportation Infrastructure, economic development, tourism, and the Rural Economy)

13. Chapter 6 - Distinctive and Natural Places

- Recognising the Environmental Qualities of Places (water and flood risk, air quality and soundscape, lighting, unlocking potential by taking a de-risking approach)

*6.7.1 “Clean air and an appropriate soundscape, contribute to a positive experience of place as well as being necessary for public health, amenity and well-being. They are indicators of local environmental quality and integral qualities of place which should be protected through preventative or proactive action through the planning system. Conversely, air, noise and light pollution can have negative effects on people, biodiversity and the resilience of ecosystems and should be reduced as far as possible.”*

*6.7.5 “In taking forward these broad objectives the key planning policy principle is to consider the effects which proposed developments may have on air or soundscape quality and the effects which existing air or soundscape quality may have on proposed developments. Air Quality and soundscape influence choice of location and distribution of development and it will be important to consider the relationship of proposed development to existing development and its surrounding area and its potential to exacerbate or create poor air quality or inappropriate soundscapes.”*

*6.7.9 “When proposing new strategies for development and when allocating sites in development plans it will be important to avoid instances where incremental development of infrastructure, housing, commercial and industrial development creates or exacerbate health and amenity inequalities by introducing more sensitive receptors into an area or by making existing occupiers more vulnerable to poor air quality or noise.”*

*6.7.14 “Proposed development should be designed wherever possible to prevent adverse effects to amenity, health, and the environment but as a minimum to limit or constrain any effects that do occur. In circumstances where impacts are unacceptable, for example where adequate mitigation is unlikely to be sufficient to safeguard local amenity in terms of air quality and the acoustic environment it will be appropriate to refuse permission.”*

*6.7.15 “For the purposes of this section, potentially polluting development includes commercial, industrial, energy, and agricultural or transport infrastructure. Such development should be located in areas where there is low potential for public exposure, or where its impact can be minimised. Novel or new development types may potentially cause pollution and should be carefully considered, and where appropriate, decisions should be based on the precautionary principle.”*

**Technical Advice Notes:**

14. 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)

### **Supplementary Planning Guidance:**

15. In addition to the adopted Local Development Plan, the Council has approved Supplementary Planning Guidance (SPG).

### **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”

### **Well Being of Future Generations (Wales) Act 2015:**

16. 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 an Enforcement Notice**

17. The business park gained approval on 19<sup>th</sup> August 2019 and therefore none of the units have been occupied for more than 10 years in breach of the condition. As such, they are not immune from enforcement action. The principal issue in considering whether it is expedient to serve an Enforcement Notice is the potential detrimental environmental impacts on residential and public amenity, derived from the uncontrolled uses of units within the business park. The principle of having no control over the use of units within an allocated employment site is also a fundamental issue for consideration.

### **Environmental Impacts**

18. Criterion 4 of Policy MD7 (Environment Protection) of the Vale of Glamorgan Adopted Local Development Plan (2011 – 2026) requires development proposals to demonstrate they will not result in an unacceptable impact on people, residential amenity, property and / or the natural environment from noise, vibration, odour nuisance and light pollution. Furthermore, paragraph 6.7.14 of Planning Policy Wales acknowledges that *“proposed development should be designed wherever possible to prevent adverse effects to amenity, health, and the environment but as a minimum to limit or constrain any effects that do occur. In circumstances where impacts are unacceptable, for example where adequate mitigation is unlikely to be sufficient to safeguard local amenity in terms of air quality and the acoustic environment it will be appropriate to refuse permission.”*
19. In the case of Atlantic Business Park, which is situated within an allocated employment site, it was considered that potential impacts on the environment could be appropriately managed by condition. At the time of considering the application for the business park, it was noted that the application only included B1 and B8 uses and that no general industrial B2 uses were proposed, that could have the potential to raise issues in respect of noise pollution and odours in particular. Since 2018, land to the north-east of the business park has also been developed to provide affordable housing. Therefore, as there are now residential dwellings in close proximity to the business park, any impacts on residential amenity from uncontrolled uses other than those falling under either B1 or B8 are likely to be exacerbated and without any control considered to be contrary to Policies MD2 and MD7 of the LDP.
20. The introduction of uses other than B1 and/or B8 at Atlantic Business Park is not ruled out, subject to control through planning permission for the varied use of individual units. This would give the Local Planning Authority the opportunity to assess details of the proposed use and consider any necessary mitigation to manage noise, odour, traffic, and any other potential impacts that may be generated by the proposed use falling outside the remit of B1 and B8. In the absence of suitable planning applications being submitted relating to the remaining uses, the Council has not had the opportunity to determine whether these could be considered acceptable. Given the range of unauthorised uses being undertaken in the units identified, it is considered that the current scenario in which the Local Planning Authority has no control over the current uses, is contrary to Policies MD2 and MD7 of the Adopted LDP, as well as chapter 6 of Planning Policy Wales (Edition 12). In the event that no action is taken, any one of these uncontrolled uses may become lawful and as such immune from any enforcement action after a period of 10 continuous years. This would be an entirely unacceptable position given the potential harmful environmental impacts, that may only be deemed acceptable subject to appropriate measures of mitigation, typically secured by way of attaching conditions to a grant of planning consent.

## **Principle of Uncontrolled Uses**

21. In addition to the potential for detrimental environmental issues, the business park is located within an allocated '*local employment site*' for B1 and B8 uses only by Policy MG9 of the Adopted LDP. The purpose of such sites is to ensure that future employment requirements are met, by making appropriately located and suitable employment land available. The business park was therefore approved and conditioned to restrict the uses to B1 and B8, in order to accord with Policy MG9. Exerting no planning control over the use of the units therefore undermines the purpose of the local employment site and would be contrary to Policy MG9, in that the sole purpose of the business park is to contribute to meeting the employment requirements of the region in B1 and B8 uses.
22. It is acknowledged that Policies MD14 (New Employment Proposals) and MD16 (Protection of Existing Employment Sites and Premises) are generally supportive of complimentary ancillary uses on existing and allocated employment sites. This is demonstrated by consent having been granted for the A3 (food and drink) use of unit 21 (app ref: 2023/00287/FUL), in addition to the B2 (general industrial) use of unit 29 of the business park (app ref: 2023/01210/FUL). On balance it was considered that these uses would not prejudice existing or neighbouring employment uses or lead to a material change or undermine the nature of the employment site. The A3 use of unit 21 was also considered to be an acceptable ancillary use to the employment site and thus permission was granted. However, in the absence of planning applications for units 3, 30 and 40 – 42, it is not possible to consider the full planning merits and acceptability of the uses in principle, or whether they have any detrimental impacts on amenity. It is therefore considered expedient to take formal enforcement action in order to exert control over the uses of the units, so as to not undermine the purpose of the local employment site, which would otherwise be contrary to Policy MG9 of the LDP.

### Conclusions

23. In conclusion, the use of units 3, 30, and 40 – 42 at Atlantic Business Park for purposes other than those falling under use classes B1 and B8 may have uncontrolled and detrimental environmental impacts on residential and public amenity, in terms of generating noise pollution, odours, additional traffic movements, and any other impacts. These uses could become lawful and immune from enforcement action after 10 continuous years, which would be an entirely unacceptable position for the Local Planning Authority to support, given the uses identified may only be deemed acceptable subject to requiring appropriate mitigation by attaching planning conditions to a grant of planning consent. Therefore, in the absence of any planning applications to regularise the uses of these units, it is considered that the current position is contrary to Policies MD2 and MD7 of the Adopted LDP as well as Chapter 6 of Planning Policy Wales (Edition 12).

24. Atlantic Business Park is also located within an identified local employment site for B1 and B8 uses, by Policy MG9 of the LDP. Therefore, considering that the purpose of the employment allocation is to ensure the employment requirements of the area are met, it is considered that to allow uncontrolled uses to establish and become lawful is unacceptable in principle. Any uses within the business park that are not either B1 or B8 should undergo a full assessment as part of a planning application and in view of these uncontrolled B2, D2 and A3 uses of units 3, 30 and 40 – 42, it is considered expedient to take enforcement action, in order to provide for appropriate control and ensure the purpose of the employment allocation under Policy MG9 is not undermined.
25. 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)

26. 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)

27. 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).
28. The Action is founded in law and would not be considered to breach any of the rights referred to in the Human Rights Act.

#### Equal Opportunities Implications (to include Welsh Language Issues)

29. None.

### RECOMMENDATION

- (1) That the Head of Legal Services be authorised to issue a Breach of Condition Enforcement Notice under Section 172 of the Town and Country Planning Act 1990 (as amended) to require:
- (i) Secure full compliance with the requirements of condition no.6 of planning permission reference 2018/01317/FUL by ceasing the use of units 3, 30, and 40 – 42, other than for uses falling within Classes B1 and B8 of the schedule of the Town and Country Planning (Use Classes) Order 1987, or in any provision equivalent to that Class in any statutory instrument amending, revoking or re-enacting that Order.

- (2) In the event of non-compliance with the Notice, authorisation is also sought to take such legal proceedings as may be required.

### Reason for Recommendation

- (1) The use of units 3, 30, and 40 – 42 for purposes other than those falling under use classes B1 and B8 of the Town and Country Planning (Use Classes) Order 1987 as amended may have uncontrolled detrimental environmental impacts on residential and public amenity, by generating unacceptable noise pollution, odours, additional traffic movements and any other harmful impacts. The uncontrolled uses of the identified units may become lawful and immune from any enforcement action after a period of ten continuous years of use. This would be an entirely unacceptable position on the basis that the uses identified may only be deemed acceptable subject to appropriate mitigation measures, that could only be required by way of attaching planning conditions to a grant of planning consent. Therefore, in the absence of planning permission to regularise the uses of the identified units, it is considered that the current position is unacceptable and contrary to Policies MD2 and MD7 of the Adopted LDP as well as Chapter 6 of Planning Policy Wales (Edition 12).
- (2) Atlantic Business Park is also located within an identified local employment site for B1 and B8 uses, as allocated by Policy MG9 of the Adopted LDP. Therefore, considering that the purpose of the local employment allocation is to ensure the employment requirements of the area are met, it is considered that to allow uncontrolled uses to establish and become lawful over time at the units identified is unacceptable in principle and undermines the purpose of the employment allocation, contrary to Policy MG9 of the LDP.
- (3) 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 Refs: ENF/2023/0068/PRO, ENF/2022/0358/PC,  
ENF/2023/0070/PRO

Contact Officer - Mr. Marc Stephens, Tel: 01446 706185

### Officers Consulted:

All relevant Chief Officers have been consulted on the contents of this report.

**IAN ROBINSON**  
**HEAD OF SUSTAINABLE DEVELOPMENT**

THE VALE OF GLAMORGAN COUNCIL

PLANNING COMMITTEE : **12 DECEMBER 202**

REPORT OF THE HEAD OF SUSTAINABLE DEVELOPMENT

10. PLANNING APPLICATIONS

Background Papers

The following reports are based upon the contents of the Planning Application files up to the date of dispatch of the agenda and reports.

**2022/00907/FUL** Received on 18 August 2022

**APPLICANT:** Lidl GB Ltd C/O Agent

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

**Land at Bridge House Farm, Llanmaes Road, Llanmaes, Llantwit Major**

Erection of a Class A1 foodstore with access, surface level parking, landscaping and all associated development

**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 is of a scale and / or nature that is not covered by the scheme of delegation.

**EXECUTIVE SUMMARY**

The application has been submitted in full and relates to the development of the site for the erection of a Class A1 foodstore with access, surface level parking, landscaping and all associated development. The proposed foodstore would have a floorspace of circa 2000 square metres with an indicated retail floor space of 1250 square metres. The proposed store would have a maximum width of circa 78 metres and a depth of approximately 32 metres (inclusive of the canopy area to the front). The buildings would have a monopitch roof design with a maximum height of circa 8 metres (owing to levels). The site layout would accommodate access from Llanmaes Road to the east and a 122 bay parking area to the front of the store with a servicing area for delivery vehicles to the north.

The application site lies adjacent to the junction of Llanmaes Road and the Llantwit Major Bypass (B4265), outside of a settlement boundary as identified by the adopted Vale of Glamorgan Local Development Plan 2011-2026, and as such falls within the countryside. It is however, noted that the Llantwit Major settlement boundary runs along the southern edge of the adjacent bypass whilst the outskirts of Llanmaes is circa 150 metres from the site at its nearest point to the north.

The neighbouring properties were consulted on 24 August 2022, a site notice was also displayed on 2 September 2022 and the application was also advertised in the press on 8 September 2022. At the time of writing this report circa 700 letters of representation had been received. Of these there was a mix of support and circa 25% raising objection to the proposals.

Whilst not intended as an exhaustive list, the following principal reasons for support are lack of availability of existing low price retailers/supermarkets in the area; would assist with living costs; expense of existing retailers in Llantwit Major town centre; job provision and environmental benefits of less car travel to supermarkets. Furthermore the principal reasons for objection (again not intended as an exhaustive list) are the site not being allocated for such purposes within the LDP; greenfield land; highways issues including junction capacity, lack of suitable pedestrian and cycle access; visual impact including loss of gap between Llanmaes & Llantwit Major; impacts on Llanmaes Conservation Area and suggested inadequacies of the retail assessment submitted.

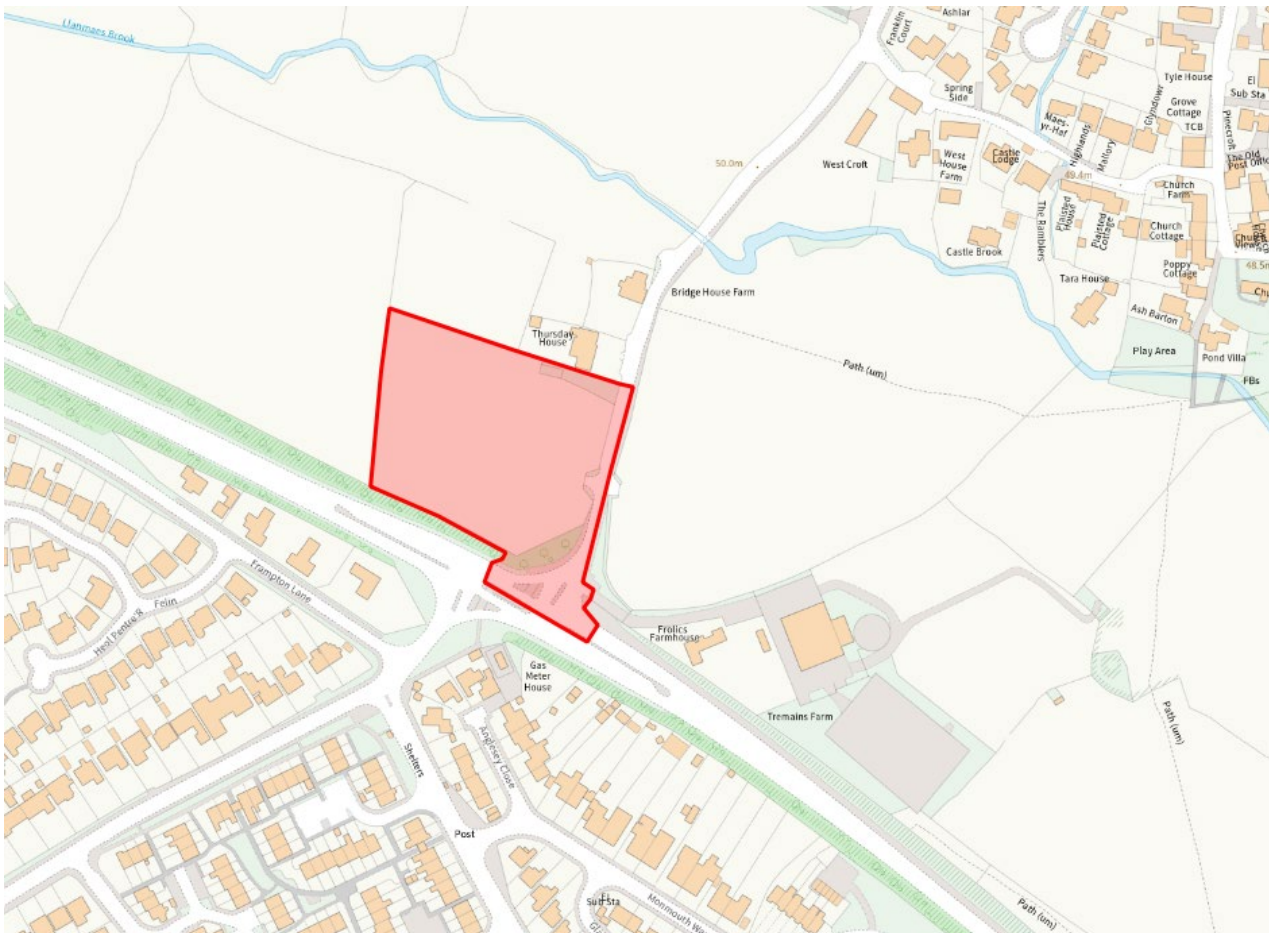
The issues covered with the following report are the principle of development (including retail capacity), visual impact, historic environment, agricultural land classification, drainage & flooding; impact upon neighbouring residential properties; ecology & green infrastructure; highways impacts and planning obligations.

Following consideration of all these matters, when weighed in the planning balance, it is considered that the visual impacts of the proposals would be significantly harmful to a degree that they would outweigh any suggested benefits. As such the application is recommended for refusal.

## SITE AND CONTEXT

The application site lies adjacent to the junction of Llanmaes Road and the Llantwit Major Bypass, outside of a settlement boundary as identified by the adopted Vale of Glamorgan Local Development Plan 2011-2026, and as such falls within the countryside. It is however, noted that the Llantwit Major settlement boundary runs along the southern edge of the adjacent bypass whilst the outskirts of Llanmaes is circa 150 metres from the site at its nearest point to the north. A plan showing the context of the site is shown below for information:





The site does fall within a Mineral Safeguarding Area for Limestone (Category 2) and also a 45m height civil aviation safeguarding area. Llanmaes Brook running circa 75 metres to the north of the site is identified within C2 Flood Zone whilst the edge of the Llanmaes Conservation Area is within circa 70 metres of the north-eastern corner of the site.

## DESCRIPTION OF DEVELOPMENT

The application relates to the development of the site for the erection of a Class A1 foodstore with access, surface level parking, landscaping and all associated development. The proposed foodstore would have a floorspace of circa 2000 square metres with an indicated retail floor space of 1250 square metres. The proposed store would have a maximum width of circa 78 metres and a depth of approximately 32 metres (inclusive of the canopy area to the front). The buildings would have a monopitch roof design with a maximum height of circa 8 metres (owing to levels). The site layout would accommodate access from Llanmaes Road to the east and a 122 bay parking area to the front of the store to the east with a servicing area for delivery vehicles to the north.

During the course of the application the application has been revised noting officer concerns, including alterations to landscaping, fenestration details and the addition of a green roof. As amended, plans and elevations of the proposals are shown below:



Site layout plan



Southern side elevation fronting onto B4265



Eastern elevation fronting Llanmaes Road



Northern elevation fronting Thursday House/Bridge House Farm



Western elevation

## PLANNING HISTORY

1974/00108/OUT, Address: North East corner of Field OS No. 380, Llanmaes, Proposal: Erection of a detached Dwelling, Decision: Refused

## CONSULTATIONS

**The Ministry of Defence** were consulted although no comments had been received at the time of writing this report.

**The Council's Drainage Section** provided comments they had provided with regard to the SAB pre-app submission that states '*An appraisal of this application has been made by the SuDS Approval Body in line with Welsh Governments Statutory Standards for Sustainable Drainage Systems. From the details provided we offer no objection in principle to the proposed drainage scheme subject to our comments above.*'

**Shared Regulatory Services (Pollution Control)** provided comments with regard to the application including no delivery vehicles between the hours of 11pm and 7am; control of construction hours and noise levels during construction activities; recommendations with regard to illuminated advertisements. With regard to the submitted noise assessment they state:

*Regarding the BS4142 noise assessment conducted for the development the conclusion is that there will be a 2+db above background noise levels. This authority looks towards have a noise level of -10 below background noise levels, however with a development of this size this may be difficult to achieve if the developers can look at the mitigation to reduce the 2+db above background noise levels to 0db or better then it will satisfy the departments concerns.*

**Heneb (at the time of providing comments known as Glamorgan Gwent Archaeological Trust)** identify the site as having an archaeological constraint and originally requested that a field evaluation would be appropriate and that the consideration of the application should be deferred until an associated evaluation of the site had been submitted to Members.

Following the submission of additional information (inclusive of a geophysical survey) they state '*the results indicate it is unlikely that significant archaeological remains will be*

*encountered during the course of the application. As a result, there is unlikely to be an archaeological restraint to this proposed development and consequently, as the archaeological advisors to your Members, we have no objections to the positive determination of this application.'*

**Cadw, Ancient Monuments** were consulted and state that 'Having carefully considered the information provided, we have no objection to the proposed development in regards to the scheduled monuments or registered historic park and garden listed in our assessment of the application below.'

**Dwr Cymru Welsh Water** were consulted who request a condition relating to no surface water or land drainage being allowed to connect directly or indirectly with the public sewerage network.

**The Council's Ecologist** provided comments with regard to the application. They note that the PEA recommends a reptile mitigation strategy that they would prefer to form part of a Landscape and Ecology Management Plan (including clarification of the western part of the site and biodiversity enhancements) and recommend that this can be secured by way of condition attached to any planning permission given. They also provide commentary with regard to potential removal of trees and hedgerow and whether the amount of hedgerow lost could be minimised; request a lighting plan and strategy should be secured and consideration to whether an open pond could be incorporated into the development.

**The Council's Landscape Section** was consulted with regard to the application who initially provided comments with regard to the lack of zone of theoretical visibility; updated eye levels of the viewpoints provided; lack of massing within viewpoints provided; proposals not being viewed against the backdrop of the B4265 and north-west of Llantwit Major noting that these are obscured by vegetation. They stated that 'the design, scale and massing of the proposed development is out of character with the views presented and will be a significant intrusion into the rural buffer between the 2 communities.' Original viewpoints not being representative of actual impacts of the development; further viewpoint being required from east adjacent to Great House Farm; understating of landscape impacts between Llantwit Major and Llanmaes; comments on drainage strategy; impacts upon root protection area of hedgerow from parking bays and concern over loss of trees. Further clarification should be provided with regard to the replacement trees in terms.

Following the submission of further details, whilst they welcome some further wireframing of the building and the visualisations and associated comments they advise that '*Whilst there is some screening provided by existing vegetation and the proposed planting when viewed from Llanmaes the development is still a significant intrusion into the largely rural character of the landscape between Llantwit major and Llanmaes where it is visible. Whilst the scale of the building is not dissimilar from the large agricultural shed of Tremains farm, it is not an agricultural building and is very different in character and use pattern resulting in a larger overall impact on the character of the area.*

*The references in the LVIA to the building being seen in the context of a back drop of urban development can be argued because there are views of the residential building roof tops and the lighting columns along the road. However, these backdrop elements are small in scale with current views significantly filtered up by the existing vegetation which separates the urban character to the south of the road from the more rural character area to the north. The proposed development will constitute a significant change to the character and scale of the urban development visible from a number of viewpoints.'*

**The Council's Highways Section** were consulted on the application and in their additional comments requested additional information requesting a separation of the parking and delivery areas for the proposed store owing to potential conflict; visibility splays being provided to accord with Manual for Streets and being over third party; amendments to geometry of access; lack of suitable swept path analysis; insufficient EV charging spaces; amended path to the front of the site to meet active travel requirements; lack of crossing facility across the B4265; need for public transport improvements and clarifications with regard to HGV movements and technical data within the submitted Transport Assessment.

Following the submission of further information, the Highways section provided final comments with regard to the proposals. In summary, they state that the provision of 122 parking spaces (inclusive of disabled bays; EV and parent and child bays) are appropriate for a development of this form in this location; traffic regulation orders would be required along the site frontage; note that proposals will include 3.5m footway/cycleway; two new controlled toucan crossing points that would connect into existing infrastructure. They also indicate that S106 money should be used to improve real time information displays at nearby bus stops. Following review of the Transport Assessment and suggested works/improvements at the junction to improve its capacity, this would mitigate any associated impacts to the highway network. As such they state that they have no objection to the proposals subject to conditions relating to engineering details for off-site works; the requirement for a construction traffic management plan; traffic regulation orders; details of altered staging sequences/telematics for the signalised junction B4265/Llanmaes Road and condition surveys; in addition to advisories for the applicant's attention.

**Natural Resources Wales** were consulted who advise that they have 'no objection to the proposed development as submitted.'

**Shared Regulatory Services (Contaminated Land, Air & Water Quality)** were consulted who note that submitted assessments do not detail any significant contamination or ground gas concerns. However, they acknowledge that the risk of contamination cannot be entirely ruled out and as such request that conditions relating to unforeseen contamination and imported soils/aggregates be attached to any permission given.

**South Wales Police** were consulted although no comments had been received at the time of writing this report.

**Llanmaes Community Council** were consulted as part of the planning application and object to the development on the following grounds:

- Principle of development therefore it is concluded that the location of the proposed development outside of the defined settlement boundary of Llantwit Major would represent an in-principle conflict with the LDP Strategy, and policies MD5 and MD1 which (read together) seek to promote development within settlement boundaries and seek to prevent inappropriate development (which includes retail) outside of settlement boundaries.
- Shortcomings with the sequential site analysis within the Retail Statement, including the failure to justify the minimum site requirements or evidence efforts to pursue a flexible/innovative approach; the dismissal of a sequentially preferable, brownfield, site without considered justification; and the failure to consider any out of centre

sites within the settlement, or any other possible preferable edge of settlement sites; and suggested conflict with LDP Policy MG13.

- Submissions fail to evidence that proposals would have an acceptable impact upon landscape or heritage assets and coalescence of Llantwit Major and Llanmaes.
- Access and highway safety concerns, including incorrect zoning of parking levels and concerns over the submitted Transport Statement in terms of highway safety; road usage and traffic generation.

A further letter was received following additional detail submitted by the applicant advising that the applicant is 'somewhat confused' by their position including relating impacts upon this greenfield site and the associated impact on Llanmaes Conservation Area. They also raised comment with regard to the lack of notification of members of the public within the Llanmaes Community Council area.

A subsequent letter was also received raising concern about assertions of public support and suggestion that significant numbers of those supporting/were contacted for the submitted Lidl survey were not from Llanmaes. They conclude 'although Carney Sweeney report that the people of Llantwit Major support an additional supermarket, the land at Bridge House Farm is not the correct site for it as it fails to meet any of the planning requirements outlined in the Local Development Plan.'

**Llantwit Major Town Council** do not object to the development and note that Llantwit Major residents are supportive of the application. Concerns are raised with regard to the development of a green field site and that other potentially suitable brownfield sites should be considered. Significant concerns were raised with regard to the effects of traffic on the busy junction and query whether a roundabout could be considered on the main junction with the main road.

Further comments were later received following the receipt of a letter to the Council from the agent for the application that states the following 'it is important to note that Carney Sweeney concentrates on our non-objection but fails to indicate the Council did not recommend 'approval' of the application to the Vale.' They go further to state that 'the Council disassociates itself from any reference or conclusions made by Carney Sweeney to our 'survey''.

**Llantwit Major Ward members** were consulted and comments received from Cllr John who requested that the application be called in to planning committee, identifying conflict with the development plan including Policies MD1, MD2 and MG13, including by virtue of impact upon the countryside; lack of sustainable transport modes; impact upon the vitality and viability established premises within the town centre including Filco and Coop; impact upon riding club opposite; impact upon highway network; impacts upon biodiversity; impact upon residents of Llanmaes

**South Wales Fire and Rescue Service** who advise that 'the Fire Authority has no objection to the proposed development and refers the Local Planning Authority to any standing advice by the Fire Authority.'

**The Planning Department's Conservation and Design Officer** was consulted with regard to the application who was 'of the view that the proposal will have a harmful effect on the setting of the Llanmaes Conservation Area' owing to the impact upon its setting as a result of the introduction of a building of the proposed scale and the dilution of the separation between Llanmaes and Llantwit Major. They note that this impact was originally exacerbated by the extensive use of grey and white cladding.

Following a change in Conservation Officer during the course of the application having regard to amended plans they state '*I've reviewed the comments provided by the previous conservation officer and I do not have anything to add to them and agree with their conclusions.*'

Comments were also received from **Andrew RT Davies** who advised that that he does not object to the concept of a new supermarket in the Llantwit Major area. However, concern is raised with regard to the impact of the proposed development on highway safety; impacts upon biodiversity in the area; impacts upon existing settlement boundaries and the existing distinction between Llanmaes and Llantwit Major and the associated conflict with the adopted Local Development Plan; the proposed development would be out of keeping with the character of the area, including the impacts of light and noise pollution, including from the late opening hours and detriment to residential amenity.

## REPRESENTATIONS

The neighbouring properties were consulted on 24 August 2022, a site notice was also displayed on 2 September 2022 and the application was also advertised in the press on 8 September 2022. At the time of writing this report circa 700 letters of representation had been received including those received from the Llanmaes Residents Group. Of these there was a mix of support and circa 25% raising objection to the proposals. In summary these raised the following:

### Support

- Lack of availability of existing low price retailers/supermarkets within immediate area
- Would be good for local low income families and others suffering through cost of living crisis
- Existing retailers within Llantwit Major too expensive
- Suggested monopoly on trade of existing retailers and this would offer competition
- Would limit trips away from Llantwit Major to other retail centres, including reduction in emissions and carbon footprint from travel to Cowbridge, Bridgend and Barry
- Job provision to support local economy
- Increased and enhanced choice of goods
- Car traffic diverted from Llantwit Major town centre
- Potential benefits of increased visitors to the town
- Environmental benefits from less car travel

### Objection

- Not allocated for use within the LDP
- Impact upon scheduled ancient monument
- Location of development not suitable for access by cyclists/pedestrians

- Proximity and impact upon the village of Llanmaes and confluence with Llantwit Major
- Traffic impacts of the development including impacts upon Llanmaes and nearby equestrian centre
- Highway safety of the adjoining road layout and proposed access point
- Lack of petrol station/clothing offer
- Greenfield land
- Detriment to businesses within Llantwit Major Town Centre and other nearby centres and that the proposals would be contrary to Town Centres First
- Lack of allocation for the intended use
- Landscape impacts
- Noise/air Quality
- Light impacts and advertisements
- Archaeological impacts
- Loss of agricultural land
- Ecological impacts
- Inadequacies of retail assessment including sequential test and whether alternative sites are available (Northern Access Road, Llandow, Eagleswell School site)
- Inadequate PAC process, including suggestion that not inclusive of residents of Llanmaes
- Lack of public transport provision to the site
- Drainage and sewerage issues including impact upon flooding as a result of the development
- Area should be designated as green wedge
- Impact upon national cycle network
- Impact on Llanmaes Conservation Area
- Future applications on adjoining land for associated businesses
- Increase in crime
- Potential for anti-social behavior within the car park
- Canvassing by Lidl of local people
- Detriment to property prices
- Land should be used for alternative uses such as social housing or doctors surgery
- Issues with the submitted transport assessment including suggestion of fraudulent information being included
- Omission in retail assessment to impacts on St Athan centre

Letters from those representing the Cooperative Group and Filco raise the following points:

- Over simplistic and flawed approach to the assessment of need and do not meet relevant policy requirements
- Unreliable retail impact assessment which under-states the significance of retail impacts on Llanwit Major district centre
- The site is located beyond the settlement boundary of Llantwit Major in a prominent and unsustainable location
- Further information required with regard to protected species
- Impacts on residential amenity
- Heritage Assessment and Landscape and Visual Impact Assessment



This number was significantly increased as a result of a letters sent by the applicant pursuant to the Council's own consultation.

## 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 SP6 – Retail  
POLICY SP7– Transportation  
POLICY SP9 – Minerals  
POLICY SP10 – Built and Natural Environment

#### **Managing Growth Policies:**

POLICY MG12 – Retail Hierarchy  
POLICY MG13 – Edge and out of Town Retailing Areas  
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

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.

#### 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 6 – Town Centre First

This Policy states:

*Significant new commercial, retail, education, health, leisure and public service facilities must be located within town and city centres. They should have good access by public transport to and from the whole town or city and, where appropriate, the wider region. A sequential approach must be used to inform the identification of the best location for these developments and they should be identified in Strategic and Local Development Plans.*

## **Planning Policy Wales:**

National planning policy in the form of Planning Policy Wales (Edition 12, 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)

### Chapter 3 - Strategic and Spatial Choices

- Good Design Making Better Places
- Accessibility
- The Best and Most Versatile Agricultural Land
- Development in the Countryside (including new housing)
- Supporting Infrastructure

### Chapter 4 - Active and Social Places

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

There is extensive guidance contained within Chapter 4 of PPW that is of direct relevance to the proposals including the guidance contained within the following paragraphs relating to the Needs and Sequential Tests and Retail Impact Assessments:

#### *Retail Needs Test*

*4.3.13 It is important that communities have access to adequate levels of retail provision. Evidence should demonstrate whether retail provision is adequate or not, by assessing if there is further expenditure capacity in a catchment area (quantitative need) or if there is a lack of retail quality, range of goods or accessibility (qualitative need). Needs tests only apply to retail uses and do not apply to other uses which are complementary to town and city centres, examples of which are set out in paragraph 4.3.21.*

*4.3.14 In deciding whether to identify sites for comparison, convenience or other forms of retail uses in development plans or when determining planning applications for such uses, planning authorities should first consider whether there is a need for additional retail provision. However, there is no requirement to demonstrate the need for developments within defined retail and commercial centre boundaries or sites allocated in a development plan for specific retail uses. This approach reinforces the role of centres, and other allocated sites, as the best location for most retail, leisure, and commercial activities. It is not the role of the planning system to restrict competition between retailers within centres.*

*4.3.15 Need may be quantitative, to address a quantifiable unmet demand for the provision concerned, or qualitative. Precedence should be given to establishing quantitative need before qualitative need is considered for both convenience and comparison floorspace, particularly as a basis for development plan allocations.*

4.3.16 *Qualitative assessment should cover both positive and negative aspects and may become an important consideration where it:*

- *supports the objectives and retail strategy of an adopted development plan or the policies in this guidance;*
- *is highly accessible by walking, cycling or public transport;*
- *contributes to a substantial reduction in car journeys;*
- *contributes to the co-location of facilities in existing retail and commercial centres;*
- *significantly contributes to the vibrancy, attractiveness and viability of such a centre;*
- *assists in the alleviation of over-trading of, or traffic congestion surrounding, existing local comparable stores;*
- *addresses locally defined deficiencies in provision in terms of quality and quantity, including that which would serve new residential developments; or where it;*
- *alleviates a lack of convenience goods provision in a disadvantaged area.*

4.3.17 *It will be for the planning authority to determine and justify the weight to be given to any qualitative assessment. Regeneration and additional employment benefits are not considered qualitative need factors in retail policy terms. However, they may be material considerations in making a decision on individual planning applications if the regeneration and job creating benefits can be evidenced. If there is no quantitative or qualitative need for further development for retail uses, there will be no need to identify additional sites.*

#### *Sequential Test*

4.3.18 *The Welsh Government operates a ‘town centres first’ policy in relation to the location of new retail and commercial centre development. Future Wales provides further context on ‘town centres first’ policy in respect of large scale and out of centre development. In implementing this policy, planning authorities should adopt a sequential approach to the selection of new sites in their development plan and when determining planning applications for retail and other complementary uses. By adopting a sequential approach first preference should be to locate new development within a retail and commercial centre defined in the development plan hierarchy of centres.*

4.3.19 *If a suitable site or building is not available within a retail and commercial centre or centres, then consideration should be given to edge of centre sites and if no such sites are suitable or available, only then should out-of-centre sites in locations that are accessible by a choice of travel modes, including active travel and public transport, be considered. Developers should demonstrate that all potential retail and commercial centre options, and then edge-of-centre options, have been thoroughly assessed using the sequential approach before out-of-centre sites are considered. The onus of proof that central sites have been thoroughly assessed rests with the developer.*

4.3.20 *Edge-of-centre or out-of-centre sites should be accessible by a choice of public and private modes of travel. New out-of-centre retail developments or extensions to existing out-of-centre developments should not be of a scale, type or location likely to undermine the vibrancy, attractiveness and viability of those retail and commercial centres that would otherwise serve the community, and should not be allowed if they would be likely to put development plan retail strategy at risk. The extent of a sequential test should be agreed by pre-application discussion between the planning authority and the developer.*

4.3.21 *The sequential approach applies to retail and all other uses complementary to retail and commercial centres. Other complementary uses include, for example, financial and professional services (A2), food and drink (A3), offices (B1), hotels (C1), residential institutions (C2), educational and other non-residential establishments (D1), leisure (D2) and certain other uses such as launderettes and theatres. However, some education, healthcare and community uses may have specific accessibility requirements which mean they need to be located close to the communities they serve. Planning authorities should be flexible in their approach where it is necessary. The nature of a proposed use is likely to determine what type of centre (i.e. higher or lower order centre) is most appropriate as a starting point for the sequential approach process.*

4.3.22 *When preparing development plans, planning authorities should take a positive approach, in partnership with the private sector, in identifying sites which accord with the sequential approach and are in line with the development plan retail strategy in terms of the size, scale and format of new developments needed. In allocating sites for different types of retail and commercial centre uses planning authorities should take account of factors such as floorspace, quality, convenience, traffic generation and attractiveness of the site. Planning authorities should not prescribe rigid floorspace limits on allocated sites that would unreasonably inhibit the retail industry from responding to changing demand and opportunity.*

4.3.23 *Some types of retail store, such as those selling bulky goods and requiring large showrooms, may not be able to find suitable sites or buildings within existing retail and commercial centres. Where this is the case such stores should in the first instance be located on sites identified for such a purpose in the development plan, preferably on an edge of centre site. Where such sites are not available or suitable, other sites at the edge of retail and commercial centres, followed by out-of-centre locations may be considered, subject to application of the needs and impact tests. The Town and Country (Use Classes) Order 1987 (as amended) puts uses of land and buildings into various categories known as 'Use Classes'.*

4.3.24 *Planning authorities should include policies in their plans to protect existing retail sites from inappropriate development. However, where a planning authority has evidence an existing retail site is no longer required for the use it was intended, the authority should consider what alternative uses may be appropriate and include policies in its plan.*

#### *Retail Impact Assessments*

4.3.25 *Retail developments outside designated retail and commercial centres, and which are not located on an allocated site, can impact on the viability and vibrancy of a centre. Impacts resulting from such development, whether individual or cumulative, may include changes in turnover and trading ability, consumer choice, traffic and travel patterns, footfall, as well as affect centre regeneration strategies and existing or proposed retail sites allocated in the development plan. The purpose of the retail impact assessment is to consider these issues and determine if these developments are likely to have detrimental consequences.*

4.3.26 *All retail planning applications or retail site allocations of 2,500 sq. metres or more gross floorspace that are proposed on the edge of or outside designated retail and commercial centres should, once a need has been established, be supported by a retail impact assessment.*

*4.3.27 For smaller retail planning applications or site allocations, planning authorities will need to determine whether an assessment is necessary, for example when a smaller proposal may have a significant impact on a centre. Requests for retail impact assessments by planning authorities on smaller developments should be proportionate to potential impacts.*

*4.3.28 Retail proposals on the edge-of-centre or out-of-centre, which are to be located on sites allocated in accordance with an up-to-date development plan, will not normally require the application of a retail need test, a sequential test or an impact assessment. These tests should have been carried out by the planning authority when the development plan was prepared and the acceptable uses for the site identified. However, there may be instances where the nature of the proposal is not adequately addressed by the development plan and it may be appropriate to apply one or more of these tests.*

*4.3.29 Edge of centre or out-of-centre retail developments may seek, over time, to change the range of goods they sell or the nature of the sales area. Planning authorities should anticipate such changes using appropriate conditions on the initial permission or in relation to requests for any subsequent change or variation of condition. Conditions can restrict the amount of floorspace, or prevent a development from being sub-divided into smaller shops to limit the range of goods sold, or prevent the creation of a single large store. Also where the inclusion, for instance, of post offices and pharmacies in out-of-centre retail developments would be likely to lead to the loss of existing provision in a designated retail and commercial centre, they should be discouraged by imposing appropriate conditions. Planning authorities may wish to consider extending the list of uses controlled in out-of-centre retail developments if the location of such uses are likely to lead to the loss of existing provision in retail and commercial centres. Applications to remove or vary conditions should be subject to the same considerations.*

## 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 4 – Retailing and Town Centres (1996)
- Technical Advice Note 5 – Nature Conservation and Planning (2009)
- Technical Advice Note 12 – Design (2016)
- 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)
- Design in the Landscape
- Minerals Safeguarding (2018)
- Parking Standards (2019)
- Planning Obligations (2018)
- Public Art in New Development (2018)
- 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:

- Local and Neighbourhood Retail Centre Review updated background paper (2015)
- Retail Planning Study (2013 Update) (Also see LDP Hearing Session 15, Action Point 1 response)
- Town and District Retail Centre Appraisal (2013 Update) (Also see LDP Hearing Session 15, Action Point 4 response)

### **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

## **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

#### Principle of Development

The site falls on the opposite side of the road to the settlement boundary defined by the Vale of Glamorgan Local Development Plan and as such falls within the countryside. Policy MD1 'Location of New Development' is a criteria based policy relating to development on unallocated sites, including that such development should have no unacceptable impact on the countryside; reinforce the role of function of... service settlements, primary settlements or minor rural settlements as key providers of commercial, community and healthcare facilities; have access to or promote the use of sustainable modes of transport; where possible promote sustainable construction and make use of previously developed land. The criteria will be considered in greater detail within the following report.

Policy SP6 of the LDP seeks to ensure the 'the continued vitality, viability and attractiveness of the Vale of Glamorgan's town and district centres, provision is made for 2,329 sqm (net) new comparison and 3,495 sqm (net) new convenience retail floorspace. In addition, opportunities for the effective use of vacant floorspace and refurbishment of properties will be maximised, alongside measures to improve public realm and access.' The site falls outside of the defined town and district centres and is not identified within the identified additional floor space adopted under Policy SP6, nor does it represent use of vacant floorspace or refurbishment of property.

By way of background and considering the retail capacity with regard to Llantwit Major itself, the Retail Planning Study, which formed part of the evidence base for the LDP specifically in relation to Llantwit Major Retail Area identified that there was headroom for 468sqm additional convenience floorspace up to 2026. However, it went on to recommend that this headroom needs be reassessed in light of any applications that come forward in Barry or Penarth. As part of the examination of the current LDP, the Council provided a response where this re-assessment took place, following Hearing Session 15 of the Examination (Response to Action Point 1). This also considered further housing allocations in Llantwit Major. The response identified that due to a significant amount of convenience retail floorspace being approved in Barry and Penarth since the Retail Planning Study, (8445.07sqm), this 'addressed a large part of the headroom identified in Llantwit Major'. In addition, the response highlighted that:

- 330sqm of the headroom requirement had been met through the approval (2013/00018/FUL) of a convenience retail site in St. Athan, which is within the Llantwit Major Retail Area (This unit has subsequently been constructed and occupied);



- There was a significant amount of existing convenience floorspace within Llantwit Major district centre (1675sqm), which would enable local residents to conduct weekly main food shops; and;
- 64% of the population of Llantwit Major commute over 10km to work (2011 Census Data) and *'it is inevitable that such people will combine their shopping trips with work trips and or leisure / non-food shopping trips, thus creating more sustainable shopping'*.

The above submissions were considered sound by the appointed Inspector, in recommending adoption of the LDP. The response was made following a representation on behalf of a national convenience retailer for the siting of a supermarket on the former Eagleswell School Site, which is considered in the applicant's sequential test (to be discussed later within this report). This displays that a new supermarket was considered unjustified within the Llantwit Major Retail Area in adopting the extant LDP.

The LDP Inspector's Report identifies that a scheme could be progressed through the plan period in accordance with the sequential test set out in national policy and the provisions of Policy MG13 'Edge and Out of Town Retailing Areas'. Llantwit Major itself is identified as a District Centre within the retail hierarchy established under Policy MG12 of the LDP, although the site is evidently outside of this area and any other allocation within the extant development plan, and thus Policy MG13 is considered to be of particular relevance. This policy states that:

*Proposals for new retail development on new sites or existing retail areas in edge and out of town locations, including changes of use, extensions, the merger or subdivision of existing units or amendments to existing planning conditions relating to the sale of goods will only be permitted where:*

- 1. It can be demonstrated that there is an additional need for the proposal which cannot be provided within an existing town, or district retail centre, and*
- 2. The proposal would not either individually or cumulatively with other recent or proposed consented developments have an unacceptable impact on the trade, turnover, vitality and viability of the town, district, local or neighbourhood centres*

In terms of criterion 1 of Policy MG13, as set out above, the retail space allocated in the extant LDP has been surpassed. Therefore, at a Council wide level, the position relative to the aspirations of the LDP is that need up to 2026 has been long met. At a Llantwit Major Retail Area specific level, the additional floorspace provided in Barry and Penarth was considered to have addressed a 'large part' of the headroom identified here. A significant amount of that headroom (330sqm) was also addressed by the approval of planning application ref. 2013/00018/FUL. The recalculated headroom, incorporating this grant of planning permission would be 138sqm. This was the position at the time of the adoption of the LDP.

To address the apparent tension with this Policy the applicant has submitted a Retail and Planning Statement prepared by Carney Sweeney dated August 2022 that seeks to make an assessment of the existing provision; demonstrate that there is a quantitative and qualitative need for such development; demonstrate that a sequential approach to site selection has been undertaken and in turn seek to evidence that there would not be an unacceptable impact upon existing centres. This concluded that quantitative and qualitative need had been demonstrated; that pre-application consultation had highlighted significant support for the proposals; that a sequential search had been carried out and found no other suitable sites; the proposals would have no unacceptable landscape impacts and that the site is well located to be accessible by a choice of means of transport and would not be overly reliant on the private car for access. The statement also indicates that health checks of nearby centres within the primary catchment area demonstrate that Llantwit Major centre and other surrounding centres are vital and viable. It therefore concludes that *'in respect to Policy MG13 of the LDP there is no evidence to indicate the proposal would either individually or cumulatively with other recent or proposed consented developments have an unacceptable impact on the trade, turnover, vitality and viability of town, district, local or neighbourhood centres.'* It also indicates that the proposals are *'considered acceptable in all other technical aspects including design, flood risk and drainage, heritage, ecology and noise considerations.'*

It is acknowledged that the applicant has argued there is a quantitative and qualitative need for the development in their retail assessment and this is considered below. The quantitative methodology employed focuses on unmet expenditure within the primary catchment area. It specifically notes that there is significant 'leaked' income from Llantwit major for convenience goods. This was highlighted in Hearing Session 15 of the LDP and the points raised in the Action Point 1 Response, highlighted above, were deemed sufficient to overcome this position at that time. As such the Council initially considered that there had been no material change to the retail headroom in Llantwit Major, as the further assessment carried out in response to Session 15: Action Point 1 considered housing projections in the LDP (housing allocations and projected windfall development), within the Retail Area.

Initial concerns included the methodology and sample size of the qualitative assessment that underpinned the household survey and that the main thrust of responses received (low prices/value for money, convenience and a range of food goods) to justify a new foodstore weren't considered to provide justification when other supermarkets exist in Llantwit Major. The retail study also stated that Lidl's existing store in Bridgend attracts users from Llantwit Major and that therefore there was latent demand for a Limited Assortment Discounter (LAD) on these grounds. The retail study submitted by the applicant provides a definition of a LAD from the Competition Commission that broadly means they *"carry a limited range of grocery products and base their retail offer on selling those products at very competitive prices. The three major LADs in the UK are Aldi, Lidl and Netto. Each ... carries in the region of 1,000 to 1,400 product lines in stores ranging from 500m<sup>2</sup> to 1,400m<sup>2</sup>."*

Officers at the time considered that implications of commuting had not been considered and overall that the benefit of a LAD in the Llantwit Major Retail Area context had not communicated to a degree whereby it would be considered to overcome the position on convenience need. Noting all of this, there were significant concerns with regard to the quantitative and qualitative need justifications put forward by the applicant, that were not considered to overcome this position. There was also concern with regard to the lack of rationale provided to quantify certain assumptions with regard to the impacts upon trade that would be drawn away from retail centres. To this end, there was considered to be tension with both criteria 1 and 2 of Policy MG13 (Edge and Out of Town Retailing Areas), and in turn their grounding within national policy, including Policy 6 of Future Wales, that advocates a Town Centre First approach.

Following this a response was received from the agent that sought to address the issues raised by the Council dated January 2023. This sought to address the points raised within the Council's response to the policy acceptability as noted above, including that the evidence base underpinning the current LDP is circa 15 years old and therefore is out of date. They also suggest that there is a manifest lack of choice within Llantwit Major town centre that fuels leakage and that a LAD would not directly compete in a number of ways with existing businesses within the Town Centre, owing to the nature of produce stocked (no tobacco, no individual confectionary items and only stocks limited pre-packed fish and meat and individual fruit and vegetable products). It is therefore suggested by the applicant that this does not directly overlap with independent retailers such as Filco which offer in store delicatessen, bakery and butchers, nor does it offer in store concessions such as a post-office, café, newsagent or pharmacy.

The submissions also provide details of the survey work undertaken by an independent consultant, NEMS, in May 2022, that is argued to demonstrate 'leakage' from Llantwit Major to other shopping areas with the main suggested reason being low prices/value for money (26% respondents within Llantwit). It also suggests that the majority of those doing their main weekly shop would travel by car (71% those within Llantwit Major zone; 79% all zones) with journey times suggesting that a high number take 16-20 minutes to travel to their chosen shopping destination (36% those within Llantwit Major zone). It also indicates that of respondents 61% of those interviewed within Llantwit Major zone believe there should be an additional supermarket within Llantwit Major area, with 35% saying no. Indeed these points are reflected largely within the third party representations received in support of the planning application.

The submissions seek to address the impacts of the development upon the existing centre and suggest that the market share of main food shopping trips of Llantwit Major (ie Coop and Filco) is just 8.9%. As such they suggest that they are not currently utilised for main food shops of those residents within the Primary Catchment Area for main food shopping. As such they suggest that this demonstrates significant existing leakage from the principal town centre retailers and indicate that only circa 9% of the proposed Lidl stores trade would be drawn from these shops, whilst also suggesting that based on Coop average sales density that this shop is currently overtrading.

As members will be aware, the planning department is currently undergoing the review of the Local Development Plan. This includes an assessment of the more up to date retail position, including a review and separate household survey being undertaken by the Council's appointed advisors Nexus. To this end, following the receipt of the rebuttal by the applicant, Nexus were instructed to undertake a retail audit of the proposals put forward under this application. In reviewing the submissions, they concur with the findings of the applicant including that currently there is no purpose-built main food shopping destination in Llantwit Major and as such indicate there exists both a qualitative and quantitative capacity for a new foodstore in the primary catchment area. They also state that Llantwit Major Centre is healthy based on their health-check metrics. They also suggest that there are unlikely to be any suitable, viable and available sequentially preferable sites for the nature of the development proposed within the primary catchment area. Officers are minded to agree that within Llantwit Major itself there are no known suitable sites that could accommodate a development of this form closer to the town centre.

They do however disagree with the findings of the convenience good trading impacts arising from the development, including on the level of draw from Coop and Filco within Llantwit Major and Waitrose within Cowbridge. They indicate that the main food trade would be higher from Coop and Filco as suggested by the applicant and assume that this would consume around half of the existing main food trade from each. To this end, they anticipate that Co-op would lose circa 22.4% of overall trade and Filco 32.8% of overall trade, with the overall impact on Llantwit Major Town Centre, circa 11.9%, significantly higher than the 2.9% impact suggested by the applicants. In this regard Nexus state that:

*Our view is that this level of impact is significant. Clearly, a loss of trade to the two small foodstores in the town centre will be harmful, and will have knock-on implications for other traders and footfall in general. However, such impacts need to be weighed against the baseline position for the town centre in question. In this case, CS has established, and we agree, that Llantwit Major Town Centre is healthy, with very low vacancy rates, good footfall and high environmental quality. Whilst the loss of any main food trade from the Co-op and Filco stores would be regrettable, and despite CS having considerably underestimated that impact in our opinion, we do not go as far as to conclude that the proposals would result in 'unacceptable impact' (Policy MG13 of the Vale of Glamorgan Local Development Plan). We consider that those stores will continue to attract a small amount of main food shopping, but that their primary purpose as top-up shopping destinations related to a pass-by and walk-in trade would enable them to remain viable.*

In the absence of a main food shopping destination they note that 'as a result, a number of people are having to carry out their food shopping, and potentially other conjoined shopping, much further afield'. Overall with regard to impact they state that 'whilst there will be an impact, that impact is unlikely to reach the bar of 'unacceptable impact' on Llantwit Major Town Centre, or any other centre within the Primary Catchment Area.'

Noting the findings of the applicant and of the Council's appointed retail consultants in review of the RLDP, it is considered that having regard to the requirements of Policy MG13 of the LDP, that there is capacity for the proposal that has been established that cannot be provided within the district retail centre of Llantwit Major. Furthermore noting the comments of Nexus, whilst it is acknowledged that there would be an impact upon Llantwit Major Town Centre and the identified retailers, this level of impact is not considered to be sufficient to represent an unacceptable impact upon trade or turnover. Whilst main food shoppers may be drawn to the Lidl store, it is considered, noting the nature of Lidl as a LAD and with the lack of in store facilities, such as post office or café, that the overall retail offer within Llantwit Major town centre would not be unacceptably impacted. As prescribed within paragraph 4.3.29 of PPW and the supporting text of Policy MG13, if the proposals were considered acceptable in all other regards a condition could be utilised to control the nature of the retail offer at the site and limit any ancillary or changes of use/functions to ensure that this could not be changed to a use more likely to compete/conflict with the above assessment, without consent.

Overall, however, on the basis of the information available and the conclusions of the Council's appointed consultants, it is considered that the proposals would broadly comply with the provisions of Policy MG13 and that of PPW in terms of demonstrating capacity and the sequential test.

#### Visual impact

Policy MD1 'Location of New Development' is of particular relevance to the determination of this planning application, including criterion 1 that requires that development has no unacceptable impact on the countryside. The supporting text of this policy expands upon this at paragraph 7.3 that notes *'within rural locations development will be managed carefully to ensure that it contributes positively to the rural economy and the viability and sustainability of rural communities, whilst ensuring the distinctive character of the Vale of Glamorgan is protected. In this regard, Policy MD1 still seeks to emphasise the importance of protecting the countryside from unacceptable and unjustified new development. For the purposes of the LDP, countryside is defined as that area of land lying outside the settlement boundaries of the main towns and villages identified in the LDP settlement hierarchy that has not been developed for employment use or allocated for development in the Plan'*.

Policy MD2 'Design of New Development' is a criteria-based policy that is of significant relevance to the determination of the application, including criteria 1, that requires development to 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.

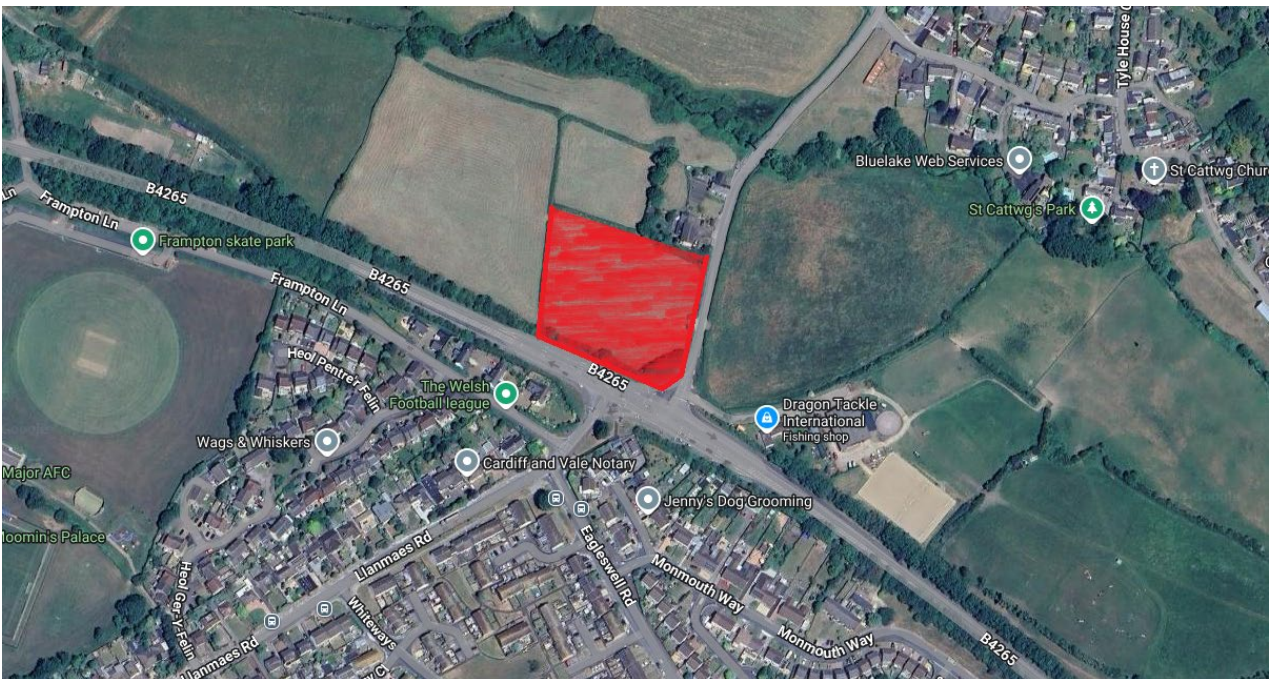
The application was originally supported with a Landscape and Visual Impact Assessment prepared by TIR Collective dated June 2022 that sought to identify the visual impacts of the proposals from a number of different vantage points including for people on the northern edge of Llantwit Major and from Llanmaes to the north. In conclusion this report states that the LVIA *'has identified that the site could accommodate the proposed development without resulting in an unacceptable adverse landscape character and visual amenity experienced within the surrounding landscape.'* Notwithstanding this, it was evident that of the 6 receptors identified, moderate adverse impacts were anticipated upon completion of the site from 3 of the 4 receptors being identified as being of moderate sensitivity. These include those from people in the northern edge of the settlement of Llantwit Major; southern edge of Llanmaes and users of a nearby public right of way 300m to the north of the site that offer relatively unobstructed views. These assumptions in part are made on the retention of vegetation pattern around the site and additional tree and coppice planting that would assist in partially screening views. As such concerns were raised by officers with regard to the visual impact of the proposals including from the Council's Landscape Officer, including with regard to some of the methodology of the originally submitted LVIA.

With a view to overcome these concerns the proposals have undergone some revision, with the most recent set of amended plans amending the material palette to a blue-grey cladding; grey render to the northern and western elevations and darkening of timber acoustic fencing. Furthermore an element of green roof has been added around the centrally located solar panel array. Additional viewpoints, inclusive of wire framing and visualisations, have also been provided to seek to overcome some of the concerns raised by officers and by the Council's Landscape Officer. Although matters relating to green infrastructure and ecology will be discussed in greater detail later in the report, additional planting to the northern edge is proposed, with 5 additional specimen trees, which it is suggested have been placed to obscure more visible corners from view. The applicant also suggests that planting proposals would largely screen the car park and owing to the height of the building at circa 7m, coupled with site levels would result in the store, sitting lower in the landscape than neighbouring 2 storey properties.

The submissions include topographical details that indicate that the southern side of the site is set down slightly from the road level (between circa 1m-1.7m) whilst the site itself drops circa 2.5m from south to north. The submitted levels plan indicates that the finished floor level of the proposed store would be 56.375m, resulting in the store being set below the level of the level of the road, which in turn would require retaining works of circa 1.1m to the southern end of the site to retain the bank supporting the road, and a 1.2m - 1.8m retaining wall in places to the northern end of the site, adjacent to the proposed loading bay, noting the lower level of the land to the north.

As noted previously, the site lies to the northern edge of the B4265 and to the west of Llanmaes Road. As existing the site is a field parcel that benefits from vegetative boundaries, with a field hedge to the eastern and western boundaries, with an existing vehicular entrance proposed. The southern boundary with the B4265 is demarcated by an overgrown field hedge (set below the level of the road), whilst to the south-eastern corner adjacent to the south-eastern corner at the junction of the B4265 and the Llanmaes Road are 8 lime trees, noted as being category B trees within the submitted tree report. The green infrastructure impacts of the proposals will be considered fully later within the report.

Although there is some looseknit development to the north of the B4265, it is considered that there is very clear distinction in built form between this and the more dense suburban development within Llantwit Major's more northern suburbs. This is evident within the aerial photograph below with the site marked red below:



It is acknowledged that the site is not designated explicitly for its landscape quality and lies adjacent to the northern edge of the Llantwit Major Bypass, a somewhat urban feature. Nevertheless, as can be seen there is a clear distinction between the form and density of development between the north and south of the road with development to the south of the road, urban and close knit, with a significantly more rural and undeveloped character to the northern side. Whilst there is a modern barn to the east of the Llanmaes Road, this is of an agrarian form that one would reasonably expect to find in the countryside and is evidently agricultural in its character and typical of a form of development one would find in the countryside, its presence therefore does little to justify a development of the scale and form proposed.

Whilst to some degree the proposed building may be seen in the context of a back drop of urban development when viewed from approach to the north, owing to the location, building roof tops and the lighting columns along the road, these backdrop elements are small in scale with current views significantly filtered by the existing vegetation which separates the urban character to the south of the road from the more rural character area to the north. The proposed development will constitute a significant change to the character and scale of the urban development visible from a number of viewpoints. Indeed this is considered to be evidenced within the viewpoints provided by the applicant in support of the application.



Illustrative viewpoint from the B4265 showing evidenced scale and massing of the building on approach to the site from the east



Illustrative viewpoint from the Llanmaes Road with the front wall of Thursday House to the right hand side. Officer note: the position of the footway and hedge on this plan appears to be incorrect noting that the footway would be setback behind the neighbouring wall and in turn the hedge and trees would be set further back in the site. This also shows the hedge as it currently exists/mature which may take some time following translocation



Provided illustrative view of the development from public right of way L12/1/1 circa 230 metres to the north of the site.



It is considered that the submitted viewpoints and visual assessment, underrepresent the likely magnitude of visual change that would result from the development. Whilst the existing and proposed vegetation does offer some screening, it is at best providing a filtered view rather than obstructing the view with the massing of the building still clearly evident and at odds with the characteristically smaller built elements visible in the view. The visible large area of parking is out of character with the general setting and backdrop which consists largely of smaller built elements well screened and filtered by existing vegetation, whilst acoustic screens and other paraphernalia would add to the urbanising impacts. Even with suggested screening of the proposed development by existing and proposed vegetation, it is considered that the substantial massing of the building would still likely be evident with views through to the elevation and although similar in scale to the large barn at Tremains farm the development is of a very different character and at odds with the rural agricultural setting in which it sits.

It is noted that a number of design changes have been incorporated into the development, including changes to cladding colour, the introduction of a degree of green roof and alterations to the colour of cladding and acoustic screens. Whilst these are acknowledged it remains the case that the proposals would introduce a building of a significant footprint of circa 78m by 35m, with a maximum height above existing ground level of circa 8.5m, inclusive of the proposed retaining works to the northern end. Furthermore whilst it is noted that at its southern end the site sits below road level, the highly glazed elevation to this frontage coupled with signage both on the building and potential freestanding totem style signage as shown on the landscaping submissions (noting that these would require advertisement consent in their own right), would introduce illuminated and prominent elements. These would increasingly draw the eye to the development, that would inherently seek a roadside presence to attract potential shoppers to the store. This would be further compounded by the proposed introduction of a significant car parking area to the frontage of the property that would introduce lighting columns and manoeuvring vehicles that would introduce significant additional illuminance into what is a currently undeveloped field that positively contributes to the verdant and pleasing rural character of the local environs.

Although there is a degree of vegetation to the southern boundary of the site, this is not significant and does not offer substantive or particularly meaningful screening from the Llantwit Major bypass. Furthermore, such screening benefits would vary significantly throughout the year given their deciduous nature, nor could this be relied upon in perpetuity, given this planting does not currently benefit from any formal protection and in any event, with time, will die. Additionally, whilst the applicant has submitted amended landscaping plans that include additional planting within the confines of the site, the local planning authority are not persuaded that the proposals would provide effective screening or softening impacts that would mitigate the harm to the overall character of the countryside noted above. The likely desire for a significant roadside presence from the Llantwit Major bypass, would likely further diminish any suggested screening benefits and likely place additional pressure for the removal of such vegetation in the future. Whilst future advertisements and other paraphernalia could potentially be controlled, it is the Local Planning Authority's view that the introduction of such development would undoubtedly represent a significant urbanising presence in this location that would fundamentally alter the character of the area. To this end, the addition of a significant supermarket building and its associated lighting, parking and servicing, and in due course advertisements, would likely have a significant detrimental impact on the intrinsic, verdant character of the countryside.

Further to the above it is considered the harm associated with the addition of a building of this scale would be compounded by the introduction of a significant bellmouth access and footway/cycleway. It is considered that the submissions evidence that the proposed enlarged access with associated extension of the footway and visibility splays would cause significant impacts to the character of this part of Llanmaes Road, including through the loss of the established field hedge fronting the road. Currently there is a footway to the other side of the road and the proposals would appear to seek to replicate arrangement that would further urbanise the environs. Whilst the hedgerow would be translocated behind the proposed visibility splays this would take time to establish and would not suitably mitigate the likely visual harm from the creation of the significant access and widened carriageway.

Furthermore, it is noted that the village of Llanmaes is located only circa 250m to the north of the B4265, with the B4265 representing a clear and distinct edge to the settlement of Llantwit Major. This level of separation and agrarian character of the intervening land, that despite some scattered development maintains a verdant and rural appearance that are considered to represent significant contributors to the distinctiveness of the local area and to each of the respective settlements. The introduction of a development of this size, would inherently result in a significant and urbanising addition in this location that would significantly reduce the gap between urban development to the south of the road and the more traditional, distinct development of the village of Llanmaes. To this end it is considered that the proposals would result in significant coalescence between the settlements of Llantwit Major and Llanmaes to the north that would result in a loss of the sense of openness between the two. The introduction of a substantial and urban feature that would significantly blur the distinction between the two settlements is considered significantly harmful to each of their respective characters and that of the countryside. Whilst this area may not have been formally designated as a green wedge previously under the LDP, it is nevertheless considered to positively contribute to the pleasing and rural character to the north of the road, that is considered to be an important and defining characteristic of local landscape and townscape character.

As part of the preparation of the Replacement Local Development Plan (RLDP) a candidate site was submitted for a green wedge on the land between Llantwit Major and Llanmaes where the proposed development is sited. As the RLDP is progressed the green wedges will be reviewed, and this would involve assessing the land between Llantwit Major and Llanmaes. Notwithstanding this, the site is not currently located within a Green Wedge and therefore policy pertaining to them would not apply.

To this end, it is also noted that the village of Llanmaes is designated as a conservation area. The associated conservation appraisal and management plan, details the defining characteristics of the Conservation Area, including it being a small village in a rural setting of open fields; views of Llanmaes from the southern approach road; rural views to surrounding countryside through breaks in the buildings and from the public footpaths. Indeed the importance of the surrounding rural land and setting of the conservation area is reflected in the boundary of the conservation area extending to the southern edge of the Llanmaes Brook only circa 75 metres from the north-east of the development site. The contribution of surrounding fields, inclusive of the application site, reinforces the rural nature and agrarian origins of the village, and is therefore important to its setting as detailed on page 8 of the appraisal that states the following:

*There is a close relationship between buildings and surrounding countryside, with open fields providing a foil to the built environment. The village is visible in its landscape setting from the by-pass. Intervening fields to the north of the by-pass form an important element of separation from modern housing estates located on the edge of Llantwit Major.*

Whilst the proposals have sought to amend the form of cladding and materials of the building, it is evident that the introduction of a building of the proposed scale in an elevated position relative to the village would significantly dilute the established importance of the setting of the conservation area and represent an urbanising and a significant coalescing presence, detrimental to landscape and identified historic character.

The CAAMP also includes a number of recommendations including, that *'development which impacts in a detrimental way upon the immediate setting of the Conservation Area will be resisted. The Council will resist applications for change on the edges of the Conservation Area which would have a detrimental effect on the area's setting.'*

PPW 6.1.15 is considered to be of relevance here in that there is a strong presumption against granting of planning permission which damage the character or appearance of a conservation area or its setting to an unacceptable level. It goes on to state that in exceptional circumstances, the presumption may be overridden in favour of development considered desirable in public interest grounds.' This will be considered later within the planning balance section of the report.

Noting all of the above, it is considered that the proposals would likely have significant detrimental impacts upon the character of the countryside, the Llanmaes Conservation Area and result in the coalescence of Llantwit Major and Llanmaes. To this end the proposals are considered to be at odds with the provisions of Policies MD1, MD2 and MD8 of the Local Development Plan.

### Historic Environment

Policy SP10 (Built and Natural Environment) seeks to preserve and enhance the rich and diverse built and natural environment and heritage of the Vale of Glamorgan. Furthermore, Policy MD8 (Historic Environment) states:

*'Development proposals must protect the qualities of the built and historic environment of the Vale of Glamorgan, specifically:*

- 1. Within conservation areas, development proposals must preserve or enhance the character or appearance of the area;*
- 2. For listed and locally listed buildings, development proposals must preserve or enhance the building, its setting and any features of significance it possesses;*
- 3. Within designated landscapes, historic parks and gardens, and battlefields, development proposals must respect the special historic character and quality of these areas, their settings or historic views or vistas;*
- 4. For sites of archaeological interest, development proposals must preserve or enhance archaeological remains and where appropriate their settings.'*

The proposal as originally submitted was supported by a Heritage Assessment prepared by Cotswold Archaeology dated April 2022. This concludes that the proposals in terms of physical effects have potential to encounter archaeological features within the site and recommended further investigation. In terms of non-physical effects, the statement details that the proposed development *'would not alter the setting of any historic assets such that it would have no effect on an asset's significance.'*

As noted previously there is concern with regard to the visual impacts of the development and the resulting coalescence between the settlements of Llanmaes and Llantwit Major and the resulting impacts of the proposals on the setting of Llanmaes Conservation Area. The Llanmaes Conservation Area boundary is only circa 75 metres to the north of the site at its closest point. This has been discussed above with regard to visual impacts and not expanded upon here.

In terms of designated assets, with regard to identified historic parks and gardens and scheduled ancient monuments, Cadw have considered the submissions and their potential impacts with regard to the assets and have concluded that they have no objection to the proposals. To this end the proposals are considered to comply with the requirements of criterion 3 of Policy MD8.

Pursuant to this and initial comments provided by the Council's archaeological advisors, Glamorgan Gwent Archaeological Trust (now Heneb), a field evaluation prepared by Red River Archaeology that states *'no finds or features of archaeological significance were encountered during the evaluation.'* Following this the Council's archaeological advisors stated that there is no objection with reference to archaeological resource at the site. As such the proposals are considered to comply with the requirements of criterion 4 of Policy MD8.

#### Agricultural Land Classification

The majority of the site is identified as Grade 4 agricultural land under the Predictive ALC (2) map produced by Welsh Government. The application has also been supported by a nuanced assessment of the particular site that identifies that the land falls largely within Grade 4 and partially 3B.

To this end the proposals are considered to accord with Criterion 9 of LDP Policy MD1; and LDP Policy MD7 – Environmental Protection, which states, *"development proposals will be required to demonstrate they will not result in an unacceptable impact on people, residential amenity, property and / or the natural environment from either:...7. The loss of the best and most versatile agricultural land...where impacts are identified the Council will require applicants to demonstrate that appropriate measures can be taken to minimise the impact identified to an acceptable level. Planning conditions may be imposed, or legal obligation entered into, to secure any necessary mitigation and monitoring processes"*.

Given the above, it is considered that the loss of agricultural land would not represent a reason to withhold planning permission in this instance.

## Drainage and Flooding

Criterion 5 of Policy MD7 – ‘Environmental Protection’ requires development proposals to demonstrate that they will not result in an unacceptable impact from flood risk and consequences. The site falls within Flood Zone A although it is noted that the site lies upslope of Llanmaes Brook and adjacent land which is designated as Flood Zone C2. The application is supported by a Flood Consequences Assessment that has been considered by the Council’s Drainage Section and NRW, and no related objections have been received from either party. Furthermore the Council’s Drainage section in consideration of the separate SAB application advise *‘from the details provided we offer no objection in principle to the proposed drainage scheme subject to our comments above.’*

Consequently, it is concluded that on the grounds of flood risk, the proposed development meets the principles and requirements set out in TAN 15 and the aims of PPW12. Noting the above and that no objection has been raised by the relevant consultees, the proposal is considered acceptable with regards to flood risk and therefore complies with criterion 5 outlined above.

## Impact upon neighbouring residential properties

The proposed store would be set a significant distance away from neighbouring properties to the south (in excess of 50m), east (in excess of 100m) and west, noting this level of separation and intervening features, including highways to the south and east it is considered that the proposals would not cause an unacceptable impact on neighbouring residences in these directions by virtue of overbearing or loss of light impacts.

The site also shares a boundary with Thursday House to the north with the store itself being set approximately 44 metres from the rear of this property. Noting this degree of separation, it is considered even with the levels difference that the proposed mass and bulk of the building, that would undoubtedly be a visual presence when viewed from this property, it is considered it would not give rise to any unacceptable impacts in terms of being overbearing or resulting in an unacceptable loss of light.

The proposals would also introduce a car parking and servicing area that would be set within circa 4m of the boundary, that would, noting the retaining works at the site be elevated above the neighbouring property by up to circa 1.8m. During the course of the application, car parking spaces adjacent to the boundary with the rear garden of the neighbouring dwelling have been removed to be limited to those adjacent to the side elevation that would be at a commensurate level to the existing levels of the site. The proposed loading and delivery bay would be situated circa 4m from the shared boundary with delivery vehicles accessing the loading bay and set circa 58m from the rear elevation of the neighbouring dwelling with a 1.8m high acoustic fence proposed along the site boundary, with a further 2.4m fence proposed circa 4.5m from the boundary with property.

It is considered that these measures would adequately safeguard noise and lightspill associated with manoeuvring vehicles in the car park and delivery bay. SRS comments with regard to noise and potentially further reducing noise are noted, albeit it is considered that this would have been sought/secured by condition if the development was considered acceptable in all other regards. Similarly it is considered that a lighting plan could have also been secured/sought to control any potential light pollution issues if the development was considered acceptable in all other regards. Furthermore whilst these features would undoubtedly be visible from the rear of Thursday House to some degree, it is not considered they would be overbearing or result in an unacceptable loss of light to neighbouring properties or in turn give rise to unacceptable impacts in terms of light and noise pollution (subject to further details).

**Noting this, it is considered that the proposals would not give rise to any unacceptable impacts upon neighbouring properties**, subject to conditions attached to any permission.

### Ecology & Green Infrastructure

The application is supported by an Ecological Survey undertaken by Just Mammals LTD dated July 2022. This identifies that the site predominantly comprises of poor semi-improved grassland, with an intact species poor hedgerow running around the site, with tall ruderal vegetation to the southern boundary, in addition to large trees to the south-east corner of the site and a large sycamore to the northern boundary. The site is identified as supporting a 'good' population of slow-worm, and a 'low' population of grass snake both identified as a on the Section 7 list of priority species under the Environment (Wales) Act 2016 as well benefitting from other protection measures including the Wildlife and Countryside Act 1981 (as amended). The survey notes that the proposals would result in the loss of habitat and potential harm and as such mitigation and compensatory habitat should be provided, and recommends that a Reptile Mitigation Plan is prepared to safeguard the species identified. Limited bat activity was also noted, although no bat roost activity was recorded and foraging/commuting across the site was generally considered to found to be light tolerant species. Measures are also noted within the submissions to avoid the bird nesting season, including works to remove areas of hedgerow. Overall, the report finds the site to be high ecological value due to the presence of slow worm and grass snake.

The Council's Ecologist has considered the submissions, and notes that any reptile mitigation strategy would best form part of a landscape and ecological management plan for the site, that could include a consistent approach to landscaping and ecological provision, noting that deviance in approach is noted within the ecological survey provided, and that this should be controlled by way of condition. They also provide comments that a condition relating to a lighting strategy/plan should be attached to any consent given; consideration should be given to alternatives to removing hedgerow, and translocating where possible and whether consideration could be given to provision of a pond/open-water area to the north-west of the site. No adverse comments were received from NRW with regard to the proposals.

Since the submission of the application amendments have been made to Planning Policy Wales Edition 12 Chapter 6, that places increased emphasis on the protection and enhancement of the natural environment. It states that all developments must achieve a biodiversity benefit and also that Green Infrastructure Statements should accompany all planning applications albeit that this will be proportionate to the scale and nature of the development proposal. The application as amended is supported by an amended Green Infrastructure Statement prepared by tir collective dated June 2024. This details a landscape concept for the site that seeks to retain hedgerow and trees where possible with new trees, hedgerows, shrub planting and SuDs features connected to maintain connectivity and create wildlife corridors. Measures proposed within the submissions include translocation of existing hedge behind the proposed footway/cycleway along the site frontage; sedum roof; additional native tree planting (including 8 linden trees to replace 4 being removed and a further 15 trees) and hazel coppice; shrub planting within the car park and 6 no bird boxes within the site.

Planning Policy Wales 12 advocates a step-wise approach for local planning authorities to ensure biodiversity enhancement (within paragraph 6.4.14). The site is not allocated for retail purposes although if the suggestions of retail capacity are accepted and this was considered to be the only suitable site for such development (noting significant concerns detailed previously with regard to the development of the site) it would not be possible to avoid the harm associated. Having regard to the suggested ecological measures (including but not limited to a reptile mitigation strategy and a landscape and ecological management plan) and those compensatory measures identified within the submitted GIS, it is considered that subject to potential conditions that the proposals could suitably minimise, mitigate and compensate for green infrastructure and ecological interests within the site, that the proposals are acceptable in principle.

The Green Infrastructure Plan details areas of replacement hedgerow and reinforced tree planting that would be provided through the site, in addition to wetland habitats and swales that would form part of any SAB submission and would be more fully detailed within a reserved matters submission. Whilst it is considered that such measures would not overcome the significant visual harm identified previously, it is considered if the development was considered acceptable in all other regards, that subject to a suitable suite of conditions, including those referred to elsewhere within the report and ongoing management of the site, that the site could be developed in a manner that would minimise and achieve suitable mitigation and compensation within the site. Additionally it could provide suitable mitigation for habitat loss and enhancement of those to be retained. As such the proposals are considered to comply with the provisions of PPW and of Policy MD9 of the LDP in this regard.

## Highways impacts

The proposals as amended have been supported by a Transport Assessment (TA) prepared by Corun and updated in May 2023, which have been considered by the Council's Highway Development Officers.

As aforementioned the site would be accessed from Llanmaes Road to the east, with a car park to the east of the store building that would provide 122 car parking spaces, inclusive of 2 EV parking spaces on the latest site layout and 7 disabled bays. The overall provision would provide sufficient parking within the confines of the site to comply with the maximum standards within the adopted Parking Standards SPG. It is however, acknowledged that the level of EV parking provision would be below the 10% requirement identified in Future Wales.

The proposals would include the provision of a 3.5m shared footway/cycleway along the frontage of the site and would also include off-site works including the provision of two new toucan controlled crossing points to connect the site to existing active travel provision and assist with pedestrian movements across the B4265 and Llanmaes Road. Llanmaes Road is also noted as being widened to circa 7.3m south of the proposed access point.

As noted an updated Transport Assessment has been submitted in support of the application that confirms that *'the proposed development would be anticipated to generate a total of 2,028 and 2,535 total two-way vehicular trips over the 12-hour weekday and Saturday periods respectively'* with peak trips anticipated between 11am and 12pm of 213 on weekdays and 302 Saturdays at the same time. The TA is accompanied by an impact assessment of key road junctions in the vicinity of the site. The assessment concludes that the proposals *'would lead to very little impact across the surrounding highway network during the critical weekday and Saturday peak hour periods'* and *'the proposed development is therefore not anticipated to cause any significant capacity issues on the local highway network'*. The TA also notes *'that the accident records near to the site suggest that the proposed development is unlikely to exacerbate the existing safety record to a significant enough level to warrant concern.'*

Through the course of consideration of the application there has been extensive dialogue between the applicant's appointed highways consultants and the Council's Highway Development section, resulting in the revised submissions before members. The Council's Highway Development section note that *'the TA recognises that the traffic impact will be material in particular for the B4265/Llanmaes Road Staggered signalised junction and therefore improvements have been recommended. The applicant/developer has confirmed they will provide improvements to the timings/telematics for the signalised junction (Section 7.6.8 in TA) which should improve capacity of the junction and therefore any impact on traffic for the site will be mitigated by these improvements.'* Furthermore revised details were also sought with regard to the delivery vehicles accessing the servicing bay during busy/peak times and provision of a delivery management plan with a view to control this. Having considered the most recently submitted details the Council's Highway Development Section, have responded with no objection to the proposals, subject to a number of conditions. These include, full engineering details; the provision of a construction traffic management plan; additional details of traffic regulation orders along the site frontage to prevent indiscriminate parking; further details of updated timings/telematics of the signalised junction to the south of the site; condition surveys prior to and after the development of the site and requirement for any identified remedial works to be undertaken.



The site and the enhanced pedestrian and active travel facilities detailed on the site frontage and beyond would allow for relatively ready access to the supermarket, which the applicant suggests is a circa 12 minute walk from Llanwit Major Town Centre and in turn closer to many of the residential areas of the town which the development would serve. To this end and noting the availability of local bus services circa 80 and 250 metres away, it is considered that the site would not be overly or unacceptably reliant on the private car. The improved crossing facilities and suggested alterations to telematics, would also allow for improvements of the usability of the junction by those travelling to the site by non-car modes.

It is also noted that the proposals as they stand do not include adequate EV charging spaces to comply with the 10% envisaged by Policy 15 of Future Wales albeit would comply with the requirements of the currently adopted Parking Standards SPG. The submitted TA indicates that 20% of the total parking space provision would *'be enabled for future electric vehicle charging. Usage will be monitored, with additional chargers installed should demand dictate'*. If the development was acceptable in all other regards this matter would have been pursued further, or at the very least additional details of EV charging secured by way of condition.

Noting all of the above, it is considered that the proposals would be acceptable in terms of highway safety and in compliance with the provisions of Policies MD1 and MD2 of the adopted Development Plan.

#### Planning Obligations

#### **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.

Chapter 4 in Planning Policy Wales (PPW) (Ed 12) requires proposals to seek to maximise accessibility by walking, cycling and public transport to key locations, 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.

Further, national policy contained within Technical Advice Note 18 'Transport' (March 2007) Paragraph 9.20 allows local planning authorities to use planning obligations to secure improvements to the travel network, for roads, walking, cycling and public transport, as a result of a proposal.

For the provision and/or enhancement of off-site sustainable transport facilities and having regard to the cost of providing sustainable transport infrastructure and services as set in the adopted Planning Obligations SPG, the Council would require £2,300 per 100sqm resulting in a total financial contribution of £50,600 (based upon 2180 sqm). This would be used to make improvements within the vicinity of the site, such as enhanced pedestrian and cycling facilities (not including those proposed to facilitate safe access to the site) and/or updating existing public transport infrastructure, such as improved Real Time Information displays in nearby bus stops.

The applicant has agreed to this contribution.

## **Public Open Space**

Large scale retail or employment developments are expected to make provision for Public Open Space and/or recreational facilities to meet the needs of their staff and/or customers. Open space offers vital opportunities for sport and recreation, and also acts as a visual amenity.

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 would usually be expected to provide additional provision on site, based upon 16sq.m. per staff member (based upon maximum numbers of staff to be in the workplace at any one time) or 15% of the site area. The provision on-site would be the preferred option and the site plan indicates that open areas would be retained within the development, including that to the rear. Alternatively, in the event that on-site provision is inappropriate, the developer would be required to pay a financial contribution of £1,150 per employee.

The applicant has agreed to the required level of provision and the site layout, as amended would provide circa 1000sqm to the rear of the building for future use by staff members. The submissions detail that circa 40 staff would work at the site and as such the proposals would exceed the amount of space available. To this end, if the development were acceptable in all other regards, then the provision and maintenance of this area would be sought to be delivered and maintained through a suitably worded condition.

## **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, Section 5), 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 to be able to apply for some of the new job opportunities helps to create sustainable communities. Therefore on major developments the Council looks for opportunities to maximise training and development for the Vale of Glamorgan's resident population. This training may be provided by the developer on site, or provided in the form of a financial contribution to the Council to facilitate skills training to boost local economic development.

In this case, it is considered reasonable to expect training (on a recognised training course) to be provided for at least 4 employees on site, or alternatively pay the Council a contribution of £5,020 (4 x £1,255) as an in lieu contribution. The financial contribution would be used to remove the barriers to work by providing assistance such as training, skills development, childcare etc. The applicant has agreed to this contribution.

## **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 has agreed to this indicating that they would not expect the budget to exceed £30,000.

### **Planning obligations administration fee:**

In addition to the above and separate to any obligation, the Council requires the developer to pay an administration fee to monitor and implement the terms of the Planning Obligations equivalent to 2% of the contribution or 20% of the planning fee whichever is greater. This fee covers the Council's costs to negotiate, monitor and implement the terms of the necessary Section 106 Agreement. In this case the fee would equate to £2,484.

This cost is essential because the additional work involved in effectively implementing a Section 106 Agreement is not catered for within the standard planning application fee, and the above planning obligations are considered necessary and essential for the development to be appropriately mitigated against. Therefore, the developer is reasonably expected to cover the Council's costs in this regard.

The applicant has agreed to the obligations administration fee.

## **Conclusion/balance**

It is acknowledged through the body of the report that the capacity for retail development and the relevant tests have been considered and agreed by the Council's retail planning advisors and the proposals found to be in broad compliance with the requirements of Policy MG13 of the adopted development plan. It has also been found to be acceptable in terms of other matters as detailed within the report, including in terms of highways and ecological considerations. However, this must be weighed against other planning considerations in the planning balance, particularly the likely substantial visual impacts of the proposals and the likely significant detriment to the character of the countryside and confluence of the settlements of Llantwit Major and Llanmaes that would result and discussed in depth above.

Having regard to all of these matters, it is considered that the visual impacts associated with the development are substantial and would outweigh the benefits of the provision of such a facility in this location. The Council is currently undergoing work on a replacement LDP inclusive of consideration of the retail needs of Llantwit Major and other settlements within the Vale of Glamorgan. The site has been put forward as a candidate site and it is considered that the examination of the plan represents the most suitable means to holistically consider the retail needs of the Vale of Glamorgan, including whether there are alternative sites that may be available. To this end and noting the significant detriment that would likely occur as a result of the development, it is considered on balance that the proposals should be refused.

## **RECOMMENDATION**

### **REFUSE (W.R.)**

1. By reason of its location, design, form, and scale, the proposals would unacceptably impact upon the appearance and character of the countryside and would be incongruous with the surrounding area. The proposals, inclusive of the impacts of ancillary elements including lighting and parking, would result in an unacceptable urbanising form of development that would result in the confluence of the settlements of Llanmaes and Llantwit Major and be detrimental to the setting of the Llanmaes Conservation Area. As such the proposals would be at odds with Policies MD1, MD2 and MD8 of the Vale of Glamorgan Adopted Local Development Plan 2011-2026, the council's SPG on Residential and Householder Development, Planning Policy Wales (12th Edition) and Technical Advice Note 12 (Design).

## **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.

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.

**2023/01161/FUL** Received on 28 May 2024

**APPLICANT:** Mr Charlie Thomas North Lodge, Coedarhydyglyn, St Nicholas, Cowbridge, CF5 6SF

**AGENT:** Ms Anna Cheney 11 - 12 Jellicoe Court, Atlantic Wharf, Cardiff, CF10 4AJ

### **Land West of Drope Road, St. Georges Super Ely**

Importing and spreading of inert material (topsoil and subsoil) to raise soil levels to assist with land husbandry

### **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 Perry as, "*there is considerable local concern in this interesting planning application due to local flooding*".

### **EXECUTIVE SUMMARY**

The site is an agricultural field and the proposed infilling is detailed as being needed to improve the land for agricultural purposes.

The land in question has previously been partly infilled and from a site visit it is evident its rocky condition would potentially reduce its use for agriculture. The Council's Drainage Section have also identified there are drainage issues which also potentially reduces agricultural use. The additional material would add soil depth and improve drainage to allow better growth of feed crops. As such the principle of the development is considered acceptable and would beneficially improve the land for agricultural use.

In relation to potential contamination, no objections have been raised by the Council's SRS (Environment Section) to the two sources of soil material that are identified to be imported. The material already imported (from one of the sources) has been tested and a report has been submitted detailing it is free of contamination. The Council's SRS (Environment Section) have stated this material is acceptable. As such the environmental impact of the material to be imported would be acceptable

In relation to the concerns raised about flooding, which relates to the adjacent road, the Council's Drainage Section identify run off from the field (and other fields in the area) is potentially partly responsible. They identify drainage works have been carried out to the highway which should potentially prevent any future flooding issues. They also advise a drainage strategy for the site should be implemented to prevent run-off from the field. If permission is granted this could be required by a condition.

Turning to the impact on surrounding residential properties no objections have been received as a result of the public consultation. The main impact however would be from the temporary infilling works and traffic movements. A condition requiring lorry movements and on site working to be restricted to the daytime during the working week would reduce these impacts. The proposal is therefore considered acceptable in relation to this issue.

In respect to 'Green Infrastructure' no trees or hedges would be removed. The field would be restored to agricultural grassland and it is proposed to provide some tree planting. This would be beneficial for the rural character of the area and would provide a net biodiversity gain.

No objection has been raised from the Council's Highways Section with regard the impact on highway safety from the coming and going of lorries subject to the provision of wheel washing facilities which can be secured by a condition.

Therefore, taking into account the agricultural need identified for the infilling, the impacts of the proposal would be acceptable and would accord with local and national planning policies. As such the proposal is recommended for approval.

## SITE AND CONTEXT

The application site is a field to the northwest of the settlement of the Drope. It can be accessed from a field gate to the southeast corner of the field. A large tree of note is located in the middle of the field but is outside the application site area. The field is bordered by hedges. The surroundings are mainly open fields. A former railway line previously cut through the field but has been filled in some time ago. Some of the works proposed have been carried out as identified in the photographs of the site below:



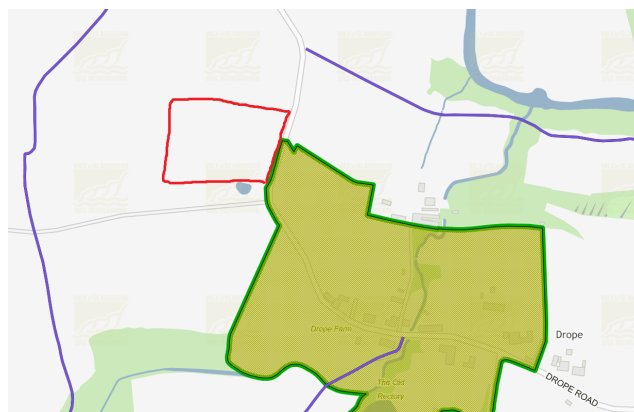
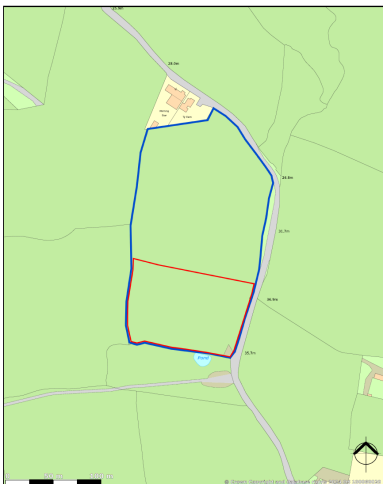


In policy terms the site is outside any settlement boundary and is located within the countryside. It is located within the Ely Valley & ridge slopes Special Landscape Area. Council records indicate the Predicative Agricultural Land Classification category is grade 2. This is categorised as good quality agricultural land.

It is located outside, but adjacent to the Drope Conservation Area, as detailed by the green lined area on the plan below.

Public rights of way are also located within relatively close proximity to the site as detailed by the purple lines on the plan below.

An extract from the site location plan and a plan detailing the public rights of way (purple lines) and conservation area (highlighted green) in relation to the site is provided below:



## DESCRIPTION OF DEVELOPMENT

Full planning permission, as amended, is sought for, *“Importing and spreading of inert material (topsoil and subsoil) to raise soil levels to assist with land husbandry.”* Following initial plans being submitted there were some inconsistencies and inaccuracies in the plans. Amended plans and supporting documents were received on 28 May 2024.



The Planning Statement details the proposal is required to adequately farm the land as a number of years ago waste material was laid within the site and caused issues:

- 1.) The rock beneath the surface will interfere with and can break deep cultivation equipment, such as ploughs and sub-soilers.
- 2.) It prevents proper and efficient drainage of this area of land.
- 3.) The material can restrict the root growth of certain crops due to their inability to penetrate deep enough into the soil.
- 4.) The shallow soil limits the growing medium for crops, meaning the ability of the crops to take up nutrients can be compromised.

The proposal is partly retrospective as detailed on the plans below. The existing situation is that the site area has had its top layer stripped and positioned in a bund to the north of the site. 3,800 tonnes of inert soil material have already been deposited. This is detailed as being from residential development at Cog Road in Sully.

The proposal is to import 6,200 more tonnes of inert soil material from St Mellons Church in Wales Primary School in Llanrumney. The Method Statement details a large lorry would be used to transport the material from St Mellons and a haulage route has been provided. The trips will total 15 lorries per day between the hours of 08:00am to 17:00pm (not at weekends) and it is estimated to take approximately 3 weeks. A 13 tonne excavator would be provided on site to spread the soil once deposited.

The material in the bund would then be spread over the imported material.

It is further detailed that the works are required to level the area and prevent a sunken poorly drained area and to increase the level of productive soils above the existing, hard to manage ground. It is stated that this would assist in being able to grow grass for grazing or potentially other crops.

The application is supported by the following documents:

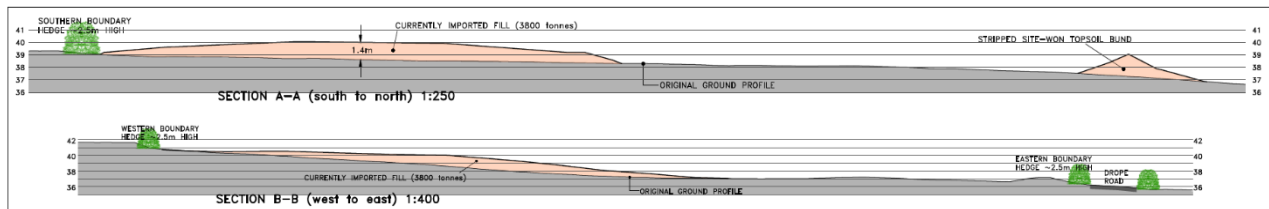
- Planning Supporting Statement for import and spreading of inert material for agricultural purposes (BY HRT June 2024).
- Method statement for Land at Drope v4 (By HRT May 2024).
- Green Infrastructure/ BNG Statement (by HRT May 2024).
- Engineering Statement Rev 1 without appendix (By Tulip Engineering Consultancy 19 April 2024).
- Ground Investigations Report - St Mellons Primary School (By Hydrock 31 May 2022).
- Geotechnical & Geoenvironmental Report (Land off Cog Road Sully) - (By terra firma May 2018).
- Contamination Report (By Rhondda Geotechnical Services dated 17th November 2024).

## Existing Ground Levels following initial retrospective works

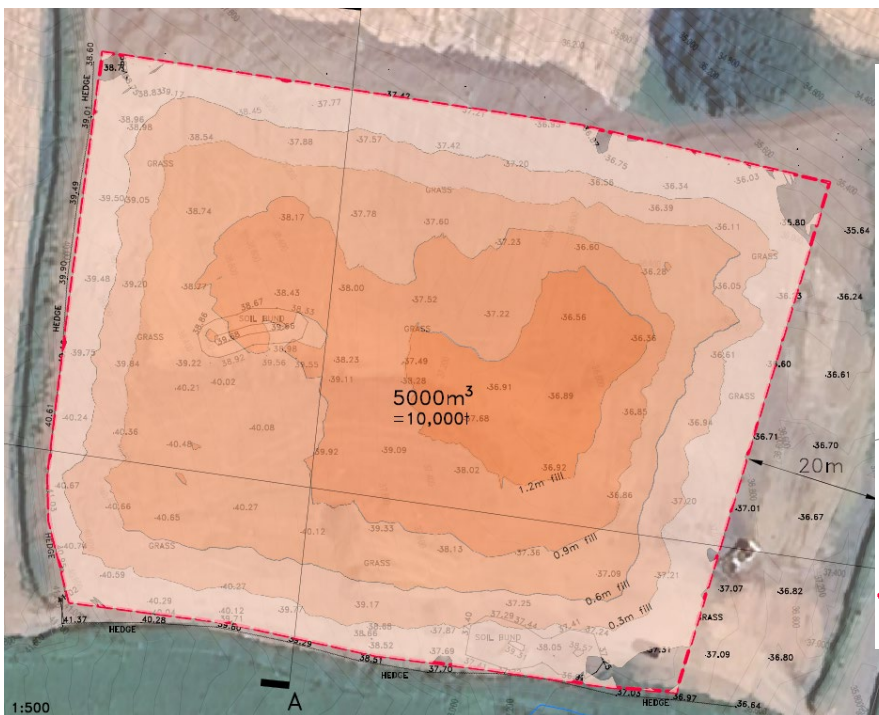


Height Bands	Volume
Fill 2.5m - 3m	0.04m <sup>3</sup>
Fill 2m - 2.5m	10.0m <sup>3</sup>
Fill 1.5m - 2m	49.3m <sup>3</sup>
Fill 1m - 1.5m	251.1m <sup>3</sup>
Fill 0.5m - 1m	833.9m <sup>3</sup>
Fill 0m - 0.5m	1551.3m <sup>3</sup>
<b>Total Material Vol:</b>	<b>2695.6m<sup>3</sup></b>

- 36.200 Original ground level (lidar)
- 36.28 Current ground level following 3,800 tonnes import & spread (topo survey)
- Red line extent: proposed fill area

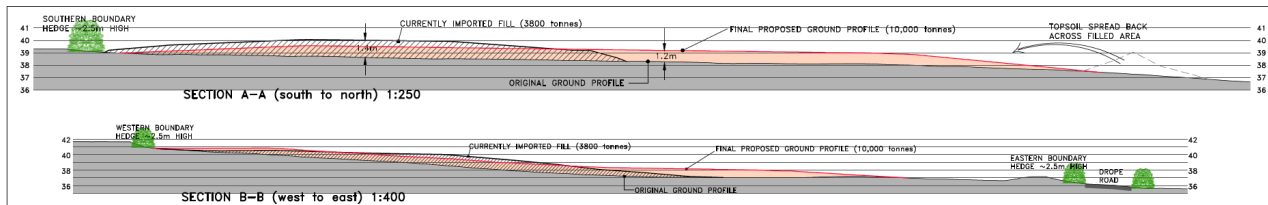


## Finished Levels



Height Bands	Fill Volume
Fill 1.2m - 1.5m	67.2m <sup>3</sup>
Fill 0.9m - 1.2m	368.7m <sup>3</sup>
Fill 0.6m - 0.9m	1088.7m <sup>3</sup>
Fill 0.3m - 0.6m	1540.6m <sup>3</sup>
Fill 0m - 0.3m	2014.9m <sup>3</sup>
<b>Total Material Vol:</b>	<b>5080.1m<sup>3</sup></b>

- 36.200 Original ground level (lidar)
- 36.28 Current ground level following 3,800 tonnes import & spread (topo survey)
- Red line extent: proposed fill area



## PLANNING HISTORY

1986/00322/FUL, Address: Disused railway cutting at The Drope and St. Georges Super Ely, Proposal: Filling of railway cutting with excavated material from construction site and soiling and seeding on completion for addition to adjoining farm land, Decision: Refused-Allowed at Appeal

1996/00301/OUT, Address: Land at Drope Farm, St. Georges-Super-Ely, Proposal: Proposed new farmhouse, farm workers' cottage and new farm buildings, Decision: Withdrawn

## CONSULTATIONS

**St Georges & St Brides-Super-Ely Community Council** were consulted on 4 January 2024. They have responded as follows, *“The St Georges and St Brides Super Ely Community Council can understand and sympathise with the motive of the landowner to restore his field to a productive state, following earlier damage occasioned to it. Issues relating to the sources of the imported material are outside of the scope of the Community Council”*.

Following the amended plans and supporting documents being received they were re-consulted on 29 May 2024. No response has been received to date.

**St Nicholas and Llancarfan Ward Member** was consulted on 4 January 2024. Councillor Perry has responded raising concerns about flooding and requesting that the application be called in to be determined at Planning Committee.

Following the amended plans and supporting documents being received they were re-consulted on 29 May 2024. No response has been received to date.

**Council’s Drainage Section** were consulted on 4 January 2024. No response received to date.

Following the amended plans and supporting documents being received they were re-consulted on 29 May 2024. They have responded on 20 June 2024 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. The pond in the neighbouring property to the south of this site that is also very close to the boundary between the two properties resides in an area of **high** risk of surface water flooding – while this site predominantly slopes north-eastwards, a section on the south boundary dips southwards towards the neighbouring pond. This corresponds with the applicant's concerns regarding poor drainage at the south of this site.*

*Details on how the area levels are to be altered have been provided, including plans for existing and proposed ground levels and a contour plan. An application for SAB approval has been received, under which the provided plans are currently under review as SAB/FUL/2024/019.*

Following the above an update was received on 09 August 2024 with regard the SAB application.

*It is acknowledged that a SAB application has also been made with regard to the proposed works (SAB/FUL/2024/019). On review of the SAB application it was confirmed that as the placement of soils was not related to the preparation for the creation of a building or structure as defined by the Flood and Water Management Act 2010, Schedule 3. In this instance SAB approval would not be required with further approval to be obtained through the planning process (GTD001/SAB/FUL/2024/019).*

*On review of this planning application as LLFA from the information provided it is not considered that the proposed import and placement of soils would increase flood risk within the area. As such we have no objection in principle to the approval of details under this application.*

**Council's Highway Development** were consulted on 4 January 2024. They have responded on the 6<sup>th</sup> February 2024 as follows:

*The Councils drainage section should be consulted to confirm if there is a concern with regard to raising the levels on the site and the impact on the adjacent highway network to the East and South (Drope Road). Additional mitigation may be required with regard to preventing water entering the highway. It cannot be seen that any information has been provided with regard to the proposed level changes on site and this information should be provided and possibly along with a topo survey. Again, this should be confirmed by the Council's drainage/planning sections.*

*The planning statement has indicated that an approximate amount of 10,000 tonnes of material is proposed to be transported to the site. This provides a number of issues which will need attention. This amount of material will require a large amount of vehicles to travel to/from the site. However, the site is accessed from all directions via narrow rural lanes and larger vehicles may not be suitable for deliveries by large vehicles. There is also a potential for a large amount of mud and debris being carried onto the highway following the site operations and material deliveries.*

*The highway authority would require the following information a Construction Traffic Management Plan (CTMP)*

Following the amended plans and supporting documents including a Planning Supporting Statement identifying traffic movements and routes being received they were re-consulted on 29 May 2024. They have responded on 12 July 2024 as follows:

*Further to the original observations a method statement has been provided to support the application and provide further information with regard to the operation of the proposed development.*

*It has been indicated that 3600 Tonnes of material has already been deposited to site and therefore the remaining 6400 Tonnes is being proposed as part of this application. The method statement indicates that the operation will last for approximately 3 weeks with 15 vehicles per day delivering soil to the site.*

*It is recognised that the haulage route will be from the East and that only a small proportion of the haulage route will be contained within the Vale boundary. Notwithstanding this, parts of the route close to the site are narrow rural lanes however there should be minimal disruption and conflict due to the amount of vehicles travelling to the site per day and a passing bay is present on the narrow section.*

*The statement indicates that a road sweeper will be provided ad hoc however a permanent wheel wash should be provided at the site entrance to prevent any mud and debris entering the highway. The Council's drainage section should also provide comments due to the flooding issues along the highway.*

**Council's Shared Regulatory Services (Environment)** were consulted on 4 January 2024. They originally responded with no objection and requested an informative note regarding contamination and unstable land is attached to any permission.

Following the above and the carrying out of a site visit, SRS (Environment) were contacted to detail that it was evident that some building construction material was located on the site. They responded with updated comments detailing the Planning Statement details imported material does not contain 'material that is demolition waste or contaminated or potentially contaminated'. Therefore, a condition to require a scheme of sampling and testing of in situ and imported soils/aggregates and use of site won materials with an unforeseen contamination condition would be required.

Following the amended plans and supporting documents being received detailing the additional material was to come from an alternative source, they were re-consulted on 29 May 2024. They have responded on 07 June 2024 that the proposed donor site contamination assessment (relating to the St Mellons Primary School Ground Investigation Report) indicates that soils from the specified site would be suitable for use.

Following a Contamination Report on the material already imported being submitted on 18<sup>th</sup> November 2024 further consultation was sought. They have responded in response to the report detailing it confirms that there is no significant contamination in the soils tested. This indicates that the area previously affected by fly-tipping has not been significantly impacted by contaminants. Furthermore, the soil stockpile already on site has been validated and would be suitable for the proposed use.

**Council's Shared Regulatory Services (Pollution)** were consulted on 4 January 2024. No response received to date.

Following the amended plans and supporting documents being received they were re-consulted on 29 May 2024. No response has been received to date.

**Council's Ecology Officer** were consulted on 4 January 2024. No response received to date.

Following the amended plans and supporting documents being received they were re-consulted on 29 May 2024. No response has been received to date.

**Cardiff Council** were consulted on 8 July 2024. No response received to date.

**Natural Resources Wales** were consulted on 25 January 2024. They have responded requesting clarification of an inconsistency in the planning statement in relation to the material to be imported.

Following the amended plans and supporting documents being received they were re-consulted on 29 May 2024. They have responded with no objection and offer further advice on land contamination and environmental permits and other matters.

## REPRESENTATIONS

The neighbouring properties were consulted on 4 January 2024. A site notice was also displayed on 18 January 2024. No response received to date.

Following the amended plans and supporting documents being received they were re-consulted on 29 May 2024. A new site notice was also displayed on 05 June 2024. No response has been received to date.

## 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 SP8 – Sustainable Waste Management  
POLICY SP10 – Built and Natural Environment

#### **Managing Growth Policies:**

## POLICY MG17 – Special Landscape 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 MD20- Assessment of Waste Management Proposals.

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 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) (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
- Promoting Healthier Places
- Sustainable Management of Natural Resources
- Placemaking in Rural Areas
- The Best and Most Versatile Agricultural Land
- Development in the Countryside

#### 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 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 15 – Development and Flood Risk (2004)
- Technical Advice Note 21 – Waste (2014)
- Technical Advice Note 23 – Economic Development (2014)
- Technical Advice Note 24 – The Historic Environment (2017)

### **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)
- Design in the Landscape
- Economic Development, Employment Land and Premises (2023)
- Minerals Safeguarding (2018)
- Sustainable Development - A Developer's Guide
- Trees, Woodlands, Hedgerows and Development (2018)

### **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 11/99 – Environmental Impact Assessment

- Section 72(1) of the Town and Country Planning (Listed Buildings and Conservation Areas) Act 1990, imposes a duty on the Council with respect to any buildings or other land in a conservation area, where *special attention shall be paid to the desirability of preserving or enhancing the character or appearance of that area.*

## **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

The main issues are considered to be the principle of the development, impact on flooding, potential of site contamination from the imported material, the visual impact, the impact on surrounding residents amenity, the impact on ‘Green Infrastructure’, trees and ecology and highway safety.

### **Principle of the development**

Policy MD1-Location of New Development requires development to meet the following relevant criteria:

1. Have no unacceptable impact on the countryside; and
9. Have no unacceptable impact on the best and most versatile agricultural land.

Policy MD20-Assessment of Waste Management Proposals permits development proposals for waste management facilities will be permitted subject to the following criteria:

1. The proposal is supported by an appropriate waste planning assessment;
2. The proposal has regard to the waste hierarchy, proximity principle and the requirements of the waste framework directive;
3. It is demonstrated that the development would not result in unacceptable harm to health, the environment or to the amenity of neighbouring land uses; and
4. Where the principal road network has adequate capacity, or improvements to ensure adequate capacity can be readily and economically provided, to accommodate the transport movements associated with the proposal.

Whilst Policy MD20 is considered of some relevance, the proposal itself is not considered as a waste management proposal, rather it is for the importation and spreading of inert material (topsoil and subsoil) to raise soil levels to assist with land husbandry. On this basis, it is not considered that the application is required to strictly comply with the above referenced criteria as the application is not for waste management facilities.

In terms of criterion 9 of Policy MD1 and criteria 1 and 2 of Policy MD20, the proposal is relatively small scale. The intended purposes are to improve the site for agriculture use and in addition it would manage waste soil from a nearby housing and school development.

In relation to the impact on agricultural land, it is noted the proposal is stated as being to improve the land for agricultural use. Council records detail The Predicative Agricultural Land Classification category is grade 2. This is good quality agricultural land and Planning Policy Wales describes this as the Best and Most Versatile and should be conserved for agriculture. However, from the planning history and a site visit, it is evident part of the site has been subject to infilling of a former railway cutting and the land is relatively rocky.

The applicant details this has restricted productive use of the land and that it has poor drainage. The Council's Drainage Section clarify this latter point in their comments. The current condition of the site suggests the agricultural grade is lower than predicted and the proposed works would improve the quality for agricultural use.

In addition, the field is generally relatively uneven and infilling the depressions to create a more consistent level and usable area would be beneficial for the farming of the holding. The resulting land form, as detailed below in the visual impact section, is considered to be acceptable on the character of the wider area. No objection from the Council's SRS (Environment Section) has been made to the type of material being proposed to be imported, albeit there may be an issue to potential additions to that material (that has already been deposited) and is discussed further below in the Site Contamination Section.

Therefore, in principle, the development would be beneficial to agricultural use of the land and would be acceptable subject to an assessment of the material considerations below

### **Potential Site Contamination by Imported Materials**

The proposed soil material to be imported should be suitable for agricultural use and free of any contamination. Two sources of soil have been detailed as being the material to be imported and no objection has been made by the Council's SRS (Environment) Section to these. Material from the first source (Cog Road, Sully) has already been imported and the additional material (from St Mellons Church in Wales Primary School in Llanrumney) is proposed to be imported to complete the infilling. Members are advised that if the material to be imported (from the additional source identified above) is not available at the time, a condition to require further details to be submitted of a different source and clarification that this is suitable for use is considered necessary (**Condition 4** refers).

Whilst the above is the case, from a site visit, it was noticed that some concrete and building material have also been deposited on the site. The applicant's agent was informed, and they detail some material may have been historically fly tipped and this has now been removed.

The Council's SRS (Environment) Section were informed of the above situation and they responded that conditions to test the material already imported to the site could be added. Considering the potential of contamination from the previously fly tipped material further testing was considered necessary to make the development acceptable. The testing of material at the site has subsequently been carried out and set out within a report submitted from Rhondda Geotechnical Services. The Council's SRS (Environment) Section have commented that the report, "*confirms that there is no significant contamination in the soils tested. This indicates that the area previously affected by fly-tipping has not been significantly impacted by contaminants. Furthermore, the soil stockpile already on site has been validated and would be suitable for the proposed use*". Therefore, this clarifies there is no contamination in the material already at the site.

In addition to the above, the Council's SRS (Environment) Section have recommended that any unforeseen contamination found during the further importation shall be dealt with by a further condition (**Condition 5** refers).

In conclusion, taking into account that the sources of the soil material would be free of contamination, the testing carried out of material at the site concluding that is free of contamination and the required unforeseen contamination condition; this issue would be acceptable.

### **Flooding and Drainage**

The Council's Drainage Section identify the site is identified as being 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. An area of high risk of surface water flooding, relating to a pond, is situated in the adjacent field in. They clarify the topography around this area in the application site corresponds with the applicant's concerns regarding poor drainage at the south of this site.

Councillor Perry has raised the issue of flooding on to the adjacent highway as being a concern to local residents. It has been evident from site visits that an area of the adjacent road, in what is a 'dip' in the road next to the site access, is susceptible to some seasonal flooding (see photograph below taken March 2024). The Council's Highways Section have requested that the Council's Drainage Section is consulted.



The Council's Drainage Section detail that run off from this field and surrounding fields potentially contribute to this flooding. Furthermore, since the photograph was taken, they detail a new drainage scheme has been implemented along the road and that should hopefully prevent some of the regular flooding in that section.

They further comment that although an application for SAB approval is not required, further approval of drainage is required by the planning application. Members are advised that details of a strategy to prevent potential run off from the site is necessary and can be required by condition (**Condition 2** applies). Members are advised this strategy can only relate to run off from this site and not from other fields in the area or surface water from the road.

Therefore, subject to the approval of the required drainage details, the issue of surface drainage run off to the highway, would be considered acceptable.

### **Impact on ‘Green Infrastructure’, Trees and Ecology**

Chapter 6 of Planning Policy Wales relates to green infrastructure, net benefit for biodiversity and the protection afforded to trees.

Paragraph 6.4.5 of Planning Policy Wales (Edition 12, 2024) 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.....”*

The applicant has submitted a ‘Green Infrastructure Statement’ in support of the application. This outlines that no trees or hedges would be lost as part of the proposal. Whilst this is the case, a large tree is situated to the north and outside of the site, and is currently close to the bund of top soil that was removed from the field and stored along the northern boundary. This may have some negative impact on the trees health currently. However, the works involve spreading the bund of soil over the field and therefore on completion of the works this would relieve the impact on the tree.

It is noted the land in question is an agricultural field and taking the works already carried out, the ecological value is not considered significant. The proposal is to restore the land as grass land for a working agricultural field. Therefore, on completion of the works, it is most likely the ecological impact would be limited.

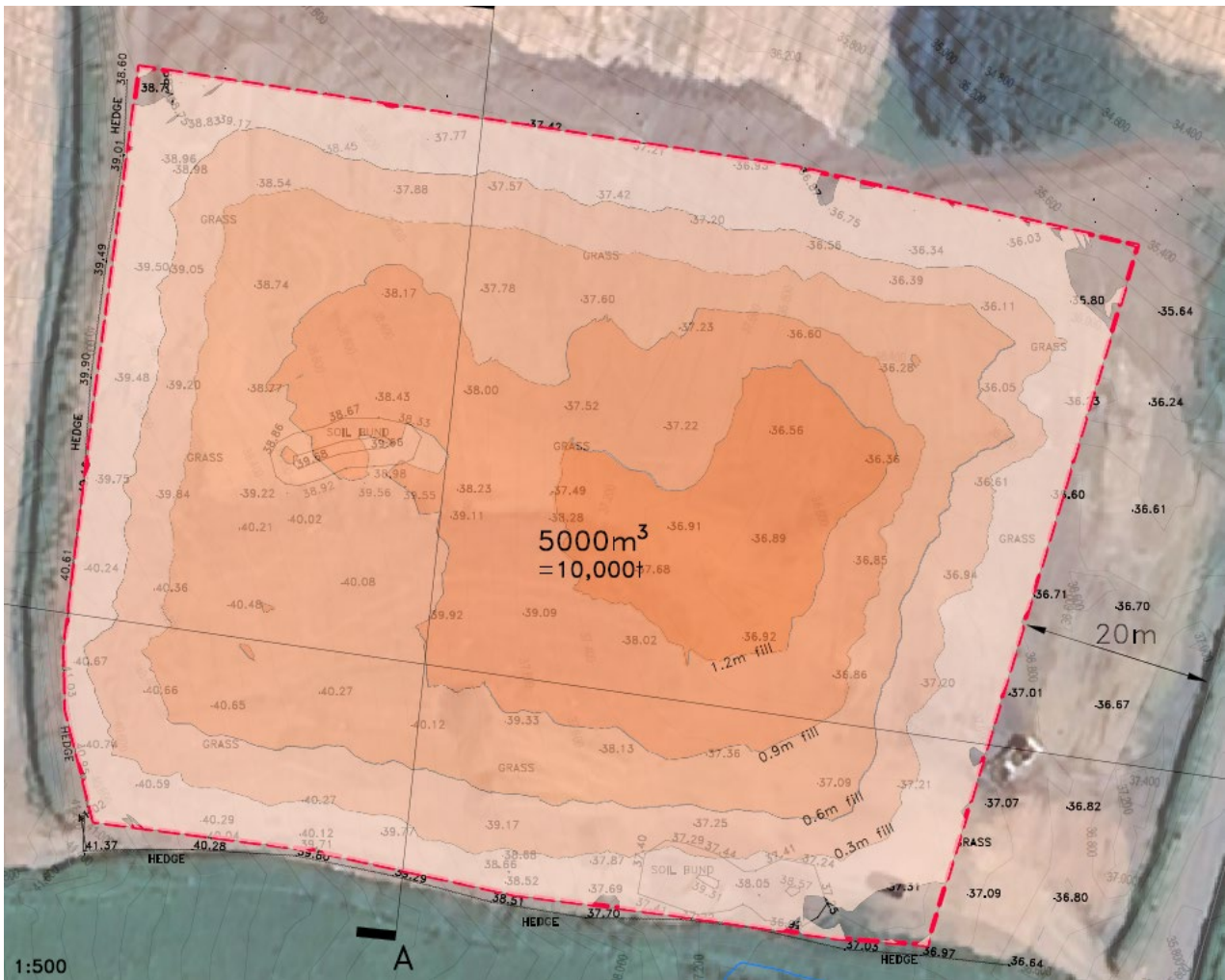
The Green Infrastructure Statement details compensation would be provided by the provision of some native species trees at the site. This and other measures would result in a net biodiversity gain. Full details of these measures haven’t been provided and can however be secured by condition if permission is granted (Conditions 6 to 8 refer).

Noting all the above, it is considered that these measures are acceptable in these terms, with the details proposed to be secured by condition, such that the proposal complies with Policy MD9, PPW12 and guidance in the Council’s Biodiversity and Development SPG.

### **Visual Impact**

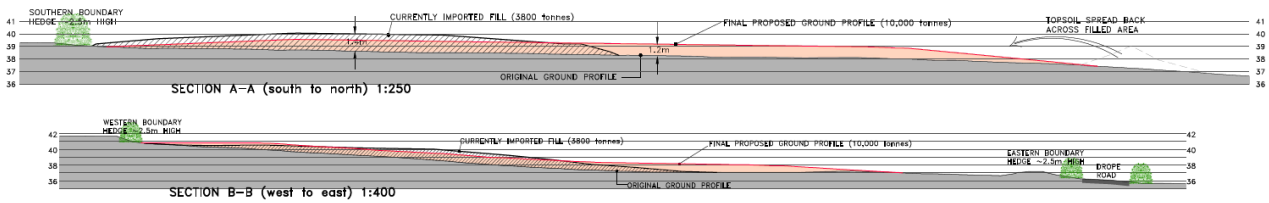
The site is within the countryside and in an area designated as the Ely Valley & ridge slopes Special Landscape Area. It is also situated adjacent to part of the Drope Conservation Area.

The proposed site is an agricultural field and the main impact would be from the change in land form. Currently the infilling is unfinished with an irregular form which does not have an acceptable visual impact. The cross section shows that at its highest, the existing imported fill is some 1.4m above former ground level. This existing imported material will be removed and reprofiled with the further imported material to average the ground levels access the site by an average of some 1.2m above original ground level and feathered into the existing levels around the site perimeter.



Height Bands	Fill Volume
Fill 1.2m – 1.5m	67.2m <sup>3</sup>
Fill 0.9m – 1.2m	368.7m <sup>3</sup>
Fill 0.6m – 0.9m	1088.7m <sup>3</sup>
Fill 0.3m – 0.6m	1540.6m <sup>3</sup>
Fill 0m – 0.3m	2014.9m <sup>3</sup>
<b>Total Material Vol:</b>	<b>5080.1m<sup>3</sup></b>

The importation of the further material and finishing details provided on the submitted plans and sections show that the finished level would result in a natural looking landform that would be more attractive and complimentary to the surrounding agricultural fields than the existing situation.



In addition, the agent has advised that the proposal will include the provision of native tree planting, which would be further beneficial to the rural landscape (**Condition 6** refers).

Therefore, taking the above into account the proposal would be acceptable in these terms.

### Impact on Surrounding Residents Amenity

No crushing works are proposed on site and the works only require an excavator. The main impact of the proposal would be the coming and going to and from the site in terms of lorries importing the material. It is envisaged in the supporting statements that the works would take approximately 3 weeks and lorry journeys would be restricted to between 08:00 and 17:00 weekdays. The haulage route would use main roads and only use smaller roads closer to the site coming through the village of Drope.

The journeys could be well spaced, and it is not considered the proposal would cause an unacceptable nuisance and loss of amenity, as a result of vehicle noise, to those properties situated alongside the road.

In terms of the working on the site, the nearest dwellings are some distance, and it is not expected that working on site for a temporary period would result in significant impact on the amenity of neighbours.

The proposal to restrict movements to and from the site to weekdays between 08:00 and 17:00 would restrict noise from anti-social hours. It is therefore necessary to have a condition to restrict delivery hours and working hours on site (**Condition 3** refers).

Taking into account the above the proposal would be acceptable in these terms and accord with Policy MD2-Design of New Development and MD7-Environmental Protection.

## Highway safety

In terms of highway safety, the main issue would be the coming and going of lorries for the temporary period of works. It is noted the road is the main road through Drope and to the site, which is mainly single lane, but is however relatively lightly trafficked and by its nature vehicle speeds tend to be low. Whilst this is the case the limited increase in traffic is unlikely to lead to serious conflict with other vehicles and users of the road. No objection has been raised by the Council's Highways Section. They however detail a condition requiring wheel washing facilities would be necessary (**Condition 9** refers)

Therefore, in these terms the application would be considered acceptable.

## 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 otherwise superseded by any condition to this permission.

Location plan (May 2024)  
J142/03 - Final Ground Levels

Planning Supporting Statement for import and spreading of inert material for agricultural purposes (BY HRT June 2024)  
Method statement for Land at Drope v4 (By HRT May 2024)  
Green Infrastructure/ BNG Statement (by HRT May 2024)  
Engineering Statement Rev 1 without appendix (By Tulip Engineering Consultancy 19 April 2024)  
Ground Investigations Report - St Mellons Primary School (By Hydrock 31 May 2022)  
Geotechnical & Geoenvironmental Report (Land off Cog Road Sully) - (By terra firma May 2018)  
Contamination Report (By Rhondda Geotechnical Services dated 17th November 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.

2. No further development shall commence until details of a scheme of land and surface water drainage including a timescale for its implementation has been submitted to and agreed in writing by the Local Planning Authority. The scheme shall be completed in accordance with the approved details prior to the importation of any material and retained in perpetuity.

Reason:



To prevent flooding of the adjacent highway and 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 MD2 (Design of New Development) and MD7 (Environmental Protection) of the Local Development Plan.

3. Any works on site and deliveries to or from the site shall only be carried out between the hours of 08:00 to 17:00 Monday to Fridays.

Deliveries shall not be taken at or dispatched from the site outside the hours of 08:00 to 17:00 Monday to Fridays. No deliveries or works on site shall take place on Saturday and Sundays.

Reason:

In the interests of the amenity of surrounding residents and to ensure compliance with the terms of Policy MD2 (Design of New Developments) and MD7 (Environmental Protection) of the Local Development Plan.

4. Prior to any further importation of soil materials, any topsoil [natural or manufactured], or subsoil, aggregate (other than virgin quarry stone) or recycled aggregate material, which is sourced other than from the two identified sources, the material to be imported shall be assessed for chemical or other potential contaminants in accordance with a scheme of investigation which shall be submitted to and approved in writing by the Local Planning Authority.

All measures specified in the approved scheme shall be undertaken in accordance with Pollution Control's Imported Materials Guidance Notes. Subject to approval of the above, sampling of the material received at the development site to verify that the imported soil is free from contamination shall be undertaken in accordance with a scheme and timescale to be agreed in writing by the LPA.

Reason:

In the interest of the environment and to ensure that the safety of future occupiers is not prejudiced in accordance with Policy MD7 (Environmental Protection) of the Local Development Plan.

5. 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 (Environmental Protection) of the Local Development Plan.

6. Within 3 months of the date of this planning permission, a scheme of landscaping shall be submitted to the Local Planning Authority. The scheme shall include 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 interests of biodiversity and to safeguard local visual amenities, and to ensure compliance with the terms of 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.

7. All planting, seeding or turfing comprised in the approved details of landscaping to be secured as part of condition 6 shall be carried out in the first planting and seeding seasons following the completion of the development or within 1 year following the approval of the details (whichever is the sooner) 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:

In the interest of biodiversity and to ensure satisfactory maintenance of the landscaped area 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.

8. Within 3 months of the date of this planning permission, a Biodiversity Enhancement Strategy addressing enhancement measures shall be submitted to the Local Planning Authority. The scheme 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 and provision of tree planting
  - c) Details of any additional ecological enhancements

Reason:

In the interests of visual amenity and ecology and to ensure compliance with Policies SP1 (Delivering the Strategy) and MD9 (Promoting Biodiversity) of the Local Development Plan.

9. Prior to the importation of any further material, a wheel wash facility shall be provided at the site entrance and maintained throughout the proposed works to import material, in the form of a jet wash and clean stone area to ensure that all vehicles wheels and axles area clean prior to entering the highway to prevent mud and debris from entering the highway. If during works the facility provided is considered insufficient (where the applicant shall be formally advised in writing by the Local Planning Authority) works shall cease and details of an alternative wheel wash facility and/or road sweep shall be submitted to the Local Planning Authority for their approval in writing. Works shall only be recommenced in accordance with the subsequent approved details.

Reason:

In the interests of highway safety in accordance with Policy MD2-Design of New Development of the Vale of Glamorgan 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), MG17 (Special Landscape Areas), MD1 (Location of New Development), MD2 (Design of New Development), MD8 (Historic Environment), MD9 (Promoting Biodiversity) of the Local Development Plan and MD20 (Assessment of Waste Management Proposals) and Planning Policy Wales the proposal is considered acceptable in respect of the principle of development, the drainage impacts, the impact potential contamination impact, the visual impact, impact on green infrastructure, the amenities of nearby occupiers and highway safety.

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. **Natural Resources Wales advises consideration should be given to CLAIRE Definition of Waste: Code of Practice DoW:CoP ([claire.co.uk](http://claire.co.uk)). Furthermore, the treatment and disposal of contaminated soils and groundwater is regulated by waste legislation and requires an environmental permit. Please consult our website for information regarding permit requirements.**

**Our comments above only relate specifically to matters included on our checklist, Development Planning Advisory Service: Consultation Topics (September 2018), which is published on our website. We have not considered potential effects on other matters and do not rule out the potential for the proposed development to affect other interests.**

**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.**

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](mailto:sab@valeofglamorgan.gov.uk)**

**3. 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, topsoil, subsoil, 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.**

**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.**

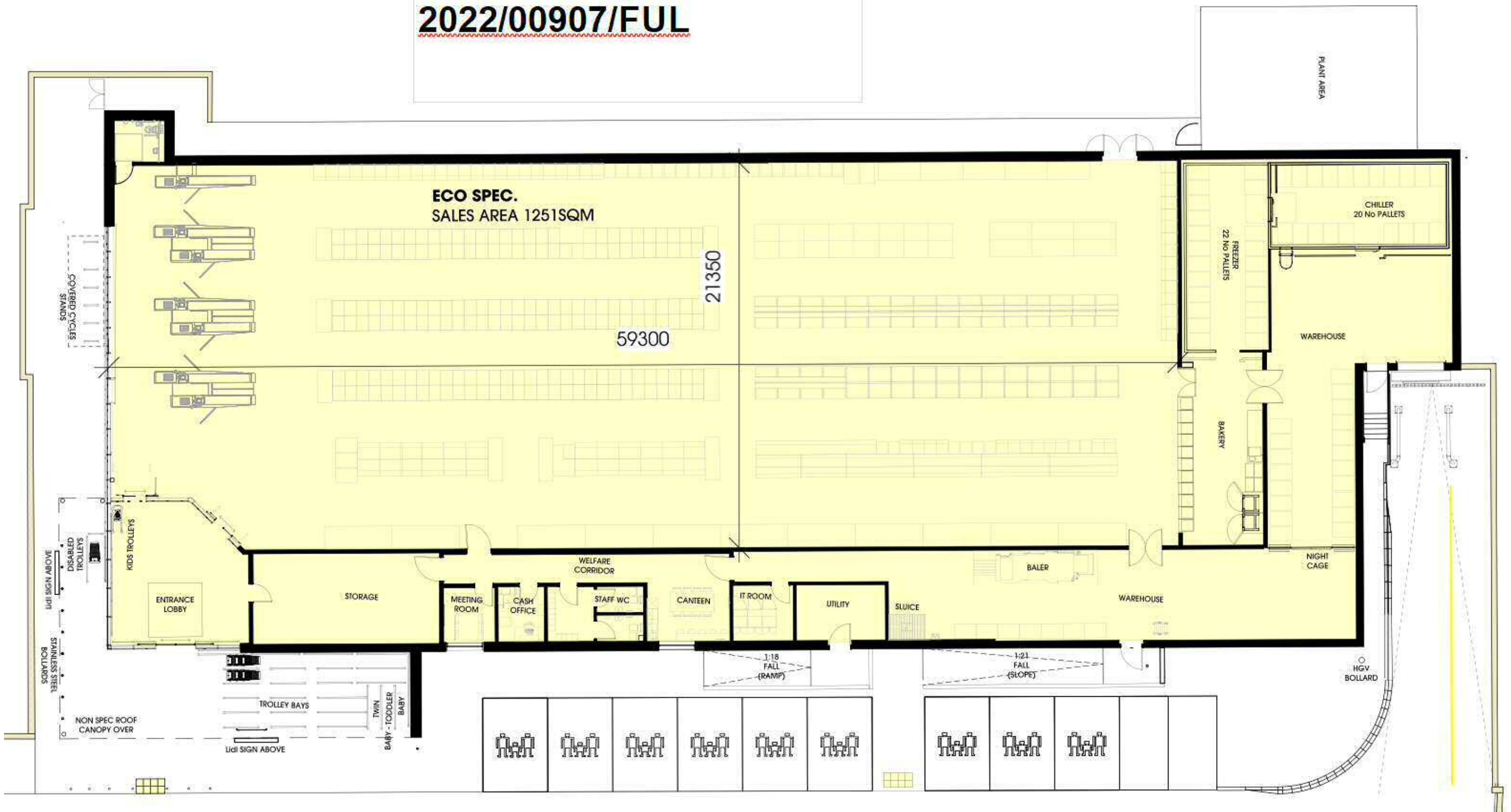
**In addition, any conditions that the Council has imposed on this consent will be listed above and should be read carefully. It is your (or any subsequent developers) responsibility to ensure that the terms of all conditions are met in full at the appropriate time (as outlined in the specific condition).**

**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.**



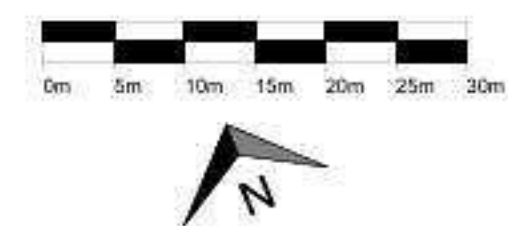
**2022/00907/FUL**







THE DRAWING IS A PRELIMINARY DESIGN AND SHOULD NOT BE USED FOR CONSTRUCTION OR AS A BASIS FOR ANY OTHER DESIGN OR CONSTRUCTION WORK.  
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**KEY:**

1	LIDL SIGNAGE (FLAGPOLE)
2	SITE ENTRANCE
3	CYCLE STAND
4	ELECTRIC VEHICLE PARKING SPACES
5	RETAINING WALLS
6	DISABLED PARKING SPACES
7	PARENT AND CHILD PARKING SPACES
8	TROLLEY BAY

**2022/00907/FUL**

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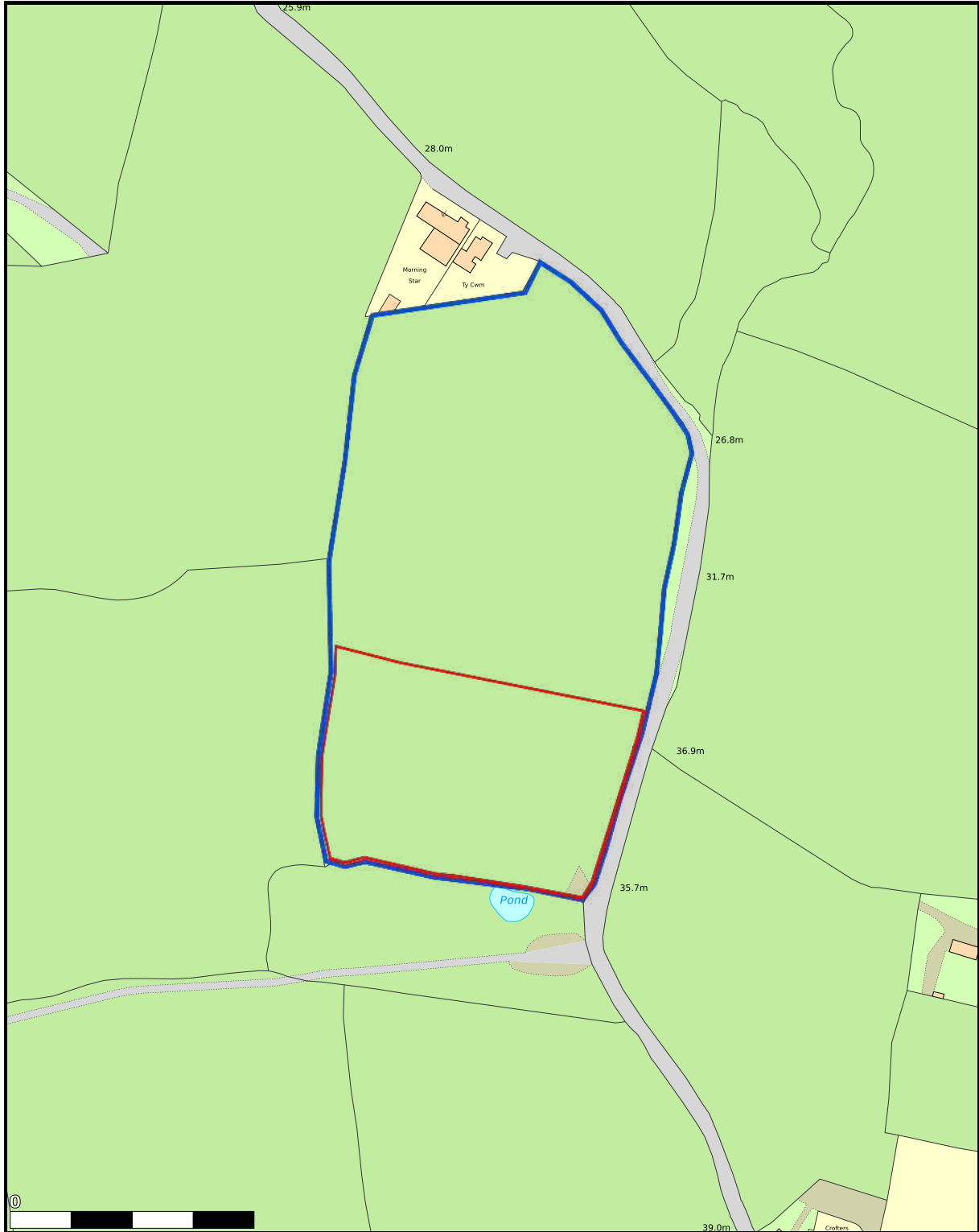
project  
 Llanmaes Road  
 Llanmaes, Llanhwl Major

drawing title  
 PC Proposed Site Plan  
 (Adapted Eco Spec)

date March 2024  
 status Planning  
 scale 1:500 @ A3  
 drawn LS checked PH  
 job no. 2565 dng no. SS P425 C

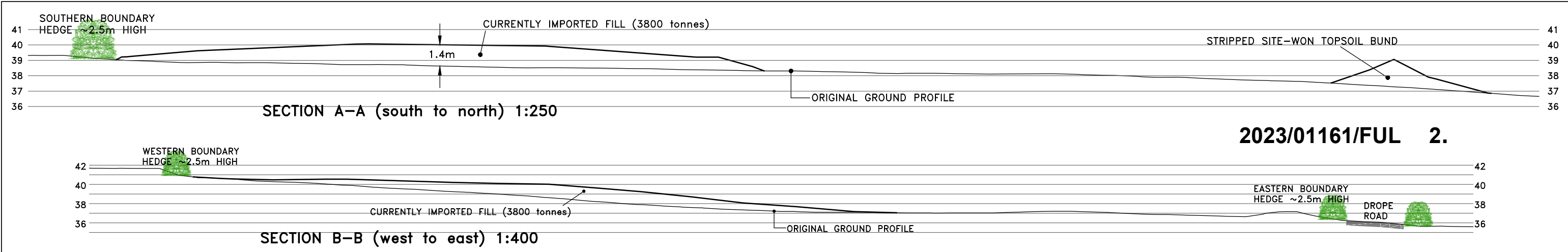


Land west of Drope Road, St. George's -Super-Ely, Cardiff, CF5 6EP

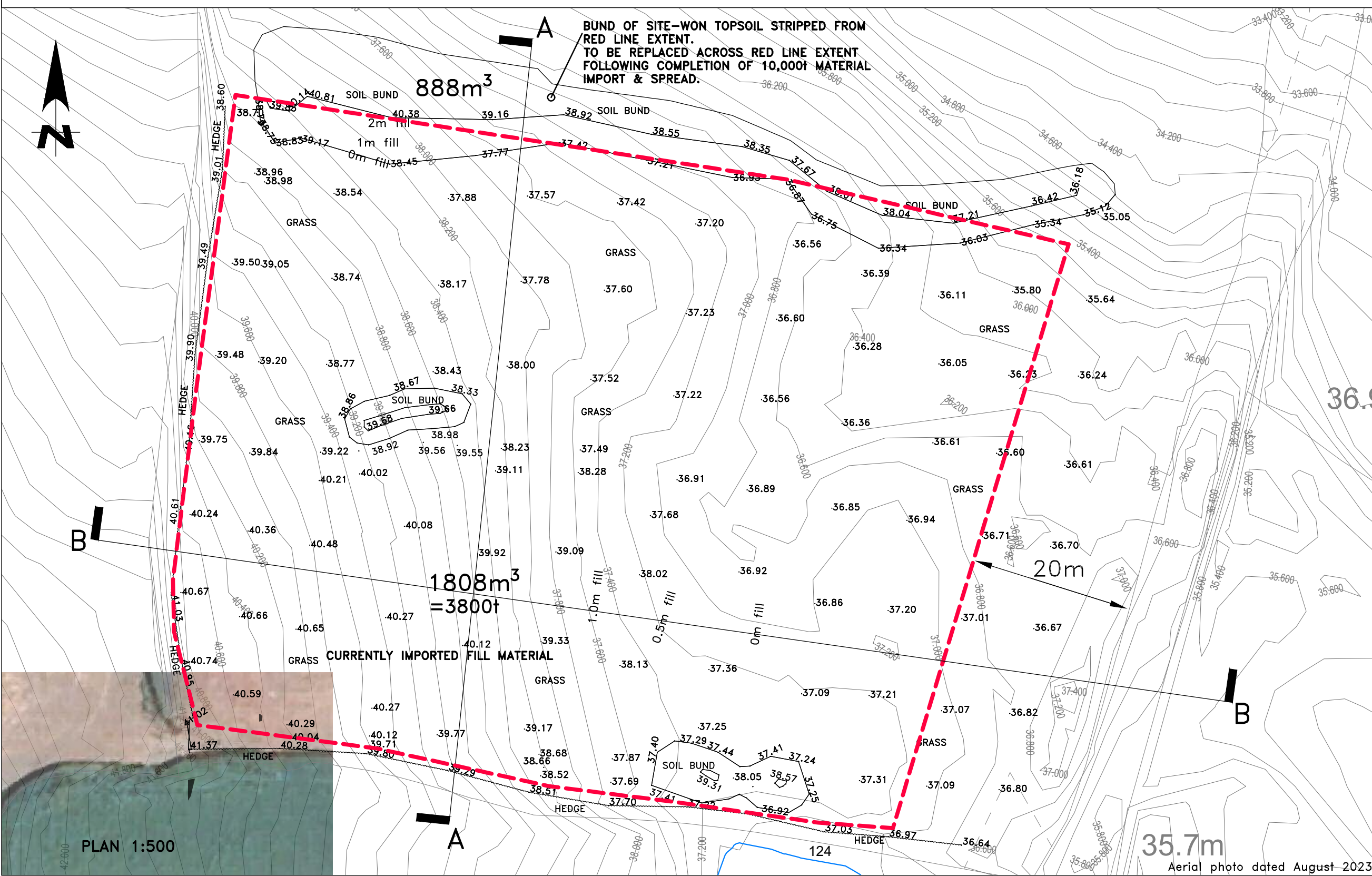


created on edozo

Plotted Scale - 1:2,500



2023/01161/FUL 2.



Height Bands	Volume
Fill 2.5m - 3m	0.04m <sup>3</sup>
Fill 2m - 2.5m	10.0m <sup>3</sup>
Fill 1.5m - 2m	49.3m <sup>3</sup>
Fill 1m - 1.5m	251.1m <sup>3</sup>
Fill 0.5m - 1m	833.9m <sup>3</sup>
Fill 0m - 0.5m	1551.3m <sup>3</sup>
<b>Total Material Vol:</b>	<b>2695.6m<sup>3</sup></b>

Comprising topsoil strip: 888m<sup>3</sup>  
imported fill: 1808m<sup>3</sup>

- 36.200 Original ground level (lidar)
- 36.28 Current ground level following 3,800 tonnes import & spread (topo survey)
- Red dashed line: Red line extent: proposed fill area

A 23.5.24 GENERAL UPDATES  
REV DATE

**tulip**  
engineering consultancy

34 Culfor Road, Loughor, Swansea SA4 6TY  
tel: 01792 893407 mob: 07843 491524  
e: admin@tulipengineering.co.uk  
w: www.tulipengineering.co.uk

CLIENT: MR C. THOMAS

PROJECT: LAND WEST OF DROPE RD.  
ST GEORGES SUPER ELY

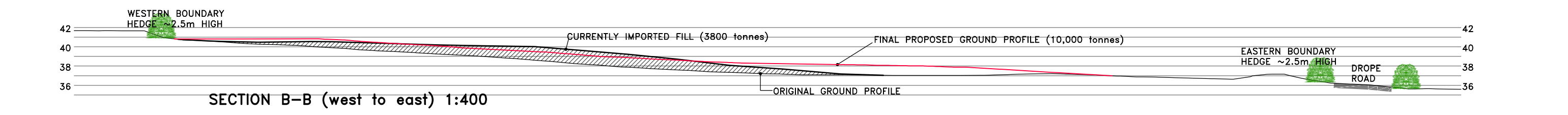
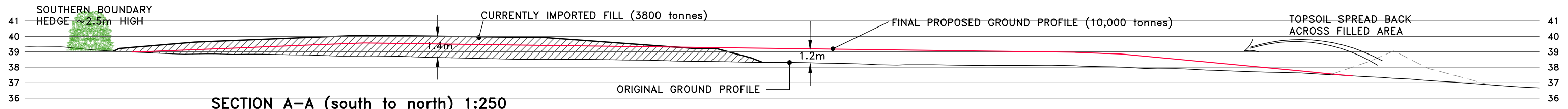
DRG TITLE: CURRENT SNAPSHOT  
GROUND LEVELS

DATE: 18.04.24 STATUS: SCALE: as shown

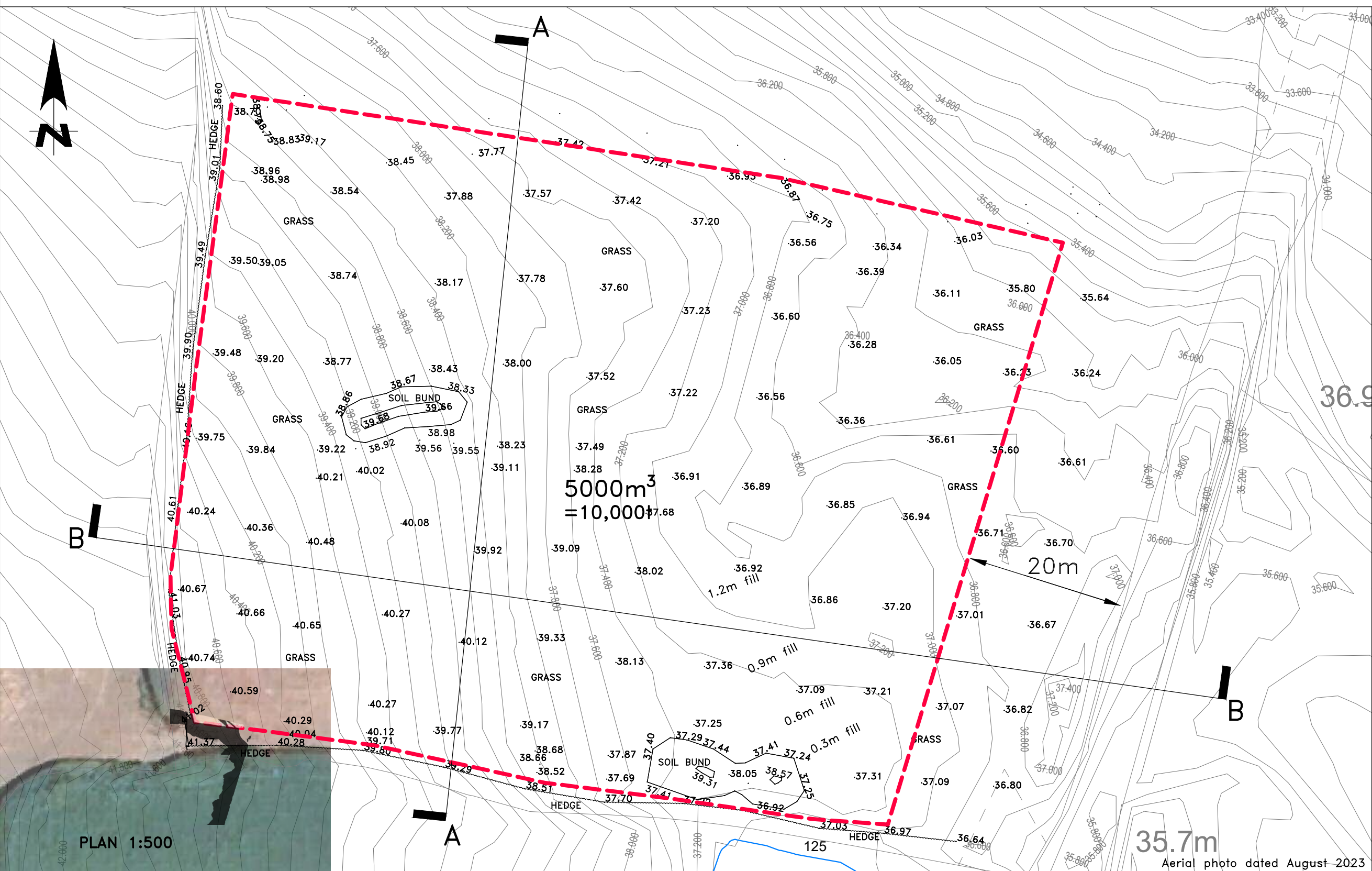
DRG No. J142/02 REV. A SIZE: A3

PLAN 1:500

35.7m  
Aerial photo dated August 2023



2023/01161/FUL 3.



Height Bands	Fill Volume
Fill 1.2m - 1.5m	67.2m <sup>3</sup>
Fill 0.9m - 1.2m	368.7m <sup>3</sup>
Fill 0.6m - 0.9m	1088.7m <sup>3</sup>
Fill 0.3m - 0.6m	1540.6m <sup>3</sup>
Fill 0m - 0.3m	2014.9m <sup>3</sup>
<b>Total Material Vol:</b>	<b>5080.1m<sup>3</sup></b>

- 36.200 Original ground level (lidar)
- 36.28 Current ground level following 3,800 tonnes import & spread (topo survey)
- Red line extent: proposed fill area

REV DATE

34 Culfor Road, Loughor, Swansea SA4 6TY  
 tel: 01792 893407 mob: 07843 491524  
 e: admin@tulipengineering.co.uk  
 w: www.tulipengineering.co.uk

CLIENT: MR C. THOMAS  
 PROJECT: LAND WEST OF DROPE RD. ST GEORGES SUPER ELY  
 DRG TITLE: PROPOSED FINAL GROUND LEVELS

DATE: 23.05.24 STATUS: SCALE: as shown  
 DRG No. J142/03 REV. - SIZE: A3

PLAN 1:500

35.7m  
 Aerial photo dated August 2023