

THE VALE OF GLAMORGAN COUNCIL

PLANNING COMMITTEE : **13 February 2025**

REPORT OF THE HEAD OF SUSTAINABLE DEVELOPMENT

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

Decision Codes:

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| 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:

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| 2024/0615/BR | AC | 6, Park Road, Barry. CF62 6NU | New internal reconfigurations and refurbishments |
| 2024/0617/BN | A | 37, Fontygary Road, Rhoose. CF62 3DS | Integral garage conversion |
| 2024/0625/BN | A | 64, Shakespeare Avenue, Penarth. CF64 2RW | Single storey side extension |
| 2024/0627/BR | AC | 94, Plymouth Road, Penarth. CF64 5DL | Demolition of existing single storey rear utility and side conservatory. Construction of new single storey flat roofed side extension and structural alterations internally |
| 2024/0628/BN | A W | 5, Maes Y Bryn, Colwinston, Cowbridge. CF71 7NP | Proposed single storey rear extension |
| 2024/0630/BN | A | 28, Broadway, Cowbridge. CF71 7ER | Double storey extension wrapping around to a single storey sun room & front porch. New roof and velux on existing single storey extension. |

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| 2024/0634/BN | A | 38, Elfed Avenue, Penarth. CF64 3LY | Single storey rear extension |
| 2024/0635/BN | A | 37, Westbourne Road, Penarth. CF64 3HA | Installation of 2 log burners |
| 2024/0637/BR | AC | The Old Station, (Station House) Station Road East, Wenvoe. CF5 6AG | Construction of a rear single storey extension including internal alterations, new first floor construction and associated roof drawings |
| 2024/0638/BR | AC | 19, Suran Y Gog, Barry. CF63 1FT | Proposed single storey side extension with all associated internal and external works |
| 2024/0639/BN | A | 7, Wordsworth Avenue, Penarth. CF64 2RL | Re roof |
| 2024/0640/BN | A | 29, Purdey Close, Barry. CF62 8NT | Single storey rear extension |
| 2024/0641/BN | A W | 9, Stradling Close, Cowbridge. CF71 7BX | Single storey extension to front and side of property plus internal alterations |
| 2024/0643/BR | AC | Westgarth, Siginstone. CF71 7LP | Two storey extension & internal alterations |
| 2024/0644/BN | A | 27, Fairfield Road, Penarth. CF64 2SN | Re roof main house & low level roof |
| 2024/0645/BN | A | High Street Primary School, St. Paul's Avenue, Barry. CF62 8HT | To refelt small area of flat roof located on the main roof |
| 2024/0646/BN | A | 164, Redlands Road, Penarth. CF64 2QR | Re roof |
| 2024/0647/BN | A | Melrose, Swanbridge Road, Sully. CF64 5UF | Double storey extension |
| 2024/0648/BN | A | 9, Church Place South, Penarth. CF64 1BA | Internal knock through between new kitchen and hallway |

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| 2024/0649/BN | A | 40, Stanwell Road, Penarth. CF64 2EY | Internal alterations, new windows and bifold doors (with RSJ), minor underpinning as part of structural opening for bifold door |
| 2024/0650/BR | AC | The Waverley Care Centre, 122-124, Plymouth Road, Penarth. CF64 5DN | Extension and Installation of 21 passenger lift 6 Storey |
| 2024/0651/BN | A | 18, Tordoff Way, Barry. CF62 8ET | Re roof |
| 2024/0652/BR | AC | Ty Croeso, West End, Llantwit Major. CF61 1SL | Proposed refurbishment of existing dormer |
| 2024/0653/BN | A | The Paddocks, Llanmaes. CF61 2XR | Alterations of two windows and replacement of 6 windows |
| 2024/0654/BR | AC | Awbery House, Burttrills Walk, Barry. CF62 8DG | Internal communal area refurbishment including flooring, ceilings, lighting and redecoration. External work includes security doors, washing drying areas, reinstatement of sheds within shed area of the building. We are also installing a full sprinkler system to each individual flat with spaces over 2m2 and communal area |
| 2024/0655/BN | A | 7, Court Road, Barry. CF63 4ER | Single storey extension from side to rear (L Shape) |
| 2024/0656/BN | A W | Ty Blaidd, Leckwith Road, Llandough. CF64 2LY | Single Storey rear extension |
| 2024/0657/BN | A W | 17, Woodland Drive, Penarth. CF64 2EW | 2 storey rear extension & single storey extension plus structural works |
| 2024/0658/BR | AC | Crosslands, Whitefields Farm Road, Welsh St. Donats. CF71 7SS | New build 2 storey, 5 bedroom dwelling house with integral double garage |
| 2024/0659/BN | A | 17, Petrel Close, Sully, Penarth. CF64 5FT | Integral garage conversion with knock through between kitchen & new bifolds |

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| 2024/0661/BN | A | 1, The Cottages, Pen Y Turnpike Road, Dinas Powys. CF64 4HR | Single storey extension to enlarge kitchen and extend patio |
| 2024/0662/BN | A | Haelfaes Cottage, St Nicholas, Cardiff, Cf5 6SG | Two rooms into one adding two steels side by side and rebuilding the gable above with blockwork |
| 2024/0663/BR | AC | 62, Cornwall Rise, Barry. CF62 9AG | Proposed rear conservatory extension and associated works |
| 2024/0664/BN | A | 2, Lord Street, Penarth. CF64 1DD | Make new opening and close original opening on first floor to more doorway between two rooms, to provide separate access to bathroom. Make new opening and close original opening to move stairway. Close window opening on first floor. Install two velux windows. Extension to first floor. |
| 2024/0665/BR | AC | 92-94, Holton Road, Barry. CF63 4HJ | Conversion of commercial shop into 11 no. 1 & 2 bedroom flats |
| 2024/0666/BN | A | Seadowns, Beach Road, Southerndown. CF32 0RP | Single storey rear extension and garage conversion |
| 2024/0667/BR | AC | 1, Aberdovey Close, Dinas Powys. CF64 4PS | Single storey front extension |
| 2024/0669/BN | A | 10, Windsor Terrace, Penarth. CF64 1AA | Single storey kitchen extension |
| 2024/0670/BN | A | 10, Samson Street, Llantwit Major. CF61 2SH | Conversion of attached garage to habitable room |
| 2024/0671/BN | A | Llys Yr Hafod, Prisk, Cowbridge. CF71 7PJ | Integral garage conversion into works from home space |
| 2024/0672/BN | A | 46, Millbrook Road, Dinas Powys. CF64 4DA | Re roof |
| 2024/0673/BN | A W | Ruthin Chapel, St. Mary Hill, Ruthin. | Chapel conversion to two bed holiday let |

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| 2024/0675/BN | A | 57, Westbourne Road, Penarth. CF64 3HB | Re roof |
| 2024/0676/BN | A | 69, Boverton Road, Llantwit Major. CF61 1YA | New roof, felt, battens & tiles |
| 2024/0677/BN | A W | 64 Pontypridd Road, Barry. CF62 7LS | Rear single storey extension & replacement steels |
| 2024/0678/BN | A | The Haven, Bonvilston. CF5 6TS | Removal of all pre-cast reinforced concrete and replace with traditional materials. New additional foundations to join existing floor slab & single storey extension |
| 2024/0679/BN | A | Victoria Primary School, 24, Cornerswell Road, Penarth. CF64 2UZ | Install data points with cabling |
| 2024/0680/BN | A | 34, Andrew Road, Cogan, Penarth. CF64 2NS | Internal alterations to remove wall (open up) between kitchen & dining room and lounge & back room |
| 2024/0681/BN | A | East Hall, Fonmon, Rhoose. CF62 3BJ | New windows |
| 2024/0688/BN | A | 4, Stanwell Crescent, Penarth. CF64 1DF | Structural opening between the two reception rooms |
| 2024/0690/BN | A W | 60, Minehead Avenue, Sully. CF64 5TJ | Rear single storey extension with internal alterations |
| 2024/0632/BR | AC | 40-42, Windsor Road, Penarth. CF64 1JJ | Single storey extension to front. Conversion of part of lower ground floor to ancillary cooking school and toilets for use in connection with proposed restaurant. Dormer extensions to existing flat above. Internal alterations. |
| 2024/0668/BR | AC | 4, Lon Y Pinwydden, Ystradowen. CF71 7SF | Garage conversion to utility room |

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| 2024/0682/BR | AC | 12, Paget Road, Barry. CF62 5TQ | Internal alteration to lower ground floor to create studio apartment |
| 2024/0684/BN | A W | 31B, Albert Road, Penarth. CF64 1BY | Conversion of commercial unit to a two bedroom residential dwelling |
| 2024/0691/BN | A | 11, Llantwit Major Road, Cowbridge. CF71 7JP | Double storey extension to side |
| 2024/0692/BN | A W | 24, Grange Gardens, Llantwit Major. CF61 1XB | Single storey flat roof kitchen extension |
| 2024/0693/BN | A | 26, Plymouth Road, Penarth. CF64 3DH | New window opening in 2nd floor bedroom & knock through on ground floor |
| 2024/0694/BR | AC | 40, Coleridge Avenue, Penarth. CF64 2SP | Rear extension, demolition of walls and demolition of ground floor chimney breast |
| 2024/0695/BN | A | 9, Hilda Street, Barry. CF62 7AQ | Removal of conservatory and external utility room and installation of new windows and doors in their place. Modification of internal doors locations. Moving kitchen from one side to the other side of open plan room. |
| 2025/0001/BN | A | 8, Upper Guthrie Street, Barry. CF63 4PR | Re roof |
| 2025/0001/RV | A | 99A, Plymouth Road, Penarth. CF64 3DE | Handrail and balustrading to stairs, guarding to low level windows and door, certificate of conformity for fire suppression system - Part sign off for rest of Dwelling works received from Celtech |
| 2025/0002/BN | A | 16A, Field View Road, Barry. CF63 1ED | Single storey side extension and knock through to ground floor |
| 2025/0003/BN | A | 18, Tordoff Way, Barry. CF62 8ET | Insulation blocks and silicone rendering |

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| 2025/0004/BN | A | 49, Cedar Way, Penarth. CF64 3NN | Single storey extension |
| 2025/0005/BN | A | Glebe Field Barn, Llandow. CF71 7NT | Two storey extension and entrance porch to existing converted barn dwelling, conversion of existing adjoining single storey barn |
| 2025/0006/BR | AC | 1, Eastgate, Cowbridge. CF71 7EL | Refurbishment and reconfiguration of 3 bed, 2 storey terraced house plus loft conversion |
| 2025/0007/BR | AC | Ffordd Y Milleniwm, Barry. CF63 2QW | 56 plots consisting of 42 apartments and 14 1, 2 & 3 storey houses |
| 2025/0008/BN | A | 1, Wolffe Close, Cowbridge. CF71 7AZ | Extending dormer |
| 2025/0009/BN | A | 4, Rhodfa'r Hurricane, St. Athan. CF62 4HP | Conversion of integral garage to habitable room |
| 2025/0010/BR | AC | 104, Colcot Road, Barry. CF62 8UH | 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 the associated internal and external works |
| 2025/0011/BN | A | 49, Seaview Drive, Ogmore By Sea. CF32 0PB | Re roof |
| 2025/0012/BN | A | 70, Porth Y Castell, Barry. CF62 6QE | Single Storey side extension less than 10m2 |
| 2025/0013/BN | A W | 32, Aneurin Road, Barry. CF63 4PP | Demolish & reconstruct single storey extension |
| 2025/0014/BN | A | 26, St. Brides Road, Wick. CF71 7QB | Single storey extension at side and front of house to provide utility room and porch |

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| 2025/0015/BN | A | 17, Barrians Way, Barry. CF62 8JG | Single storey rear extension |
| 2025/0016/BN | A | Pant Glas, Treoes. CF35 5DL | Single storey rear extension to replace an existing conservatory |
| 2025/0017/BR | AC | 15, Church View, Close, Llandough. CF64 2NN | Single storey front porch, single storey side utility and first floor side extension over existing ground floor extension |
| 2025/0018/BN | A | 45, Althorp Drive, Penarth. CF64 5FJ | Re roof |
| 2025/0019/BN | A | 4, Fairfield Road, Penarth. CF64 2SL | Removal of rear elevation ground floor walling and erection of new lean to rear extension |
| 2025/0021/BN | A | 11, Dyffryn Crescent, Peterston Super Ely. CF5 6NF | Removal of internal walls and areas of external walls to form kitchen diner. Minor alterations to main entrance and former dining room |
| 2025/0023/BN | A | 11, Blodyn Y Gog, Barry. CF63 1FB | Kitchen knock through to dining room. Removal of 2 stud walls and 1 opening up with 1 low bearing |
| 2025/0028/BN | A | 6, Augusta Crescent, Penarth. CF64 5RL | Rear low level roof renewal |
| 2025/0029/BN | A | 19, Augusta Road, Penarth. CF64 5RJ | Internal alterations to include a wall between kitchen and hall to be removed. Removal of wall between dining room and hall. To produce a more open plan kitchen / diner. Door into study from hallway being blocked up. New entrance to be made from dining room into study. Removal of a chimney breast. Inserting a larger window in dining room either side of the present double doors |

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| 2025/0030/BR | AC | 32, Seaview Drive, Ogmore By Sea. CF32 0PB | Single storey side extension and loft conversion |
| 2025/0031/BN | A | 22, Britway Road, Dinas Powys. CF64 4AF | Re roof |
| 2025/0036/BR | AC | Hillfield Farm, Peterston Super Ely. CF5 6ND | Proposed creation of new first floor, ground floor extension and remodelling of property |
| 2025/0037/BR | AC | Downsend, Drope Road, St. Georges Super Ely. CF5 6EP | Part single, part two storey extension with internal works |

(b) Building Regulation Applications - Reject

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

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| 2024/0686/BN | R | REFUSED - 6, College Road, Barry. CF63 8BE | REFUSED - Knocking down a load bearing wall |
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(c) The Building (Approved Inspectors etc.) Regulations 2000

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

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| 2024/0169/AI | A | 46, Drake Close, St. Athan. CF62 4JF | Replacement conservatory roof to an existing dwelling house |
| 2024/0170/AI | A | Denovo, St. Andrews Road, Dinas Powys. CF64 4HB | Single storey rear extension and internal alterations |
| 2024/0171/AI | A | 24, Benecroft, Rhoose. CF62 3HJ | Garage conversion to create habitable accommodation (works to incorporate material alterations to structure, controlled services, fittings) |

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| | | | and thermal elements) |
| 2024/0172/AI | A | 66, High Street, Cowbridge. CF71 7AH | Single storey extension, removal of internal wall, new WC / shower room, renovation of a thermal element (re-roofing, new render system etc) grade 2 listed building with commercial unit at front as well as 4 flats |
| 2024/0173/AI | A | 15, Murch Crescent, Dinas Powys. CF64 4RF | Renovation of existing conservatory to include new frames and solid leka roof only |
| 2024/0174/AI | A | Rear of 59, Vere Street, Barry. CF63 2HW | Construction of a block of 3 no. flats (works to incorporate material alterations to structure, controlled services, fittings and thermal elements) |
| 2024/0175/AI | A | Asda Stores Ltd, Ffordd Y Mileniwm, Barry. CF62 5AT | Material alterations to fire escape doors to provide delayed egress equipment |
| 2024/0176/AI | A | Cardiff Dogs Home, West Point Industrial Estate, Penarth Road, Cardiff. CF11 8JQ | Single storey extension and associated works |
| 2024/0177/AI | A | 62, Murlande Way, Rhoose. CF62 3HL | New warm type roof to existing conservatory (works to incorporate material alterations to structure, controlled services and fittings) |

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| 2024/0178/AI | A | The Poplars, Southgate, Cowbridge. CF71 7BD | <p>Single storey rear extension (works to incorporate material alterations to structure, controlled services, fittings and thermal elements)</p> <p>AMENDED 28/01/2025 - Single-storey rear extension, Conversion of attached garden shed/plotting area into a utility room and W/C (works to incorporate material alterations to structure, controlled services, fittings and thermal elements)</p> |
| 2025/0001/AI | A | Penmark Farmhouse, Penmark. CF62 3BP | Single storey oak glazed extension |
| 2025/0002/AI | A | Sunshine House, Southerndown. CF32 0RN | New detached garage |
| 2025/0003/AI | A | 5, Llys Steffan, Llantwit Major. CF61 2UF | Single storey rear extension (works to incorporate material alterations to structure, controlled services, fittings and thermal elements) |
| 2025/0004/AI | A | 29, Ffordd Y Dociau, Barry. CF63 4RT | Reinstatement of 1st floor bedroom in residential dwelling following fire damage |
| 2025/0005/AI | A | 37, Monmouth Way, Boverton, Llantwit Major. CF61 2GT | New warm type roof and replacement frames to existing conservatory (works to incorporate material alterations to structure, controlled services and fittings) |

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| 2025/0006/AI | A | 33, Rhodfa Sweldon, Barry. CF62 5AD | Single storey rear extension (works to incorporate material alterations to structure, controlled services, fittings and thermal elements) |
| 2025/0007/AI | A | 130, Fontygary Road, Rhoose. CF62 3DU | Single storey rear extension and detached garage / home office outbuilding (works to incorporate material alterations to structure, controlled services, fittings and thermal elements) |
| 2025/0008/AI | A | 32, Plymouth Road, Penarth. CF64 3DH | Proposed internal alterations to remove walls and install steels, including bi-fold installation to rear |
| 2025/0009/AI | A | SNC Mission Systems UK Limited, Building No. 406, Beggars Pound, Bro Tathan East, off Cowbridge Road, St. Athan. CF62 4AH | External structural opening to form new loading bay and personnel doors into an existing hanger building (works to controlled services, fittings and thermal elements) |
| 2025/0010/AI | R | 7, Mountbatten Road, Barry. CF62 9HF | Garage conversion to form habitable accommodation (works to incorporate material alterations to structure, controlled services, fitting and thermal elements) |
| 2025/0011/AI | A | Unit 18, Llandough Trading Estate, Penarth. CF11 8RR | Replacement of asbestos roof covering, replacement of cladding to the gable elevation, removal of |

internal asbestos insulating board to existing industrial unit

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| 2025/0012/AI | A | 3, Turnpike Close, Dinas Powys. CF64 4HT | Installation of structural beam to create two rooms into one (works to incorporate material alterations to structure, controlled services, fittings and thermal elements) |
| | | | AMENDED 27/01/2025 - Internal and external structural alterations (works to incorporate material alterations to structure, controlled services, fittings and thermal elements) |

(d) Section 32 Building Act, 1984

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

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

2021/0896/BN
2021/0875/BN
2022/0041/BN
2022/0024/BN
2022/0047/BN
2021/0798/BR
2021/0872/BR
2021/0885/BR
2021/0803/BR
2022/0036/BR
2021/0936/BR
2022/0078/BR
2022/0045/BR

THE VALE OF GLAMORGAN COUNCIL

PLANNING COMMITTEE : **13 February 2025**

REPORT OF THE HEAD OF SUSTAINABLE DEVELOPMENT

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

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

Decision Codes

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

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| 2023/00087/1/NM A | A | Crossway Methodist Church, Court Road, Barry | Non-Material Amendment for the rewording of Condition 2. Planning Permission ref. 2023/00087/FUL: Proposed development of 15 no. affordable flats and associated works. |
| 2023/00466/FUL | A | The Rocks Restaurant and Grill, Beach Road, Swanbridge, Sully | Proposed first floor glazed addition to serve as a restaurant |

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| 2023/01245/FUL | R | Henrywen, Llandough, Cowbridge | Conversion of redundant agricultural building into dwelling |
| 2024/00166/FUL | R | Marlborough Grange Farm, Cross Ways, Cowbridge | Development of car boot sale Saturday and Sunday during period from 22nd March to 31st October inclusive. Change of use of agricultural grazing land to car boot during these months. Including temporary facilities for toilets and catering. Provision of hard and soft landscaping to include signage, native hedge and fencing |
| 2024/00240/FUL | A | 23, Enfield Drive, Barry | Part retrospective application to regularise as - built rear extension including addition of roof lights and balcony screens, raised patio to rear garden, enlarged landing window on west facing side elevation, proposed render finish to main dwelling and porch. |
| 2024/00247/1/CD | A | 22 Victoria Road, Penarth | Discharge of Condition 3. (Historic building Recording) for planning ref 2024/00247/LBC - Alterations to grade II listed home including some replacement windows, improvements to envelope, new roof penetration, amendments to layout internally at ground and first floor. at 22, Victoria Road, Penarth |
| 2024/00493/FUL | A | 1, Arlington Road, Sully | Side extension and loft conversion to existing semi detached bungalow |

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| 2024/00498/FUL | A | Secret Garden, Llanbethery | Increase in height of the existing boundary wall with timber gate. The installation of a light weight timber frame garden structure to the rear including boundary wall material remedial works. |
| 2024/00594/FUL | A | Warren House, Pendoylan | Proposed Alterations and Extensions to existing dwelling. New Garage |
| 2024/00618/FUL | A | Maes Y Crydd, Pont Sarn Lane, Peterston Super Ely | Proposed remodelling of the existing ground floor extension, and the addition of a first floor side extension. |
| 2024/00659/FUL | R | Heritage Coast Campsite, Monknash | Proposed extension to existing cafe and campsite facilities |
| 2024/00665/FUL | A | 13, Cwrt-y-vil Road, Penarth | Proposed new Garage and associated Gym, BBQ area and Home Office. |
| 2024/00693/LBC | A | Previously Lloyds Bank Plc, 33 High Street, Cowbridge | Demolition of internal walls & partitions. Removal of central modern staircase & installation of new staircase to access 1st & 2nd floors, involving removal of one window at ground level. At left hand facing of facade replacing with a front door in style of windows. Creating splays to curtilage wall onto North road at rear of site. |
| 2024/00760/FUL | R | 45, Conybeare Road, Sully | Take down garage to side of property, construct new two storey extension to the side only. Ground floor extension to the rear of the property. |

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| 2024/00768/LAW | A | 97 Tynewydd Road, Barry | On Road EV charging solution, amendment to refused dropped kerb application. Permission requested to break into the pavement to provide an EV charging gulley. The Gulley would run through the pavement from the edge of the property at 97 Tynewydd Road to the highway to enable a safe on road solution to home EV charging. |
| 2024/00769/FUL | A | Cole Farm, 9, Cold Knap Way, Barry | Removal and reconstruction of the chimney stacks and alteration to lean to roof structure. |
| 2024/00770/FUL | A | Cole Farm, 9, Cold Knap Way, Barry | Regularise the reconstruction of the chimneys and remedial works to the timber roof structure. |
| 2024/00777/FUL | A | 3 Heol St. Cattwg, Pendoylan | Revision to previously approved application 2022/00448/FUL. Re-build rear retaining wall 0.5m higher and raise garden level behind. Reconstruct boundary wall to side of property. Additional side window added to en-suite and alterations to rear elevation windows and doors. |
| 2024/00788/FUL | A | 22 Minehead Avenue, Sully | Single storey rear extension with enlargement of existing first floor rear dormer. New first floor extension onto existing front annex. Demolition of existing garage to create an attached garage to the house |

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| 2024/00798/FUL | A | 24, Grange Gardens, Llantwit Major | Single storey flat roof extension to the rear of the detached property. |
| 2024/00823/LAW | R | 1, Turnpike Close, Dinas Powys | Change to position of front door; make internal two small undercroft areas at ground floor; new velux balcony-type roof windows to rear elevation; lower box/oriel window sill to corner bedroom at first floor; lower window sill to middle bedroom at first floor to allow juliette balcony arrangement; double garage changed to allow for guest bedroom; internal reconfiguration with bifold doors to rear elevation |
| 2024/00825/FUL | A | 25, Smithies Avenue, Sully | It is proposed to add a first and second floor above the existing dormer bungalow and to extend the ground floor to the side. |
| 2024/00828/RG3 | A | Colcot Junior And Infant School, Florence Avenue, Barry | Proposed Extension to existing Nursery Building |
| 2024/00834/FUL | A | Unit B, Station Approach, Penarth | Change of use from Tattoo Parlour back to offices (class B1) |
| 2024/00853/FUL | A | 94, Westward Rise, Barry | New Single Storey extension to the side of the property with new shed to the rear |
| 2024/00866/FUL | A | The Laurels, 6, Walston Road, Wenvoe | Two storey extension to the rear of the house. An existing single storey side extension is to be removed. |

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| 2024/00878/FUL | A | 40, Coleridge Avenue, Penarth | Rear extension to incorporate a Kitchen ground floor and family bathroom on first floor. |
| 2024/00889/LBC | A | Ancient Druid, 44 Eastgate, Cowbridge | Refurbishment of front elevation |
| 2024/00893/FUL | A | Sainte Adresse, Paget Place, Penarth | Proposed site entrance gates. |
| 2024/00900/FUL | A | Pantwilkin Stables, Aberthin | Variation of condition 2 (Approved Plans and Documents) of planning permission 2022/01305/FUL: Equine rehabilitation building. Installation of Biomass Boiler into equine rehabilitation building |
| 2024/00918/FUL | A | Unit 33, Vale Business Park, Llandow | Proposed change of use from B1, B2 and B8 use to gymnastics centre (Class D2) |
| 2024/00925/FUL | A | Downsend, Drope Road, Drope, St Georges Super Ely | Proposed part single part two storey rear extensions, creation of balcony and conversion of garage |
| 2024/00948/FUL | A | 28, Perclose, Dinas Powys | Single storey side extension to provide open plan kitchen/dining area & wc |
| 2024/00952/FUL | R | 92-94 Holton Road, Barry | Residential Development to convert commercial shop premises into 11 No. 1 and 2 Bedroom Flats. |

| | | | |
|----------------|---|---|--|
| 2024/00957/LAW | R | 6, Victoria Avenue, Penarth | Childrens Day Nursery - to increase the registered number of children to 49 - to regularise a continual breach of Condition 4 relating to the number of children attending the premises. |
| 2024/00979/FUL | A | Stornaway, 20 Westbourne Road, Penarth | Proposed single storey rear extension. Replacement of existing pitched utility roof with flat roof |
| 2024/00980/FUL | A | 25 John Batchelor Way, Penarth | Alterations and extension of existing balcony |
| 2024/00982/FUL | A | 6, Church View, Llanblethian, Cowbridge | Proposed single-storey side extension and infill extension to the front of the property |
| 2024/00985/FUL | A | 1 Middlegate Walk, Cowbridge | Remove existing garage and construct double storey side extension. Changes to fenestration |
| 2024/00994/FUL | A | 80, Millfield Drive, Cowbridge | Proposed loft conversion with rear dormer |
| 2024/01015/FUL | A | 23, Woodland Place, Penarth | Proposed single storey side extension off rear annex to provide increased living/kitchen area plus revised new window opening to side elevation facing Woodland Place. This revised application seeks to locate the new extension wall at the boundary with No 22. |

| | | | |
|----------------|---|--|---|
| 2024/01016/FUL | A | Glynne Tower, 12, Bridgeman Road, Penarth | Replacement of defective timber cladding and balustrade to existing balcony areas with colour coated aluminium and toughened glass balustrade |
| 2024/01017/FUL | A | Slon Cottage, Slon Lane, Ogmore By Sea | Two Storey Extension to Left Hand Side. Remodelling of Hard Landscaping to Front Curtilage |
| 2024/01019/FUL | R | Plot of land 230 metres west of Picketston, Llanmaes | Change of use of an agricultural field to secure dog walking field to use alongside my dog walking business and for public private hire use with associated access and parking area for up to 2 cars. |
| 2024/01022/FUL | A | 34, Victoria Road, Penarth | Removal of existing timber box sash windows to front elevation and replacement with new double glazed upvc sliding sash windows. |
| 2024/01029/FUL | A | 17, Windsor Terrace, Penarth | Retention of rear dormer roof extension and 2 No. rooflights to the front roofplane |
| 2024/01031/FUL | A | 27 Longmeadow Drive, Dinas Powys | Single Storey Rear Extension, Rear Dormer with recessed terraced balcony, and detached Garden Room |
| 2024/01032/FUL | A | 5, Clos Yr Ysgol, Dinas Powys | Proposed loft conversion with dormer to rear |
| 2024/01038/FUL | A | 10 Marquis Close, Barry | Proposed New second storey side extension |

| | | | |
|----------------|---|---|---|
| 2024/01039/FUL | A | Ystradowen Village Hall, Cowbridge Road, Ystradowen | Provision of a new store room as an extension to Ystradowen Village Hall. Provision of 2 no. air source heat pumps on external wall of existing store room |
| 2024/01046/LAW | A | 17, St Donats Close, Dinas Powys | Single storey rear extension to provide open plan kitchen / dining area. Demolition of existing conservatory & out-building. |
| 2024/01054/FUL | A | Middle Hill, Llancarfan | Retrospective application to retain two stable blocks and a storage container for agricultural and equine purposes |
| 2024/01057/FUL | A | 42, Chandlers Way, Penarth | Proposed garage conversion to form habitable accommodation, with insertion of new window unit and associated works. |
| 2024/01058/LAW | A | 29 Cilgant-y-meillion, Rhoose | Single storey rear kitchen extension. |
| 2024/01061/LAW | R | Y Berllan, Peterston Super Ely | Proposed Garden Building |
| 2024/01062/FUL | A | 85, Westbourne Road, Penarth | Demolition of single storey garage to side and rear, and rear single storey porch. Construct new single garage and utility room to side and two storey rear extension |

| | | | |
|----------------|---|--|--|
| 2024/01071/FUL | A | Norfolk Villa, 11, Pembroke Terrace, Penarth | Retention of 'as built' rear dormer with replacement conservation roof lights on front elevation, render house gable wall with alterations and side extension to existing rear detached garage. The rear dormer was previously approved Ref: 2022/00949/FUL on 08/11/2022. |
| 2024/01072/LAW | R | 43, Salop Street, Penarth | Construction to extend kitchen to the side and level floor of bathroom on rear of property |
| 2024/01073/FUL | R | Land adjacent to 44, Coldbrook Road East, Barry | Erection of Detached House |
| 2024/01077/FUL | A | 98, Windsor Road, Penarth | Erect a Heritage Orangery to the Rear Elevation |
| 2024/01086/FUL | A | Whips Bungalow, Lane - Junction Llanmihangel Road To Junction At Llandough Village, Llandough, Cowbridge | Ground floor side extension to form a 4th bedroom |
| 2024/01087/FUL | A | 50 St David's Crescent, Penarth | Proposed ground floor and first floor extensions and entrance porch to create additional living space & bedrooms |
| 2024/01089/RG3 | A | Victoria Primary School, Cornerswell Road, Penarth | Demolition of existing outdoor shelter and store. Erection of single storey canteen building with dining room and kitchen amended scheme to 2023/00435/RG3 |
| 2024/01090/LAW | A | 1 East View, Twyn Yr Odyn Village, Twyn Yr Odyn | Building of a single storey extension to the rear of the property. |

| | | | |
|----------------|---|--|---|
| 2024/01113/FUL | R | 53 Cedar Way, Penarth | First floor rear extension with ground floor front porch extension |
| 2024/01115/FUL | R | 5, Hazledene Close, Barry | Retrospective planning application for a Garden Fence post the removal of Conifer Hedgerow. |
| 2024/01122/RG3 | A | Cold Knap Gardens, The Knap, Barry | Installation of 8.76m high bird and bat nesting tower |
| 2024/01125/FUL | R | 1, Eastgate, Cowbridge | Internal alterations and loft conversion incorporating 2 new conservation roof windows on rear elevation |
| 2024/01133/FUL | A | 15B, Victoria Square, (Flat 15b is the middle floor of 3). Penarth | Replacement of 4x box sash windows in front bay and adjacent 1 x box sash window on the front elevation. |
| 2024/01139/FUL | A | 8, Dowland Road, Penarth | Demolish existing rear single storey conservatory structure and replace with proposed part single storey, Part two storey rear extension with relocation of bathroom window and a proposed covered area to side elevation |
| 2024/01140/FUL | A | Brynawel, 47, Broadway, Llanblethian, Cowbridge | Extension to add a side return extension to the ground floor kitchen and first floor shower room, with associated external works. 2 no. roof windows to be added to ground floor kitchen/ dining room, and installation of sun tunnel to first floor landing. |

THE VALE OF GLAMORGAN COUNCIL

PLANNING COMMITTEE: 13 FEBRUARY 2025

REPORT OF THE HEAD OF SUSTAINABLE DEVELOPMENT

4. APPEALS

(a) Planning Appeals Received

LPA Reference No: 2024/00224/FUL
Appeal Method: Written Representations
Appeal Reference No: CAS-03686-P9V1N7
Appellant: Transworld Real Estate Ltd
Location: **Bolston House, Bonvilston, CF5 6TP**
Proposal: Demolition of the existing dwelling and re-development of the site to accommodate residential development and associated works
Start Date: 25 November 2024

LPA Reference No: 2024/00235/CAC
Appeal Method: Written Representations
Appeal Reference No: CAS-03688-G9P4Y4
Appellant: Transworld Real Estate Ltd
Location: **Bolston House, Bonvilston, CF5 6TP**
Proposal: Demolition of the existing dwelling and re-development of the site to accommodate residential development and associated works
Start Date: 25 November 2024

LPA Reference No: 2023/01131/FUL
Appeal Method: Written Representations
Appeal Reference No: CAS-03706-V7D1L5
Appellant: Jo-Anne Watts and Stephen Craddock
Location: **Five Acres, St. Hilary, CF71 7DP**
Proposal: Erection of cattery, retention of log cabin for 3 years (rural enterprise dwelling), amendment to access
Start Date: 10 December 2024

LPA Reference No: 2024/00681/FUL
Appeal Method: Written Representations
Appeal Reference No: CAS-03849-H0F0W1
Appellant: Mr & Mrs A Donnelly
Location: **Homri Barn, Well Lane, St Nicholas, CF5 6SG**
Proposal: Retention of garage and greenhouse
Start Date: 22 January 2025

(b) Enforcement Appeals Received

None.

(c) Planning Appeal Decisions

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.
Decision: Appeal Dismissed
Date: 15 December 2024
Inspector: L Hughson-Smith
Council Determination: Delegated

Summary

The main issue was considered to be the effect of the proposal on the character and appearance of the area. The appeal related to a semi-detached property which sat amongst a group of traditional semi-detached properties. Some of the properties within the group had been subject to small scale alterations however, the shared characteristics of the group was considered to provide a coherent and attractive street scene.

The proposed extension had a flat roof design that would span a significant portion of the property's side elevation at the first floor, supported by steel posts above a proposed car port. Whilst it would be set back from the front elevation of the property, preventing a terracing effect with the neighbouring property, it would project beyond the rear elevation, resulting in it being a prominent addition, visible from both Dochdwy Road and Pantycelyn Road.

Viewed from Pantycelyn Road, the visual impact of the proposal would be mitigated by the existing large rear box dormer. However, due to its size and design from Dochdwy Road, the proposal's dominant box-like form would appear awkward in its elevated position. The proposed fenestration layout was considered to pay little regard to the proportions and arrangement of the existing windows and the proposed cladding would starkly contrast with the traditional materials palette of the appeal property. The Inspector did not

therefore consider that the proposal represented a contemporary or innovative design and would result in an ungainly and unsympathetic feature that would fail to respond appropriately to the character of the property and Dochdwy Road.

Whilst the appellant had contended that the sustainability credentials of the proposal justified the different design approach, this alone did not justify an otherwise unacceptable design and the proposal had been assessed against current planning policy requirements and within the existing local context. It was therefore concluded that the development would be harmful to the character and appearance of the appeal property and surrounding area in conflict with Policies MD2 and MD5 of the LDP.

Other Matters and Conclusion

The Inspector noted the improvements made to the appeal property, the benefits of increased internal space for the appellant and the retention of the driveway and garage and garden access, but considered that the scope of these benefits was limited and not necessarily dependent on the proposal as designed. The absence of consultee and neighbour objections did not imply the design was acceptable. It was therefore concluded that the appeal should be dismissed.

| | |
|------------------------|--|
| 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 |
| Decision: | Appeal Dismissed |
| Date: | 19 December 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, the living conditions of the occupiers of properties along Broad Street and No. 1 Hilda Road and of the future occupiers, means of access and highway safety.

Character and Appearance

The appeal site was considered to have a low density in comparison to the surrounding built form. In contrast, the proposed building, due to its substantial footprint, scale and position, would occupy a large area of the appeal site. This would introduce a dominant and imposing feature of built form that would appear cramped, diminishing the appeal site's openness and

markedly disrupting the prevailing perimeter block pattern of development, causing harm to the area's character and appearance.

The proposal would exhibit a simple geometric form, using external materials which would distinguish it from the nearby existing terraced housing. Given the appeal site's position and the light industrial appearance of the existing buildings, the Inspector considered the design approach and proposed frontage to be appropriate however, these factors did not overcome the identified harm arising from its size and appearance. It was therefore concluded that the proposed development would be harmful to the character and appearance of the surrounding area, contrary to Policies SP1, SP10, MD2 and MD5 of the LDP.

Living conditions of the occupiers of adjacent properties

Whilst the proposed building was separated from properties along Broad Street by the service lane, it would remain in close proximity to them and would have the effect of enclosing the rear boundaries of these properties. Given the dense urban setting, the limited alternative outlooks from these properties would not alleviate the sense of enclosure caused by the proposal and this would result in an unacceptably confined and oppressive outlook when viewed from the garden and rear windows of the adjacent properties. The existing building, due to its much smaller footprint and dilapidated condition had far lesser impact on the adjacent properties and did not therefore justify the unacceptable impact on neighbouring occupiers' outlook which would arise.

The proposal would introduce several windows at ground and first floor, facing the rear of the adjacent properties along Broad Street. Although the proposed boundary treatments would limit views from the ground floor windows and the majority of the first-floor windows would serve non-habitable rooms, this would not overcome the high degree of perceived overlooking due to the number of first floor windows and their limited offset from these properties. This would be intrusive; substantially and unacceptably affecting neighbouring occupants' privacy.

In relation to the impact on No. 1 Hilda Street, the position of the proposed building meant that its windows would be at an oblique angle to it, making direct overlooking unlikely. Notwithstanding this, the proposed building would stand two storeys in height and would therefore have an unacceptable overbearing impact when viewed from the garden and rear aspect of No. 1 Hilda Street. The Inspector was however satisfied that due to properties in St. Paul's Avenue being at a higher level with a significant separation distance, the proposal would not have an overbearing impact on them. Overlooking opportunities from habitable windows would be limited due to the difference in levels and intervening boundary walls. It was also considered that noise disturbance arising from the proposal would not be excessive or unacceptable in planning terms.

The Inspector was therefore satisfied the proposal would have an acceptable impact in terms of noise and disturbance, on the outlook and privacy of the occupiers of the adjacent properties along St. Paul's Avenue, and on the privacy of occupants of No. 1 Hilda Street. It was concluded however, that the

proposal would have a harmful effect on the living conditions of the occupiers of the adjacent properties along Broad Street with regard to outlook and privacy, and on the occupiers of No. 1 Hilda Street with regard to outlook, in conflict with policies MD2 and SP1 of the LDP and the Council's SPG.

Living conditions of the future occupiers

Given the appeal site's sustainable urban location, the Inspector considered the proposed amenity space to be an adequate size, despite falling marginally short of the minimum standards. The three reasonably sized, terraced spaces would provide for relaxation, socialising and recreation in spaces which would be distinct from areas given over to more functional uses such as clothes drying, bin storage and cycle stores. Consequently, quality and useable amenity space would be available and be well related to and accessible from the proposed flats. The proposed pedestrian access was also considered to be of sufficient width, overlooked by the side windows of No. 1 Hilda Street and would benefit from some lighting from the existing adjacent streetlight and natural surveillance. It was therefore concluded that the proposed amenity space and means of access would be adequate and accord with LDP Policy MD2 and the aims of the SPG.

Highway Safety

The Inspector concurred with the main parties that the appeal site was in a highly sustainable location, a short walking distance of a number of local facilities, services and shops and a reasonable distance from local employment. The Council had questioned the robustness of the evidence supporting the appellant's claim that car ownership of future occupiers was likely to be low and the Inspector also expressed some reservations with the evidence. The Council had acknowledged however, that one-bedroom flats were likely to attract smaller households which would generate a lower car demand and the Inspector considered that the proposed development would likely generate a parking demand for around 5no. vehicles.

The Inspector acknowledged local residents' concerns in relation to existing car parking issues being exacerbated by the proposals, but considered that parking pressures would be limited to certain times of the day and evidence within the parking survey demonstrated that there was sufficient on-street parking capacity to accommodate the parking requirements of the proposal. Whilst acknowledging that on-street parking would be some distance from the residential units, this would not be an uncommon arrangement in relation to a flatted development and servicing, deliveries and refuse collection could take place from Hilda Street.

Whilst having regard to the neighbour concerns in relation to the local highway network being used as a shortcut and the potential increased level of traffic from the proposal, given the number of flats proposed, it was considered that the traffic generation would be limited and would not harmfully exacerbate any existing issues. The Inspector found there to be compelling evidence that the the proposal being largely car-free was appropriate in the location and concluded that the proposed development would not be harmful to highway safety and would accord with LDP Policy MD2, the Parking Standards SPG and national planning policy.

Other Matters and Conclusion

The appellant's acceptance of the requested financial contributions towards the provision of affordable housing and public open space were noted however, the draft Unilateral Undertaking (UU) was not signed or dated, and therefore not capable of taking effect. The development did not therefore provide the necessary infrastructure as sought by LDP policies MG4 and MD4 however even if completed, the UU would not alter the outcome of the appeal.

The Inspector concluded that the proposal would be acceptable in terms of some aspects of the living conditions of adjacent properties, the living conditions of the future occupiers, and on highway safety however, these matters would not outweigh the harm to the character and appearance of the area and impact on living conditions of the properties along Broad Street and No. 1 Hilda Street and the appeal was therefore dismissed.

(d) Enforcement Appeal Decisions

None.

(e) April 2024 – March 2025 Appeal Statistics

| | | Determined Appeals | | | Appeals withdrawn /Invalid |
|---|-----------|--------------------|------------|-------|----------------------------|
| | | Dismissed | Allowed | Total | |
| Planning Appeals (to measure performance) | W | 20 | 2 | 22 | - |
| | H | - | - | - | - |
| | PI | - | - | - | - |
| Planning Total | | 20 (91%) | 2 (9%) | 22 | - |
| Committee Determination | | - | - | - | |
| Other Planning appeals (inc. appeal against a condition) | | - | 1 | 1 | 1 |
| Enforcement Appeals | W | 1 | - | 1 | - |
| | H | - | - | - | - |
| | PI | - | - | - | - |
| Enforcement Total | | 1 | - | 1 | - |
| All Appeals | W | 21 | 3 | 24 | - |
| | H | - | - | - | - |
| | PI | - | - | - | - |
| Combined Total | | 21 (88%) | 3 (12%) | 24 | 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 : **13 February 2025**

REPORT OF THE HEAD OF SUSTAINABLE DEVELOPMENT

4. 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

| | | | |
|----------------|---|------------------------------|--|
| 2024/01010/TPO | A | White Cottage, Graig Penllyn | Work to Tree(s) covered by Tree Preservation Order No. 15 2001: T1 elm- Removal of dead standing tree. T2 oak - 3m reduction to reduce wind sail due to location and proximity to house, T3,4,5.6- Ash- removal of dean standing trees |
|----------------|---|------------------------------|--|

2024/01063/TCA A Oakfield, Llangan

Work to Trees in a Conservation Area: Apple tree in rear garden - Trim back up 1m straggly growth to create a tighter umbrella shape. Ash reduce height to match and bring crown into shape. Damson - Remove snapped limb and thin by 1 in 5 (20%) the epicormic growth from crown break to approximately 4m. Stump grind - Grind out stump to 8-10" below ground, backfill holes with arisings, removing any excess. Cherry in front garden - Fell to ground and treat stump. Linear group, birch, laurel, rhus and ash Fell birch to ground level, reduce height of laurel and rhus to match. Ash reduce height to match and bring crown into shape.

2024/01116/TPO R 4, Larchwood, Wenvoe

Work to Tree(s) covered by Tree Preservation Order No. 18, 2018 : T1; Oak; reduce crown back to obtain 3m clearance. Remove lowest large limb. Remove low dead branch and Crown raise. T2; Oak; remove any unstable deadwood

| | | | |
|----------------|---|---|---|
| 2024/01127/TPO | A | Llanblethian Castle, Castle Hill, Llanblethian, Cowbridge | Work to Tree(s) covered Tree Preservation Order No. 7, 1973: Large sycamore on the boundary with Castle Edge, St Quentin's Hill - Reduce height by up to 2m and bring remaining crown into shape. Prune back any branches in line with boundary Woody veg from sycamore to southern end of site- Trim back branches and vegetation back from boundary |
| 2024/01144/TCA | A | 30 Clive Place, Penarth | Work to Trees in a Conservation Area: 2x Conifers & Laburnum, rear garden and Privet hedge, front right; fell to ground level. 3x Conifer stumps behind Laburnum & Laburnum stump & 2x smaller Conifer stumps and 2x stumps front left boundary: Grind out stump to 12-18" below ground, backfill holes with arisings, spread any excess. Privet hedge stump, front right; Grind out stumps to 8-10" below ground, backfill holes with arisings, removing any excess. |
| 2024/01163/TCA | A | The Coach House, Ffordd Yr Eglwys, Peterston Super Ely | Work to Tree(s) in a Conservation Area: Fell 3 x Thuja Plicata which are located on the driveway approaching the property. One tree is already dead and the other two are showing signs of stress and disease. |

THE VALE OF GLAMORGAN COUNCIL

PLANNING COMMITTEE : **13TH FEBRUARY, 2025**

REPORT OF THE HEAD OF SUSTAINABLE DEVELOPMENT

5. GENERAL PLANNING MATTERS

2024/00060/FUL Received on 6 March 2024

APPLICANT: Mark and Roberta Vatsaloo Maes Isaf, Pencarreg, Llanybydder, SA409QG

AGENT: Mark and Roberta Vatsaloo Maes Isaf, Pencarreg, Llanybydder, SA409QG

Hillside Cottage, Leckwith Road, Leckwith

Retention of the importation and deposition of soil and inert material and associated ground engineering operations to support and safeguard the structural stability of Hillside Cottage, Leckwith, Cardiff, damaged by flooding originating from the adjacent public highway, land and mud slides.

REASON FOR COMMITTEE DETERMINATION

The application is required to be determined by Planning Committee under the Council's approved scheme of delegation due to the nature and scale of the planning application.

EXECUTIVE SUMMARY

The application site relates to an area of land, situated adjacent to the detached property known as Hillside Cottage. The application site is located to the east of Leckwith Road, with the River Ely and the Cardiff City Council boundary located in close proximity to the eastern boundary. The application site is located within a mineral safeguarding zone for Limestone and is also located within the Cwrt-yr-Ala Basin Special Landscape Area (SLA).

Full planning permission is sought for the "*retention of the importation and deposition of soil and inert material and associated ground engineering operations to support and safeguard the structural stability of Hillside Cottage, Leckwith, Cardiff, damaged by flooding originating from the adjacent public highway, land and mud slides*".

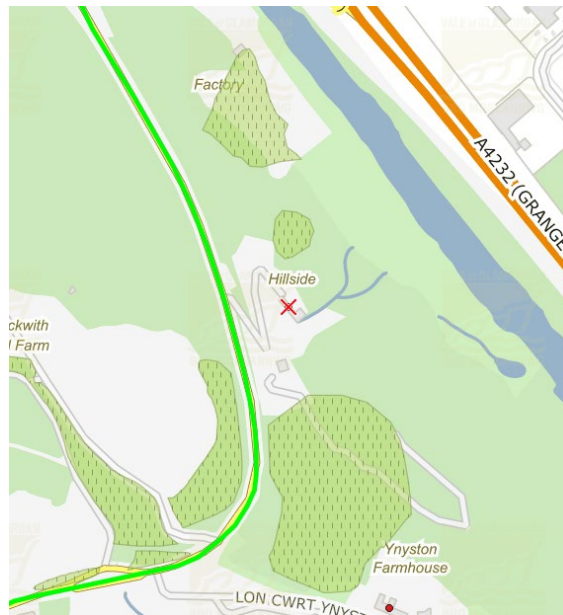
Following consultation, a number of objections and concerns have been raised by statutory consultees, such as Natural Resources Wales (NRW) on issues such as pollution, impact on a nearby Site of Special Scientific Importance (SSSI) and the loss of ancient woodland.

SITE AND CONTEXT

The planning application relates to an area of land, situated adjacent to the detached property known as Hillside Cottage. The application site is located to the east of Leckwith Road (B4267) in an elevated position above the River Ely to the west and the A4232 beyond and the Cardiff City Council boundary located in close proximity to the eastern boundary.

The application site is located within a mineral safeguarding zone for Limestone and is also located within the Cwrt-yr-Ala Basin Special Landscape Area (SLA).

A portion of the site is located within the Factory Wood Site of Importance for Nature Conservation (SINC) comprising of broadleaved woodland. There are also identified Tree Protection Orders (TPO's) within the site, as shown in the following map extract:



The application site has an unclassified Agricultural Land Classification (ALC).

An extract of the site location plan is shown below:



DESCRIPTION OF DEVELOPMENT

This application seeks consent for the *“retention of the importation and deposition of soil and inert material and associated ground engineering operations to support and safeguard the structural stability of Hillside Cottage, Leckwith, Cardiff, damaged by flooding originating from the adjacent public highway, land and mud slides”*.

The application is largely retrospective for the retention of imported materials, but also proposes tree planting, as indicated on the following extract:



The Planning Statement states that the application site was previously subject to historic mineral working and as such, the remaining land was “unrestored and, in places, unstable” (pa. 1.2). The imported material (referred to as soils in paragraph 1.3 of the Planning Statement) was introduced in order to “*stabilise the surrounding land and remove any potential hazard, with the final levels creating a safe, stable landform to support a comprehensive tree planting, comprising native species consistent with the surrounding ground*” (pa. 1.4, Planning Statement).

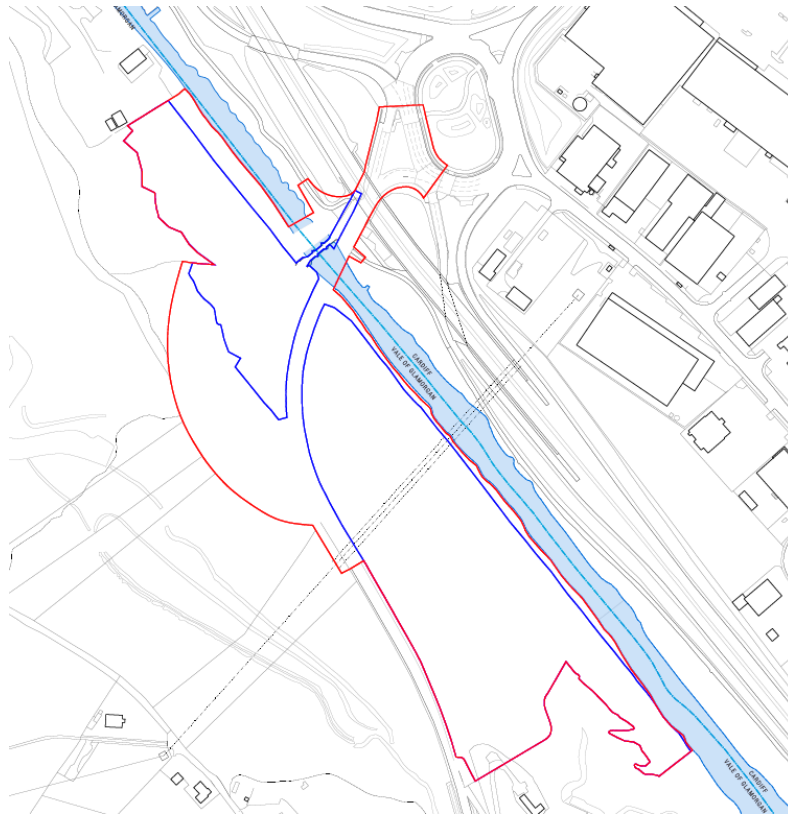
PLANNING HISTORY

1999/00470/FUL, Address: Hillside Cottage, Leckwith Hill, Leckwith, Proposal: Construct retaining wall with associated earthworks, Decision: Approved

1999/00643/FUL, Address: Hillside Cottage, Leckwith Hill, Leckwith, Proposal: Construction of access drive and associated engineering works, Decision: Approved

2019/01198/SC2, Address: Land at Leckwith Quays, Leckwith Road, Proposal: Request for a formal opinion on the scope of an Environmental Statement (ES) to be submitted in conjunction with a hybrid planning application for residential development (to be submitted in Outline), associated highway and bridge improvement works (to be submitted in Full), Decision: EIA (Scoping) - Further info required

2020/01218/HYB, Address: Leckwith Quay, Leckwith Road, Leckwith, Proposal: Hybrid planning application for residential development for up to 228 dwellings (submitted in OUTLINE), associated highway and bridge improvement / realignment works (submitted in FULL). Development involves the demolition of all buildings on site and of the existing B4267 Leckwith Road Bridge, Decision: Approve subject to Legal Agreement (outstanding). For reference, the site plan for this application is included below:



2020/01423/OBS, Address: Leckwith Quays, Proposal: (20/02081/MJR) - Highway and bridge works necessary to implement proposed hybrid scheme for up to 250 dwellings and associated highway and bridge works at Leckwith Quays (located within Vale of Glamorgan), Decision: Committee Resolution to Approve but pending an Article 18 Holding Direction from the Welsh Ministers.

CONSULTATIONS

Michaelston le Pit with Leckwith Community Council commented on 12 May 2024 to state that they were concerned of the possible presence of contaminants and the stability of the deposit material. They stated that no permission should be granted until the NRW report is complete and that if NRW investigation confirms their concerns, they object to the application.

Following re-consultation, they commented on 16 July 2024 to state the following:

The report by the National Resources Wales (NRW) highlighted several serious concerns with actions already carried out at the property and the Community Council share these concerns and feel the requests made by NRW and others must be reviewed before any further work or requests are carried out.

The Community Council hope these observations are seriously considered by Vale Planning before making their final decision on the proposed application.

Following further consultation, they commented 25 November 2024 to state that, in summary, they continue to oppose the application for the reasons previously given.

The **Council's Highway Development department** were consulted and commented on 6 June 2024 to state that the operation of transporting soils to the site have already been completed and therefore, no further traffic movements relate to this application. Whilst they note that information should have been provided as to the number of trips and route as Leckwith Bridge has a weight restriction, given that this is now completed then the highway authority is unable to sustain an objection and has no further comment.

Cardiff County Council commented on 24 April 2024 to state that they had no objection to the proposal. They subsequently commented on 18 July 2024 to acknowledge receipt of a re-consult and that observations would be forwarded as soon as possible. They commented further on 23 August 2024 to state that they had no objection.

The **Councils Drainage Section** were consulted and to date, no comments have been received.

Heneb, The Trust for Welsh Archaeology commented 19 April and 17 July 2024 to state the following:

Information in the Historic Environment Record indicates that the building in the application area dates from the 18th century and was a former fulling mill, as noted on the Tithe of 1841. Historic mapping sequences show the property altered in size, and changes to the boundaries.

We do not condone development undertaken without planning consent. The undertaking that has occurred may have damaged or destroyed any unrecorded archaeological features. However, its retention would not cause further impact.

Consequently, as the archaeological advisors to your Members, we have no objections to the positive determination of this application. The record is not definitive, however, and features may be disturbed during the course of the work. In this event, please contact this division of the Trust.

Dwr Cymru / Welsh Water commented 10 April 2024 and 28 November 2024 to state that they had no objections but requested informatives to ensure no detriment to existing residents or the environment and to Dwr Cymru Welsh Water's assets.

The **Council's Ecology Officer** commented 29 July 2024 to object and in summary, stated the following:

- An Ecological consultant has not been engaged and Preliminary Ecological Assessment (PEA) not prepared as recommended by CIEEM and PPW12
- Damage to Ancient Semi-Natural Woodland and SINC has been undertaken in advance of the application
- Baseline of site has not been established through researching records
- No specification of topsoils provided and risk to creating a disparate parcel of woodland that will not fit the wider woodland
- No reference to natural regeneration

Following re-consultation, the Ecologist commented 29 November 2024 in summary to state the following:

- Applicant strongly recommended to engage a registered ecological consultancy

- Issues raised by NRW and previous comments need to be addressed
- Recommendation for refusal still stands
- Additional documents supplied do not address issues

The **Council's Landscape Section** were consulted and to date, no comments have been received.

Dinas Powys Ward members were consulted and to date, no comments have been received.

Natural Resources Wales commented 3 May 2024 to raise concern due to inadequate information submitted in support of the proposal. To overcome the concerns, they sought further detail regarding ancient woodlands, protected sites, waste and pollution prevention. Without this information, they would object to the application. They also requested a condition for a Construction Environment Management Plan (CEMP). In summary, they stated:

- Ancient Semi-Natural Woodland within the application site, which extends to a SSSI in the North
- Site has already been felled without following step-wise approach and material deposited and spread
- Loss of the swathe of woodland fragments the primary core woodland habitat network
- Negatively impacted the woodlands' ability to adapt to changing conditions, such as climate change; negatively impacted the woodlands' ability to recover; reduced the resilience of the adjoining woodland by decreasing the level of connection between woodland ecosystems, reducing the scale of the ecosystem and had a detrimental effect on the condition of the remaining woodlands.
- Development has not appropriately safeguarded the important ancient woodland soils which contain important seed banks
- Deposition of material at this site has been detrimental to the viability of restoration of the site
- Replacement planting would not achieve a satisfactory ratio
- Lack of detail on proposed ground preparation methods
- No ecological surveys
- Tree Planting Proposals include planting of species which likely did not and do not occur in the surrounding woodland
- Wildflower meadow is lacking in details
- Proposed development is likely to damage Cwm Cydfin SSSI woodland
- Landslip on site December 2022 which involved imported and deposited material
- No engineering details provided to demonstrate the material will provide stabilisation
- No evidence of classification of imported material
- Large, unconsolidated mass of loose material perched above River Ely
- Leachate testing results should be sought
- Displacement of water is negligible
- Proposal could be acceptable in flood risk terms

Following a re-consultation, comments were received 14 August 2024, stating that they continue to have concerns with the application and sought further information regarding ancient woodlands, protected sites and pollution prevention. Without this information, they would object to the planning application. They also request a CEMP condition. In summary, they stated the following:

- Note the applicant's dispute of previous response but we maintain parts of the site are classified as Ancient Semi-Natural Woodland
- Ancient Woodland is valuable and site has already been felled
- Loss of woodland fragments the primary core woodland habitat network
- Negatively impacted woodland ability to adapt to changing conditions
- Development has not safeguarded important ancient woodland soils
- Baseline assessment not submitted
- Deposition of material likely detrimental to the viability of restoration of the site
- Replacement woodland would not achieve the value of former Ancient Semi-Natural Woodland and would not connect to surrounding woodland as once did
- No ground preparation methods provided
- No ecological surveys submitted
- Mitigation insufficient and poorly designed
- Tree Planting proposals include species which likely did and do not occur in surrounding woodland
- Unknown if development has potential to impact European Protected Species
- Concerns regarding damage to Cwm Cydfin SSSI
- Presents significant pollution risk and leachate testing results need to be submitted
- Buffer zone of a minimum of 10m to be provided as part of a CEMP
- Materials may have been deposited without due consideration to structural stability
- No evidence on classification of imported material

Following the submission of amended / additional information, NRW commented 17 December 2024 (albeit this is dated 14 August 2024) to state that they continue to have concerns with the application as submitted because inadequate information has been provided in support of the proposal. In summary, NRW stated that in order to overcome these concerns, further information is required on ancient woodlands, protected sites and pollution prevention. NRW stated that if this information is not provided, they would object to the planning application. They also advise a CEMP condition.

In summary they stated that:

- Planting and management needs to be agreed prior to permission granted
- Insufficient detail for planting scheme
- Ecological profile of adjacent woodland not provided
- Previous comments remain relevant

Carmarthenshire County Council, as the Minerals and Waste department commented 10 May 2024 to state the following:

The application seeks to retain material which has been imported and deposited on site in order to safeguard and support the stability of a dwelling.

The application documents state the site has been subject to previous mineral working, with quarried material on site in stockpiles. Soils have been imported to infill the old quarry and its associated landform profile, and no further infilling is required with the site having achieved the final landform profile.

Planning Policy Wales promotes a circular economy principle and the use of the most appropriate material available to prevent the depletion of non renewable resources and prevent waste arising. The materials or resources needed by development should be considered at an early stage, and the policy recognises that where cut and fill is required, it may provide material for remediation of land elsewhere in the area. For material generated which becomes a waste, PPW sets out the role that Local Authority has in managing waste, in balancing the social, economic and environmental benefits of waste as a resource whilst minimising adverse environmental impacts, avoiding risk to human health, protecting landscape and nature from inappropriate development, and protecting amenity. Restoration and reclamation of mineral sites can also provide opportunities for creating or enhancing sites for nature conservation.

The application, which includes the importation and deposition of soils, should have regard to the policy contained in PPW on circular economy, deposition of material, landfilling operations, waste management, and site restoration. We have concerns with the application as submitted, and further information is required to inform the proposals;

- Further details are required on the volume of material imported to site, and confirmation on the volumes, given that the application documents state 65,000 tonnes and 6,500 tonnes of material bought to site. The volumes of material bought to site should be justified; and is it the minimum amount required to achieve site stability. Further clarity is required on this point to ensure the development is justified in its aim to achieve stability, that only as much waste as necessary has been bought to site, that it is not over and above the necessary, and become a 'landfilling' exercise.*
- Cross sections have been provided, however are limited in their scope and detail. Only three sections (namely section A-A, B-B, and C-C) show both pre and post development levels, which is not sufficient to inform the proposals. Further cross sections are required showing the pre and post development levels for the whole site.*
- The cross sections which have been provided suggest the new profile, though infilling with material to create a flat landform profile. The Local Planning Authority would need to be satisfied that the profiles achieved are necessary and reasonable; there has been no justification provided for the developed profile, or a reasoning for creating flat platforms. Would the same outcomes have been achieved through creating a landform more sympathetic to the original profile, or would the steepest slopes and edges have been infilled creating gentle slopes of a more natural profile? Again, to ensure and satisfy the Planning Authority that the development and works carried out have been necessary, that the works have not gone over and above, infilled to excess or become a 'landfilling exercise', the application should address this.*
- In terms of the choice of material, which the application states is inert material, why use the material, and if it was not available would the applicant have completed the works, using alternative material?*

The **Council's Shared Regulatory Services (Pollution)** department were consulted and to date, no comments have been received.

The **Council's Environment Team - Land Quality** department were consulted, who commented to state the following:

The report by Dice Environmental includes a contamination assessment of the site based on a site walkover and programme of exploratory holes, sampling and laboratory testing.

Section 1.2 of the report indicates the assessment is for suitability for residential private garden use, (although Section 2.2 indicates the adjacent dwelling is currently unoccupied). Contaminants of concern have been identified that will require remediation to ensure the site is made suitable for use.

The report refers briefly to remediation options, including removal of burnt waste material on site and a clean cover system. It should be noted that Dice suggest a clean cover of minimum depth of 500mm; this is insufficient without further detailed assessment and SRS would advise that a minimum cover of 600mm is required. The applicant will need to submit for approval a detailed Remediation Strategy and Verification Plan.

If the applicant intends to proceed with a clean cover system as part of the remediation strategy, there will be a requirement for site won and/or additional imported soils. The assessment scheme for these materials can be submitted for approval separately or as part of the remediation strategy and verification plan.

The report also includes a ground gas assessment based on limited data: One monitoring point and a single monitoring visit. The results indicate ground gas emissions from within the made ground which may pose a risk to future occupants of the adjacent dwelling and further assessments are required in relation to this.

It should be noted that if further earthworks are proposed, this could alter the ground gas emissions and additional gas monitoring and assessments should be undertaken following completion of all earthworks but prior to occupation.

However, site workers/contractors must be made aware of the risk to human health from ground gas during the development so that appropriate mitigation is in place during this process.

Shared Regulatory Services have requested the inclusion of a number of conditions and informatives in accordance with CIEH best practice and to ensure that the safety of future occupiers is not prejudiced in accordance with policy MD7 of the Vale of Glamorgan Local Development Plan.

REPRESENTATIONS

The neighbouring properties were consulted on 21 March and 18 November 2024 and a site notice was also displayed on 1 May, 1 August and 20 November 2024. The application was also advertised in the press on 18 April and 25 July 2024.

To date, comments have been received by one anonymous neighbour. In summary, the comments do not object to the work that was carried out, however they have raised issue with the reasoning for the works as they are causing water issues along the road, such as larger vehicles ignoring the weight restriction, illegal parking etc. which cause damage to the road surface leading to water draining incorrectly. In addition, they request a crossing by the Leckwith Green.

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 SP7 – Transportation
POLICY SP8 – Sustainable Waste Management
POLICY SP9 – Minerals
POLICY SP10 – Built and Natural Environment

Managing Growth Policies:

POLICY MG17 – Special Landscape Areas
POLICY MG19 – Sites and Species of European Importance
POLICY MG20 – Nationally Protected Sites and Species
POLICY MG21 – Sites of Importance for Nature Conservation, Regionally Important Geological and Geomorphological Sites and Priority Habitats and Species
POLICY MG22 – Development in Minerals Safeguarding Areas

Managing Development Policies:

POLICY MD1 - Location of New Development
POLICY MD2 - Design of New Development
POLICY MD7 - Environmental Protection
POLICY MD9 - Promoting Biodiversity
POLICY MD12 - Dwellings in the Countryside

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.

Policy 15 – National Forest

- Supports tree planting as part of new development proposals.

Planning Policy Wales:

National planning policy in the form of Planning Policy Wales (Edition 12, February 2024) (PPW) is of relevance to the determination of this application.

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

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

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

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

Chapter 3 - Strategic and Spatial Choices

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

Chapter 4 - Active and Social Places

- Transport
- Living in a Place (housing, affordable housing and gypsies and travellers and rural enterprise dwellings)
- Activities in Places (retail and commercial development)

Chapter 5 - Productive and Enterprising Places

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

Chapter 6 - Distinctive and Natural Places

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

6.4.16 Potential applicants should not conduct any pre-emptive site clearance works before submitting a planning application as this can make it more difficult for a development proposal to secure a net benefit for biodiversity. Where a site has been cleared prior to development its biodiversity value should be deemed to have been as it was before any site investigations or clearance took place. A net benefit for biodiversity must be achieved from that point. Habitat status can be established through evidence remaining on site and local desk-based assessments (planning authorities must ensure that they have access to these data sources). In such cases, habitat status will be presumed to be good in the absence of any evidence to the contrary.

6.4.25 Development in a SSSI which is not necessary for the management of the site must be avoided. This is a matter of principle to ensure that these sites can continue to fulfil their role at the heart of resilient ecological networks. What may be necessary for the management of a site will need to be considered on a case by case basis but it is likely to be limited to activities needed to meet its conservation objectives, including restoration and nature recovery, as well as site management infrastructure, natural flood management and other appropriate nature based solutions. There may be desirable interventions in SSSIs relating to public access, active travel, educational projects and other minor development necessary to secure its role as a living landscape. This may include agricultural development, such as new barns, slurry stores required to reduce pollution, barn conversions to support tourism or other alterations or extensions to existing houses or buildings on existing employment sites where effects on the features for which a site has been designated can be considered to be acceptable.

6.4.26 There is a presumption against all other forms of development in a SSSI as a matter of principle and this presumption should be appropriately reflected in development plans and development management decisions. There is also a presumption against development not within a SSSI but likely to damage a SSSI. In such cases, proposals must be carefully assessed to ensure that effects on those nature conservation interests which the designation is intended to protect are clearly understood and development should be refused where there are adverse impacts on the features for which a site has been designated. International and national responsibilities and obligations for conservation should be fully met, and, consistent with the objectives of the designation, statutorily designated sites should be protected from damage and deterioration, with their important features conserved and enhanced and the capacity for restoration demonstrated by and through appropriate management.

6.4.27 In wholly exceptional circumstances and only where development is considered to be appropriate and is not likely to damage a SSSI and there is broad and clear agreement for mitigation and enhancement as part of a development plan should development be proposed. This means that development will be considered unacceptable in the absence of an agreed position in a development plan which indicates that it is acceptable in terms of its effect on the notified features of a SSSI.

6.4.28 Before authorising development outside of a SSSI but likely to damage any of the notified features of a SSSI, planning authorities must give notice of the proposed operations to NRW, and must take its advice into account in deciding whether to grant planning permission and in attaching planning conditions. Where local planning authorities are minded to grant planning permission against the advice of NRW they must notify Welsh Ministers. For the purposes of landuse planning proposed SSSIs will be treated in the same way as notified SSSIs .

6.4.37 Trees, hedgerows, groups of trees and areas of woodland are of great importance for biodiversity. They are important connecting habitats for resilient ecological networks and make an essential wider contribution to landscape character, culture, heritage and sense of place, air quality, recreation and local climate moderation. They also play a vital role in tackling the climate emergency by locking up carbon, and can provide shade, shelter and foraging opportunities, wider landscape benefits such as air and diffuse pollution interception, natural flood management, and building materials. The importance of trees, in particular urban trees, in creating distinctive and natural places which deliver health and well-being benefits to communities, now and in the future should be promoted as part of plan making and decision taking¹³⁵. Planning authorities must promote the planting of new trees, hedgerows, groups of trees and areas of woodland as part of new development.

6.4.38 Welsh native tree and hedge species, characteristic of the local area, provide a strong ecosystem resilience function, and they provide resources for local wildlife, particularly other native plants and species. Native tree and hedge species can also complement opportunities for natural regeneration. Alongside broader woodland habitat types, such as wood pasture, parkland and traditional orchards, native tree and hedge species help to define our cultural heritage and landscape, creating a strong sense of place and connection to the past.

6.4.39 Planning authorities must protect trees, hedgerows, groups of trees and areas of woodland where they have ecological value, contribute to the character or amenity of a particular locality, or perform a beneficial green infrastructure function¹³⁶. Planning authorities should consider the importance of trees and woodland, particularly native woodland and valued trees, and should have regard to local authority tree strategies or SPG and the Green Infrastructure Assessment. Planning authorities should adopt appropriate, locally relevant, time sensitive, minimum tree canopy cover targets for their authority area to guide the protection and where appropriate the expansion of canopy cover. The Green Infrastructure Assessment and tools such as NRW's Tree Cover in Wales' Towns and Cities study and Forest Research's i-Tree Eco tool will help establish a baseline of canopy cover and guide the identification of appropriate and measurable canopy targets.¹³⁷ Tools to help with design and species choice in urban areas are also available.¹³⁸

6.4.40 Where trees, woodland and hedgerows are present, their retention, protection and integration should be identified within planning applications. Where surveys identify trees, hedgerows, groups of trees and areas of woodland capable of making a significant contribution to the area, these trees should be retained and protected. The provision of services and utilities infrastructure to the application site should also avoid the loss of trees, woodlands or hedges and must be considered as part of the development proposal; where such trees are lost, they will be subject to the replacement planting ratios set out below.

6.4.41 Whilst most focus within the planning system is targeted at urban trees, planning authorities should recognise the importance of trees within the countryside, either as woodlands, within hedgerows and hedgebanks, or free-standing trees in fields, or as wood pasture. This is particularly important as the effects of climate change are leading towards pests and diseases that are damaging many of our native species in the rural landscape. Positive mechanisms of rural tree retention should be considered, and measures taken to replace them in an effective and economic manner, either with new planting or by allowing them to grow to their full potential.

6.4.42 Permanent removal of trees, woodland and hedgerows will only be permitted where it would achieve significant and clearly defined public benefits. Where individual or groups of trees and hedgerows are removed as part of a proposed scheme, planning authorities must first follow the step-wise approach as set out in paragraph 6.4.15. Where loss is unavoidable developers will be required to provide compensatory planting (which is proportionate to the proposed loss as identified through an assessment of green infrastructure 139 Further advice in relation to ancient woodland is available on NRW's website. value including biodiversity, landscape value and carbon capture). Replacement planting shall be at a ratio equivalent to the quality, environmental and ecological importance of the tree(s) lost and this must be preferably onsite, or immediately adjacent to the site, and at a minimum ratio of at least 3 trees of a similar type and compensatory size planted for every 1 lost. Where a woodland or a shelterbelt area is lost as part of a proposed scheme, the compensation planting must be at a scale, design and species mix reflective of that area lost. In such circumstances, the planting rate must be at a minimum of 1600 trees per hectare for broadleaves, and 2500 trees per hectare for conifers. The planting position for each replacement tree shall be fit to support its establishment and health, and ensure its unconstrained long-term growth to optimise the environmental and ecological benefits it affords.

6.4.43 Ancient woodland, semi-natural woodlands, individual ancient, veteran and heritage trees and ancient hedgerows are irreplaceable natural resources, and have significant landscape, biodiversity and cultural value. Such trees, woodlands and hedgerows are to be afforded protection from development which would result in their loss or deterioration unless very exceptionally there are significant and clearly defined public benefits; this protection must prevent potentially damaging operations and their unnecessary loss¹³⁹. In the case of a site recorded on the Ancient Woodland Inventory, authorities should consider the advice of NRW. Planning authorities should also have regard to the Ancient Tree Inventory, work to improve its completeness and use it to ensure the protection of trees and woodland and identify opportunities for more planting as part of the Green Infrastructure Assessment, particularly in terms of canopy cover.

6.4.44 The protection and planting of trees and hedgerows should be delivered, where appropriate, through locally-specific strategies and policies, through imposing conditions when granting planning permission, and/or by making Tree Preservation Orders (TPOs)¹⁴⁰. They should also be incorporated into Green Infrastructure Assessments and plans.

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 12 – Design (2016)

- Technical Advice Note 15 – Development and Flood Risk (2004)
- Technical Advice Note 21 – Waste (2014)

Welsh National Marine Plan:

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

Supplementary Planning Guidance:

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

- Biodiversity and Development (2018)
- Design in the Landscape
- Economic Development, Employment Land and Premises (2023)
- Minerals Safeguarding (2018)
- Parking Standards (2019)
- Trees, Woodlands, Hedgerows and Development (2025)

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

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 to consider in the determination of this application is the visual impact of the proposals, the impact on the environment by way of pollution / contamination etc., impact upon the SSSI, the loss of green infrastructure and the proposed replanting scheme.

Environmental Impact Assessment

The Environmental Impact Assessment regulations state the following:

11.—(1) Where an EIA application before a local planning authority for determination is not accompanied by a statement referred to by the applicant as an environmental statement for the purposes of these Regulations, the authority must notify the applicant that the submission of an environmental statement is required.

(2) Where the relevant planning authority is aware that any particular person is or is likely to be affected by, or has an interest in, the application, who is unlikely to become aware of it by means of electronic publication, a site notice or by local advertisement, the relevant planning authority must notify the applicant of any such person.

(3) An authority must notify the applicant in accordance with paragraph (1)—

(a) within 21 days beginning with the date of receipt of the application or such longer period as may be agreed in writing with the applicant; or

(b) where the Welsh Ministers, after the expiry of that 21 days or any longer agreed period, make a screening direction to the effect that the development is EIA development, within 7 days beginning with the date the authority received a copy of that screening direction.

Following receipt of the planning application, the agent was informed that following a screening evaluation, it was concluded that in this instance, an Environmental Impact Assessment is required on the basis that the development is considered to fall within Schedule 2 11 (b) Installations for the disposal of waste under The Town and Country Planning (Environmental Impact Assessment) Regulations 2017.

The amended site area would exceed the thresholds and criteria set out in Column 2, where the site area is 0.642 ha and therefore exceeds threshold (ii) – the area of development exceeds 0.5 ha.

Following notification of the above, the planning application was amended to include additional information, including an Environmental Statement. This document, along with others, has been assessed as supporting documentation.

Background

This application is largely retrospective, with the exception of a proposed planting scheme. The Planning Statement states that the importation of “soils” commenced in December 2021 and continued, on a campaign basis, until February 2023. In total, 65000 tonnes of “soil and inert material waste” are stated to have been imported. The Statement states that the importation has been carried out in order to safeguard the structural stability of Hillside and to achieve appropriate levels.

The supporting documentation states that the tipping was carried out in order to remove voids within the land that were deemed an unacceptable hazard.

However, paragraph 4.1 of the Planning Statement states that due to the cost implications of commissioning written recommendations, the applicants relied on the verbal advice of a Chartered Engineer. The following image from the Environmental Statement (ES) is submitted in support of the application:



Image of application site, source: Environmental Statement, page. 15

A breach of planning control Enforcement Notice was served on the 3 February, 2023, due to the material change of use of the land from a mixed use comprising use as a residential garden and agriculture, to a mixed use comprising use as a residential garden, agriculture and the importation and depositing of materials including waste material and ground engineering excavation and re-profiling operations. This notice required the land owner to cease the use of the land for importing and depositing of any materials; permanently cease all ground engineering operations on the land and permanently remove all of the deposited material from the land.

The Planning Statement has set out the options available to the applicant and the potential consequences of each option. An extract of this table is included below:

| OPTIONS | ACTION | CONSEQUENCES | RANKING IN ORDER OF EARLY PLANNING GAIN |
|----------------|---|---|--|
| Option 1 | Seek the removal of all the tipped material from site. [pursuance of Planning Enforcement Notice] | The removal of the tipped material from the site will have significant environmental impacts in respect of: <ul style="list-style-type: none"> • Enforcement Notice does not provide for replacement tree planting. • It would result in potentially dangerous traffic manoeuvres by tipper lorries to Leckwith Hill (B4267) • Further disturbance of habitat • Delay the comprehensive re-planting of the site with native tree species • Increase of heavy goods vehicles movement on Leckwith Hill • Significant dust generation | 2 |
| Option 2 | Do nothing - No remediation/ re-planting | <ul style="list-style-type: none"> • Unacceptable option - due to lack of remediation and mitigation. No landscape enhancement. | 3 |
| Option 3 | Retain material and re-establish woodland with native tree species and wild flora | Advantages include: <ul style="list-style-type: none"> • Early establishment of tree cover • No dust generation • No traffic issues - exiting lorries • Early landscape remediation • Financially viable | 1 |
| | | <ul style="list-style-type: none"> • Opportunities to invite Wildlife Trust or Woodland Trust in future management of woodland | |
| Option 4 | Retaining walls or gabions | <ul style="list-style-type: none"> • Unacceptable visual intrusion • Extensive engineering work • There would remain a significant drop from Hillside Cottage to the base of the workings. • Unrestored and unstable quarry faces would remain exposed, posing a potential hazard to the applicant's family and other site users | 3 |

Source: Table 1, Planning Statement

Paragraph 3.12 of the Planning Statement states that the removal of the tipped material off-site would not only be financially unviable but would result in considerable disadvantages.

This application seeks to retain the material and carry out a tree planting scheme and as such, this option will be considered further below. For the avoidance of doubt, the other options provided in the table above are not proposed and as such, will not be considered.

Visual impact on countryside

As aforementioned, the application site is not located within a settlement boundary and as such, the site is considered as a countryside location. Policy MD1 (Location of New Development) is therefore considered of relevance, which states that new development on unallocated sites should, amongst other things, have no unacceptable impact on the countryside and have no unacceptable impact on the best and most versatile agricultural land.

Firstly, with regards to agricultural land, the application site is unclassified and as such, the development has not impacted upon the best and most versatile agricultural land and the development is not contrary to criterion 9 of policy MD1.

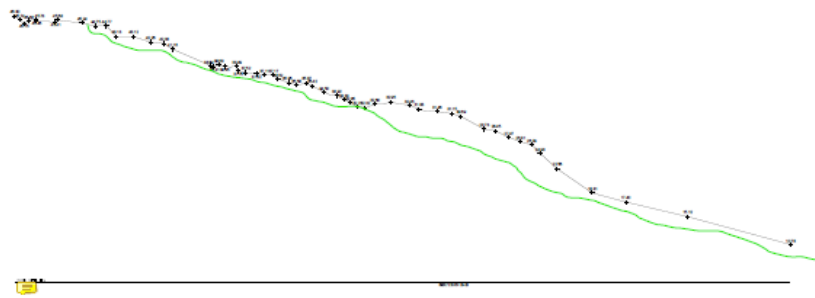
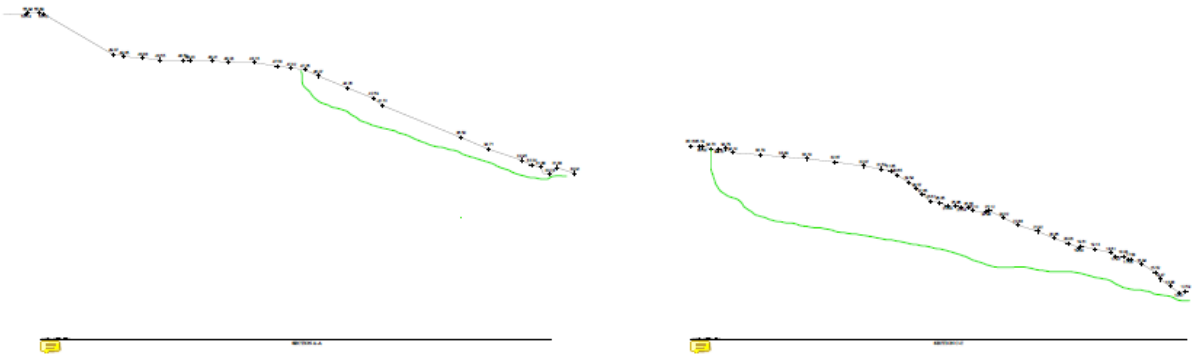
Moving to the visual impacts of the proposal on the countryside, the application site is visible to the north and east of the site and due to its elevated siting on the escarpment above the Ely River visible from the main A4232 (Cardiff Link Road) and cycle / footpaths running along the Ely River. Whilst the Environmental Statement refers to a preliminary Landscape and Visual Assessment (pa 6.1), this has not been received in support of the application.

Paragraph 6.6 of the Environmental Statement states that four landscape receptors were assessed of which two were found to be significant, i.e. having a major and adverse effect during initial tipping, due mainly to the loss of trees from the woodland “and bare appearance of the newly tipped soil”. However, it concluded that during the growth of grasses and flora, the distant views from these receptors were negligible.

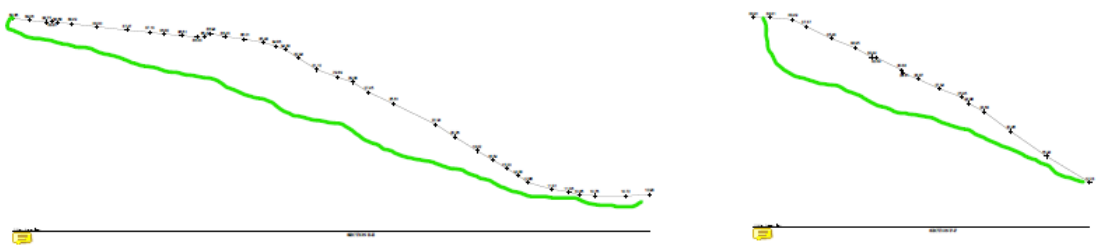
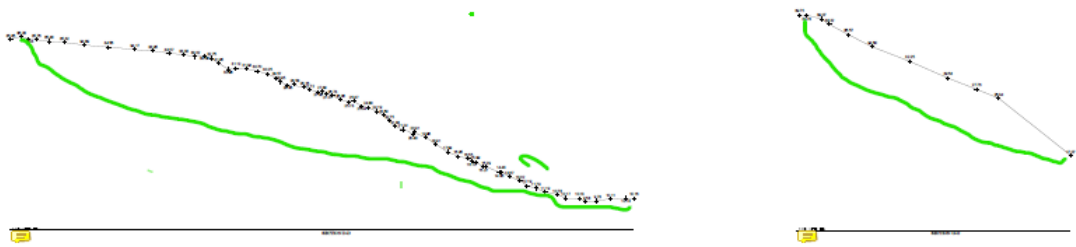
The regrading of the land and infilling has resulted in a loss of mature trees and this, in addition to the level alterations has resulted in a different visual appearance. The following is noted from the Enforcement Notice:

The volume of imported material, tree clearance and re-profiling of the land has resulted in a barren uncharacteristic feature set within sloping wooded land which is detrimental to the character of the area and local visual amenities.

The planning application is supported by section plans, indicating the amended levels throughout the site. These are shown in the following extracts:



Source: Supporting document, Sections A-A, B-B & C-C



Source: Supporting document, Sections D-D, E-E, F-F & G-G

It is evident from the section plans that there have been significant level alterations throughout the site, the greatest difference is measured at approximately 10.5m, which has altered its appearance. The following Google street image shows the site in the distance from the A4232:



View towards the site from the A4232, source: Google streetview, dated March 2023

Whilst the level variations are noted, given the varying levels along Leckwith Road, the alterations in this regard do not look out of context.

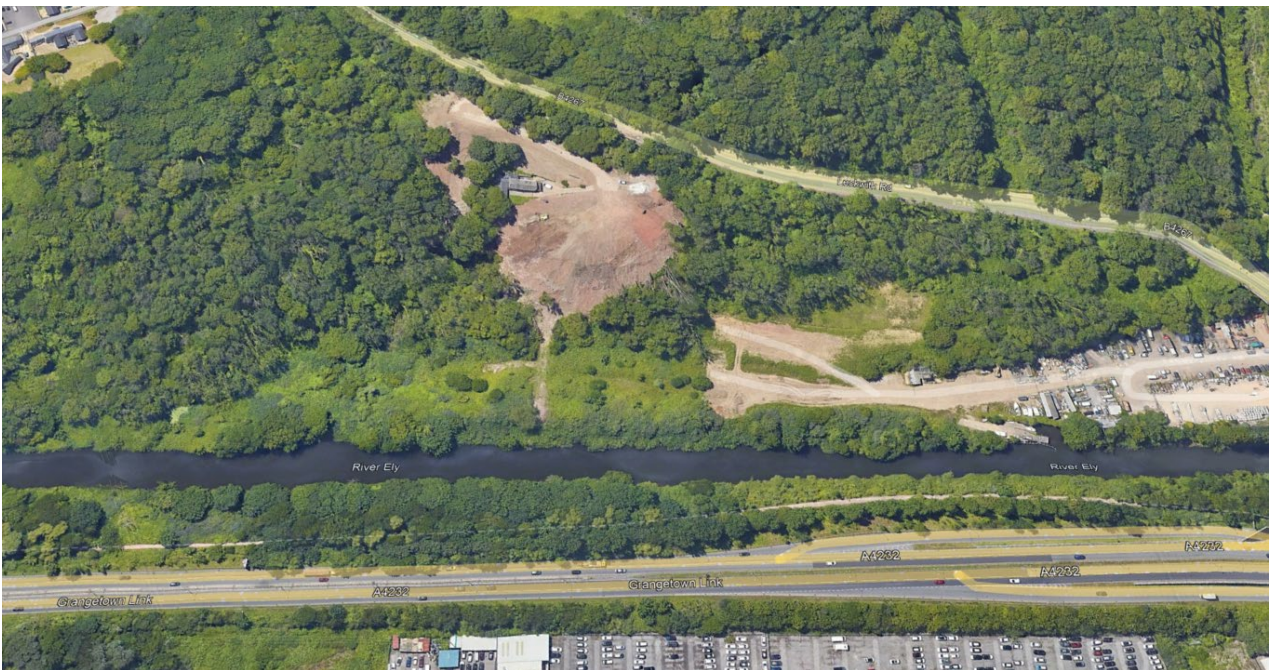
However, the barren feature does contrast with the wider landscape and as such, the proposal includes the provision of tree planting etc. and, it is likely that with sufficient planting, the site could be completed to an acceptable visual standard, purely in terms of visual impact. Re-planting of the site with grass, vegetation and trees etc. could reduce the overall visual harm, which is currently caused by the stark appearance of the land. However, whilst it will be discussed in further detail below, there remain concerns over the acceptability of the landscaping scheme and there are queries regarding whether or not the ground conditions could provide a viable scheme. The loss of the tree group has detrimentally impacted upon the appearance of the site, resulting in a stark and engineered appearance and as such, the visual appearance of the site could only be improved by substantial replanting. However, in the absence of an acceptable landscaping scheme and the lack of evidence to demonstrate viability of the site for such a scheme, the proposal is considered unacceptable. The proposal is therefore considered contrary to criterion 1 of policy MD1 (Location of New Development) and criterion 1 of policy MD2 (Design of New Development) of the LDP.

Pollution and Waste

Policy MD7 (Environmental Protection) of the LDP states that development proposals will be required to demonstrate that they will not result in an unacceptable impact on people, residential amenity, prosperity and / or the natural environment from either:

- 1 - Pollution of land, surface water, ground water and the air
- 2 - Land contamination
- 3 - Hazardous substances
- 6 - Coastal erosion or land stability
- 8 - any other identified risk to public health and safety

As aforementioned, the application site lies to the west of the Ely Valley River, at an elevated position above it. The supporting documentation states that 65000 tonnes of material have been deposited on site and given its position and the nature of the material, Natural Resources Wales have stated that this has resulted in “an unconsolidated mass of loose material perched above the River Ely” (NRW comments, 14 August 2024). In addition, it is noted that there is a watercourse within the application site, which is a tributary of the River Ely and as such, the application site is hydrologically connected to River Ely, which presents a significant pollution risk.



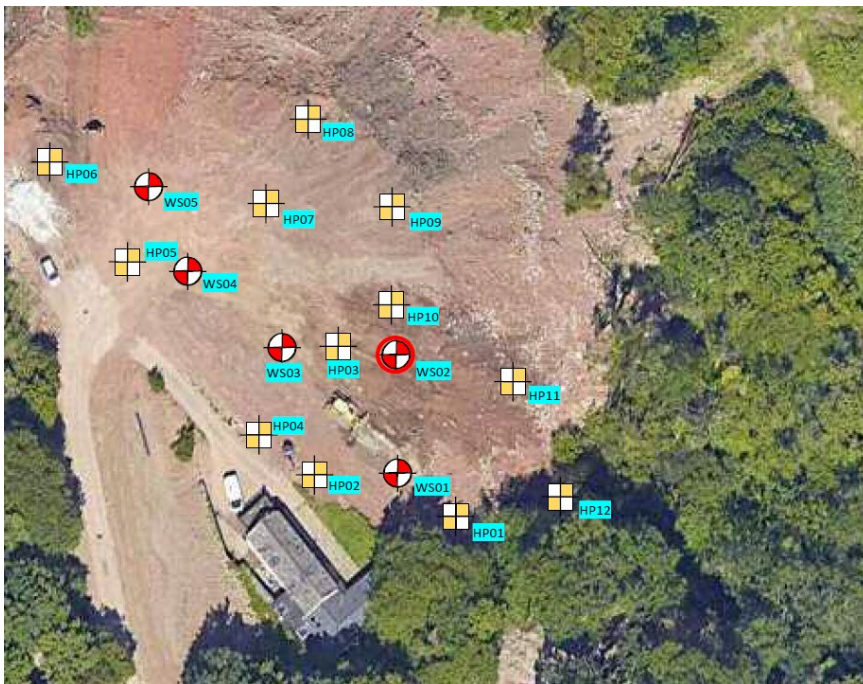
Source: Google Earth June 2022 - Site in relation to River Ely and A4050

In their comments, dated 14 August 2024, NRW refer to a landslip at the application site in December 2022 which involved the imported and deposited material and resulted in pollution of controlled waters via the release of suspended solids into the River Ely. In reference to comments in supporting documentation that the alleged pollution may have been caused by leachate from a neighbouring site, NRW emphasise that suspended solids are very different to leachate and are a contaminant in their own right.

A Phase 2 Contamination Assessment has been submitted in support of this planning application. In concluding and to summarise the findings of the phase 2 contamination assessment (pages 17-18), it states that:

- Exceedances in Lead, Napthalene, Benzo(a)anthracene, Benzo(b)fluoranthene, Benzo(a)pyrene and Dibenz(ah)anthracene were identified.
- The site has been identified as CS2 / Amber 1 for ground gas.
- No significant levels of contaminants of concern have been identified with respect to controlled waters at this time.

The Contamination Assessment includes evidence gathered from boreholes and trial pits at the application site. The extract below, appendix A of the report, shows the locations of these:



| | |
|--|--------------------|
| Title Development Proposal | |
| Reference 101142 | Date 16/11/2024 |
| Site Address Hillside, Leckwith Road, CF11 8DR | |
| Legend  Borehole location  Trial Pit | |

Location of boreholes, source: Phase 2 Contamination Assessment, Appendix A

Appendix B of the report provides details of the materials found and the depth to which each of these holes was made. The depths of the boreholes range from approximately 0.3m (WS05) to 5m (WS03, WS02). The findings of the borehole examination are included within the survey.

However, the deeper two boreholes, as aforementioned, were carried out at a depth of approximately 5m. Borehole WS02 found evidence of plastic, ceramic, concrete, brick and mixed lithologies, some as deep as 5m where the borehole was terminated. Borehole WS03 found evidence of concrete, ceramic, mixed lithologies, some as deep as 5m where the borehole was terminated. Of note in this borehole is what is referenced as 'black staining and odour' within the first 1m of ground. Elsewhere within the site, various materials were found, such as metal wire (HP12), whole bricks (HP11), wood chippings and glass etc.

NRW in their comments (August 2024) state the following:

We are aware there was a landslide at the application site in December 2022 which involved the imported and deposited material. We note there is no information confirming the material meets the technical requirements for the specified purpose of its use, nor is there evidence showing the volume of material is the minimum required to meet the objectives of its use, i.e. stabilisation of the surrounding ground following a landslide. There are no details of engineering considerations to show how the material will provide the stated stabilisation of the surrounding ground. Therefore, it may be considered the material has been deposited without due consideration to structural stability. Furthermore, there is no evidence to show the classification of the imported material, i.e. what the material is, where it has come from, testing to show it is suitable for use. These matters may be considered as part of the Environmental Permitting regime (please see below) however, we consider it prudent to highlight these concerns as they may also be matters for your Authority's consideration. You may also wish to consider consulting other professional advisors on these matters and any further information which should be sought from the applicant prior to determination.

Whilst the permitting regime is not a material planning consideration, the concerns raised by NRW in respect of the nature of materials deposited is noted.

Page 19 of the phase 2 contamination assessment report makes the following recommendations:

It is considered that the site may be suitable for the proposed use as residential garden area, providing the following recommendations & remedial measures are implemented.

Recommendations:

- In areas of soft landscaping, it will be necessary to install a clean cover system of a minimum depth of 500mm. The cover system should comprise imported, verified subsoil & topsoil in areas of proposed soft landscaping. Imported soils should comply chemically with criteria highlighted within Appendix E (Residential with Produce end use).
- Following installation, a verification study shall be required to assess the depth and chemical composition of the installed capping layer and submit the findings as a verification report to the local authority for approval.
- Due to the uneven nature of the land, steep slope and observed ditches along the side of the bank, it is recommended the topography and stability of the site be considered, to mitigate risk of future movement of the capping system.
- The area of observed burned material in the north west of the site should be scraped and removed from site.

It is evident from the survey that some remediation is required in order to return the dwelling and its garden to a habitable state. Whilst the dwelling is not included within the red line boundary, some of the garden and residential curtilage is and as such, details of how the property would be reinstated are considered necessary.

In their comments, the Council's Shared Regulatory Services for land quality have requested a number of conditions to be added to any decision notice, including the provision of a scheme of investigation for ground gas, a remediation scheme and other conditions relating to contamination and importation etc.

The Phase 2 Contamination Assessment advises that further assessments may be required, including leachate testing (p. 16). NRW in their August 2024 comments state that the applicant had requested leachate testing results directly from them (NRW), however, they advise that their samples were taken in December 2022 and were analysed for suspended solids as opposed to chemical composition / pollutants. NRW therefore maintained that leachate testing results are required prior to determination. These comments were submitted to the agent and as a direct result, further information was received by way of a response to NRW on the need for leachate assessment (received 18 November 2024). To summarise, this document states that the request for leachate testing by NRW is unacceptable as the application site lies directly adjacent to the Leckwith Quays residential development, which “contains several historical landfill sites, that have not been remediated” (p.1). The document continues to state that as the Leckwith Quays redevelopment site flows directly into the River Ely through the application site, such an analysis would not be conclusive or accurate in terms of traceability and reliability. The document suggests a pre-commencement condition and remediation measures relating to leachate migration.

In light of this supporting information and following a re-consultation, NRW commented to state that whilst the document was noted, they consider a risk cannot be mitigated until it has been fully investigated and as such, they maintain the need for a leachate assessment.

Taking the above into consideration, whilst some issues could be addressed by the provision of conditions and informatives, it is evident from NRW comments that some evidence is required upfront, prior to the determination of the application. Comments from consultees such as NRW have previously been sent to the agent, with opportunities to address. However and despite the submission of further information, leachate surveys etc. have not been provided and NRW have maintained their stance regarding concerns on pollution. The Authority considers that sufficient opportunity has been given to the applicant to address such concerns / requests and in light of the most recent comments from NRW, it is evident that concerns are still present.

It is evident that considerable ground works have been carried out on site, without planning permission and insufficient information as to the nature of waste used. As aforementioned, there is an enforcement case ongoing and images taken by Officers clearly show a wide range of waste has been deposited which may be of concern. Whilst the Contamination Assessment states that no levels of contaminants of concern with respect to groundwater or controlled waters was found, it recommends further testing, such as leachate, which NRW have requested prior to determination in order to assess the impact of the material on water pollution.

In the absence of such surveys, insufficient evidence has been submitted to demonstrate that the retrospective deposition of materials has not detrimentally impacted upon / polluted the ground and nearby watercourses.

In addition to the above concerns regarding pollutants, it is evident from NRW statements that there have been landslips and that a query remains over the stability of the land. This issue is also raised in the Contamination Assessment, which states that further consideration is required as to the stability of the land in order to prevent further movement. Whilst section 8 of the ES states that surveys have been carried out and that “the stability of the overall landform has been shown to be stable” (pa. 8.21), this survey has not been received and as such, this information / evidence cannot be corroborated.

In light of the above, insufficient information and evidence has been submitted to adequately demonstrate that the deposition of material has not been detrimental to the nearby watercourses or indeed to public health by way of potential pollutants. The property known as Hillside currently is uninhabitable and further assessments are required prior to the property potentially being used once again for residential purposes.

It is evident that due to the nature and level of materials used to deposit on site, there remain uncertainties with regards to the overall stability of the land, which is further evidenced in a landslip referenced by NRW in December 2022. Whilst conditions could be added to address some issues, such as a CEMP and conditions regarding remediation, the issues relating to pollutant and land stability remain a concern and evidence on both would be required prior to determination. The proposal is therefore considered contrary to policy MD7 (criterion 1, 2, 3, 6 and 8) of the Council's adopted Local Development Plan.

Trees (Ancient woodland, TPO's), Biodiversity and Green Infrastructure

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

This application has been supported by a biodiversity statement, which the agent also refers to as the Green Infrastructure Statement for the planning application. However this statement does not provide a detailed analysis of the step-wise approach as referred to in PPW. The Environmental Statement states that the infill resulted in the loss of some trees, "many of which were dead or dying due to Ash die back" (pa. 2.13) or were non-native species. Paragraph 3.9 of the Planning Statement states that no trees protected by the TPO were removed and that a felling license was not required.

With regards to the felling license, this is a matter for Natural Resources Wales to resolve and falls outside the planning parameters and as such, will not be discussed further.

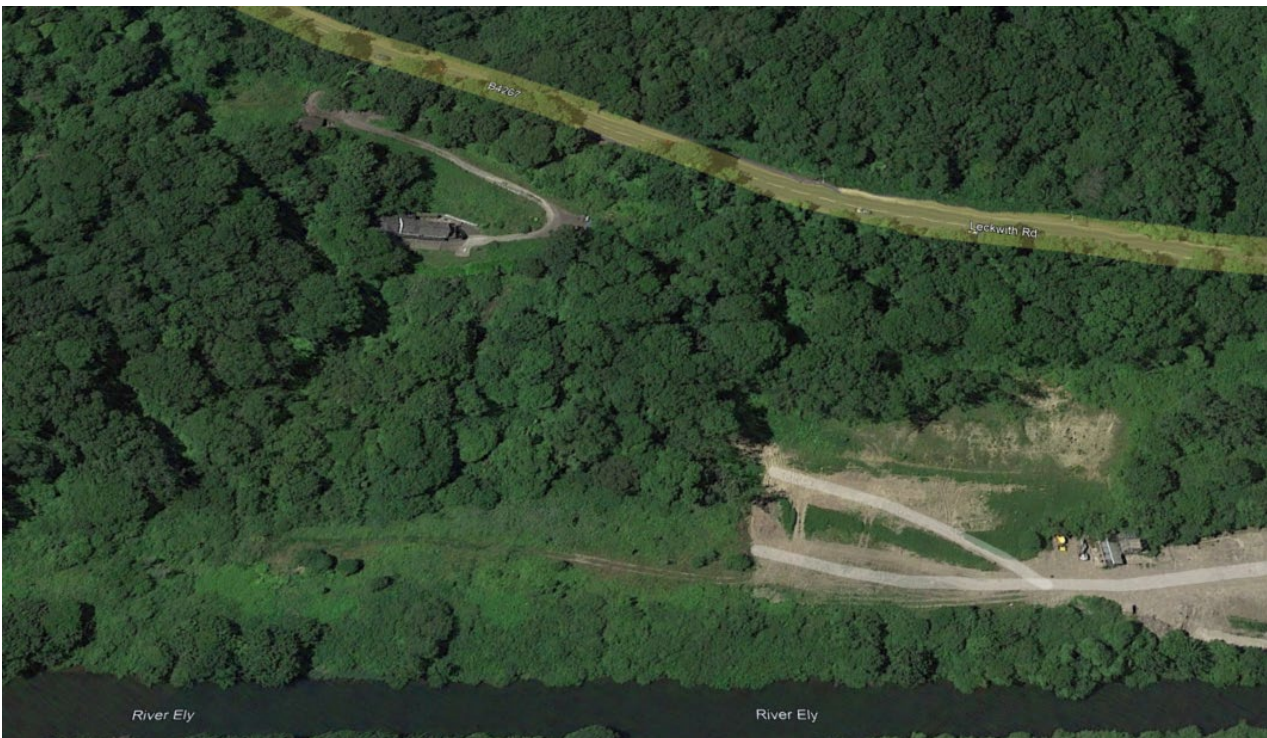
In terms of the TPO trees, whilst it is noted that a section of a TPO is included within the red line boundary, it is unknown as to whether or not any of the trees removed were included within the TPO. The statement made in the accompanying documentation must therefore be accepted, given the lack of evidence to advise of the contrary.

Nevertheless, trees have been removed from the site, albeit, the overall quantity is unknown. However, as noted within NRW's response, the site does contain Ancient Semi-Natural Woodland, as shown in the following extract:



Whilst the applicants dispute the ancient woodland, NRW maintain that parts of the site are classified as Ancient Semi-Natural Woodland. Ancient Woodlands are valuable due to their long ecological history which results in diverse species, habitats and characteristic woodland soils. NRW note that a primary core woodland network extends from Leckwith Road in the North to Cwm Cydfin Site of Special Scientific Interest (SSSI) woodland in the south. The application site has been felled, however, NRW state that historic images indicate that woodland habitat was present on the site. NRW have raised concern over the loss of the woodland as its loss is considered detrimental to the application site and also to the woodlands in the north and the south.

The following satellite images indicate the level of tree loss:



Satellite image, June 2018, source: Google Earth



Satellite image, June 2022, source: Google Earth



Satellite image, June 2023, source: Google Earth

In their August 2024 response, NRW note the following:

The increased fragmentation and the damage caused by the deposition and spreading of material has also negatively impacted the woodlands' ability to adapt to changing conditions, such as climate change; negatively impacted the woodlands ability to recover; reduced the resilience of the adjoining woodland by decreasing the level of connection between woodland ecosystems, reducing the scale of the ecosystem and had a detrimental effect on the condition of the remaining woodlands. The proposed development has not appropriately safeguarded the important ancient woodland soils

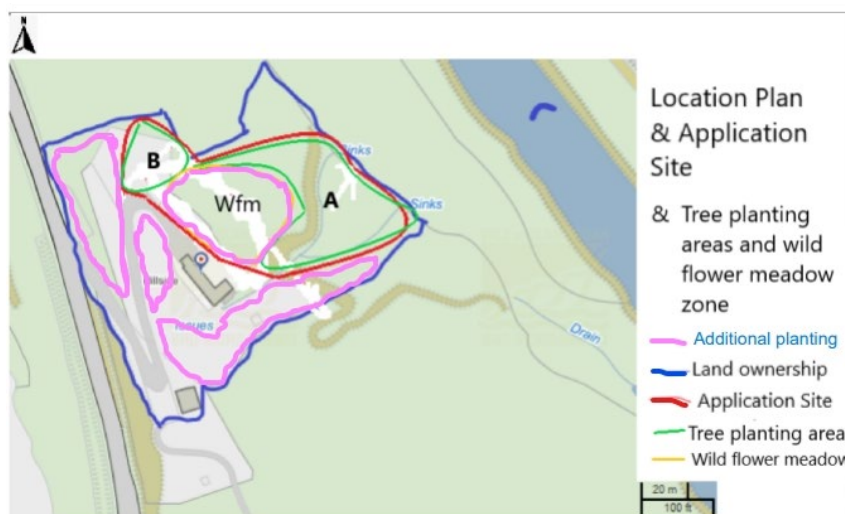
which contain important seed banks, ancient woodland remnant features and carbon stores.

Paragraph 6.4.16 of Planning Policy Wales (PPW) states that ‘Potential applicants should not conduct any pre-emptive site clearance works before submitting a planning application as this can make it more difficult for a development proposal to secure a net benefit for biodiversity. Where a site has been cleared prior to development its biodiversity value should be deemed to have been as it was before any site investigations or clearance took place. A net benefit for biodiversity must be achieved from that point. Habitat status can be established through evidence remaining on site and local desk-based assessments (planning authorities must ensure that they have access to these data sources). In such cases, habitat status will be presumed to be good in the absence of any evidence to the contrary.’ It is unclear from the submission as to the extent of the cleared woodland and no baseline surveys / assessments have been submitted in support of the planning application.

NRW have also raised concern regarding the deposition of material at the site, which is likely to be detrimental to the viability of restoration of the site. Whilst the ES suggests that tips contain rich habitat for wildlife, NRW state that the majority of the biodiversity interest which occurs on coal spoil is the development of species rich open habitats. In this instance, the most critical element for achieving the restoration of the site to Ancient Semi-Natural Woodland are the woodland soils on the site, which have been developing for centuries. NRW state that the “tipped material will inevitably be different to the previously developed woodland soils”.

Whilst the supporting documentation states that remaining trees will not be felled, a large amount of Ancient Woodland has already been lost, which was undertaken without following the stepwise approach as outlined in PPW.

Notwithstanding the concerns raised above on the loss of woodland and the impact of the deposition of material, the application is supported by a tree planting proposal, as shown in the following extract:



However, NRW do not consider the replacement ratio equivalent to the quality, environmental and ecological importance of the trees lost, as the woodland proposed is substantially smaller than that which have been lost. In addition, the replacement would be considered secondary woodland and as such, would not achieve the value of the former Ancient Semi-Natural Woodland. Notwithstanding this, the tree planting scheme does not in any case provide sufficient detail in terms of ground preparation methods and without detail on the substrate, NRW are unable to comment on the suitability or viability of the establishment proposal.

In response to NRW's August 2024 comments, further information was received, such as a 'ground Preparation and Post-Planting Management' document, an amended location and tree planting plan and an ecology document. In response to this further information, NRW commented in December 2024, in summary, to state that preparation and ground management etc. must be agreed prior to permission being granted and that they considered the document did not address any of the issues previously identified as it "provides no firm commitments, site-specific specifications or site-specific approach" to resolve the issues previously identified. In addition, the planting plan, whilst it proposes increased tree planting does not provide the appropriate level of detailed information necessary to alter their previous opinion and the ecology document submitted describes the adjacent woodland, rather than the ecological profile of the proposed development site and as a result, NRW considered that this provides minimal additional information to that already submitted.

It should also be noted that the Council's Ecologist also echoed some of the concerns raised by NRW. In their July 2024 comments they referred to the above referenced paragraph in PPW (Paragraph 6.4.16) which states that sites should be returned to their former state. The baseline therefore should be to understand the site prior to works commencing (by looking at the surrounding woodland, the SINC data from 2009 and 2023 and any records from the South East Wales Biological Records Centre) and reinstating the woodland to its original extent. The Ecologist stated that such information was not provided in the supporting documentation and that the areas of wildflower should be reduced. However, given that the baseline has not been established, it is difficult to conclude that the current proposal is effectively reinstating the woodland as an integral part of Factory Wood. In addition, the Ecologist raised concern on the lack of details in the establishment of the capping layer and the tree planting plans had no reference to the existing woodland species composition. In concluding, the Ecologist recommended refusal of the application and recommended the applicant use the services of an ecological consultant.

Whilst additional information has been received following the Ecologist comments, the recommendation for refusal still stands with the Ecologist as they have stated that the additional information has not addressed their concerns.

Taking all of the above into consideration, whilst the comments in the supporting documentation regarding the health of the trees is noted, given the absence of evidence to corroborate these claims by a qualified arboriculturist, and in line with paragraph 6.4.16 of PPW, and given that the baseline has not been established, the habitat status of the application site prior to site clearance must be presumed to be good.

In this case, trees have been removed from the application site without the necessary consents from NRW. Whilst such consent is a separate matter, PPW outlines the importance of trees and woodland and states that they are “of great importance for biodiversity” (pa. 6.4.37). Not only does PPW outline the importance of trees, it states at paragraph 6.4.39 “that planning authorities must protect trees, hedgerows, groups of trees and areas of woodland” and that the “permanent removal of trees, woodland and hedgerows will only be permitted where it would achieve significant and clearly defined public benefits” (pa. 6.4.42). Further weight and protection is afforded to ancient woodlands, which is of relevance in this instance, as these are “irreplaceable natural resources, and have significant landscape, biodiversity and cultural value” (pa. 6.4.43). Paragraph 6.4.43 of Planning Policy Wales, outlines that ancient woodland (amongst other designations) are to be afforded protection from development which would result in their loss of deterioration unless very exceptionally there are significant and clearly defined public benefits. This is echoed within criteria 1a and 1b of the stepwise approach within paragraph 6.4.13 of PPW. PPW states that loss of green infrastructure should be avoided and that a step-wise approach should be followed.

With reference to the step-wise approach and having regard to the points within PPW (pa. 6.4.15), the following is noted.

Point 1a) refers to the first priority for planning authorities to avoid damage to biodiversity and in instances where there may be harm, planning authorities will need to be satisfied that alternative sites have been considered. This is closely linked to point 1b) which refers to the need to further protect designated sites, sites containing protected species and habitats. In this instance, no evidence has been submitted to demonstrate that alternative sites or design options have been explored and as such, the proposal has failed to satisfy the requirements of point 1a) of the step-wise approach. In addition, given the nature of the site and loss of ancient semi-natural woodland, the proposal is also considered contrary to point 1b).

Point 2 refers to minimising the damage by, for example, maintaining the largest possible area of existing habitat supporting biodiversity, ensuring that retained habitats continue to be well connected, retaining features etc. It is evident, given the loss of woodland and comments from NRW and the Authority’s Ecologist that the loss of habitat has impacted upon its connection to the wider network and as such, it is considered that the proposal has also failed to demonstrate compliance with point 2 of the step-wise approach.

Point 3 refers to mitigation, whilst point 4 refers to compensation in instances where there is unavoidable damage. As aforementioned, the first steps of the step-wise approach have not been complied with and as such, the loss of woodland and habitat may not be considered as unavoidable.

It is important to note that this application is partly retrospective, given that the ancient woodland within the application site has already been lost, contrary to PPW. This loss is irreversible and as such, whilst the loss is contrary to policy, the only option currently available from a planning perspective is to secure replanting and attempt to address the loss of the woodland, restoring it back to its original state. In order for an assessment to be made on replacement, a survey of the pre-existing woodland is required (as aforementioned by the Authority's Ecologist), which has not been provided. Whilst a planting scheme is proposed, it fails to provide sufficient information and notwithstanding this, is not considered of a scale / nature that would be comparable with the woodland lost. Therefore, whilst the loss of the trees / ancient woodland is irreversible, there is now a requirement to assess the proposed replacement against what has been lost, which in this instance is considered inadequate and is not proportionate to the loss, as required in paragraph 6.4.42 of PPW. The proposal is therefore considered unacceptable in terms of its replacement tree and green infrastructure provision, contrary to paragraph 6.4.42 of Planning Policy Wales.

Notwithstanding this, insufficient information has been provided on the composition of the soils / materials and the nature of any ground preparation methods etc. and as such, it is unclear as to whether or not the proposed planting scheme would in any case be well suited to these ground conditions. The materials need to be contiguous with soils and subsoils found in the undisturbed woodland and sourced sustainably as not doing so risks creating a disparate parcel of woodland that will not fit with the wider woodland and could change the character of Factory Wood in a way that may be detrimental.

Therefore, in addition to the concerns regarding the scale and nature of the replacement planting scheme, it is evident from both NRW and the Councils Ecology Officers comments that insufficient information has been provided on the ground conditions to enable an assessment on the overall suitability of the planting scheme as proposed. Whilst supporting documentation suggests a pre-commencement condition for details such as this, this is considered a vital piece of evidence that is required prior to determination.

To conclude, the application site has been subjected to a significant loss of green infrastructure and the Green Infrastructure Statement has failed to demonstrate that the stepwise approach has been followed. Whilst the loss of trees is irreversible, the site should be returned to its original state, prior to the loss of green infrastructure. However, insufficient information / evidence has been submitted to provide a baseline for the previous state of the site and as such, an assessment cannot be made as to whether or not the proposed replacement planting scheme is sufficient to address the loss. Notwithstanding this, the scheme proposed is not considered to be of a scale / nature that would be comparable with the woodland lost and given the lack of evidence on the composition of the soils / materials and the nature of any ground preparation methods, it is considered that there is insufficient evidence to demonstrate that the proposed planting would be suited to these ground conditions. The proposal is therefore considered contrary to Policies SP1 (Delivering the Strategy) and MD2 (Design of New Development) of the LDP, in addition to the advice set out in Planning Policy Wales (Edition 12).

Protected sites

In light of the above assessment on ancient woodland, NRW have also raised concern regarding the impact of the proposals on the Cwm Cydfin SSSI woodland. Whilst the SSSI is located approximately 700m away from the site, NRW state that in the absence of adequate information, they are unable to rule out adverse impacts on the Cwm Cydfin SSSI woodland as there may be pathway links to the SSSI. NRW continue to state that permission should only be granted if it can be demonstrated that the proposed development will not unacceptably damage the features for which the SSSI is of special interest.

Policy MG20 (Nationally Protected Sites and Species) of the LDP states:

Development likely to have an adverse effect either directly or indirectly on the conservation value of a site of special scientific interest will only be permitted where it is demonstrated that:

- 1. There is no suitable alternative to the proposed development; and*
- 2. It can be demonstrated that the benefits from the development clearly outweigh the special interest of the site; and*
- 3. Appropriate compensatory measures are secured; or*
- 4. The proposal contributes to the protection, enhancement or positive management of the site.*

With regards to the above policy, as aforementioned, the step-wise approach from PPW has not been followed. Criterion 3 states that appropriate compensatory measures should be secured and in light of the above assessment on the inadequacy of the proposed replanting scheme and insufficient evidence of suitability, the proposal is considered contrary to policy MG20 (criterion 3).

Paragraph 6.4.26 of PPW states the following:

There is also a presumption against development not within a SSSI but likely to damage a SSSI. In such cases, proposals must be carefully assessed to ensure that effects on those nature conservation interests which the designation is intended to protect are clearly understood and development should be refused where there are adverse impacts on the features for which a site has been designated. International and national responsibilities and obligations for conservation should be fully met, and, consistent with the objectives of the designation, statutorily designated sites should be protected from damage and deterioration, with their important features conserved and enhanced and the capacity for restoration demonstrated by and through appropriate management.

Taking the above into consideration, it is considered that a lack of evidence has been submitted to demonstrate that the proposed retention of materials would not be detrimental to the SSSI. In addition, the proposed compensatory measures for the loss of habitats / green infrastructure is considered insufficient (as highlighted above). The proposal therefore fails to comply with policy MG20 of the Council's LDP, in addition to PPW (paragraph 6.4.26).

Highway Safety

Firstly, the Highway Authority has raised no objection to the proposal, on the basis that works have already been completed.

As aforementioned, this application only assesses the retention of the material and the proposed planting scheme. However, it is important to note the comments in the supporting documentation relating to highway network issues should the application be refused and action sought to carry out the removal of material from the site, such as the increase in traffic generation and increased manoeuvres into and out of the site have been noted.

A Transport Statement, received in June 2024 states that the access is substandard and that “any action that results in an intensification of its use would be detrimental in terms of the safety of road users” (pa. 2.3). Whilst this is noted, the removal of the material is not subject of this application and as such, is not assessed. Notwithstanding this, with regards to the increased traffic, this can be controlled by means of a Construction Traffic Management Plan as is often used to control traffic for larger schemes and as such, whilst some traffic is expected, it is considered that with sufficient conditions, this could be controlled to a degree where it could be appropriately managed and would not be unacceptable. In addition, whilst the site entrance is not ideal for larger vehicles, given the nature of the site and the level of infill over the years, it is evident that such manoeuvres are possible. Notwithstanding this, a CTMP would be able to control and monitor such movements / manoeuvres to a degree that would result in minor impact on the highway infrastructure.

Drainage

The Authority’s drainage department have been consulted but no comments have been received to date. Nevertheless, the application is likely to require separate consent via the Drainage Authority and as such, the onus is on the applicant to ensure that such consents are in place.

Notwithstanding this, the Environmental Statement (paragraph 2.2) states that the storm water that damaged the application site originated from the public highway and as such, the applicant is in discussion with regards to financial recompense. Whilst this is noted, this forms a separate legal matter and as such, adds no weight to the overall conclusions on the application.

Impact on neighbouring amenities

The application site is located a sufficient distance from neighbouring properties to ensure no harmful overbearing impact as a result of the ground variations.

The Environmental Statement (page 20) states that noise generated by the removal of the fill material “would be out of keeping with the existing noise climate”. Whilst this is noted, this application assesses the retention of material and not its removal. As such, the noise impact of the removal of material (in addition to other mentioned impacts such as dust, air quality etc.) is not considered relevant in this instance.

Conclusions

As aforementioned, the Enforcement Notice in place at the application site seeks the removal of all tipped material. This application seeks to retain it and to make provisions for a replanting scheme. It is stated from the submission and the table at the beginning of the report (taken from the Planning Statement) that the removal of the materials would have an impact on the wider environment. However, the current proposal seeks to retain the material and whilst this is noted, it is evident that in this case, insufficient evidence / information has been provided to demonstrate that the materials deposited would not detrimentally impact upon the environment by way of pollutant and ground stability. In addition, there are concerns regarding the impact of the proposals on the SSSI.

Whilst the loss of ancient woodland is regrettable, this is irreversible and as such, this resource is forever lost. However, whilst the application states that the removal of all tipped material would delay any replanting, this is not considered a sufficient reason on its own for allowing the retention of the materials. There remains a clear need to ensure that if the material were to be retained, it would need to be demonstrated that the ground conditions could be sufficient / suitable for such a planting scheme, which in this instance has not been demonstrated. As such, it remains uncertain as to whether a replanting scheme could feasibly be provided and retained on site. In addition, the replanting scheme is not considered suitable / sufficient to address the woodland lost and given the lack of surveys / evidence of the site prior to the removal of woodland, an assessment cannot be made on whether or not the proposals return the site back to its prior state.

RECOMMENDATION

1. Insufficient information and evidence has been submitted to demonstrate that the deposition of material has not been detrimental to the nearby watercourses or to public health by way of potential pollutants. The property known as Hillside currently is uninhabitable and further assessments are required prior to the property potentially being used once again for residential purposes. It is evident, due to the nature and level of materials deposited on the site, that there remain uncertainties with regards to the overall stability of the site, which is further evidenced in a landslip in December 2022. The proposal is therefore considered contrary to Policy MD7 (Environmental Protection) of the Vale of Glamorgan Adopted Local Development Plan 2011-2026.

2. The application site has been subjected to a significant loss of green infrastructure and the Green Infrastructure Statement has failed to demonstrate that the stepwise approach has been followed. Whilst the loss of trees is irreversible, the site should be returned to its original state, prior to the loss of green infrastructure. However, insufficient information / evidence has been submitted to provide a baseline for the previous state of the site and as such, an assessment cannot be made as to whether or not the proposed replacement planting scheme is sufficient to address the loss. Notwithstanding this, the scheme proposed is not considered to be of a scale / nature that would be comparable with the woodland lost and given the lack of evidence on the composition of the soils / materials and the nature of any ground preparation methods, it is considered that there is insufficient evidence to demonstrate that the proposed planting would be suited to these ground conditions. The proposal is therefore considered contrary to Policies SP1 (Delivering the Strategy) and MD2 (Design of New Development) of the Vale of Glamorgan Adopted Local Development Plan 2011-2026, in addition to the advice set out in Planning Policy Wales (Edition 12).
3. Insufficient evidence has been submitted to demonstrate that the proposed retention of materials would not be detrimental to the Cwm Cydfin Site of Special Scientific Interest (SSSI). In addition, the proposed compensatory measures for the loss of habitats / green infrastructure is considered insufficient. The proposal therefore fails to comply with Policy MG20 (Nationally Protected Sites and Species) of the Vale of Glamorgan Adopted Local Development Plan 2011-2026, in addition to the advice set out in Planning Policy Wales (Edition 12).
4. Given the concerns on the acceptability of the landscaping scheme and the lack of evidence to demonstrate that the site is viable for a landscaping scheme, the proposed development is considered unacceptable as it results in a stark and engineered appearance. The proposal is therefore considered contrary to policies MD1 (Location of New Development) and MD2 (Design of New Development) of the Vale of Glamorgan Adopted Local Development Plan 2011-2026.

REASON FOR RECOMMENDATION

The decision to refuse planning permission has been taken in accordance with Section 38 of The Planning and Compulsory Purchase Act 2004, which requires that, in determining a planning application the determination must be in accordance with the Development Plan unless material considerations indicate otherwise. The Development Plan for the area comprises the Vale of Glamorgan Adopted Local Development Plan 2011-2026 and Future Wales – the National Plan 2040.

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

It is considered that the decision complies with the Council's well-being objectives and the sustainable development principle in accordance with the requirements of the Well-being of Future Generations (Wales) Act 2015.

The appropriate marine policy documents have been considered in the determination of this application in accordance with Section 59 of the Marine and Coastal Access Act 2009.

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.

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

REPORT

Members will recall that this application was first considered at the Planning Committee Meeting on 12th December 2024. A copy of the report presented at that committee, which includes consideration of all material matters and relevant policies, is attached at **Appendix A** to this report for information and is therefore not repeated here.

At the December meeting members resolved to approve the planning application subject to suitable conditions and S106 agreement. This was contrary to the officer recommendation which was to refuse the planning application, principally owing to its location and associated visual impacts.

The matters that were considered by members to outweigh the proposed reason for refusal given by planning officers are summarised below:

- The relevant public consultation had not suggested significant opposition to the development, but rather significant support for it within the wider Llantwit Major area.

- The concerns raised around the access to the proposed retail development / food outlet had been considered by the Council's Highways Section, and no objection had been raised (subject to the conditions outlined within the report in question and the applicant undertaking the necessary works and providing S106 funding). The site also lay near to a substantial highway network and population area.
- The applicant had revised their plans with regard to the development of the site for the erection of a Class A1 foodstore. This included the height of the food outlet to be limited to 7 metres (comparable to a typical UK house), the use of green roofing, solar panels, etc. This would also help to mitigate the concerns raised around the visual, ecological, etc. impacts of the development on the local area.
- Due to the location, landscape and topography of the area identified for this development, it was felt that these would help to minimise the visual impact on the local primary catchment area and community.
- The proposed area for development lay outside of the Llanmaes Conservation Area and it was felt therefore that although it was near to this area, there was still insufficient visual harm to justify refusing the application.
- Due to the increased urbanisation and significant population within the local Llantwit Major / St Athan area and the wider southwestern Glamorgan location (including the Wick-Rhose 'corridor') there was a need to have further retail / food outlet development in order to meet increased need and address the insufficient availability of such an outlet in the local area.
- This development would also help benefit the local environment and sustainability by lessening the journeys required by local communities in order to access such a retail / food outlet, as well as the wider economic, employment, commercial and financial benefits to the local communities and economy.

Following the deferral of the application at the December meeting, circa 15 further representations have been received, largely from residents of Llanmaes and Llanmaes Community Council, these are summarised below:

- Request to revisit matters considered by the previous committee meeting
- Impact upon Llanmaes Conservation Area
- Highways implications of the development including HGVs driving through the village noting existing issues; indicate that submitted transport statement inadequate; impact upon emergency vehicles being able to access Llanmaes; request for traffic calming measures in Llanmaes
- Concern with regard to position of access and implications for access of delivery vehicles; need for safety railings on footway; need for segregated pedestrian facilities in the car park; need for further alterations to the main junction to the south
- Impact upon riding club opposite owing to location of access and indication that dedicated right of way could be provided
- Evidence of need for the supermarket
- Need for the development to contribute positively to public amenity
- Request to have sight of the conditions being put before members and subsequently comments about the scope of conditions including restrictions on

traffic through Llanmaes; restriction on use of the car parking to restrict anti-social behaviour; lighting and hours of operation

- Request alterations to pedestrian crossing and a slip road into the store
- Closing time of store should be 9pm
- Car park barrier should be installed to prevent anti-social behaviour
- Concern over veracity of submitted documents by applicant including that of the opinion survey
- Application site is not the only appropriate site is available
- Site not in a sustainable location
- Members gave undue weight to the affordability of goods
- Drainage implications

Consideration of all material planning matters, including but not limited to the need for retail development; location of the site; drainage and impact on Llanmaes Conservation Area are detailed within the original committee report in consultation with relevant consultees, including the Council's Highway Development Section. Noting there has been a resolution by members to grant planning permission, it is not considered reasonable or necessary to revisit the merits of the proposals within this report.

Although officers remain of the view that there is significant tension with the relevant policy framework (hence officers' recommendation was to refuse the application), should members be minded to approve the application, officers recommend that any approval should be subject to the conditions and legal agreement as detailed further below. These conditions include those referred to by consultees in the original report and those considered necessary to make the development acceptable in planning terms by officers. These conditions have been shared with Llanmaes Community Council and the applicant. Following comments received by both parties, the conditions have been amended and additional conditions added where necessary to ensure they are as robust as possible. For instance, Llanmaes Community Council representations with regard to additional requirements relating to restrictions on routing of traffic including further details of signage and restriction on access to the car park outside of store opening hours to prevent anti-social behaviour, are reflected within the suite of conditions for member consideration. The policy background behind the required planning obligations is also detailed within the December committee report.

Members are also advised that, since the December meeting, Welsh Government have advised that they may wish to 'call in' the planning application. As such they have issued a Holding Direction that states as per Article 18 of the Town and Country Planning (Development Management Procedure (Wales) Order 2012, the Council should not grant planning permission for application 2022/00907/FUL or any development of the same kind which is the subject of the application, without the prior authorisation of the Welsh Ministers.

As such, should members agree and resolve to grant planning permission, a permission could only be issued following confirmation from the Welsh Ministers that they do wish to call the application in.

APPROVE, subject to conditions and a Section 106 Agreement to provide for the following:

- Pay a contribution of £50,600 for the provision of sustainable transport improvements
- Pay £30,000 towards public art
- Pay a contribution of £5,020 for the provision of training and development

Proposed condition(s):

1. The development shall begin no later than five years from the date of this decision.

Reason:

To comply with the requirements of Section 91 of the Town and Country Planning Act 1990.

2. The development shall be carried out in accordance with the following approved plans and documents:

Drawings

Site Location Plan P420

- P110 Proposed Floor Plan
- P111 B Proposed Roof Plan
- P222 A Proposed Elevations Option 9
- P423 D Proposed Surfacing Plan
- P424 D Proposed Boundary Treatment
- SS P425 C Proposed Site Plan
- P428 D Proposed Levels
- PA02 B Proposed Access Design and Active Travel Improvements
- SP01 A Proposed Access Swept Path Analysis;
- SP02 A Proposed Access Swept Path Analysis; and Documents
- Design and Access Statement (DA01 Revision E, July 2024)
- Green Infrastructure Statement (R04, June 2024)
- Arboricultural Report ArbsTS, 5 March 2024
- Ecological Survey Revision 4 (Just Mammals, July 2022)
- Transport Assessment 20-00699/TA/01/A (Corun, May 2023)
- Travel Plan 20-00699/TP/01/A (Corun, August 2022)
- Delivery Management Plan 20-00699/DMP/01 Rev A (Corun, November 2023)
- Agricultural Land Classification Report (LRA, Report 2039/1, July 2022);
- Heritage Assessment (Cotswold Archaeology, CA Report: CR1049_1, April 2022);
- Red River Archaeology (Report no. RR0982, dated August 2023)
- Flood Consequences Assessment & Drainage Strategy (Waterco);
- Noise Assessment (Inacoustic, May 2022);
- Ground Investigation Report Phase 2 (943.02.01, Remada, March 2022);
- Landscape and Visual Appraisal (Tir Collective, June 2022);

Reason:

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

3. A schedule of materials (including samples) to be used in the construction of the development hereby approved shall be submitted to and approved in writing by the Local Planning Authority. The development shall be completed in accordance with the approved details prior to the first beneficial use of the development.

Reason:

To safeguard local visual amenities, as required by Policies SP1 (Delivering the Strategy) and Policy MD2 (Design of New Development) of the Local Development Plan.

4. Prior to the commencement of development, a Construction Traffic Management Plan shall be submitted to and approved in writing by the Local Planning Authority. The Management Plan shall include details of parking for construction traffic, the proposed routes for heavy construction vehicles (including, amongst other things, measures to avoid routing vehicles through Llanmaes), timings of construction traffic and means of defining and controlling such traffic routes and timings. The development shall be carried out in accordance with the approved Management Plan.

Reason:

To ensure that the parking provision and highway safety in the area are not adversely affected by the construction of the development and to meet the requirements of Policies SP1 (Delivering the Strategy), MD2 (Design of New Developments) and MD7 (Environmental Protection) of the Local Development Plan.

5. Notwithstanding the approved plans, no development shall commence until full Engineering details of the "off site works", including those shown on drawings PA02 Rev B 'Proposed Access Design and Active Travel Improvements' have been submitted to and approved in writing by the Local Planning Authority. These shall include the vehicular and pedestrian access into the site inclusive of vision splays; new shared active travel route; toucan crossings; street lighting; highway drainage; details of Traffic Regulatory Orders for no waiting and no loading along the site frontage (Llanmaes Road to include all carriageway markings and signage (including that to limit heavy vehicle movements through Llanmaes); and any associated highway retaining structures within the vicinity of the site. The works approved by this condition shall thereafter be carried out in accordance with the approved details and implemented in full prior to beneficial use of the development.

Reason:

In the interests of highway safety and to ensure compliance with Policies SP1 (Delivering the Strategy), MD2 (Design of New Development) and MD7 (Environmental Protection) of the Local Development Plan.

6. Notwithstanding the submitted details, no development shall commence until a scheme has been provided and agreed in writing by the Local Planning Authority for the alteration of the staging sequences/telematics for the signalised junction to the South of the site (B4265/Llanmaes Road). The works shall then be carried out by an approved telematics contractor, which shall also be agreed in writing, prior to the beneficial occupation of the development hereby approved.

Reason: -

In the interests of highway safety and to ensure compliance with Policies SP1 (Delivering the Strategy), MD2 (Design of New Development) and MD7 (Environmental Protection) of the Local Development Plan.

7. No development (including site clearance and demolition) shall take place, until a Condition Survey of an agreed route along the adopted highway has been submitted to and approved in writing by the Local Planning Authority. The extent of the area to be surveyed must be agreed with the Local Planning Authority prior to the survey being undertaken. The survey must consist of:

- A plan to an appropriate scale showing the location of all defects identified within the routes for construction traffic
- A written and photographic record of all defects with corresponding location references accompanied by a description of the extent of the assessed area and a record of the date, time and weather conditions at the time of the survey

Reason:

To ensure that any damage to the adopted highway sustained throughout the development process can be identified and subsequently remedied at the expense of the developer in accordance with Policy MD2 (Design of New Developments) of the Local Development Plan.

8. Within 1 month following the completion of the development, a Second Condition Survey along the route agreed under Condition 7 shall be submitted to and approved in writing by the Local Planning Authority. The Second Condition Survey shall identify any remedial works to be carried out which are a direct result of the development approved and shall include the timings of the remedial works. Any agreed remedial works shall thereafter be carried out at the developer's expense in accordance with the agreed timescales.

Reason:

To ensure that any damage to the adopted highway sustained throughout the development process can be identified and subsequently remedied at the expense of the developer in accordance with Policy MD2 (Design of New Developments) of the Local Development Plan.

9. The site access, circulation, shared cycle footway to site frontage and on-site parking as shown on drawing nos. PA02 Rev B 'Proposed Access Design and Active Travel Improvements' and SS P425 Rev C shall be laid out prior to first beneficial use of the development and thereafter retained whilst the development remains in existence.

Reason:

To ensure that the development is served by satisfactory access, circulation and parking and to ensure compliance with Policies SP1 (Delivering the Strategy), MD2 (Design of New Development) and MD7 (Environmental Protection) of the Local Development Plan.

10. The operation of the development hereby approved shall be carried out in accordance with the Delivery Management Plan 20-00699/DMP/01, including with reference to routing of delivery vehicles as specified in paragraph 1.3, and there shall be no arrival, departure, loading or unloading of delivery vehicles between the hours of 11pm and 7am.

Reason:

In the interests of highway safety and free flow of traffic along the highway network and to ensure compliance with Policies SP1 (Delivering the Strategy), MD2 (Design of New Development) and MD7 (Environmental Protection) of the Local Development Plan.

11. Notwithstanding the submitted details, prior to the beneficial occupation of the development hereby approved, a scheme of EV car parking shall be submitted to and approved in writing by the Local Planning Authority, and shall thereafter be provided and retained in accordance with the agreed details prior to the beneficial use of the development hereby approved.

Reason:

To ensure the timely provision of suitable parking facilities and the wider area and to ensure compliance with Policies MD2 and MD5 of the Local Development Plan and to ensure compliance with the requirements of Policy 12 of Future Wales

12. Notwithstanding the submitted details, prior to the beneficial occupation of the development hereby approved, a scheme of cycle parking shall be submitted to and approved in writing by the Local Planning Authority, and shall thereafter be provided and retained in accordance with the agreed details prior to the beneficial use of the development hereby approved.

Reason:

To encourage alternative modes of transport in accordance with both local and national planning policy and to conform with the requirements of Policy SP7 of the adopted Vale of Glamorgan Local Development Plan and Future Wales.

13. No surface water and/or land drainage shall be allowed to connect directly or indirectly with the public sewerage network.

Reason:

To prevent hydraulic overloading of the public sewerage system, to protect the health and safety of existing residents and ensure no pollution of or detriment to the environment and to ensure compliance with the provisions of Policy MD7 of the adopted Local Development Plan.

14. The development shall be carried out strictly in accordance with Arboricultural Report, ArbsTS dated 25.03.2024. All the trees and hedges shown on the Tree Protection Plan ref 1421.5 enclosed in the Arboricultural Report as "to be retained" and/or any trees whose canopies overhang the site shall be protected in accordance with the Arboricultural Report. Tree/hedgerow protective fencing shall be erected in accordance with the approved details before any equipment, machinery or materials are brought onto the site for the purposes of the development (including site clearance), and shall be maintained until all equipment, machinery and surplus materials have been removed from the site. Nothing shall be stored or placed within any fenced area, and the ground levels within those areas shall not be altered, nor shall any excavation be made.

Reason:

In order to avoid damage to trees on or adjoining the site which are of amenity value to the area and to ensure compliance with Policies SP10 and MD2 of the adopted Vale of Glamorgan Local Development Plan and Future Wales

15. Notwithstanding the submitted details, prior to the first beneficial occupation of the development, a detailed scheme of soft landscaping, which shall include, but not be limited to, further details of translocated and additional hedgerow planting; additional native tree planting; provenance of wildflower mixes, shall be submitted to and approved in writing by the Local Planning Authority.

Reason:

To safeguard local visual amenities, and to ensure compliance with the terms of Policies SP1 (Delivering the Strategy), SP10 (Built and Natural Environment) and MD2 (Design of New Developments)

16. All planting, seeding or turfing comprised in the approved details of landscaping shall be carried out in the first planting and seeding seasons following the occupation of the buildings or the completion of the development, 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:

To ensure satisfactory maintenance of the landscaped area to ensure compliance with Policies SP1 (Delivering the Strategy), SP10 (Built and Natural Environment), MD1 (Location of New Development) and MD2 (Design of New Developments) of the Local Development Plan.

17. Notwithstanding the submitted details, no development shall take place, including site clearance, until a landscape & ecological management plan has been submitted to and approved in writing by the local planning authority. The plan shall include:

- i) Details of sensitive site clearance with respect to reptiles and breeding birds;
- ii) Details of newt friendly drainage.
- iii) A plan showing wildlife and habitat protection zones, if appropriate;
- iv) A lighting scheme (including specifications, timing, intensity and details of lighting) for the site in order to ensure minimal light spillage onto adjoining vegetation;
- v) Details of the management of ecology features and landscaped areas to maximise biodiversity;
- vi) Measures to be undertaken to enhance biodiversity on site (including but not limited to bat and bird box provision);
- vii) Details of site wide scrub and compensatory planting (including details of aftercare);
- viii) A minimum of 100mm gap at the bottom of all fencing used on site;
- ix) Details of ongoing maintenance and management of both retained and additional landscaping features.
- x) Additional details of the proposed mitigation to the western boundary of the site that should be in line with section 10.3 of the submitted preliminary ecological appraisal
- xi) Details of tree/hedgerow replacement/translocation to ensure a 3:1 replacement ratio in line with chapter 6 of PPW
- xii) Further details of the proposed green roof as shown on the approved plans, including planting specifications, details of aftercare and maintenance.

The works shall thereafter be completed in accordance with the timings approved by the local planning authority and the site operated in accordance with the approved details (including management and aftercare) thereafter.

Reason:

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

18. 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 Policies SP1 (Delivering the Strategy) and MD7 (Environmental Protection) of the Local Development Plan.

19. Any aggregate (other than virgin quarry stone) or recycled aggregate material and any topsoil [natural or manufactured], or subsoil, 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 in advance of its importation. Only material approved by the Local Planning Authority shall be imported. 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:

To ensure that the safety of future occupiers is not prejudiced in accordance with Policies SP1 (Delivering the Strategy) and MD7 (Environmental Protection) of the Local Development Plan.

20. The retail unit hereby approved shall be operated as a class A1 foodstore as detailed within the submissions with a floor sales area of no more than 1251 sqm as shown on the submitted floor plan. Services offered within the building shall not extend at any time to ancillary functions including, but not limited to, post office, financial services, pharmacy, delicatessen, cafe or newsagent, or any other use not falling within class A1.

Reason:

To safeguard the health and vitality of Llantwit Major Town Centre in accordance with Policy MG13 of the adopted Local Development Plan and accord with the provisions of Chapter 4 (inclusive of paragraph 4.3.29) of Planning Policy Wales (12th edition).

21. Prior to beneficial use of the building, further details of a scheme of acoustic mitigation (including any acoustic fencing necessary) shall be submitted to and approved in writing by the Local Planning Authority. The scheme shall ensure that the rating noise level of static plant serving the store is no greater than the background sound level when assessed in accordance with the BS4142:2014+A1:2019 methodology at any off-site residential receptor. The development shall thereafter be operated at all times in accordance with the approved details.

Reason:

In the interests of residential amenity and to ensure compliance with the terms of Policy MD2 (Design of New Development) of the Local Development Plan.

22. Prior to beneficial use of the building hereby approved, further details of the public art to be provided on site, shall be submitted to and approved in writing by the local planning authority. The approved Strategy shall thereafter be implemented in accordance with its agreed implementation plan.

Reason:

To ensure that public art is provided as integral part of the development in accordance with Policy MD2 (Design of New Development) of the Local Development Plan and the advice contained in the Public Art Supplementary Planning Guidance.

23. Prior to the beneficial occupation of the development hereby approved, a scheme (including details of the timing of such provision) for the provision and maintenance of the identified open space shall be submitted to and approved in writing by the Local Planning Authority, and the open space shall thereafter be provided and retained in accordance with the agreed details.

Reason:

To ensure the timely provision of open space in the interests of the amenity of future occupiers and the wider area and to ensure compliance with Policies MD2 and MD5 of the Local Development Plan.

24. The use, hereby approved, shall not be open to customers visiting the premises outside of the following hours:

08:00 hours to 22:00 hours Monday-Saturday.

10:00 hours to 16:00 hours Sundays

Reason:

To ensure that the amenities of adjoining occupiers are safeguarded, and to ensure compliance with the terms of Policies SP1 (Delivering the Strategy), MD2 (Design of New Developments) and MD7 (Environmental Protection) of the Local Development Plan.

25. Prior to the beneficial occupation of the development hereby approved, a scheme for securing the car park outside of operational hours, including gates/enclosures; mechanism of opening/closing and hours of closure, shall be submitted to and approved in writing by the Local Planning Authority. All measures shall be installed prior to beneficial occupation of the development and maintained and operated in accordance with the approved details thereafter.

Reason:

To safeguard local amenities and reduce the opportunity for crime and anti-social behaviour in accordance with the provisions of criterion 4 of Policy MD2 of the Local Development Plan.

26. Prior to the beneficial use of the development hereby approved, and notwithstanding the details submitted a revised scheme of lighting (including any associated mitigation measures) shall be submitted to and approved in writing by the Local Planning Authority. The scheme shall include:

- Details of the siting and type of external lighting to be used.
- Drawings setting out light spillage from the store, within the car park and on vegetative boundaries surrounding the site

The lighting and any mitigation measures shall be installed and retained in accordance with the approved details.

Reason:

In the interests of amenity and biodiversity interests at the site in accordance with the provisions of Policy MD2, MD7 and MD9 of the adopted Local Development Plan.

NOTE:

- 1. Please note that a legal agreement/planning obligation has been entered into in respect of the site referred to in this planning consent. Should you require clarification of any particular aspect of the legal agreement/planning obligation please do not hesitate to contact the Local Planning Authority.**
- 2. This permission does not purport to grant consent for the display of any advertisements which require consent under the Town and Country Planning (Control of Advertisements) Regulations, 1992.**
- 3. 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

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.

APPENDIX A

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 500m² to 1,400m²."*

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.

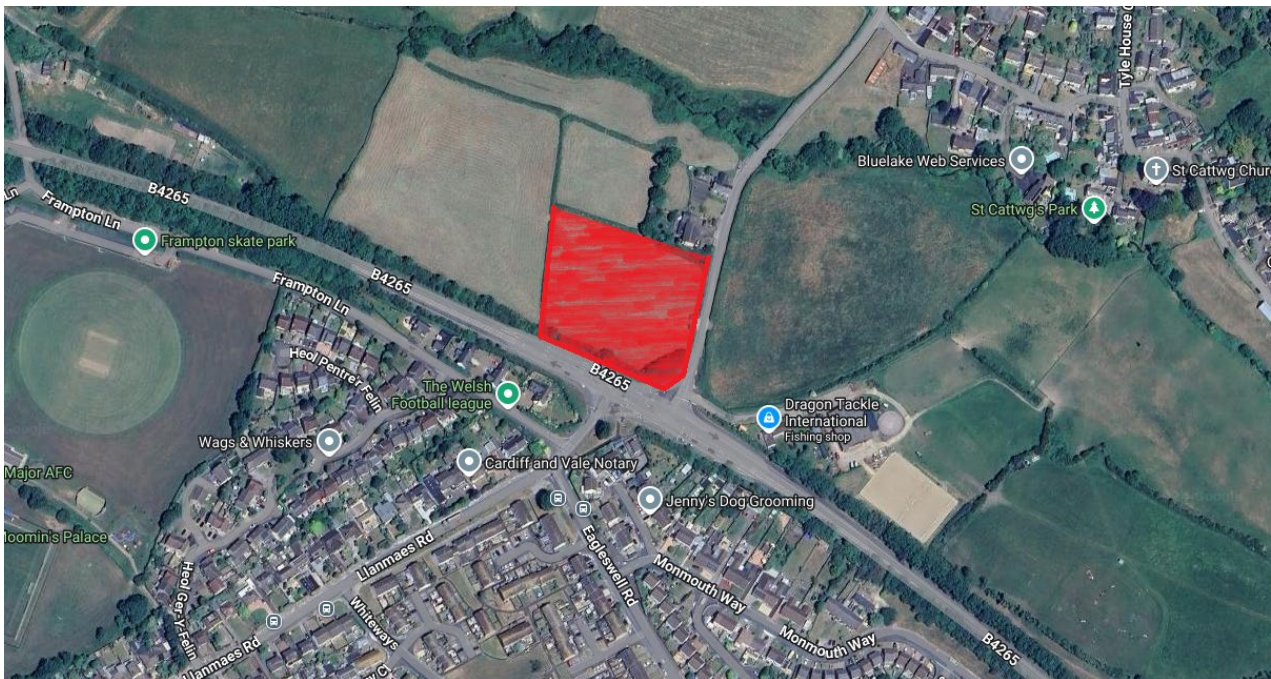
The application was originally supported with a Landscape and Visual Impact Assessment prepared by TIR Collective dated June 2022 that sought to identify the visual impacts of the proposals from a number of different vantage points including for people on the northern edge of Llantwit Major and from 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

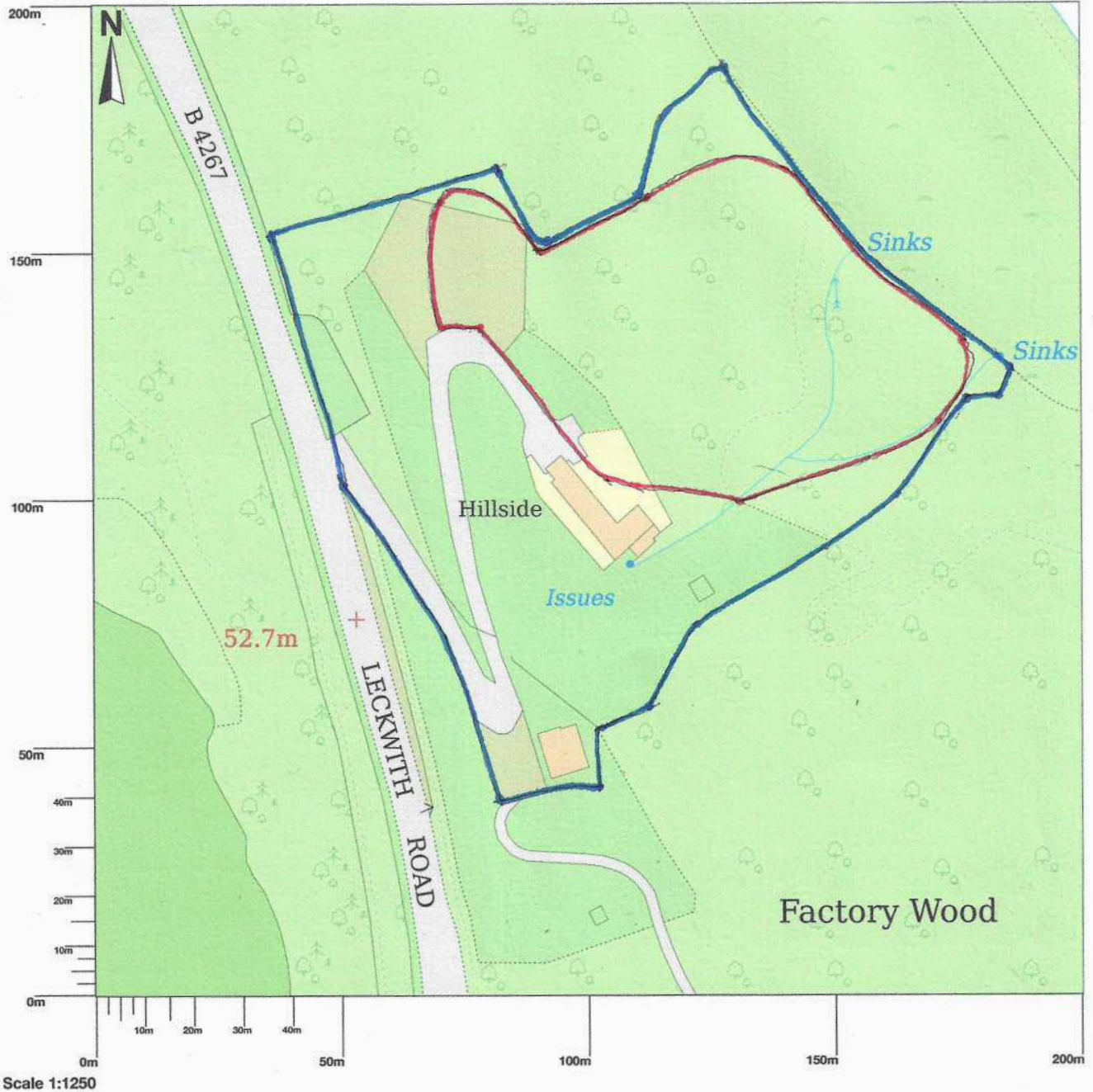
The decision to refuse planning permission has been taken in accordance with Section 38 of The Planning and Compulsory Purchase Act 2004, which requires that, in determining a planning application the determination must be in accordance with the Development Plan unless material considerations indicate 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.



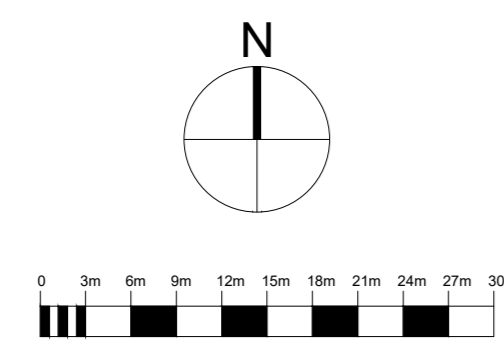
Hillside, Leckwith, Cardiff, CF11 8AS



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— Ownership
— Application Site



2024/00060/FUL



| Notes : | | | |
|----------------------------------|------------------------------|----------|-------------------------|
| Station | Easting | Northing | Level |
| ON DETAIL SURVEY | | | |
| AB | Air Brick | EP | Electricity Pole |
| AC | Asbestos Cement | ER | Earth Road |
| AD | Air Conditioning Unit | EB | Flower Bed |
| AE | Assumed Direction | FR | Fire Hydrant |
| AF | Air Line | FL | Floor Level |
| AG | Assumed Route | FS | Flag Staff |
| AH | Artificial Stone Paving | G | Gully |
| AI | Air Tower | H | Height |
| AV | Air Valve | IC | Inspection Cover |
| BB | Beltline Beacon | IL | Invert Level |
| BD | Back Drop | JB | Junction Box |
| BL | Bed Level | KO | Kash Outlet |
| BH | Borehole | LB | Letter Box |
| BI | Brick | LI | Light |
| BL | Building Point | LP | Lamp Post |
| BN | Benford | MB | Manhole Spole |
| BR | Brick | MH | Manhole Cover |
| BS | Bus Stop | MR | Marker Post |
| BT | British Telecom Cover | MP | Mile Post / Stone |
| BTB | British Telecom Box | MOP | Mooring Post |
| CAB | Cabinet | NM | Node Marker |
| Cam | Camera | NP | Name Plate |
| CAT | Catenary Level | NPV | No Pipes Visible |
| CC | Control Cabinet | OH | Overhead |
| CH | Channel | OSA | Off Survey Area |
| CN | Channel Level | PO | Post |
| CL | Cast Iron | PB | Post Box |
| CL | Cover Level | PBM | Permanent Bench Mark |
| CP | Cast Pile | PIC | Plastic |
| CS | Concrete | PDM | Permanent Ground Marker |
| CP | Cast Pile | PLA | Plastic |
| CPS | Concrete Paving Slabs | PM | Parking Meter |
| CTV | Cable TV | PST | Stay Wire Anchor Point |
| CU | Culvert | PT | Polythene Tunnel |
| D | Depth (deep) | PTH | Principal Tree Height |
| DI | Ductile Iron | PT | Pump |
| DI | Dilapidated | RE | Rodding Eye |
| DI | Disused | RI | Road |
| D/S | Downstream | R/L | Roof Level |
| EB | Electricity Box | RP | Reflector Post |
| EIC | Electricity Inspection Cover | RS | Road Sign |
| ON FENCES/WALLS/DIVISIONS | | | |
| B/W | Barbed Wire Fence | ETR | Trellis Fence |
| C/B | Crash Barrier | H/R | Hand Rail |
| C/B | Close Boarded Fence | I/R | Iron Rail Fence |
| C/I | Corrugated Iron Fence | P/F | Picket Fence |
| CL | Chain Link Fence | P/L | Palisade Fence |
| L/F | Electric Fence | P/R | Post and Rail Fence |
| P/W | Panel / Board Fence | P/W | Post and Wire Fence |
| ON BUILDINGS | | | |
| ASB | Asbestos | FR | Flat Roof Level |
| AV | Air Vent | G/L | Glassed Roof Light |
| CL | Cill Level | HL | Head Level |
| CH | Ceiling Height | PAR | Partitioning |
| CHM | Chimney Stack Height | PL | Parapet Level |
| CH | Door Head | RI | Ridge Level |
| DP | Down Pipe | RWC | Rain Water Channel |
| EL | Eave Level | RWP | Rain Water Pipe |
| F | Frame Height | SA | Spring Of Arch |
| SWP | Storm Water Pipe | S | Stump |
| SAG | Cable Sag Height | S | Structure Support |
| SC | Soleway | ST | Stop Top |
| SC | Stop Cock | STN | Survey Control Station |
| SL | Soffit Level | SV | Stop Valve |
| SLV | Sluice Valve | SYP | Soil Vent Pipe |
| SP | Sign Post | Tac | Tactile Paving |
| Spr | Spring | TBM | Temporary Bench Mark |
| ST | Structure Support | TCB | Telephone Call Box |
| STN | Survey Control Station | TG | Top Of Hedge |
| SV | Stop Valve | TN | Top Of Inigation |
| SYP | Soil Vent Pipe | T/F | Top Of Parapet Level |
| Tac | Tactile Paving | TH | Threshold Level |
| TBM | Temporary Bench Mark | T/T | Tree Top |
| TCB | Telephone Call Box | T/W | Top Of Wall |
| TG | Top Of Hedge | TP | Telegraph Pole |
| TN | Top Of Inigation | TS | Traffic Signals |
| T/F | Top Of Parapet Level | UTGA | Unable to Gain Access |
| TH | Threshold Level | ULS | Unable to Lift |
| T/T | Tree Top | UTS | Unable to Survey |
| T/W | Top Of Wall | VC | Vertical Clay |
| TP | Telegraph Pole | VD | Vehicle Detector Pads |
| TS | Traffic Signals | VF | Vent Pipe |
| UTGA | Unable to Gain Access | VR | Vapour Recovery |
| ULS | Unable to Lift | VP | Vertical Pipe |
| UTS | Unable to Survey | WL | Water Level |
| VC | Vertical Clay | WM | Water Meter |
| VD | Vehicle Detector Pads | WO | Water Wash Out |
| VF | Vent Pipe | WS | Window Sample |
| VR | Vapour Recovery | WV | Water Valve |
| VP | Vertical Pipe | | |
| WL | Water Level | | |
| WM | Water Meter | | |
| WO | Water Wash Out | | |
| WS | Window Sample | | |
| WV | Water Valve | | |

| Rev. | Comments | By | Chkd | Date |
|------|----------|----|------|------|
| | | | | |



Project Name
Leckwith, Cardiff CF11 8AS

File Name:
MBS 5620 Leckwith Cardiff TOPO

Drawing Title :
SITE PLAN (1 of 1)

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| Client: | Date 07/12/23 |
| | Scale A0 @ 1:500 |

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| Drawn by: TW | Checked by: OW | Project Code: MBS-5620 | Revision: |
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| Grid Orientation: NORTH GPS | Site Level Datum OS GPS |
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All dimensions are to be checked on site where applicable. This drawing must not be scaled, and only written dimensions should be respected.

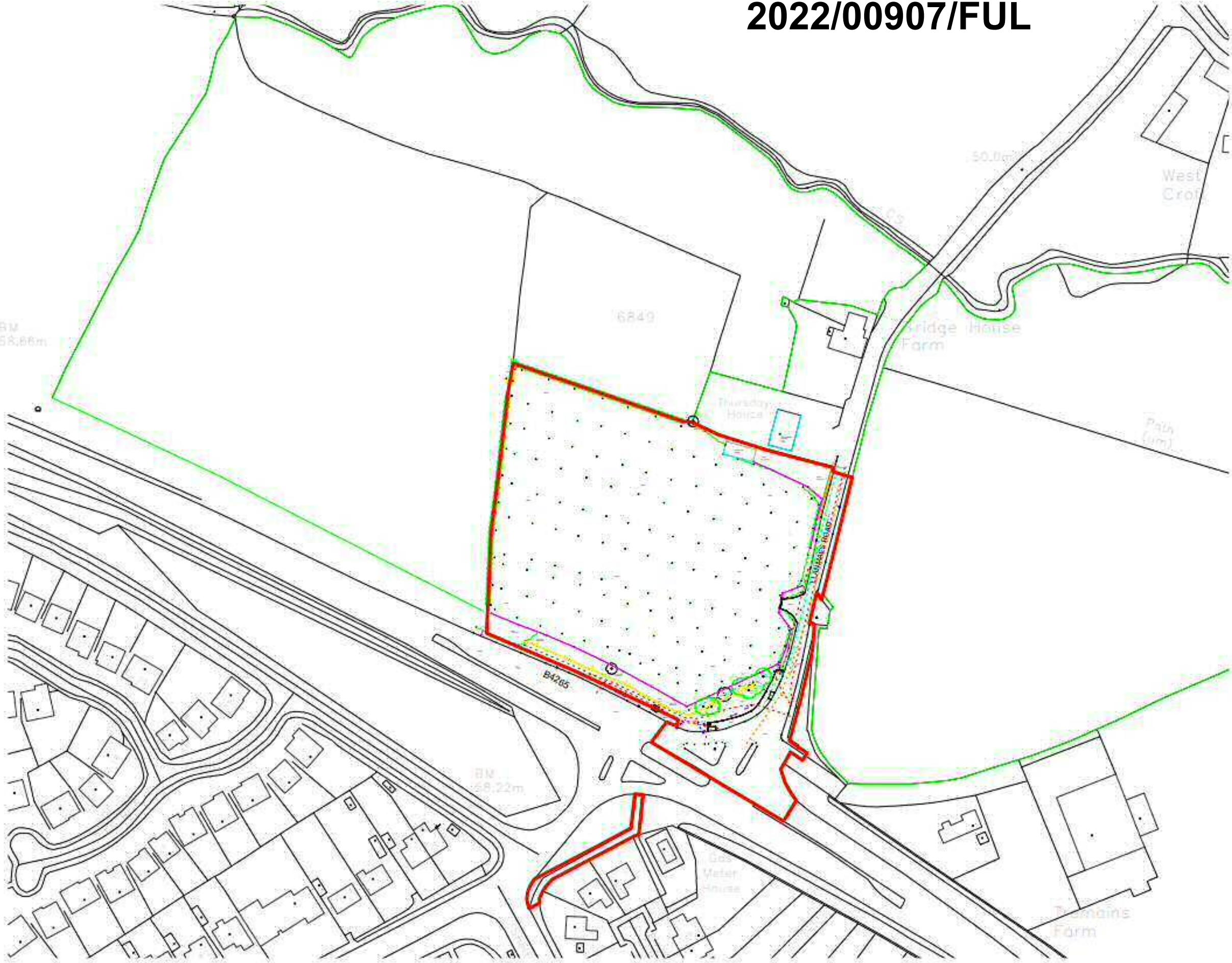
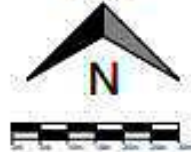
True species and sizes on this drawing are not guaranteed, and if critical should be verified by an arboriculturist. True species and average about the look, and heights are approximate at the time of the survey.

2022/00907/FUL

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DESIGNER: HCC ARCHITECTS
DRAWN: HCC ARCHITECTS
CHECKED: HCC ARCHITECTS
DATE: 21 FEBRUARY 2022



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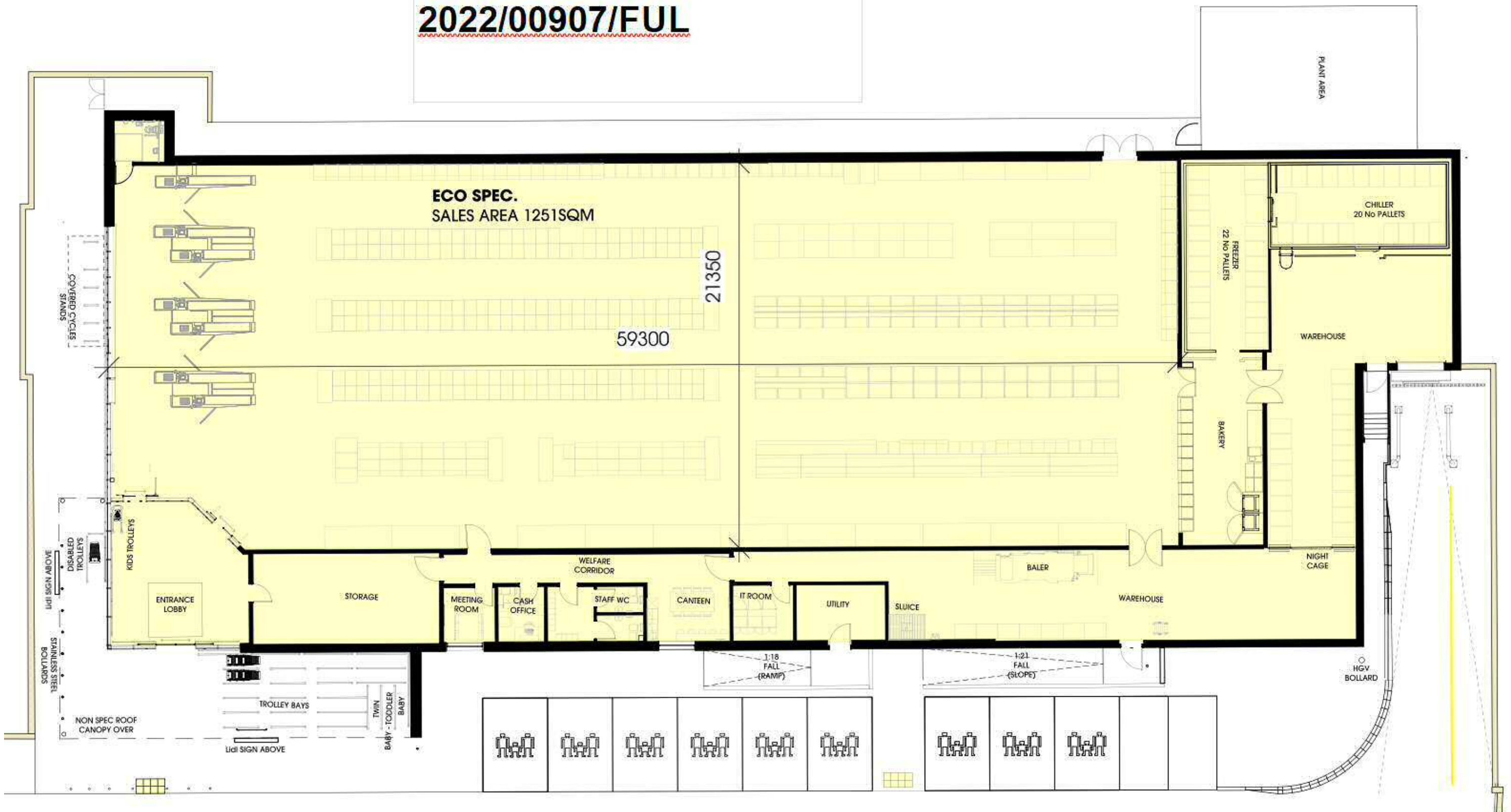


project
**Llanmaes Road
Llanmaes, Llanwit Major**

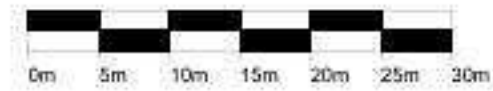
drawing title
Site Location Plan

date **July 2022**
stage **Planning**
scale **1:1250 @ A3**
drawn **NG** checked **LS**
job no. **2565** dwg no. **P420** rev.

2022/00907/FUL



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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



| | | |
|---|---------------------------------|------|
| 1 | Overall project area | 100% |
| 2 | Site entrance | 100% |
| 3 | Cycle stand | 100% |
| 4 | Electric vehicle parking spaces | 100% |
| 5 | Retaining walls | 100% |
| 6 | Disabled parking spaces | 100% |
| 7 | Parent and child parking spaces | 100% |
| 8 | Trolley bay | 100% |

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client
Lidl GB Ltd.



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**

2022/00907/FUL



SIDE GLAZED ELEVATION



SIDE REAR ELEVATION



FRONT ELEVATION



BACK ELEVATION

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project
Llanmaes Road
Llanmaes, Llanthwit Major
drawing title
PC_Proposed Elevations
OP9

date March 2024
status Planning
scale 1:200 @ A3
drawn LS checked PH
job no. 2565 dwg no. P222 rev. A