

THE VALE OF GLAMORGAN COUNCIL

PLANNING COMMITTEE : 9 OCTOBER 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:

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:

2025/0009/PO	AC	20, Winchester Avenue, Cardiff. CF23 9BT	Internal reconfiguration for a new open plan kitchen / diner. Raising of the existing kitchen floor to be level with the rest of the house
2025/0010/PO	AC	12, Greenfield Road, Whitchurch, Cardiff. CF14 1TE	Internal remodelling, side & rear single storey extension
2025/0011/PO	AC	4 Gwaelod Y Foel, Llantwit Fardre. CF38 2JG	Rear single storey extension beneath existing roof
2025/0012/PO	AC	36, Athelstan Road, Cardiff. CF14 2EP	Single storey side extension infilling the existing under croft and relocating the front door
2025/0013/PO	AC	13, Uplands Road, Pontllanfaith. NP12 2NF	Loft conversion within roof space
2025/0014/PO	AC	4, Bonvilston Road, Pontypridd. CF37 4RD	Convert offices to a residential unit (ground floor flat)

2025/0411/BR	AC	Ysgol Y Deri, Sully Road, Penarth. CF64 2TP	2 storey prefabricated classroom block containing 8 classrooms and associated rooms
2025/0415/BN	A W	Coach House to the Rear of 137, Woodlands Road, Barry. CF62 8ED	Conversion of a workshop into dwelling
2025/0416/BN	A	50, Westgate, Cowbridge. CF71 7AR	Removal of chimney stack
2025/0417/BN	A	Oddfellows Lodge, Monknash. CF71 7QQ	Single storey extension, part garage conversion and internal alterations.
2025/0423/BR	AC	Ysgol Dewi Sant, Ham Lane East, Llantwit Major. CF61 1TQ	Addition of 2 no. external canopies for outdoor learning. One off the classrooms & one in the play yard
2025/0425/BN	A	Cwm Rhondda, Park Road, Barry. CF62 6NU	Knock through wall from kitchen to dining room as part of the new kitchen installation, installation of new support beam
2025/0426/BR	AC	6, Castle Green, St. Georges. CF5 6EX	Demolition of existing semi detached residential property (including shared chimney) and the re construction of a new timber framed property
2025/0427/BN	A	180, Jenner Road, Barry. CF62 7HR	Re roof
2025/0428/BR	AC	126, South Road, Sully. CF64 5SP	Loft conversion with dormer
2025/0429/BN	A W	6, Penyrheol Terrace, Llysworney, Cowbridge. CF71 7LL	Demolition of existing lean to extensions and new two storey side / rear extension and porch
2025/0430/BN	A W	19, Chestnut Avenue, St. Athan. CF62 4JP	Single storey front porch extension (less than 10m2)
2025/0431/BN	A W	34, Wimbourne Crescent, Sully. CF64 5SR	Single storey extension

2025/0432/BN	A W	36, Wimbourne Crescent, Sully. CF64 5SR	Single storey extension
2025/0433/BN	A	12, Ashgrove, Dinas Powys. CF64 4TL	Full roof replacement to dwelling and garage including fascia and guttering
2025/0434/BN	A	2, College Street, Llantwit Major. CF61 1SG	Single storey rear extension
2025/0435/BN	A	27, Baron Road, Penarth. CF64 3UD	Loft conversion with dormer
2025/0436/BR	AC	10, Cae Garw, Dinas Powys. CF64 4UG	Garage conversion, internal alterations to form new adaptations for new shower room and new bedroom for disabled person.
2025/0437/BN	A	31, Fairfield Road, Penarth. CF64 2SN	Knock through internal wall and install steel beam to accommodate new kitchen installation. Install new windows and bi fold doors, internal refurbishment, underfloor heating and replace flat roof
2025/0438/BR	AC	61, The Parade, Barry. CF62 6SG	New ground floor balcony to the side of the property
2025/0439/BR	AC	Rivington House, Llanbethery. CF62 3AN	2 storey extension to rear, 2 storey extension to front, Loft conversion and internal Alterations to GF and FF.
2025/0442/BR	AC	Lake Farm Barns, St. Athan Road, Cowbridge. CF71 7HY	Single storey domestic garden room / office / studio (no sleeping accommodation)
2025/0443/BN	A	198, Gladstone Road, Barry. CF62 8ND	Re roof
2025/0444/BR	AC	Wick & Marcross CIW Primary School, Church Street, Wick, Cowbridge. CF71 7QE	Single storey single classroom extension to school building, associated car park works and partial rewire of existing building

2025/0446/BN	A	17, Coychurch Rise, Barry. CF63 1SP	Single storey extension & internal reconfiguration at ground level layout
2025/0448/BN	A	56, Cornerswell Road, Penarth. CF64 2WA	Single storey extension and internal alterations to include new downstairs toilet, installation of new windows, steel installation for open plan kitchen
2025/0449/BN	A	66, Porth Y Castell, Barry. CF62 6QE	Knock through from kitchen
2025/0450/BN	A	OakField Primary School, Amroth Court, Barry. CF62 9DU	Repairs and new foul drain run to connect to existing manhole
2025/0451/BN	A	130, Barry Road, Barry. CF63 1BD	Loft conversion no dormer
2025/0454/BN	A	28, Chandlers Way, Penarth. CF64 1SP	Addition of external balcony to front of house and removal of internal wall between kitchen and lounge
2025/0456/BN	A	13, The Meadow, Ystradowen. CF71 7TR	Removal of internal lead bearing masonry wall
2025/0457/BN	A	64, Heol Y Frenhines, Dinas Powys. CF64 4UH	Conversion of attached garage to bedroom / shower room & single storey extensions to front & rear
2025/0458/BN	A	Angelwood Lodge, Wick Road, Ewenny. CF35 5AH	Disability bathroom adaption
2025/0462/BN	A	6, Elfed Avenue, Penarth. CF64 3LX	Removal of load bearing wall
2025/0463/BN	A	16, Priory Gardens, Barry. CF63 1FH	Conversion of attached garage into living space
2025/0464/BN	A	12, Sycamore Close, Llandough, Penarth. CF64 2NP	Proposed single storey front extension
2025/0466/BN	A	Flat 1B, 15, Marine Parade, Penarth. CF64 3BG	Create new opening in roof in kitchen to fit new velux window

2025/0467/BN	A	13, Blyth Close, Barry. CF62 9HG	Kitchen knock through, garage conversion & replacement of conservatory roof
2025/0469/BR	AC	10, Millwood Rise, Barry. CF62 6LD	Proposed first floor side extension over the existing single storey lean to extension
2025/0470/BN	A	29, Harlech Drive, Dinas Powys. CF64 4NZ	Removal of load bearing wall and replacing with rolled steel joist
2025/0471/BN	A	54, Windsor Road, Penarth. CF64 1JJ	Removal of an internal wall and installation of steel beams to support existing chimney stack. Installation of steel beams within existing rear wall to form opening for external doors. Erection of a veranda to rear with guarding
2025/0472/BN	A	72, Tennyson Road, Penarth. CF64 2SA	Knock Through
2025/0476/BN	A W	4, Matthew Road, Rhoose. CF62 3ED	Single storey extension
2025/0478/BR	AC	Ty Dwr (Former Bryn Owain Pub) , Stalling Downs, Cowbridge	Refurbishment of former pub and conversion into office space
2025/0480/BR	AC	The Coach House, Peterston Super Ely. CF5 6LH	Single storey extension, connecting works to existing building & install a new kitchen
2025/0481/BN	A	1, Nailsea Court, Sully. CF64 5SQ	Re roof
2025/0486/BR	AC	11 Waun Ganol, Penarth, CF64 3RH	Single storey rear extension, garage conversion and knock throughs to ground floor.
2025/0488/BN	A	16 Caerwent Close, Dinas Powys, CF64 4QA	Single storey extension to kitchen diner
2025/0490/BN	A	65, Porth Y Castell, Barry. CF62 6QE	Knock through and single storey extension

2025/0494/BN	A	9, Smithies Avenue, Sully, Penarth, CF64 5SS	Upgrade of existing front balcony & side single storey extension
2025/0495/BN	A	19, Thaw Close, Rhoose. CF62 3FX	Single storey side extension & installation of steel for bi-fold doors
2025/0496/BN	A W	21, St Andrews Road, Barry, CF62 8BR	Single storey rear extension
2025/0499/BN	A	Plas Y Gigfran, Gileston. CF62 4HX	Re roof
2025/0500/BN	A	9, Croft Street, Cowbridge. CF71 7DH	Knock through for external bifold doors
2025/0501/BN	A	Jasna, 40 Westbourne Road, Penarth, CF64 3HF	Loft conversion and internal alterations
2025/0503/BN	A	Greendown, Bonvilston. CF5 6TQ	Single storey extension
2025/0505/BN	A	20, Birch Grove, Barry. CF62 6SX	2 Replacement windows and 1 set of patio doors (no new structural openings)
2025/0507/BN	A	79, Windsor Road, Penarth. CF64 1JE	Re roof
2025/0511/BR	AC	18, Cae Rex, Cowbridge. CF71 7JS	Single storey extension
2025/0512/BN	A W	46, Burdons Close, Wenvoe. CF5 6FE	Single storey rear extension
2025/0513/BN	A W	27, Cae Rex, Cowbridge. CF71 7JS	Double storey rear extension
2025/0515/BN	A	14A, Augusta Road, Penarth. CF64 5RH	Internal knock through

(b) Building Regulation Applications - Reject

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

2025/0492/BN	R	REFUSED - Flemingston Grange, Flemingston, CF62 4QJ	REFUSED - Two knock throughs & new steel for bifold doors
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(c) The Building (Approved Inspectors etc.) Regulations 2000

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

2025/0096/AI	A	Oakland Mews, Tower Hill, Penarth, CF64 3BJ	Two storey extension
2025/0097/AI	A	The Villas, Vale Resort, Hensol, CF72 8JX	Development of 6 no. residential dwellings
2025/0098/AI	A	11 Grove Place, Penarth, CF64 2LB	Rear dormer loft conversion
2025/0099/AI	A	The Cherries, Pendoylan, Cowbridge, CF71 7UJ	Proposed two storey side and rear extensions and remodelling of existing property. Replacement detached garage with storage above.
2025/0100/AI	A	26, Caerleon Road, Dinas Powys, CF64 4PW	Proposed roof replacement following a fire
2025/0101/AI	A	14, Whitehall Close, Wenvoe, Cardiff, Cf5 6Db	Enlargement of existing structural opening for insertion of French doors and internal structural alterations (works to incorporate material alterations to structure, controlled services, fittings and thermal elements)
2025/0102/AI	A	The Captains Wife, Beach Road, Swanbridge, Penarth, CF64 5UG	General refurbishment works to include new doors and screens and above ground drainage alterations

2025/0103/AI	A	Unit 2, Waterfront Retail Park, Heol Ceiniog, Barry. CF63 4BA	Internal alterations at ground floor to form additional office space, consult rooms, reconfiguration of reception area and formation of order to store cupboard
2025/0104/AI	A	14, Whitehall Close, Wenvoe. CF5 6DB	Dormer extension to existing loft room (works to incorporate material alterations to structure, controlled services, fittings and thermal elements)
2025/0105/AI	A	3, West Terrace, Penarth. CF64 2TX	Rear dormer loft conversion (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.

THE VALE OF GLAMORGAN COUNCIL

PLANNING COMMITTEE : **9 OCTOBER 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

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

2021/01294/3/NMA	A	East quay, Barry Waterfront, Barry	Non Material Amendment - An amendment to the wording of Condition 1 (Approved Plans) for application ref. 2021/01294/RES - Amended Proposal: Variation of condition 1 and removal of Conditions 8 and 9 of Planning Permission 2019/01393/RES: Residential development for 58 units, together with single retail unit and all associated engineering works at East Quay, Barry Waterfront, Barry
2023/00087/3/CD	A	Crossway Methodist Church Court Road, Barry	Discharge of Condition 3. (Materials Details) for planning ref 2023/00087/FUL - Proposed development of 15 no. affordable flats and associated works at Crossway Methodist Church, Court Road, Barry.
2023/00087/3/NMA	A	Crossway Methodist Church, Court Road, Barry	Non Material Amendment - An amendment for the variation of Condition 2. For planning ref 2023/00087/FUL - Proposed development of 15 no. affordable flats and associated works

2023/01041/1/CD	A	Castle Upon Alun House, St. Brides Major	Discharge of Condition 3 (Scheme of Historic Environment Mitigation) and 4 (Historic Building Recording and Analysis). Listed Building Consent ref: 2023/01041/LBC - Proposed conversion and change of use of existing listed building to holiday let with associated external works and erection of a new storage building to include a bat roost at Castle Upon Alun House, St. Brides Major
2024/00130/1/CD	A	Land at Middle Hill, Old Middle Hill, Llancarfan	Discharge of Conditions 3. (Biodiversity Enhancements) 4. (Details of Solar Panels) for planning ref 2024/00130/FUL - An extension to an existing stable building for the purpose of providing an agricultural store and a livestock shelter for sheep kept on the adjacent pastureland. A machinery storage building in which to store existing equipment and machinery, used on the adjacent agricultural land
2024/00203/FUL	A	Felin Dawel, Michealston Le Pit Road, Michaelston Le Pit	Retention of new roof and proposed dormer

2024/00262/1/NMA	A	121 Stanwell Road, Penarth	Non Material Amendment - An amendment to to the roof, to have one continuing roof across the two bay windows at the front of the property rather than two separate roofs as per the original planning ref 2024/00262/FUL - Demolition of conservatory, single storey extension with dormer loft room, alterations and improvements, including re-roofing, to bungalow with existing loft conversion and dormer.
2024/00422/3/CD	A	R B Furnishers,Ludlow Lane, Penarth	Discharge of Condition 8.(Contamination - Assessment), Condition 9. (Remediation) and Condition 10 (Implementation of Remediation) for Planning Ref 2024/00422/FUL - Demolition of dilapidated former furniture store to be replaced with 2 units with Unit 1 ground floor comprising a restaurant and Unit 2 ground floor comprising a cafe with access to the whole first floor of both units for use as a fitness centre and gymnasium, at R B Furnishers, Ludlow Lane, Penarth
2024/00531/FUL	A	Barns at Siop Newydd, Heol Las, Monknash	Variation of Condition 1 of Planning Permission 2019/00546/FUL: Conversion of existing barns to 4 no. holiday let units and associated works

2024/00565/9/CD	A	Former Cowbridge Police Station and Magistrates Court	Discharge of Condition 5.(Materials Details) for planning ref; 2024/00565/FUL - Conversion of the former Cowbridge Police Station into over 55's affordable residential apartments, alongside the demolition and redevelopment of the former Magistrates Courts into over 55's affordable residential apartments including amenity space, parking, and associated works.
2024/00701/FUL	A	2, Uphill Close, Sully	Single storey extension to create a living space at the side/rear of the property, glass lantern roof, bi folding doors to garden, face brickwork to match existing.
2024/00810/FUL	A	Unit 4, Vale Business Park, Llandow	Proposal for a change of use from a warehouse unit and yard to be used solely for the purpose of a dog day care and dog grooming salon. This unit currently benefits from B1, B2 & B8 planning uses with the change being to Sui Generis. Cosmetic external alterations and external signage
2024/00905/FUL	A	Bonvilla, Bonvilston	Proposed demolition of existing property / outbuildings and construction of replacement dwelling and detached garage

2024/00935/CAC	A	Bonvilla, Bonvilston	Proposed demolition of existing property / outbuildings and construction of replacement dwelling and detached garage
2024/01094/FUL	A	9, Heol Yr Ysgol, St Brides Major	Two Storey extension to rear of property, first floor extension above existing garage, and creation of a new terrace to the rear of the property. Conversion of basement into habitable room, single storey porch to front of house at ground floor and widening of the existing access to accommodate two cars.
2025/00281/FUL	A	Papa Johns, 46 Holton Road, Barry	Proposed new shopfront, signage and extract of canopy to rear.
2025/00282/ADV	A	Papa Johns, 46 Holton Road, Barry	Proposed new shopfront, signage and extract of canopy to rear.
2025/00289/1/CD	A	12A Paget Road, Barry, CF62 5TQ	Discharge of Condition 15. (CEMP). Planning permission 2025/00289/FUL: Change of Use From A1 - Bikers Clothing Sales to A3 - Restaurant - Little Island at 12 Paget Road, Barry.
2025/00326/FUL	A	Land behind Ty Uchaf Farm Buildings, Llantrithyd, Cowbridge	Retrospective permission for use of a log cabin as offices and a welfare unit for staff with washing facilities, etc.

2025/00358/FUL	A	10 Royal Close, Penarth	Removal of existing single storey garden room. Addition of rear single storey extension with roof terrace above and associated alterations. Juliet balcony to rear elevation and alterations to fenestration.
2025/00421/FUL	A	74 Cog Road, Sully	Garage conversion with extension over at first floor
2025/00467/FUL	A	Sycamore Lodge, Michealston Le Pit Road, Michaelston Le Pit	New windows, roof windows and external doors. Blocking up some existing windows and external doors. Alterations to chimney.
2025/00474/FUL	R	Homri Barn, Well Lane, St Nicholas	Domestic garage and green house
2025/00475/FUL	A	The Exchange Flat, 2nd Floor, 1a Stanwell Road, Penarth	Proposal to change the use of the premises from residential to commercial light storage.
2025/00494/FUL	A	16, Trem Y Bae, Penarth	First floor side extension in place on existing balcony
2025/00536/FUL	A	Vale Gymnastics, Unit 33 Vale Business Park, Llandow	Two storey extension to extend existing cafe and introduce kids play area and extension of car parking area.
2025/00566/FUL	A	13 Plas Glen Rosa, Penarth	Steel and glass balcony with French doors to West facing elevation
2025/00571/LAW	R	3 The Oaklands, Dinas Powys	Convert existing uPVC Conservatory into additional living space for single family dwelling house

2025/00582/ADV	A	20 High Street, Cowbridge	Item B Front Fascia Letters. Item C Projecting sign
2025/00591/FUL	A	9 Millbrook Road, Dinas Powys	Application for a double width dropped kerb.
2025/00592/FUL	A	Dow Corning, Cardiff Road, Barry	Addition of 4no. new storage silos and vehicle offloading shed within existing Dow Silicones Site
2025/00614/FUL	A	Tamburlaine, 2 Green Farm, Lane - Penyrheol Terrace South To Sigingstone, Sigingstone	Rear 2 storey extension and first floor extension above existing garage.
2025/00629/FUL	A	18 Wain Close, Penarth	Re-roofing requiring an increase in roof height of approximately 50mm.
2025/00636/FUL	A	79 Holton Road, Barry	Change of use of the ground floor of 79 Holton Road, Barry from Use Class A1 to Sui Generis (betting office), external alterations, and advertisement consent.
2025/00642/FUL	A	1 Hensol Villas, Hensol, Pontyclun	Rear two storey extension and changes to fenestration

2025/00660/OBS	B	Land at Parc Crescent & Brocastle Avenue Waterton Bridgend	: Vary conditions 1 (approved plans), 4 (drainage), 5 (landscaping), 16 (access), 19 (cycle parking), 20 (access gate/barrier provision), 21 (access gate/barrier management), 22 (HGV access), 23 (Traffic & Delivery Plan), 24 (Construction Method Statement) & 27 (written site clearance method statement) to permit the erection of a building for vehicle preparation, maintenance and MOT testing (Class B2/B8) and associated offices, external storage yard, loading and unloading areas, parking, vehicle wash, landscaping, re-grading and associated works
2025/00671/LAW	A	35 Pyke Street, Barry	Conversion of a single room within the existing residential dwelling (Use Class C3) to a dog grooming salon for business use, operated by appointment only and ancillary to the residential use. No external alterations are proposed.
2025/00681/FUL	A	Newton House, Chris Williams Optometrist, East Street, Llantwit Major	Demolition of a small rear, single storey extension and erection of a larger, single storey rear extension. New Awning also proposed to the front elevation.

2025/00682/ADV	A	Lower Greenway Farm, Pen Y Waun To Junction A48 Bonvilston	3mm aluminium composite panel with vinyl graphics fixed to existing 60mm diameter posts
2025/00683/FUL	A	Home Farm, Holly Cottage, Michealston Le Pit Road, Michaelston Le Pit	Single storey side and rear extension with all associated works
2025/00685/LBC	A	20 High Street, Cowbridge	Listed Building Consent to change signage on front fascia, fascia decorating kit and projecting sign to TG Jones.
2025/00693/FUL	A	2, Manor Park, Llantwit Major	Build a timber frame extension over the top of garage to create a 4th bedroom.
2025/00695/FUL	A	Reservoir House, St Lythans	Proposed two storey side and rear extensions and proposed alterations to roof of main dwelling to include raising of ridge and hip to gable extensions. Proposed rear dormer extension, rear terrace, alterations to fenestration and materials and other alterations.
2025/00705/FUL	A	Renishaw Plc, Miskin Business Park, Miskin	Retrospective application for external alterations to the existing Services Building and associated landscaping
2025/00706/FUL	A	Goldslan Farm, Land off Junction of Port Rd to Wenvoe, Wenvoe	Variation of Condition 1 (Approved Plans and Documents) of Planning Permission 2021/01470/FUL: Outbuilding for private gym and summer house

2025/00709/FUL	R	17 Elm Grove Lane, Dinas Powys	First floor extension to provide 2 new bedrooms, 1 with en-suite.
2025/00710/FUL	A	Moorcroft, Albert Crescent, Penarth	Clear glass and steel entrance canopy 220 x 80cm
2025/00712/FUL	A	77, Arlington Road, Sully, Penarth	Single storey extension, providing new bedroom at the rear. Demolition of existing garage
2025/00713/FUL	A	Pitcot Farm, Wick Road, St Brides Major, Bridgend	Construction of enclosed cattle feeding area situated between the existing cattle shed and the silage pit.
2025/00717/FUL	R	Bute Cottage, The Causeway, Llanblethian, Cowbridge	Single storey side extension which will have a finished floor level approximately 1.5m below the level of the main garden. It is proposed to have a terrace on top of the single story extension which will be approximately 1.4m above the level of the main garden.
2025/00722/RG3	A	Ysgol Y Deri, Sully Road, Penarth	The installation of a two storey modular building within the car park and the retention of an existing single storey modular building for the use of Ysgol y Deri and associated temporary car park
2025/00730/FUL	R	Land at Bay View, Old Barry Road, Penarth	Erection of 1no. dwellinghouse with associated parking and landscaping

2025/00731/FUL	A	62 Minehead Avenue, Sully	Replacement of a 2m high boundary timber panel fence between the rear gardens of numbers 62 & 60 Minehead Avenue. The new fence will consist of pressure treated feather edge overlapping boards 2.4metres high
2025/00738/FUL	A	33 Crompton Way, Ogmore By Sea, Bridgend	UPVC/Fortex Exterior wall cladding will be added to the exterior walls and only to the upper half of the house.
2025/00739/LBC	A	22 Victoria Road, Penarth	Replacement of existing 400mm high black iron railing with new 650mm high black iron railing to front boundary wall.
2025/00741/FUL	A	16 Meadow Vale, Barry	First floor extension over existing living room at the rear of property, approx. 20 sqm
2025/00756/FUL	A	Nimrod, 19 Bittern Way, Penarth	Demolition of existing detached garage and creation of a single storey side extension consisting of a garage and a living room.
2025/00767/CROWN	A	MOD St. Athan, Cowbridge Road, St. Athan	Removal or Variation of Condition 1(Temporary Permission), 2(Plan Specification), 5(Contact Person) & 6(Biodiversity Enhancement Details) of Planning Application 2023/00301/FUL - Construction of a temporary workshop at MOD St. Athan.

2025/00768/FUL	R	25 Woodland Place, Penarth	Demolition of garage and construction of ground and first floor rear and side extension with reinstated access from lane to garden
2025/00770/LAW	A	126 South Road, Sully	Loft conversion with dormer.
2025/00774/FUL	A	3 Maillard's Haven, Penarth	Two storey side extension in place of double garage
2025/00777/LAW	A	27 Coed Y Felin, Barry	Construct new conservatory onto rear of property. Convert Garage into living space, Replace garage door with block wall and window.
2025/00778/FUL	A	The Coach House, Lane From Ty Candy Farm To Heol Llidiard, St Mary Hill	Variation of Condition 4 (Flue Details) Planning Application 2024/01044/FUL - Retention of 2 Bedroom Holiday Let.
2025/00783/FUL	A	60, Ground Floor Shop, Holton Road, Barry	We propose to use this property to run a nail beauty salon. The property is including a ground floor and basement.
2025/00791/FUL	A	50, Greenacres, Barry	Proposed front & side single storey extension
2025/00798/LAW	A	32 Tre-beferad, Boverton, Llantwit Major	Proposed removal of existing rear single storey extension and replace with new single storey rear extension.

2025/00826/RG3	A	N C H Headlands School, St Augustine's Road, Penarth	Single storey pitched roof porch extension, addition of French doors and internal alterations to create rooms for staff & student living.
2025/00836/LAW	A	17 Windsor Terrace, Penarth	Erection of 12 Solar Panels on the south facing slope of the rear garage roof.
2025/00875/LAW	A	105 Westward Rise, Barry	Installation of 8 solar panels at the above address on rear south facing roof

THE VALE OF GLAMORGAN COUNCIL

PLANNING COMMITTEE: **9 OCTOBER 2025**

REPORT OF THE HEAD OF SUSTAINABLE DEVELOPMENT

4. APPEALS

(a) Planning Appeals Received

None.

(b) Enforcement Appeals Received

None.

(c) Planning Appeal Decisions

LPA Reference No:	2024/00716/FUL
Appeal Method:	Written Representations
Appeal Reference No:	CAS-04526-Y6R5D9
Appellant:	Mr L & Mrs G Harbison
Location:	6 Wimbourne Close, Llantwit Major, CF61 1QW
Proposal:	Rebuild rear dormer Lower from ridge line and set in from boundaries. Removal of 1st floor flat roof from rear extension, lowering the eaves and replacing with a pitched roof.
Decision:	Appeal INVALID
Date:	1 September 2025
Inspector:	N/A
Council Determination:	Delegated

Summary

An appeal was received on 22nd August 2025 against the refusal of planning application 2024/00716/FUL on 20th March 2025. As the proposal was for a householder application, the deadline for lodging an appeal was 12 weeks from the date of the decision which was 12th June 2025. As the appeal was not lodged within that time period, it was determined by PEDW to be invalid.

LPA Reference No:	2024/00322/FUL
Appeal Method:	Written Representations
Appeal Reference No:	CAS-04009-Q0R9R7
Appellant:	Mr Stephen Walters
Location:	Flat 2A, St. Maeburne, 15, Marine Parade, Penarth

Proposal:	Repairs to redundant garage and fitting out to provide amenity space / home office and guest bedroom for flat 2A
Decision:	Appeal Allowed
Date:	7 July 2025
Inspector:	G Hall
Council Determination:	Delegated

Summary

The main issue was considered to be whether the proposal would be an acceptable form of development. The appeal proposal was to convert the garage to residential accommodation, namely a home office, guest bedroom and amenity space, to be used as part of the primary residential use of Flat 2A.

The Inspector considered that there was no evidence to suggest that the garage had ever been let or sold separately, or that it had functioned as a physically or functionally separate planning unit. The garage was clearly used in a manner that was subordinate to Flat 2A and was therefore considered to be incidental to its residential use and formed part of the same planning unit. As the appeal proposal sought to use the space for purposes associated with the same primary residential use, the Inspector concluded that the proposal would not result in the creation of a new or separate planning unit. Whether or not the garage fell within the curtilage of Flat 2A was not a determinative issue in the case.

It was considered that the principle of controlling the use through a condition to prevent independent occupation, or the formation of a separate planning unit was acceptable and therefore, the question of private amenity space for future independent occupiers did not arise. It was acknowledged that the appeal proposal was within the Penarth Conservation Area and close to a Grade II Listed Building, No 14 Marine Parade. However, as the appeal proposal would appear as a subordinate building and was setback from the highway, it would preserve the character and appearance of the Conservation Area and the setting of the Listed Building.

The Inspector considered that a number of the concerns raised by third parties, including the provision of utilities, lease and legal arrangements, the potential future installation of an air source heat pump, property values, and possible damage to the driveway did not relate to the planning merits of the proposal and were therefore, of limited weight in determining the appeal. Furthermore, the number of planning applications submitted in relation to the site was considered to have no bearing on the planning merits of the proposal.

It was therefore concluded that the appeal proposal would be an acceptable form of development and complied with Policy MD2 of the LDP, as well as the guidance set out in the Council's Residential and Householder Development SPG. The appeal was therefore allowed, subject to conditions.

(d) Enforcement Appeal Decisions

None.

(e) April 2025 – March 2026 Appeal Statistics

		Determined Appeals			Appeals withdrawn /Invalid
		Dismissed	Allowed	Total	
Planning Appeals (to measure performance)	W	14	6	20	1
	H	-	-	-	-
	PI	-	-	-	2
Planning Total		(70%)	(30%)	20	3
Committee Determination		2	-	-	-
Other Planning appeals (inc. appeal against a condition)		-	-	-	1
Enforcement Appeals	W	-	-	-	1
	H	-	-	-	-
	PI	-	-	-	-
Enforcement Total		-	-	-	1
All Appeals	W	14	6	20	5
	H	-	-	-	-
	PI	-	-	-	-
Combined Total		(70%)	(30%)	20	5

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 : **9 OCTOBER 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

2025/00331/TPO	R	Wayside Cottage, Gileston Farm, Gileston, Barry	Work to Tree protected by TPO No.020 of 1962: T1 - Sectioning down and removal of one mature Lime tree
2025/00653/TPO	R	25 Ael-y-coed, Barry	To cut the tree down, located in the back garden
2025/00666/TPO	A	White Oaks, Port Road, Wenvoe	Work to Tree(s) covered by Tree Preservation Order no 9 of 1995 - All trees along the boundary between Whiteoaks / Sunny Glen: to remove dead branches, over hanging branches impacting Sunny Glen & Red Ace height of Leylandi

2025/00708/TPO	A	Brookside, 34 Mill Road, Dinas Powys	Work to trees covered by Tree Preservation Order No. 2 of 1954. Comprising T1 (Tag no. 1368 on TR33 report) Twin stem Sycamore, Kretzschmaria Deusta fungal fruiting body in primary fork. Coppice both stems to 2 metres above ground level. T2 Sycamore adjacent to T1, targeted weight reduction of branches by approximately 2 metres.
2025/00752/TPO	A	Nash Manor, Llantwit Major Road, Cowbridge	Work to Trees covered by TPO No.11 of 2007: Crown lifting and reducing back of one group (G1) of trees which consist of Sycamore, Ash, Beech & Laurel 2007/00011/TREE
2025/00782/TCA	A	Rockside, Station Road, Dinas Powys	Work to Tree(s) in a Conservation Area - Hazel tree to the rear of the property adjoining 5 and 7 Cardiff Road.
2025/00816/TCA	A	The Poplars, South Gate, Cowbridge, CF71 7BD	Removal of ash tree due to ash dieback. Tree is located near the Southern boundary of the property and some branches overhang the adjacent park area.
2025/00818/TCA	A	Poppins, Llysworney, Cowbridge	Line of conifers G1 running along boundary with neighbouring property to be reduced in height by roughly a meter or 2 to last pruning points. T1 conifer to be removed.
2025/00829/TCA	A	West Winds, Llanmaes, Llantwit Major	Regular maintenance and trimming of tree overhanging the driveway.

2025/00830/TCA	A	9 St Augustine's Road, Penarth	Crown reduction of hawthorn tree by 1.5m and reduction in size of conifer tree by 1.5m
2025/00833/TPO	A	St Illtyd's Church, Church Lane, Llantwit Major	Work to Trees covered by TPO No.03 of 1977: 01 Leylandii - Takedown. 02 Oak - 50% reduction / Pollard
2025/00840/TCA	A	Holy Cross Church, Church Street, Cowbridge	Conifer tree's overhanging from 3rd party land(church) are affecting the roof of store. These will be cut back by 1-2 metres to allow for replacement of air vent's and roof works.
2025/00863/TCA	A	1 Church Avenue, Penarth	Reduce Bay Tree by 1/2 (half)

THE VALE OF GLAMORGAN COUNCIL

PLANNING COMMITTEE : **9 October 2025**

REPORT OF THE HEAD OF SUSTAINABLE DEVELOPMENT

8. PLANNING APPLICATIONS

Background Papers

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

APPLICANT: Windel Solar 9 Ltd S10 Blyth Workspace Commissioners Quay,, Quay Road, Blyth, NE24 3AG

AGENT: Hanna Mawson Queens House, Queen Street, Manchester, M2 5HT

Land East of Treoes, Bridgend

Development comprising of the construction and operation of a ground mounted solar farm alongside associated infrastructure, with the capacity to deliver up to 9.9MW of renewable energy.

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 that is not covered by the scheme of delegation.

EXECUTIVE SUMMARY

The site comprises c.17.3 ha of agricultural fields at Court Farm c.500m to the east of Treoes and c.400m west of St Mary Hill, with c. 11.7ha proposed for development. It is adjacent to an existing solar development (subject of planning approval ref: 2015/00026/FUL). Vehicular access to the site would be via Treoes. It is in the Upper and Lower Thaw Valley Special Landscape Area, a small portion of the site is in a Flood Zone, and a Public Right of Way crosses the site. There are also several heritage assets in the locality and a suspected archaeological feature on the site.

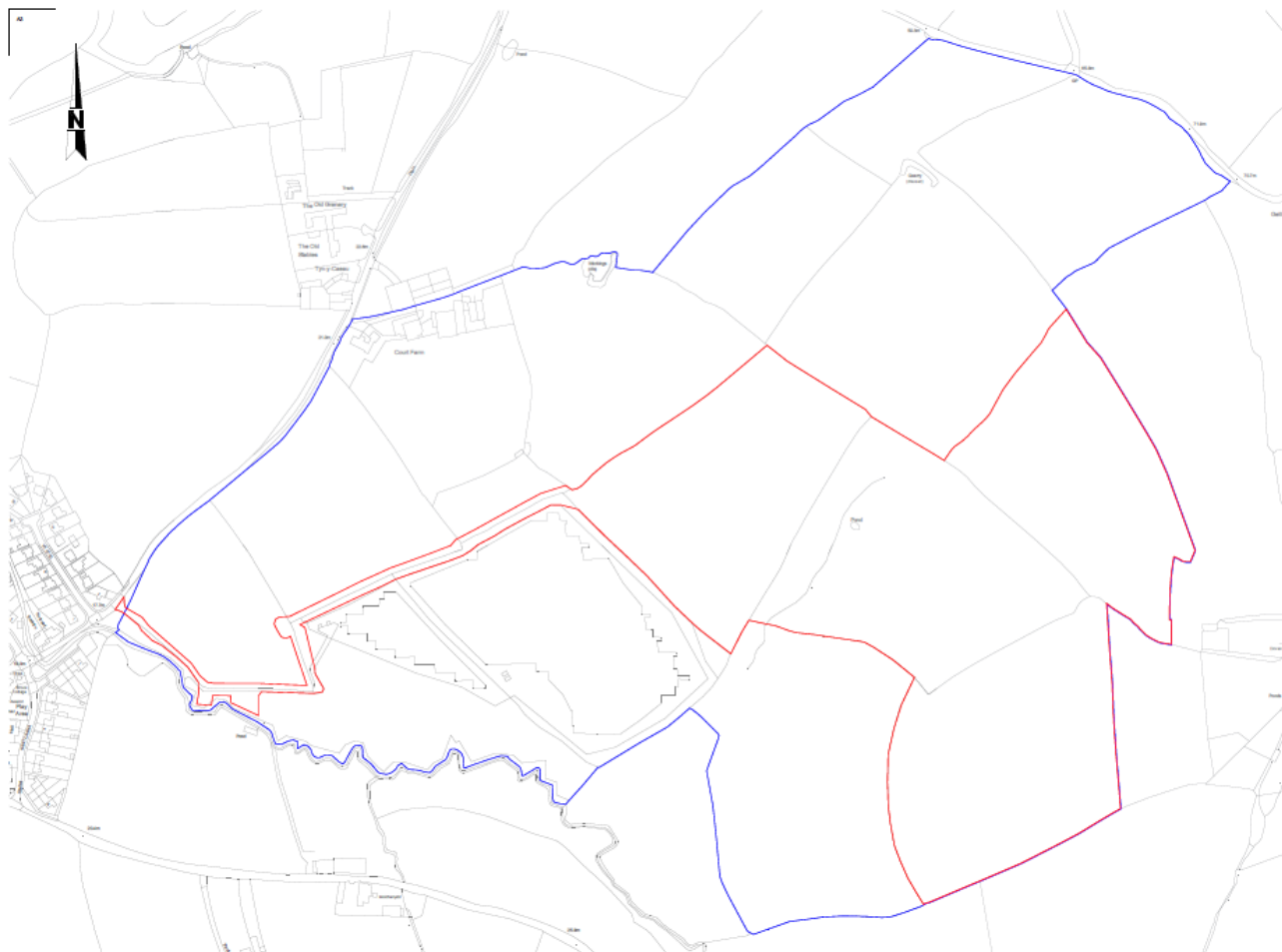
Planning permission is sought for a solar farm which would involve the installation of solar arrays, associated equipment, fencing and CCTV. It is proposed to retain the Public Right of Way along the existing route, leave a buffer to the suspected archaeological feature, provide compensatory habitat for ground nesting birds and enhance existing landscaping. An existing access and track would be used in part (previously used for the existing solar farm), with a new track constructed beyond this to connect to the site.

Llangan Community Council did not object to the proposals. 42 representations have been received and whilst not all objected to the principle of the development, all either raised objections or concerns about the proposals. The prevalent grounds of objection and concerns relate to the loss of productive farmland, a lack of justification for the location/ size of development, the visual/ landscape impact, impact on local heritage assets and potential archaeological resource on the site, access and highway safety, harm to ecological interests, disruption during construction (and works along the potential cable route), drainage/ flood risk, a lack of information/ public consultation and lack of community benefit.

Having considered the above, and having appraised the principle of development, the visual and landscape impact, impact to heritage assets, ecology and biodiversity, residential amenity, flood risk and drainage, among other things, the application is recommended for APPROVAL. Whilst it is recognised that the proposals would have a major adverse visual impact on the footpath traversing the site, and a lesser degree of harm to the wider landscape, and giving special regard to the low degree of harm to the settings of some heritage assets, it is considered that the strong policy support for the development due to the decarbonisation and security of electricity supply outweighs these concerns in the planning balance.

SITE AND CONTEXT

The site comprises c.17.3 ha of agricultural fields c.500m to the east of Treoes and c.400m west of St Marys Hill, with c. 11.7ha proposed for development. It is adjacent to an existing solar development (subject of planning approval ref: 2015/00026/FUL). The site location and existing solar development are shown below: -



Part of the site is inside the DAM Flood Zones B and C2. A part of the site is also identified as a Potential Solar Energy Area as defined by Policy MG30 (Local Search Areas for Solar Energy) of the LDP. In addition, it is inside of Category 2 Limestone and Sand/Gravel Mineral Safeguarding Areas. Additionally, the site is located within the Upper and Lower Thaw Valley Special Landscape Area.

Public Rights of Way, footpath reference S9/42/1, runs through the southeastern parcel of the site in an east/west direction between Treoes and St Mary Hill Court.

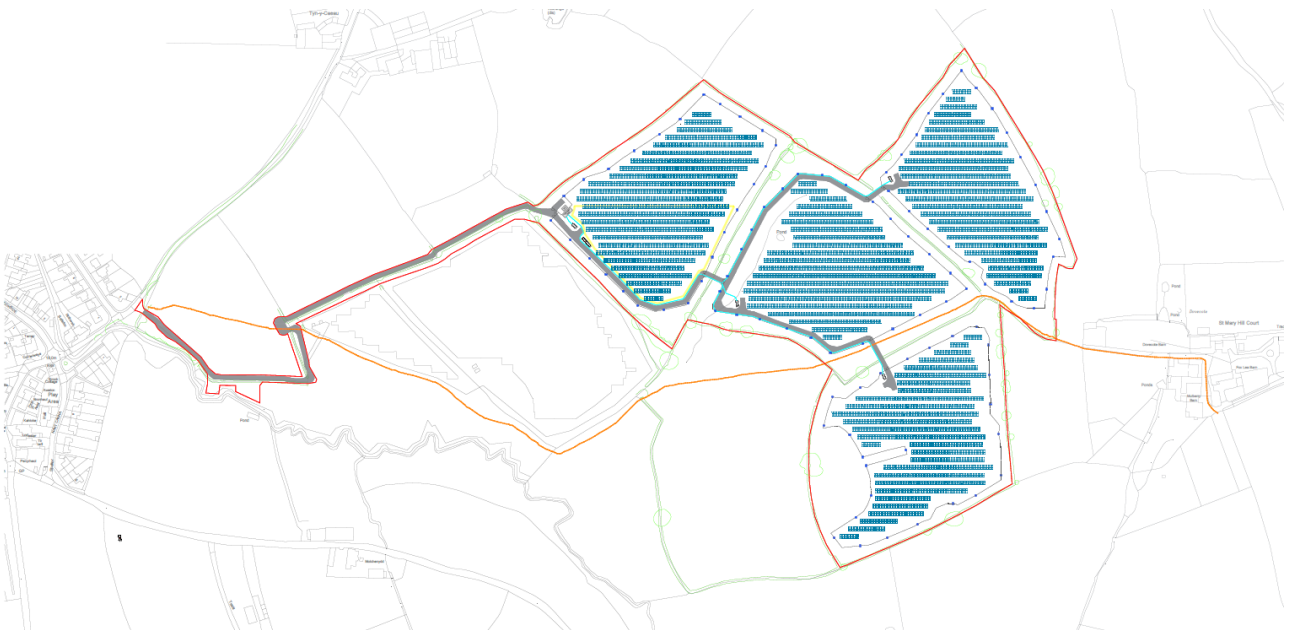
There are no designated heritage assets on the site. Those in the locality include the Grade II listed Cross Base at St Mary Hill located c.270m east, the Grade II listed assets of Treoes Farmhouse, The Star Inn Public House, Saron Welsh Congregationalist Chapel lie c.650-700m away in Treoes. The Grade II listed Church of St Mary and churchyard wall is also located 650m to the northeast. Furthermore, Scheduled Ancient Monuments of Ringwork & Bailey at Gelligarn and Cross in St Mary churchyard are located c.300m northeast and c.350m northeast respectively. The Llangan Conservation area lies c.470m south of the site and contains the Grade II listed St Canna Church, the Old Rectory, Mount Pleasant Farm and Telephone Call Box.

DESCRIPTION OF DEVELOPMENT

The proposal is for the construction and operation of a ground mounted solar farm alongside associated infrastructure, with the capacity to deliver up to 9.9MW of renewable energy for a duration of forty years. Vehicular access to the site would be partly via an existing field gate and access track used for construction of the existing solar farm (consented in 2015), with an additional length of track constructed beyond this.

The proposal includes other ancillary development including: a series of inverters, transformers and switchgear substations, boundary fencing, access gates, customer and District Network Operator substation buildings, CCTV, a storage container for equipment and monitoring apparatus, and the construction of an access track.

The proposed site layout, including the access tracks, site compound and fencing are shown on the below plan: -

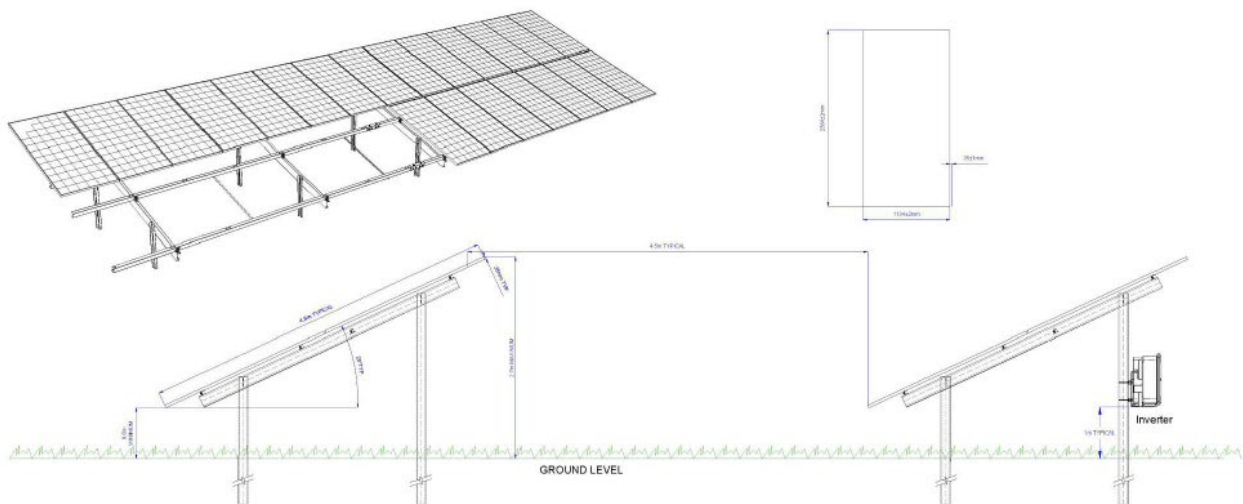


The proposed landscape masterplan is shown below, which shows the extent and position of the proposed trees and hedgerows (dark green).

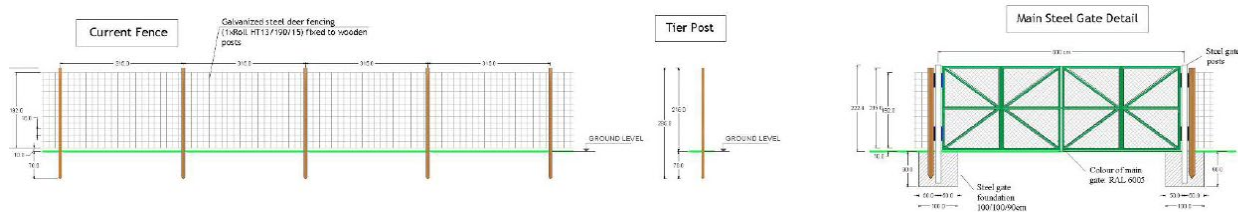


The solar arrays would be placed on frames secured to the ground, with a maximum height of c. 2.7m.

Panel Design:



Fence Design:



A grid connection point has been identified at the Waterton Primary Substation in the Bridgend area. A connection route is not included within the application, and it is stated in documentation that cabling would be installed below ground and carried out by the Distribution Network Operator utilising permitted development rights afforded to them as statutory undertakers.

PLANNING HISTORY

2014/00434/SC1, Address: Land at Court Farm, Treoes, Proposal: Solar Photovoltaic Farm with generating capacity up to 7.5MW, Decision: Environmental Impact Assessment (Screening) - Not Required

2015/00026/FUL, Address: Land at Court Farm, Treoes, Proposal: Installation of a 2.2MW solar farm and associated infrastructure, Decision: Approved

2023/01050/SC1, Address: Land East of Treoes, Proposal: Screening Opinion - Proposed development of a ground mounted Solar Farm and substation with associated infrastructure, Decision: Environmental Impact Assessment (Screening) - Not Required

CONSULTATIONS

Llangan Community Council stated that they did not object to the proposals. They noted that a locally advertised public exhibition had been held at Treoes Community Hall, and that residents had raised concerns about the cable route, traffic, damage and disruption on local roads, the visual impact, and impact to a Red Kite breeding site. However, they also noted that these concerns had been considered within the applicant's documentation, namely the Construction Traffic Management Plan, Landscape Visual Impact Assessment, heritage report and the ornithological study. They also noted the positive impact of the development in terms of renewable energy supply and stated that potential voluntary community benefit has been discussed with the developer.

Ministry of Defence stated no objection, as the proposed development would be considered to have no detrimental impact on the operation or capability of a defence site or asset.

Civil Aviation Authority – no response.

VoGC Highway Authority initially held concerns about the trip generation data and the impact of the potential cable route on the highway. Upon submission of a revised Construction Traffic Management Plan, they stated no objection, subject to conditions that would require the submission of a further revised plan updated with more precise details of the existing passing bays on the haulage route, and the proposed bay (on the access track near the site access), as well as details of wheel washing facilities, road sweeping and dust suppression.

Public Rights of Way Officer stated there was a need to clarify access proposals and advised that the Public Right of Way must be always kept open and available for use. If temporary closure was required, an Order should be sought under the Road Traffic Regulation Act.

Councils Drainage Section (SAB) did not object and advised that a detailed scheme of surface water disposal would need to be submitted to them, and approved, via the SuDS regulations (SAB) application process.

Shared Regulatory Services (Pollution) – no formal response has been received. Upon query, the area EHO advised that, in general, inverters and substations would be considered under the BS4142 standard and advised that the need for a condition relating to a Construction Environmental Management Plan was agreed, with potentially restricted working hours if working near a noise sensitive receptor, especially if piling the fixings for the panels.

Cardiff Airport (Aviation Safeguarding) - no response.

Heneb, The Trust for Welsh Archaeology (GGAT) stated that the geophysical survey identified a potential prehistoric curvilinear feature. They advised that the 10m buffer around this feature, reflected in the layout plan, they did not consider that any further pre-determination work was needed. Nonetheless, they considered it prudent to agree a written scheme for the protection of the archaeological feature during the construction phase through a planning condition.

VoGC Ecologist initially raised concerns about the impact of the development on ground nesting birds, in particular Skylark, and the lack of adequate mitigation. Following the submission of additional information, which contains details of off-site mitigation to be provided on adjacent land, the Ecologist recommended approval subject to a planning condition that requires agreement of a Skylark mitigation and monitoring plan, and a lighting strategy designed to maintain the site hedgerows as dark habitat corridors.

VOGC Landscape Officer – no response.

SWALEC - no response.

National Air Traffic Control Centre stated that the proposals did not conflict with their safeguarding criteria.

Natural Resources Wales initially held concerns about ornithological survey methods, however, no longer objected following the submission of further information that addresses their concerns. They requested that the Barn Owl mitigation plan was included within the approved plans condition and requested a further planning condition relation to the provision of details of pollution control measures. They also stated no objection in relation to the impact on European Protected Species, and noted that part of the existing access track was located in FMfP Zone 2 & 3, but that given the location (on an existing track) the proposals could be acceptable in relation to flood risk.

Councillor C Cave did not comment but passed on concerns from local residents.

Bridgend County Borough Council – no response.

South Wales Fire and Rescue Service stated no objection, referred to their standing advice about solar installations, and advised that the need for adequate water supplies for firefighting and access for emergency vehicles is considered.

Cadw stated no objection.

Welsh Government - Land Quality Advice Service stated that the ALC field survey and report had been conducted to an acceptable standard and confirmed that there was no 'best and most versatile' agricultural land within the application site.

The planning department's Conservation Officer, initially requested further information to be provided with regard to the impact on the setting of the County Treasure at St Mary Hill Cwrt, whilst also noting that the proposal does not meet local policy requirements in preserving or enhancing heritage assets identified, albeit acknowledges that mitigation has been provided and the conclusion with regard to harm is considered reasonable. Following the receipt of the revised heritage statement which included analysis of the impact on St Mary Hill Cwrt, the officer stated that *'the assessment and overall conclusion doesn't remove my previous objection as harm is still noted and therefore compliance with local and national policy is not achieved.'*

REPRESENTATIONS

The neighbouring properties were consulted on 19 November 2024.

A site notice was also displayed on 18 November 2024.

The application was also advertised in the press on 28 November 2024.

At the time of writing this report, circa 42 representations had been received the prevalent concerns raised related to the following matters: -

- No protection of suspected Bronze Age burial site on the land. Tree planting is shown across the protected area, and construction activities would take place within it.
- Detrimental impact to settings of listed buildings (St Mary Hill church, St Canna church) and scheduled monuments.
- No mention of community benefit. Proposed benefits from the existing solar farm did not materialise.

- Traffic impact, HGV traffic, narrow local lanes unsuited to such traffic, lack of passing bays. Detrimental impact to highway users' safety, including children, pedestrians and cyclists.
- Disruption to village and local businesses during construction, including from roadworks along the cable route.
- Oversized, detrimental visual and landscape impact, including on a designated Special Landscape Area. Any proposed landscaping would take years to mature, number of trees to be planted not clear.
- Change to tranquil character of the area.
- Inappropriate location close to residential properties, glare impact.
- Loss of productive farmland. Solar development should be directed to industrial areas.
- Drainage / SUDS implications, increased flood risk (from lower ground absorption capacity). Poor infiltration results suggest SuDS solution is not feasible. Request for major drain work in the Yr Efail area and towards Court Farm.
- Development exceeds area designated (in the LDP) for solar development.
- Public exhibition details were not representative of the site context. Artistic impressions show the site in summer (full leaf), dull conditions (reduced glare), and do not show all the development (inc. transformers, inverters, and fencing). LVIA should consider the baseline as the landscape before the current solar farm.
- Loss of wildlife and habitat red kites.
- Lack of information, including on the cable route.
- Lack of public consultation and engagement.
- Contrary to Welsh Assembly's Sustainable Land Management Objectives from the Agriculture (Wales) Act 2023.
- Concerns about delivery of landscaping, recycling of the panels, and the decommissioning and restoration of the site.

REPORT

Planning Policies and Guidance

Local Development Plan:

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

Strategic Policies:

POLICY SP1 – Delivering the Strategy

POLICY SP7 – Transportation

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

POLICY MG30 – Local Search Areas for Solar Energy

Managing Development Policies:

POLICY MD1 - Location of New Development

POLICY MD2 - Design of New Development

POLICY MD7 - Environmental Protection

POLICY MD8 - Historic Environment

POLICY MD9 - Promoting Biodiversity

POLICY MD19 - Low Carbon and Renewable Energy Generation

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.

Policy 17 – Renewable Energy

- Support for developing renewable and low carbon energy from all technologies and at all scales.
- Significant weight to the need to meet Wales' international commitments and the target to generate 70% of consumed electricity by renewable means by 2030 to combat the climate emergency.

- All proposals for large scale wind and solar developments should demonstrate that they will not have an unacceptable adverse impact on the environment and describe the net benefits it will bring.

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

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

Planning Policy Wales:

National planning policy in the form of Planning Policy Wales (Edition 12, 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
- Sustainable Management of Natural Resources
- Placemaking in Rural Areas
- The Best and Most Versatile Agricultural Land
- Development in the Countryside
- Supporting Infrastructure

Chapter 5 - Productive and Enterprising Places

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

Chapter 6 - Distinctive and Natural Places

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

Technical Advice Notes:

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

- Technical Advice Note 5 – Nature Conservation and Planning (2009)
- Technical Advice Note 6 – Planning for Sustainable Rural Communities (2010)
- Technical Advice Note 11 – Noise (1997)
- Technical Advice Note 12 – Design (2016)
- Technical Advice Note 15 – development, flooding and coastal erosion (2025) / Development and Flood Risk (2004)
- Technical Advice Note 18 – Transport (2007)
- Technical Advice Note 24 – The Historic Environment (2017)

Welsh National Marine Plan:

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

Supplementary Planning Guidance:

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

- Biodiversity and Development (2018)
- Conservation Areas in the Rural Vale
- Design in the Landscape
- Minerals Safeguarding (2018)
- Sustainable Development - A Developer's Guide
- Trees, Woodlands, Hedgerows and Development (2025)
- Llangan Conservation Area Appraisal and Management Plan

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.
- Section 160 (1) of the Historic Environment (Wales) Act 2023, imposes a duty on the Council with respect to any buildings or other land in a conservation area, where *special attention shall be paid to the desirability of preserving or enhancing the character or appearance of that area*.
- Section 58 (1) of the Marine and Coastal Access Act places a requirement on the Council to take authorisation decisions in accordance with the appropriate marine policy documents, unless relevant consideration indicates otherwise.
- Welsh Government: Energy Generation in Wales 2023.

Equality Act 2010

The Equality Act 2010 identifies several '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

Principle of Development

Future Wales Policy 17 is permissive of new low carbon energy projects and requires decision makers to give significant weight to meeting Wales' international commitments and the Government's target to generate 70% of consumed electricity by renewable means by 2030. The site lies in the Cardiff, Newport and the Valleys National Growth Area as designated by Policy 33. The Welsh Government considers it is vital, amongst other things, that the region plays its role in decarbonisation, and supports the realisation of renewable energy.

Local Development Plan (LDP) Policy MD19 (Low Carbon and Renewable Energy Generation) and is also supportive of renewable energy proposals, subject to the development not resulting in, amongst other things, unacceptable adverse environmental impacts.

Most of the application site is located outside the local solar search area identified in Policy MG30 (Local Search Areas for Solar Energy). The areas identified were based on the guidance produced by Welsh Government known as the Renewable and Low Energy Toolkit for Planners (2015). Policy MG30 identifies 6 areas which are considered appropriate for solar energy as they are free from the listed constraints which may hinder solar developments, and the orientation and elevation of the land is beneficial for solar gain. The 6 local search areas identified under Policy MG30 only provides an indication of solar energy potential and does not prohibit development of land outside the search areas.

The explanatory text to LDP Policy MD19 acknowledges that large scale renewable energy schemes are likely to be located within the open countryside. Strategic and detailed LDP Policies set out relevant considerations against which to assess environmental impacts, including, amongst other matters, in relation to ecological, highway and aviation safety, landscape, and built heritage effects as well as the effects on the living conditions of neighbouring occupiers.

Planning Policy Wales (PPW) identifies that the benefits of renewable and low carbon energy, as part of the overall commitment to tackle the climate emergency and increase energy security, is of paramount importance. Paragraph 5.7.1 of PPW states that low carbon electricity must become the main source of energy in Wales. As part of the energy hierarchy (para. 5.7.13), and in 2023 the Welsh Government revised its previous target which was to generate 70% of consumed electricity by renewable means by 2030, to meet the equivalent of 100% of Wales's annual electricity consumption from renewable sources by 2035 (Welsh Government: Energy Generation in Wales 2023).

In terms of site selection, no sequential analysis is provided, however the availability of a grid connection, technical feasibility requirements, and availability of sufficient land to allow development to allow development to take place at a viable scale have clearly influenced the identification of the application site. In this regard, it can be considered on its own merits against the acceptability criteria set out in Policy MD19.

Accordingly, the principle of development is acceptable, subject to an assessment of the various environmental effects.

Agricultural Land

Criterion 9 of LDP Policy MD1 (Location of New Development); and LDP Policy MD7 (Environmental Protection) sets out that new development should have no unacceptable impact on the best and most versatile agricultural land.

The site is identified as an Agricultural Land Classification (ALC) of Grade 3a, 3b and 4 under the Predictive ALC (2) map introduced by Welsh Government. An ALC field survey has been conducted and, in consultation to this application, the Welsh Government's Land Quality Advice Service (LQAS) stated that the report had been conducted to an acceptable standard and confirmed that there was no 'best and most versatile' (Grade 3a+) agricultural land within the application site.

The concerns relating to loss of farmland and food supply (sovereignty) are noted. However, notwithstanding the above, there is no wholesale protection afforded to all agricultural/ 'greenfield' land within the planning policy framework. In view of this, and that the extent of good quality agricultural land (favourable to crop growing) on the site is relatively limited, the impact is considered acceptable in the planning balance.

Glint and Glare

Policy MD19 of the LDP requires that development should have no unacceptable impact upon the interests of aviation safeguarding and electrical, radio or other communication systems. The application site is located approximately 15-16km of Cardiff Airport and is outside of the designated Aviation Safeguarding Zones.

A Glint and Glare Assessment has been submitted with the application. In relation to road users, it concludes no further technical assessment is required as roads within 1km are all local roads. This is commensurate to the approach taken on other solar developments and the Highway Authority did not comment or request further detail in this regard.

In relation to dwellings, the assessment identifies that solar reflections are geometrically possible toward 33 dwellings within a 1km radius. A more detailed analysis of the potential impact revealed most were subject to low potential impacts, equating to durations of both less than an hour a day and three months in a year.

Some receptors are subject to potential impacts for more than three months in the year, however, in all cases there was either significant or a degree of screening between them and the application site, restricting intervisibility. In the case of receptors 14 – 21 (Nant Canna) views are possible over existing landscaping, especially at first floor level. This is inaccurately portrayed being fully screened in the report. Nevertheless, the impact would occur for an hour or less at very early hours during sunny days in summer months (May to Sept), and there are other factors that would reduce the impact such as the distance and viewing angle of windows. Noting the above, it is considered that the development is therefore unlikely to cause any significant nuisance or harm to amenity in terms of glint and glare.

The proposal is therefore considered to be acceptable in these terms, and it is considered that there is no evidence to suggest that the development would be significantly harmful to amenity, represent a hazard to road users or affect air safety.

Minerals Safeguarding

The proposed development is located within an area identified as a mineral safeguarding area under LDP Policy MG22 (Development in Mineral Safeguarding Areas). The mineral safeguarding areas are based upon the British Geological Survey (BGS) Aggregate Safeguarding Map for South East Wales which identifies the entire development site being situated within Limestone Category 2 and Sand and Gravel Category 2 Safeguarding Areas.

Policy MG22 sets out the criteria for new developments and, among others, permits development that would have no significant impact on the possible working of the resource. The development would temporarily prevent mineral working on the site; however, it is not a sensitive use and, following decommissioning and restoration, this effect would be reversible. The Regional Technical Statement for the North Wales and South Wales Regional Aggregate Working Parties 2nd Review (September 2020) (RTS) covers the period up to 2041 and calculates that sufficient land bank of minerals is available within the existing quarries of the Vale of Glamorgan for this period (and, in likelihood, beyond). As such this does not represent a reason to withhold planning permission.

Ecology

Criteria 3, 4 and 5 of Policy 18, Future Wales, state that there should be no adverse effects on the integrity of internationally designated sites, no unacceptable adverse impacts on national statutory designated sites for nature conservation, protected habitats and species; and that the proposal should include biodiversity enhancement measures to provide a net benefit for biodiversity.

LDP Policies MG19, MG20 and MG21 serve to similarly protect designated sites, habitats and species. In addition, Policy MD9 (Promoting Biodiversity) requires proposals to conserve and where appropriate enhance biodiversity interests.

The proposed development site does not have any statutory ecological designations within it. There are designated sites within 2km of the site but given the nature of the development, it is highly unlikely to have any adverse impact on these sites. The on-site habitat comprises agricultural fields intersected by native hedgerows and one field contains a small pond.

In support of the application Biodiverse Consulting have been engaged to prepare an Ecological Impact Assessment, which contains an assessment of the habitat value of the site based on local data searches, desk-based assessment and field surveys. A separate Ornithological Impact Assessment has also been produced, as has an Ecological Mitigation Plan and a standalone Barn Owl mitigation plan. The documents have been subject of review as part of consultations and, following revisions, no adverse comments have been received from the Council's Ecologist or Natural Resources Wales in relation to the scope of work or survey methodology.

Birds:

Twelve Species of Conservation Concern (LDP Policy MG21 refers) were recorded during the breeding bird survey, with eleven of these identified as using the site. Several are red or amber listed. The proposals would not result in the loss of hedgerows, and the proposed management regime could offer some benefit to species nesting within them. However, the installation of panels in the fields could adversely affect Skylark and Meadow Pipit territories, as these are ground nesting birds. Birds of prey including Red Kite and Kestrel were seen overflying the site, which is likely part of their foraging territory. There are local records of Barn Owl and while the site contains suitable habitat, their presence was not recorded on the site. Barn Owl and Red Kite are Schedule 1 species under of the Wildlife and Countryside Act 1981 (LDP Policy MG20 refers), albeit both are now green listed.

There are mitigation and enhancement proposals put forward for Barn Owl on a precautionary basis because of the potential impact on foraging habitat, albeit the impact in the mid-term is ultimately dependent on the land (grass sward) management regime within the application site area. The mitigation measures involve the creation of a rough grassland habitat on land within the peripheries of the application site and the erection of two tree-mounted nest boxes. There are no specific measures put forward for Red Kite, however, they have an extensive foraging range, and the development of this site is unlikely to have any unacceptably adverse effects on the species. Pre-commencement checks are recommended if construction activities were to start during the breeding season.

There are also compensation measures also put forward in relation to ground nesting birds, noting that the solar panels would likely disturb nesting behaviour for these species, who prefer to nest in open fields. In the first place, management of the grassed swards within the area of the panels is to be aimed toward providing a stable foraging habitat for these species. In addition, adjacent areas (up to 6.8ha is available) are to be managed as low-intensity rotational grazing pasture, with livestock excluded during the nesting season, to maximise its potential attractiveness to ground nesting birds.

Mammals:

The field surveys undertaken as part of the Ecological Impact Assessment consider a wide range of mammals. Of note, the site is considered to contain suitable foraging habitat for bats, but the development would not affect any potential roosting sites. The site was found to contain habitat of moderate suitability for Hazel Dormouse, but no field signs were identified, and the nearest known record of the species was about 2km distant. It is proposed to follow a precautionary approach to the potential presence of these species (construction management methods) and the proposed hedgerow and tree planting (see landscape masterplan) would provide an overall benefit to these species.

Conclusion:

The ecological reports have been reviewed by the Council's Ecologist and NRW and they do not object to the amended proposals, following revisions and provision of revised/enhanced mitigation detail concerning Barn Owl and Skylark. The submissions provide sufficient information to inform the proposals and form the basis for suitable control by condition, including a combined landscape and ecological management and skylark mitigation plan which would be required by condition attached to any consent given (condition 8 refers). Having regard to the vital role renewable electricity generation plays its decarbonisation efforts, and the contribution of this development toward the realisation of renewable energy, this approach (compensation) is considered acceptable and accords with the stepwise approach contained in Planning Policy Wales (Ed.12), and the measures would also provide commensurate enhancement compared to the existing situation. The proposals therefore do not conflict with the criteria of Policy 18 of Future Wales and Policies MD20, MD21 and MD9 of the LDP.

Green Infrastructure

Planning Policy Wales (PPW12) updated Chapter 6 in regard to green infrastructure, net benefit for biodiversity, and the protection afforded to trees. It also states that planning applications should be accompanied by a Green Infrastructure Statement (GIS).

The applicant has submitted a standalone GIS alongside a Landscape Masterplan. It outlines that the proposals have been designed to have the minimum impact on existing green infrastructure, with the main development located in open fields, and grass would continue to be situated around and beneath the panels. There would be gaps created in some hedgerows for the access track, but these are clearly necessary to facilitate the development. Furthermore, there are landscaping enhancements proposed that encompasses the widespread creation of new hedgerows (over 1km length as detailed within submissions), alongside additional tree planting and enhancement of existing hedgerows, enhancement of grassland areas, and measures to ensure their long-term management over the lifetime of the development.

The precise choice of location and design has effectively limited the impact to green infrastructure, demonstrating avoidance where possible. The unavoidable impact to hedgerows is adequately compensated for and the proposals provide significant enhancement. This demonstrates how the stepwise approach advocated in PPW12 has been followed, and the development proposals are considered acceptable in this respect. Whilst Heneb have raised potential issue with regard to the location of some of the hedgerow in relation to archaeological resource, it is considered that the principles of the GIS are sound, subject to a revised landscaping plan to be secured, to limit impact upon archaeological resource.

It is considered necessary nonetheless to secure full details of the proposed planting and details of its long-term management because of habitat and biodiversity interests, as well as the additional visual screening effects this will provide. This can be secured within a Landscape Ecological Management Plan (see proposed condition 8).

Heritage

LDP Policies SP10 (Built and Natural Environment) and Policy MD8 (Historic Environment) are of relevance, which collectively ensure development proposals protect the qualities of the built and historic environment in the Vale of Glamorgan.

There are no designated historic assets on or adjacent to the site. The potential for impacts to the settings of listed buildings locally are therefore confined to mid-distant views, where the site forms part of the wider landscape setting. The application has been supported by a revised Heritage Statement (HS), that seeks to establish impacts from the development on designated heritage assets within 3km and non-designated assets within 1km.

The development site can be seen from a cluster of historic assets near the Church of St Canna (Grade II listed) and the Cross (Grade I listed). The Old Rectory nearby is also listed (Grade II). The Cross of the Church of St Canna and the Llangan Celtic Cross are also Scheduled Monuments (GM210, GM211). The HS identifies that the views north from the Church of St Canna include the broadly contemporary Church of St Mary (at c.1.5km), which make a very minor contribution to its significance. It finds that the scheme would result in a very low level of harm during its lifetime.

Church of St Mary, the Churchyard Wall, and its Churchyard Cross are all listed (Grade II) and the latter is also a Scheduled Monument (GM224). The HS similarly identifies that part of their settings is derived from the hilltop position with views toward the Church of St Canna. It concludes the site will be visible from the Church, but not in a manner that would block, obscure or interrupt the main view. It concludes that there will be a slight impact to the settings of these assets for the lifetime of the development.

The Ringwork and Bailey at Gelligarn is also a Scheduled Monument (GM377), comprising a low mound of medieval origin. The development would be visible in the peripheries of views towards the Church of St Mary and St Canna, but these make a negligible contribution to the significance of the monument. The HS concludes that the impact of the development is therefore slight during its lifetime.

The site is also potentially visible from the Llangan Conservation Area, from which the closest point is around 400m distant. The Llangan Conservation Area and Management Plan (CAAMP) highlights views north toward the open countryside as significant, and the site would be visible in a portion of these broad views, at distance. However, it should be noted that these views already contain industrial areas on the outskirts of Bridgend, as well as the existing solar site. The HS concludes that the development would cause a minor change to these views, and a slight impact on the Llangan Conservation Area as a result.

In response to consultation, CADW stated no objection in relation to the impact of the development upon the settings of the Scheduled Monuments.

The planning department's Conservation Officer, has also considered the findings of the submitted heritage assessment and raises objection by virtue of the heritage statement finding that the proposals would temporarily cause slight harm to the setting of the heritage assets noted above. Furthermore, it is noted that the proposals would be visible from the Llangan Conservation Area and the associated CAAMP identifies views (both short and long range) that positively contribute to the special character of the conservation area and indicates that the Council will seek to ensure that such views are protected from inappropriate forms of development. Noting that the proposals would be visible from heritage assets and the Heritage Statement submitted indicates that the proposals would cause slight harm to their setting, the Planning Department's Conservation Officer states, *'the assessment and overall conclusion doesn't remove my previous objection as harm is still noted and therefore compliance with local and national policy is not achieved.'*

Section 96 of The Historic Environment (Wales) Act 2023 require that special regard to the desirability of *preserving the listed building, its setting or any features of special architectural or historic interest* is given and, respectively, that special attention be paid to the desirability of preserving or enhancing the *character or appearance* of conservation areas. This is reflected in paragraphs 6.1.10 and 6.1.14 – 6.1.16 of PPW which state there should be a general presumption in favour of the preservation or enhancement of listed buildings, the character and appearance of conservation areas, and their respective settings. This in turn is reflected within the provisions of criteria 1, 2 and 4 Policy MD8 respectively seek development proposals to preserve or enhance the character and appearance of conservation areas; listed and locally buildings and their setting and archaeological remains and their setting, and therefore there is also tension with this policy. The Council must therefore consider the desirability of preserving the settings and wider rural context of these heritage assets in their current form, given the harm that has been identified – a matter that should be given considerable importance and weight.

It is noted that the Conservation Officer objects to the impacts to the heritage assets and it is agreed that the development will have some negative impacts as set out in their assessment and as noted above. Having regard to this legislative duty, special regard must be given to these matters in the decision-making process. In reaching a recommendation for approval, whilst there is no disagreement as to the extent of these impacts, there is a strong presumption in favour of renewable energy production (as previously outlined in this report), which are considered to weigh significantly in favour of its development, to a degree which in this particular case outweighs the low magnitude impacts to the heritage assets concerned.

The development is therefore, on balance, considered acceptable in relation to the impact upon built heritage and to accord with the objectives of the Local Development Plan.

Archaeology

A geophysical survey of the site has been conducted prior to the submission of the application. It identified the presence of a curvilinear feature within the southern field parcel, which has previously been identified in aerial photographs. It is considered to be of archaeological interest, and whilst it is of unknown origin, archaeological finds in the locality have been dated to the Bronze Age.

Heneb, The Trust for Welsh Archaeology (formerly GGAT) were consulted, and advised that on the basis of the 10m buffer around this feature, reflected in the layout plan, they did not consider that any further pre-determination archaeological work was needed. Nonetheless, they considered it prudent to agree a written scheme for the protection of the archaeological feature during the construction phase through a planning condition (see proposed conditions 6 and 7).

The details would seek to ensure that the integrity of the archaeological resource was protected during the construction and decommissioning phases, as well as the operational phase of the development.

The presence of proposed trees within the archaeological feature area (as shown in the Landscape Masterplan) has been queried with Heneb, who advise against the introduction of new trees into this area due to impacts of tree roots on the identified archaeological resource. Whilst it is noted that the proposed planting is also located along an existing hedge line, it is therefore considered reasonable that the detailed landscaping proposals would be subject to planning condition (see condition 8) whereby Heneb could be consulted, to ensure that trees in this area omitted, if necessary.

Having regard to the above, there would be acceptable archaeological mitigation in place and the proposals would accord with Policy MD8 of the LDP.

Residential Amenity

LDP Policies MD2 (Design of New Development) and MD19 of the LDP both state that the development should have no unacceptable impact on residential amenity. This is supported by Policy MD7 (Environmental Protection) which states that development proposals will be required to demonstrate they will not result in an unacceptable impact on people and residential amenity, including by criterion '*4. Noise, vibration, odour nuisance and light pollution.*'

The impact of the development in relation to glint and glare (including to residential receptors) has been considered previously in this report under the relevant section.

Although the proposed development is located within the open countryside, the village of Treoes is located c. 450m to the west as well as a small cluster of dwellings in relation to Court Farm being located approximately 200m to the north-west.

Solar farms, generally, neither create large amounts of operational noise nor require significant lighting. Nevertheless, the power lines, transformers, and similar equipment have the potential to generate noise, and a Noise Impact Assessment has been submitted with the application.

The assessment report identifies the nearest noise sensitive receptors, being at Court Farm and Dovecote and Mulberry Barn (St Mary Hill Court). Surveys were conducted at these locations to establish representative background noise levels. These found average noise levels c. 39 – 44 dB at Court Farm and 35 – 39 dB at the Barns. Predicted noise levels have then been modelled based on expected outputs from the site operating at full capacity. The predicted noise rating is less than background noise level at both locations (by 6dB or less), at all times of day.

The modelled noise impact is indicated to be low according to BS 4142 methodology and are at levels that are not likely to give rise to complaints or cause an unacceptable impact to amenity.

There is also potential for noise and other nuisances to occur during the construction and decommissioning phases. The solar panels do not require significant foundations, and the nearest sensitive buildings are approx. 200m from the site. Nevertheless, further details of construction management and mitigation would ensure that the potential effects during this phase are minimised. There is also potential for disruption to occur from construction traffic, and concerns have been raised in representations about potential works along the cable route.

No cable route has been identified within this application, and the applicant has stated that these below-ground works would be agreed and undertaken by the statutory undertaker (network operator). The applicant would need to finalise agreement of any such route with the network operator, who in turn, could potentially undertake the works under permitted development planning rights. If planning permission was required, this would need to be sought separately. If, as would seem likely, the development would need to connect to the grid in the Bridgend area (a substation in the Waterton Industrial Estate), a degree of disruption during these works would likely occur. However, it is nonetheless a temporary disruption and would not warrant refusal of an application for which there are clear public benefits in the form of delivering renewable energy generation, along with contributing toward decarbonisation and diversification of the energy supply network.

In order to minimise disruption to highway users it is recommended that traffic management measures are submitted for approval, as part of the Construction Environmental Management Plan (see proposed condition 10).

Visual Impact and Landscape

The proposed development would undoubtedly alter the immediate character of the rural vicinity in its present form and could have some visual impacts on its locality. The site itself is set away from the un-named road located to the west of the site by approximately 260m and would be considerably screened by the existing hedge along the country lane as well as internal hedgerows within the site which separate the fields as existing.

The whole site is located within the Upper and Lower Thaw Valley Special Landscape Area. The Council's Background Paper for Designation of Special Landscape Areas (2013) prepared in support of the Local Development Plan, identifies the need for the SLA as *'The Thaw Valley is of high value visually and culturally, has outstanding geological features and includes some areas of high habitat value. Suburban development is eroding the character, along with intensive agricultural practices and substitution of fences for hedgerows.'*

It expands upon this by providing the following commentary of the special interest of the northern part of the area:

“The SLA is dissected by the Thaw River valley. To the north, the area is sparsely settled with small villages and several farms. The generally open landscape has high intervisibility and overlooks Bridgend, bordering the M4, and colouring the perception of the area. Mynydd Maendy wind farm to the north also has a visual impact on the sense of place. There are a number of pleasant views to well-managed fields and wooded areas, but these are affected in places by gappy hedgerows and housing development. Trees and hedgerows are declining in the area but introducing blocks of broadleaf woodland would help to integrate settlement, whilst future development should be restricted in widely visible areas.”

The existence of this non-statutory designation does not infer that solar development will be unacceptable, however, proposals would need to demonstrate that they would not have *an unacceptable adverse impact*, in accordance with LDP Policy MG17 (Special Landscape Areas). Policy MD1 (Location of New Development) of the LDP also states that development should have no unacceptable impact on the countryside, while Policy MD2 (Design of New Development) contains several design-led criteria. Policy MD19 (Renewable and Low Carbon Energy Generation) of the LDP states proposals for renewable energy will be permitted where it can be demonstrated that there is no unacceptable impact on the interests of landscape importance and natural and cultural heritage.

As required by the supporting text of Policy MG17 (paragraph 6.120) and supported by Policy MD19, a Landscape Visual Impact Assessment (LVIA) has been carried out and its methodology, establishing a zone of theoretical visibility (ZTV) with a 5km buffer, is considered robust and the designation and Landmap data are appropriately identified. Also identified are the network of public footpaths in the area and presence of promoted routes (Valeways), including the ‘Six Village Walk’ route that takes a route through the application site.

The LVIA is based on a clear methodology, based on the significance of the receptors and the magnitude of impact, which translates into the effects described in: -

Table 4 – Landscape features

Table 6 – Landscape character areas

Table 8 – visual receptors (15.no selected viewpoints)

The selection of viewpoints is broad and representative of the impact of the proposals from areas where public viewpoints are available, including views immediately within the site, distant viewpoints, as well as those from the Llangan Conservation Area. In considering the magnitude of the effects, the sensitivity of the various landscape features and viewpoints have been considered.

The impacts to the viewpoints from the public footpath (VPs 3 and 4) traversing the site are identified as major adverse impacts. This is reflective of the immediate and obvious visual impact the development would have on views within and near the application site, and the resultant change in character of these field parcels.

In the case of mid-distant views, including those adjacent to St Mary Hill (VP5) and Llangan Conservation Area (VPs 6, 7 and 8) these would have a lesser impact because intervening topography and vegetation will obscure parts of the site, and the proposed landscaping and management of the site would serve to soften these impacts as they establish in the medium term. These are identified as having negligible or minor adverse overall effect by year 15. The application site would rarely be entirely visible from the remainder of the field parcels on the same side of the valley.

Views are also available from footpaths to the south of the site, including the medium range (VP11 and VP15) on the opposite side of the valley, with the LVIA indicating that even at year 15 (and so including the suggested benefits of establishment of planting) would remain moderate-minor and moderate adverse effects, respectively.

With regard to the impacts from these viewpoints, the LVIA suggests that the development would have net beneficial effects to landscaping features including vegetative boundaries, owing to strengthening and management. These features and their reinforcement with increased planting and management would assist in providing a strong sense of visual containment and enclosure, albeit there would still be adverse residual effects on several viewpoints. The landscape character effect on the SLA is assessed as being a low magnitude, noting the small part of the overall SLA that is affected by the development. In relation to cumulative development, the LVIA notes the development would be seen alongside the proposed development in some instances but would be experienced as a coherent landscape feature.

In conclusion, the submitted LVIA indicates that the development would have some very limited and highly localised major adverse effects, that are temporary in nature and the inherent characteristics of the underlying landscape would be largely conserved, with some strengthening of planting and landscaping within the site boundary. The other effects to viewpoints within the landscape are generally low, and no more than moderate effects.

Having considered the content of the LVIA, officers generally agree with the methodology, the viewpoints selected and findings in terms of its impacts. It is acknowledged that by its very nature, the proposals would alter the character of the land and that it would undoubtedly be visible, in whole or in part, from several viewpoints within the surrounding area. The viewpoints and photomontages provided assist in consideration of views of the development at year 1 and year 15 and are considered to demonstrate that suitable landscaping would mitigate the landscape impacts from some of these of vantage points. Whilst major localised impact and some minor-moderate and moderate adverse impacts are noted from two of the selected medium to long range viewpoints, it is considered that the impacts are not so harmful as to warrant refusal of the application, being offset in the planning balance by the benefits of addressing the climate emergency and promoting energy security. Furthermore, noting the nature of development, and its limited lifespan, such impacts would be wholly reversible in the long term.

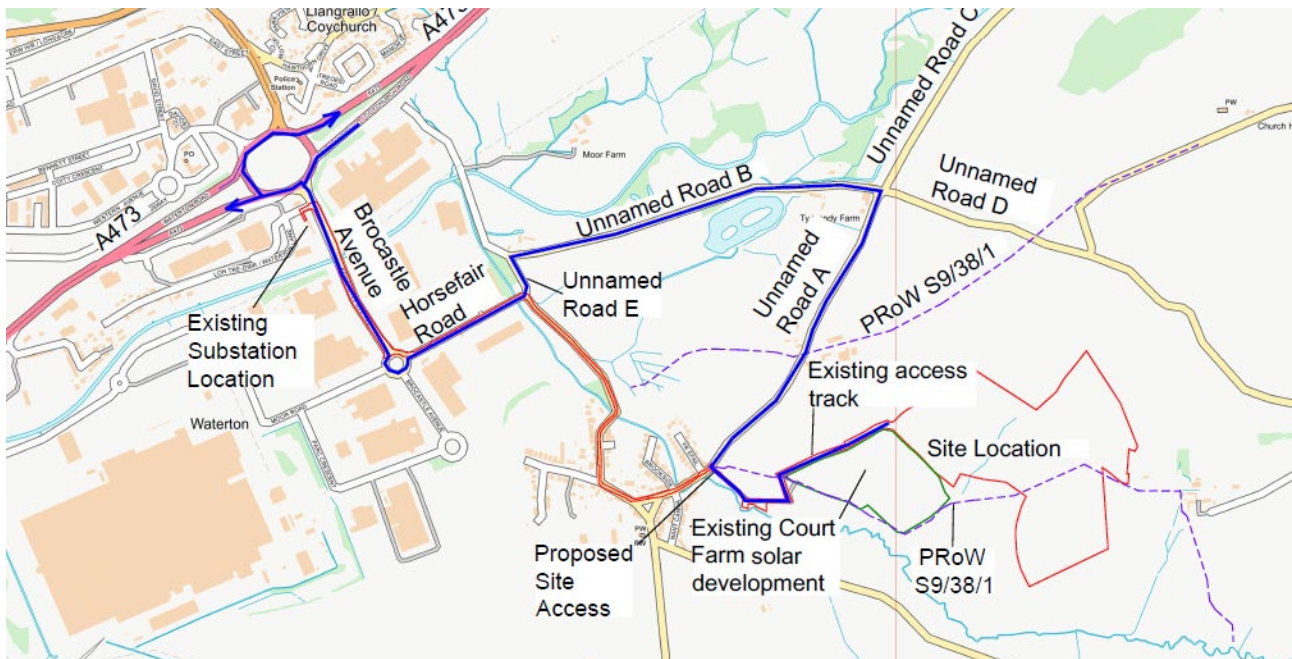
Noting all the above and having regard to relevant policy provision it is considered that the proposals would not have *an unacceptable adverse impact*, in relation to LDP Policies MG17 and MD19.

Highways and Transportation

Criterion 6 of Policy MD2 of the LDP requires that development proposals should '*have no unacceptable impact on highway safety nor cause or exacerbate existing traffic congestion to an unacceptable degree.*'

The operational phase of the development is not expected to result in any significant volumes of traffic, and the principal impacts would be during the construction and decommissioning phases, where the site would need to be accessed by HGVs.

The site would be accessed via an existing vehicular access in Treoes that was also used during the construction of the adjacent and existing solar farm. The proposed construction traffic route from the A473 is via the lane to the north of Treoes and the Waterton Industrial Estate.



(Plan: P22-2943 - TR - SK – 05, CTMP v.2 – proposed route in blue).

The application has been supported by a Construction Transport Management Plan (v.2), which contains details of predicted traffic volumes generated during the construction of the development (Table 4.1, and para. 4.13), compared to existing volumes (Table 2.1), together with outline mitigation measures to be deployed to minimise disruption associated with construction traffic (Section 5).

The construction phase of the development would see a substantial increase in traffic on the access route compared to existing volumes. However, it is in relation to a low base and overall traffic levels on the local highway network would remain low during the construction phase. The predicted traffic volumes equate to an average of 14 two-way trips over the construction phase (estimated to be 12 months). However, this would be subject to peak traffic volumes up to 84 two-way trips, albeit this is unlikely to occur over sustained period.

The principal impact is in relation to HGV traffic, which would need to navigate the lanes in between the Waterton Industrial Estate and Treoes. It is acknowledged that the route involves traversing narrow lanes, but it avoids construction traffic being directed through the centre of Treoes. It is also the same route used for construction of the existing solar farm. The Highway Authority do not object to this in principle, subject to revision of the CTMP to include more precise details of the existing passing opportunities, details of wheel washing arrangements, and details of the passing bay proposed (on the access track near the main vehicular access) (conditions 5 and 10 refer).

As noted previously, no cable route has been identified in this application and should a new or upgraded connection be required with the substation in the Waterton Industrial Estate, additional works may be required within the highway. The applicant would need to finalise agreement of a route with the network operator, who in turn could potentially undertake the works under permitted development planning rights. If planning permission was required, this would need to be sought separately. This would not negate the need to secure the agreement of the landowner, where applicable, and the regulatory consent of the Highway Authority, where required. There is sufficient regulatory control open to the Highway Authority to secure the interests of highway users in regard to operations within the adopted highway.

The proposal would not therefore result in unacceptable adverse impacts on highway safety and would comply with LDP Policy MD2.

Surface Water Drainage

LDP Policy MD7 (Environmental Protection) requires development proposals to *'demonstrate that they will not result in an unacceptable impact on people, residential amenity, property and/or the natural environment from... 5. flood risk and its consequences'*. The policy goes further to state that 'in respect of flood risk, new developments will be expected to avoid unnecessary flood risk and meet the requirements of TAN15.

The site of the proposed array is not located within a Development Advice Map (DAM) zone at risk of tidal or fluvial flooding. The more up-to-date FMfP maps however indicate a small part of the access track (near the main access) is in Flood Zones 2 & 3. NRW flood maps also indicate the majority of the site to be of low risk of surface water flooding, with the exception being a strip of land in the western part of the central field parcel.

In response to consultation, NRW did not object to the development on the basis of flood risk, noting that the location of the flood risk area (on an existing track). Once operational, the site would be monitored remotely, with access expected to be rare, such as for maintenance or repair purposes, or in connection with land management. There would be a greater on-site presence during the construction phase, but the majority of the site (and entire solar array area) would be flood-free in the 1-100 year event. In the unlikely event of a flood occurring during this phase, alternative access would also likely be available for light vehicles or on foot, via the main access to Court Farm.

The Councils Drainage Section (SAB) were consulted and did not object to the proposals, noting that the submitted Flood Consequences Assessment was generally satisfactory and proposed appropriate mitigation where required. They also advised that a detailed scheme of surface water disposal would need to be submitted to them, and approved, via the SuDS regulations (SAB) application process. A SAB application must demonstrate compliance with the statutory standards, following a set of principles in the design of the system and satisfy the standards in relation to runoff destination, hydraulic control, water quality, amenity, biodiversity, construction, operation and maintenance. In this instance, it offers suitable regulatory control over the risk of flooding off-site and no further information is considered necessary at the planning stage.

Public Right of Way

The site is crossed by a Public Right of Way. There are no proposals to permanently divert or stop-up this route, which is shown to be retained through the site with a 20m buffer afforded to the development zones. The Landscape Masterplan also shows that new hedgerows would be planted alongside the PRoW. There is a sufficient gap to maintain a safe route through the site, and there is no objection from the Public Right of Way team.

It is noted, however, during construction a temporary closure or diversion may be required, unless a safe route through the site can be maintained at all times. If the former, then an Order for temporary closure would need to be sought under the Road Traffic Regulation Act 1984. In terms of the planning application, this is considered acceptable in principle, noting it would be a temporary measure, and necessary to facilitate development. Details of precise measures to be taken are recommended to be sought by planning condition, as part of a Construction Environmental Management Plan (see proposed condition 10).

Site Restoration

It is proposed that the development would have a lifespan of 40 years. At the end of its operational life, all equipment associated with the solar farm will then be removed from the site, and minor remediation works undertaken to backfill any excavated areas.

A time-limited condition with restoration requirements is therefore included as a recommended condition, thus ensuring that the site can be fully restored, with no permanent adverse environmental effects (see proposed condition 3).

Additional Works in connection with Solar Farm

The installation of a Distribution Network Operator (DNO) of switchgear cabinets, the laying of the underground cable, and the connection to the overhead line can feasibly be undertaken by the DNO as a Statutory Undertaker under Part 17, Class G(a) of the General Permitted Development Order. They do not, therefore, technically form part of this application or require planning permission.

Cumulative Impacts

It is considered that the main cumulative impact that needs to be considered is one of landscape setting and visual impact, in conjunction with the existing and adjacent solar site. This has been considered within the supporting documentation relating to the Landscape and Visual Impact Assessment, Glint and Glare Assessment, and Heritage Statement. On the basis of these submissions and the above mentioned analysis, it is considered that the application is acceptable in respect of its cumulative impact.

The noise output from the existing solar farm is not included within the predicted rating in the Noise Assessment but will have been accounted for in the measurement of existing background noise levels, and both measurements are low. It is also unlikely that the decommissioning phases of the two sites would happen concurrently, but inclusion of a planning condition relating to this phase could ensure no unacceptable demolition-related impacts occurred at the relevant point in time (see proposed condition 4).

REASON FOR RECOMMENDATION

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

Having regard to Policies SP1 (Delivering the Strategy), SP7 (Transportation), SP9 (Minerals), SP10 (Built and Natural Environment), MG17 (Special Landscape Areas), MG19 (Sites and Species of European Importance), MG20 (Nationally Protected Sites and Species), MG21 (Sites of Importance for Nature Conservation, Regionally Important Geological and Geomorphological Sites and Priority Habitats and Species), MG22 (Development in Minerals Safeguarding Areas), MG30 (Local Search Areas for Solar Energy), MD1 (Location of New Development), MD2 (Design of New Development), MD7 (Environmental Protection), MD8 (Historic Environment), MD9 (Promoting Biodiversity), MD19 (Low Carbon and Renewable Energy Generation) of the Local Development Plan 2011-2026, the policies of Future Wales, and the advice contained within Planning Policy Wales 12th Edition and Technical Advice Notes 5: Nature Conservation and Planning, 6: Planning for Sustainable Rural Communities and 8: Planning for Renewable Energy, 11: Noise, 12: Design, 15: development flooding and coastal erosion / Development and Flood Risk, 18: Transport, and 24: The Historic Environment, and the Council's Supplementary Planning Guidance on Biodiversity and Development (2018), Conservation Areas in the Rural Vale, Design in the Landscape, Minerals Safeguarding (2018), Sustainable Development - A Developer's Guide, Trees, Woodlands, Hedgerows and Development (2025), and the Llangan Conservation Area Appraisal and Management Plan, it is considered that the proposal represents an acceptable form of renewable energy development, the benefits of which, having special regard to the desirability of preserving the character of local listed buildings and the Llangan Conservation Area, outweigh the adverse visual impact these heritage assets, to the surrounding countryside and the Lower Thaw Valley Special Landscape Area, while also, subject to the proposed mitigation measures, would also have no unacceptable impacts on highway safety, residential amenity, ecology, green infrastructure, potential glare, safeguarding impacts on soil, land and archaeological resources, and would provide for commensurate biodiversity enhancement.

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

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

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

RECOMMENDATION

APPROVE subject to the following condition(s):

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

Reason:

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

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

Site Location Plan WIN-SOL-09-DR-01-01-02 Rev 05

PV Layout FSF WIN-SOL-09-DR-03-01-01 Rev 14

Landscape Masterplan P23-2943_EN_009_C

Typical Panel Design P22-2943.400

Typical Customer Substation P22-2943.402

Typical CCTV Detail P22-2943.403

Typical Fence Detail P22-2943.404

Typical Spare Parts Store P22-2943.405

Typical DNO Substation P22-2943.406

Mineral Safeguarding Assessment prepared by mewp dated 20th May 2024

Noise assessment prepared by LFAcoustics dated October 2024

Planning Statement ref P22-2943 dated October 2024

Design and Access Statement prepared by Pegasus Planning

Archaeological Evaluation Report AAL2023159 dated January 2024

Economic Benefits Statement ref P22-2943_R003v4_EC_MAN

Solar Photovoltaic Glint and Glare Study ref 12321A prepared by Pager Power

Agricultural Land Classification and Considerations dated October 2024 prepared by Kernon

Green Infrastructure Statement P22-2943_EN_011B prepared by Pegasus Group

Flood Consequence Assessment and Surface Water Drainage Strategy ref P22-2943 prepared by Pegasus Group

Barn Owl Mitigation ref: BIOC22-113 V2 prepared by Biodiverse Consulting

Ecological Management Plan ref: BIOC22-113 V5

Construction Traffic Management Plan ref P22-2943-TR-R01 Rev C

Heritage Statement P22-2943 prepared by Pegasus Group

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. Within 41 years from the date when electricity is first exported, or within one year of the cessation of the generation of electricity from the site, whichever is sooner, the solar photovoltaic panels, frames, foundations, and all associated structures and fencing hereby permitted shall have been dismantled and removed from the site and the site restored in accordance with a scheme to be submitted to and approved in writing by the Local Planning Authority. The developer shall notify the Local Planning Authority in writing no later than five working days following the commencement of export of electricity and cessation of power production.

Reason:

In the interests of visual amenity and to ensure compliance with Policies MD1 (Location of New Development), MD2 (Design of New Development) and MG17 (Special Landscape Areas) of the Local Development Plan.

4. No later than 12 months before the end of the 40-year operating period (or within 6 months of the cessation of electricity production) a Decommissioning Environmental Management Plan (DEMP) shall be submitted for the written approval of the LPA. The DEMP shall include details of the following:
 - i) Surveys and assessments to identify the existing ecology and habitat status at the time of decommissioning (including a new ecological impact assessment supported by updated protected species surveys as necessary to establish the habitats present on site, the likelihood of these habitats to support protected species, whether any protected species are present, if present how they may be impacted, and the measures that will be put in place to mitigate impacts);
 - ii) Method Statement detailing the process and extent of removal of surface elements of the photovoltaic solar farm and associated development and any foundations, anchor systems, trackways and subsurface cabling and associated works;
 - iii) Proposals for effective recycling and disposal of decommissioned elements;
 - iv) Traffic management plan to address likely traffic impacts arising from decommissioning operations;
 - v) Measures to ensure environmental protection at the site to cover all decommissioning operations;
 - vi) Measures to ensure ecological protection at the site to cover all decommissioning operations informed by the surveys and assessments under i) above;
 - vii) Implementation timescales and schedules for all elements of the DEMP;
 - viii) Reporting and monitoring responsibilities and delivery mechanisms for all elements of the DEMP; and

ix) Site restoration measures including landscaping and landscaping management following all decommissioning operations.

The approved details within the DEMP shall thereafter be implemented in accordance with the approved details and timescales.

Reason:

To ensure that upon the expiry of the lifespan of the development, the development is decommissioned and the land restored appropriately, in the interests of visual amenity and ecology and to comply with Policy 18 of Future Wales and LDP Policies MD1 (Location of New Development), MD2 (Design of New Development) and MG17 (Special Landscape Areas).

5. Notwithstanding the submitted details, prior to the commencement of development, further details of passing bays to be utilised or constructed on the identified construction route to the site (as per appendix A of the submitted CTMP) shall be submitted to and approved in writing by the Local Planning Authority. The submitted details shall include swept paths for each bay for 12.0m rigid HGV's and construction specifications for the site access passing bay. The bays shall be constructed in accordance with the submitted details prior to any development at the site being commenced.

Reason:

In the interests of highway safety and free flow of traffic along the adjacent highway network, in accordance with Policy MD2 (Design of New Development) of the Local Development Plan.

6. No development or demolition (including vegetation clearance, topsoil strip or other groundworks) shall take place until a written scheme of historic environment mitigation has been submitted to and approved in writing by the Local Planning Authority. Thereafter, the programme of work will be fully carried out in strict accordance with the approved details.

Reason:

In order that archaeological operations are undertaken to an acceptable standard and that legitimate archaeological interest in the site is satisfied and to ensure compliance with Policies SP1 (Delivering the Strategy), SP10 (Built and Natural Environment) and MD8 (Historic Environment) of the Local Development Plan.

7. The archaeological report, as specified and required by condition 6, shall be submitted to and approved in writing by the Local Planning Authority within six months of the completion of the archaeological fieldwork.

Reason:

In order that archaeological operations are undertaken to an acceptable standard and that legitimate archaeological interest in the site is satisfied and to ensure compliance with Policies SP1 (Delivering the Strategy), SP10 (Built and Natural Environment) and MD8 (Historic Environment) of the Local Development Plan

8. Notwithstanding the submitted details, no development or site clearance shall take place until there has been submitted to and approved in writing by the Local Planning Authority an updated LEMP, Skylark Mitigation Strategy and Landscaping Strategy setting out:
- i) The intended location, purpose and composition of retained and created vegetation and habitat types, together with a timetable for their implementation, and targets for their establishment to reach an agreed condition for the achievement of their intended purpose;
 - ii) Methods of vegetation establishment and targets for coverage;
 - iii) Details of the retention and management, for the lifetime of the development, of retained and created vegetation and habitat types including details of remedial action that may be required if targets are not met, or if vegetation dies, or becomes seriously diseased, or vegetation or habitat types are removed or are damaged or destroyed;
 - iv) Details of the responsibilities for, and process for the annual reporting of, progress in implementing, establishing and maintaining the LEMP, Skylark Mitigation Strategy and landscaping strategy, including any remedial works, in accordance with agreed targets.
 - vi) Details of replacement hedgerow planting, including measures to avoid archaeological resource
 - vii) Details of lighting to ensure the maintenance of dark corridors throughout the site

The development shall be undertaken in accordance with the approved details.

Reason:

In the interests of the character and appearance of the area and to ensure biodiversity impacts are mitigated and appropriate enhancement and management is secured, in accordance with LDP Policies SP10 (Built and Natural Environment), MG17 (Special Landscape Areas), MG21 (Sites of Importance for Nature Conservation, Regionally Important Geological and Geomorphological Sites and Priority Habitats and Species), MD1 (Location of New Development), MD2 (Design of New Development), MD8 (Historic Environment) and MD9 (Promoting Biodiversity).

9. Notwithstanding the submitted details, prior to their installation, details of the position of CCTV equipment, the external finishes of the switchgear and solar transformer containers, all cabling routes and any additional fencing and lighting (to include provision for hedgerows to remain as dark corridors) shall be submitted to and approved in writing by the Local Planning Authority. The scheme shall be implemented in accordance with the approved details.

Reason:

In the interests of the character and appearance of the area and to ensure biodiversity impacts are mitigated in accordance with LDP Policies SP10 (Built and Natural Environment), MG21 (Sites of Importance for Nature Conservation, Regionally Important Geological and Geomorphological Sites and Priority Habitats and Species) and MD9 (Promoting Biodiversity).

10. No development or phase of development, including site clearance, shall commence until a site wide Construction Environmental Management Plan (CEMP) has been submitted to and approved in writing by the Local Planning Authority. The CEMP shall include:
- Hours of operation
 - Methods of construction, including any piling
 - Measures to control odour, dust, and other airborne pollutants
 - Noise mitigation measures
 - Details of site lighting
 - Construction methods: details of materials, how waste generated will be managed;
 - General Site Management: details of the construction programme including timetable, details of site clearance; details of site construction drainage, containments areas, appropriately sized buffer zones between storage areas (of spoil, oils, fuels, concrete mixing and washing areas) and any watercourse or surface drain.
 - Soil Management: details of topsoil strip, storage and amelioration for re-use.
 - CEMP Masterplan: details of the extent and phasing of development; location of landscape and environmental resources; design proposals and objectives for integration and mitigation measures.
 - Resource Management: details of fuel and chemical storage and containment; details of waste generation and its management; details of water consumption, wastewater and energy use.
 - Traffic Management: details of site deliveries, parking for operatives, plant on site, road sweeping, and wheel wash facilities.
 - Pollution Prevention: demonstrate how relevant Guidelines for Pollution Prevention and best practice will be implemented, including details of emergency spill procedures and incident response plan.
 - Details of the persons and bodies responsible for activities associated with the CEMP and emergency contact details
 - a system for the management of complaints from local residents which will incorporate a reporting system.
 - Landscape/ecological clerk of works to ensure construction compliance with approved plans and environmental regulations.

The CEMP shall be implemented as approved during the site preparation and construction phases of the development.

Reason:

To ensure necessary management measures are agreed prior to commencement of development or phase of development or specified activity and implemented for the protection of the environment during construction and to ensure compliance with the provisions of Policy MD7 (Environmental Protection) and MD9 (Promoting Biodiversity) of the Local Development Plan.

NOTE:

- 1. 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

- 2. The attention of the applicant is brought to the fact that a public right of way is affected by the proposal. The grant of planning permission does not entitle one to obstruct, stop or divert a public right of way. Development, in so far as it affects a right of way, must not be commenced until the necessary legal procedures have been completed and confirmed for the diversion or extinguishment of the right of way.**

The legal alignment of the Public Right of Way (PROW) must be kept open and available for safe use by the public at all times. No barriers, structures or any other obstructions should be placed across the legal alignment of the path. Please ensure contractors and delivery drivers are aware that members of the public might be crossing the site. No adverse effect should result to the path and the applicant should ensure that materials are not stored on the path and that any damage to the surface as a result of the development is made good at their own expense.

Should the Public Right of Way require temporary closure to assist in facilitating works, then an Order should be sought under the Road Traffic Regulation Act 1984. Temporary closure should not be sought in order to allow construction of permanent obstructions.

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.

APPLICANT: Mr Nicky Gannon-Johns 8 Paget Road, Barry, CF62 5TQ

AGENT: Mr Geraint John Office 16 (House 1, 2nd Floor), The Maltings, East Tyndall Street, Cardiff, CF24 5EA

8 Paget Road, Barry

Variation of Conditions - Condition 2 (Approved Plans), 6 (Balconies), 7 (Parking Provision) of Planning Permission Ref. 2022/01185/FUL: Proposed change of use and conversion of the first and second floor and extension of The Merrie Friars building (8 and 9, Paget Road, Barry Island) to create six residential units (five additional) at 8 Paget Road, Barry

REASON FOR COMMITTEE DETERMINATION

Please note this application was initially deferred from the Planning Committee of 11 September 2025 to allow for approval of a schedule. The application must be determined by Planning Committee under the Council's approved scheme of delegation because it has been called-in by Cllr S Perkes. The reason provided *"due to the importance of the regeneration area that this development scheme is in. It therefore supports the aims of the regeneration scheme."*

EXECUTIVE SUMMARY

The site is located at The Merrie Friars Building (No.8 & 9) Paget Road which is a three-storey property which fronts directly onto Paget Road. It is currently occupied by several commercial units on the ground floor, and prior to re-development, a former gymnasium occupied the first floor and basement, with a single large residential unit above that on the second floor. Planning application 2022/01185/FUL was granted for the residential conversion of the upper floors of the building in 2023.

The application is made under Section 73a of the Town and Country Planning Act and seeks to regularise unauthorised works already carried out, as well as make further amendments, to Planning Permission Ref. 2022/01185/FUL. A front balcony has been constructed which does not accord with the approved plans, and there are other minor amendments to the configuration of the rear elevation.

Barry Town Council did not object, Cllr S William wrote in support of the application, and Cllr S Perkes called the application to Planning Committee. There have been no representations made by members of the public.

The principal issue relates to the unauthorised front balcony. The VoGC Conservation Officer objected to the proposals, noting that the balcony covers over the piers, losing the deliberate and quality interwar design which is reflective of the historic importance of the seaside resort.

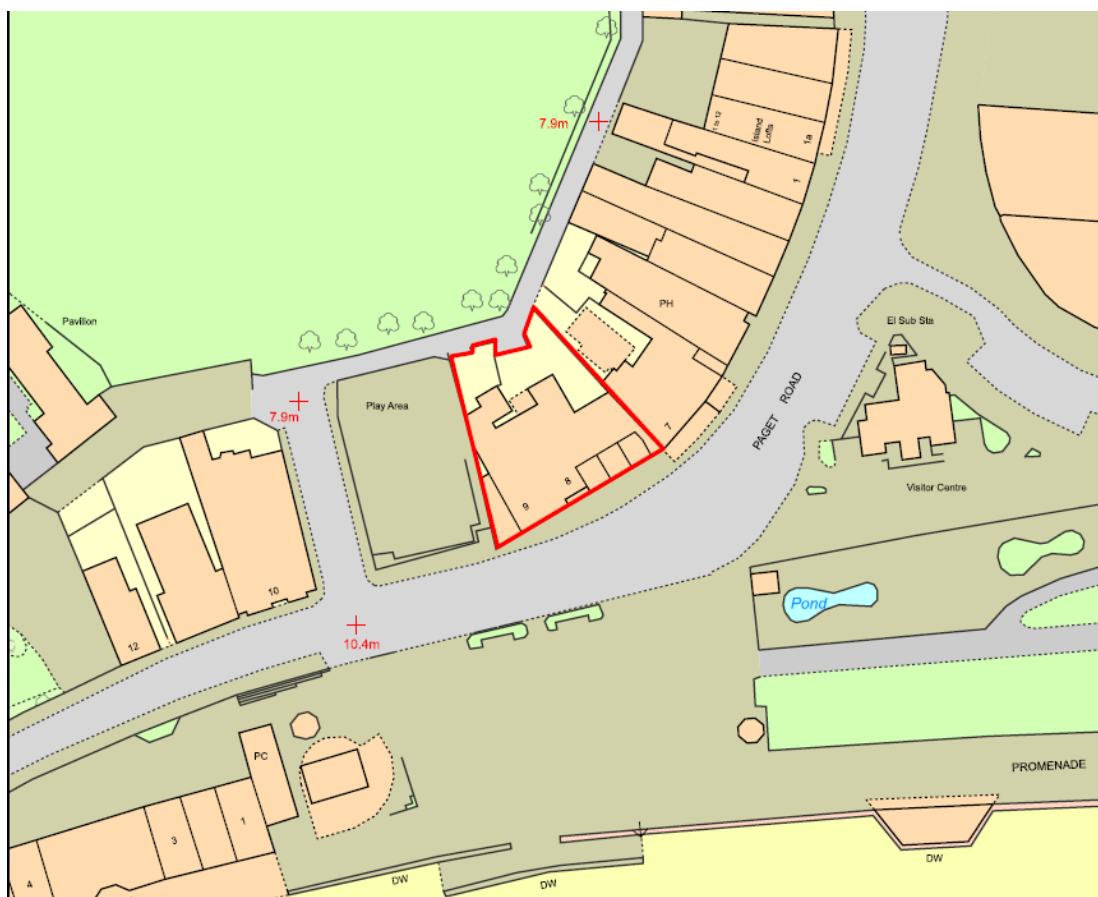
Having considered the above and having appraised the visual impact and having given special attention to the impact to the desirability of preserving the character of the Barry Marine Conservation Area, among other things, the proposal is considered sufficiently harmful to warrant refusal. The application is therefore recommended for REFUSAL.

SITE AND CONTEXT

The site is located at The Merrie Friars Building (No.8 & 9) Paget Road, within the settlement boundary of Barry as defined by the Local Development Plan (LDP). The site relates to a three-storey property which fronts directly onto Paget Road. It is currently occupied by several commercial units on the ground floor, and prior to re-development, a former gymnasium occupied the first floor and basement, with a single large residential unit above that on the second floor.

The site is in the Barry Marine Conservation Area, although the building is not identified as a 'positive building' in the conservation area appraisal and is not listed. The building has a utilitarian appearance at the rear with a stone façade at the front. The original frontage included a recessed terrace framed by the Grecian style columns, however, at some point in time these appear to have been infilled with casement windows.

Planning application 2022/01185/FUL was granted for the residential conversion of the upper floors of the building in 2023. In recent months, construction works have been started on the building and these remain on-going.



DESCRIPTION OF DEVELOPMENT

The application is made under Section 73a of the Town and Country Planning Act and seeks to regularise unauthorised works already carried out, as well as to make further amendments to Planning Permission Ref. 2022/01185/FUL.

The original application was for the residential conversion of the first and second floor of the Merrie Friars building to create six residential units (a net gain of five units).

The amendments sought include:

- Extended Front Elevation Balconies (retrospective)
- Revised External Staircase;
- Amended Rear Communal Entrance (to Flats 1 & 2) (retrospective); and
- Inclusion of Rooflights, AOV (vent), and Basement Doors;

Front Balconies:

The pre-existing front elevation comprised of the original ashlar masonry, with white upvc windows and doors set within the original openings between the vertical piers, as pictured below.

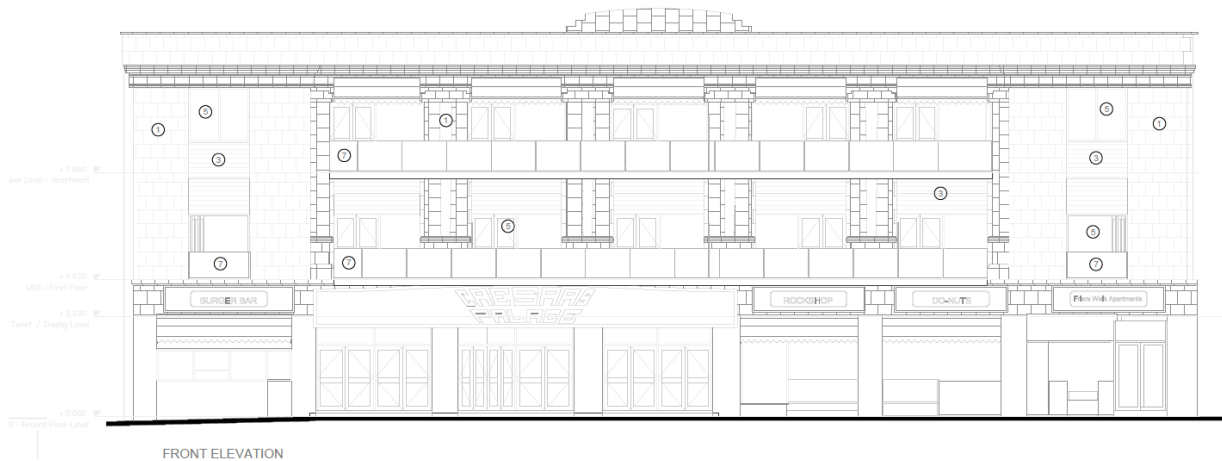


The approved balconies were situated between the piers, as shown on the approved plan and accompanying image seen below.





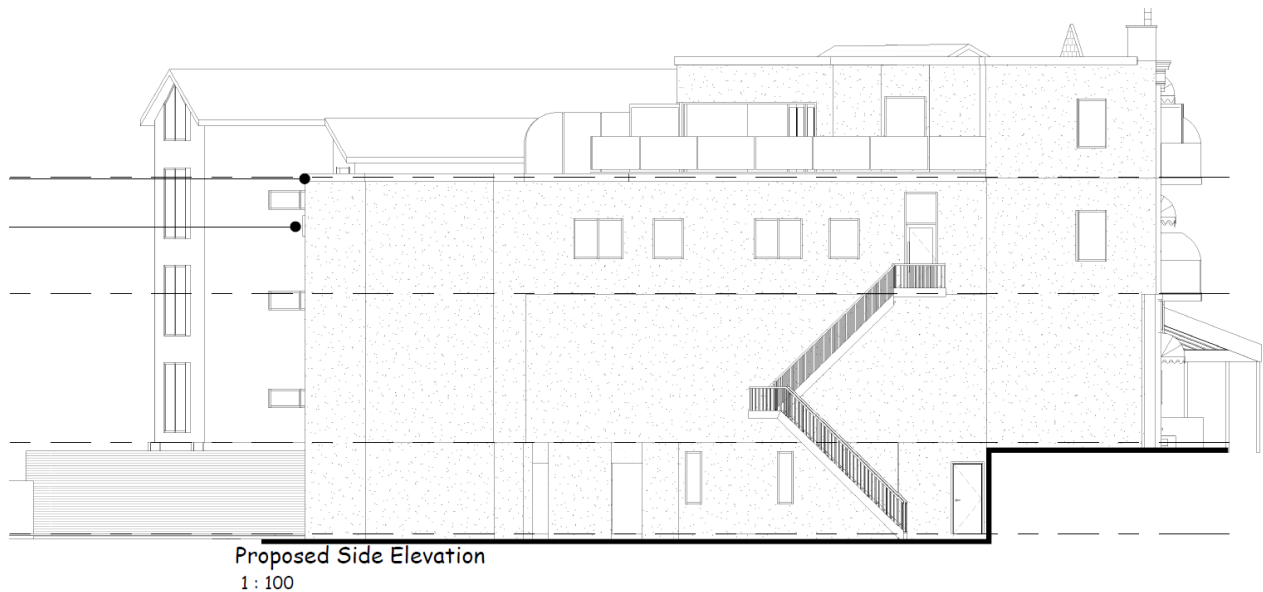
The proposed plans reflect the 'as built' situation with the balconies constructed as a single expanse, as shown in the plan and photograph below.



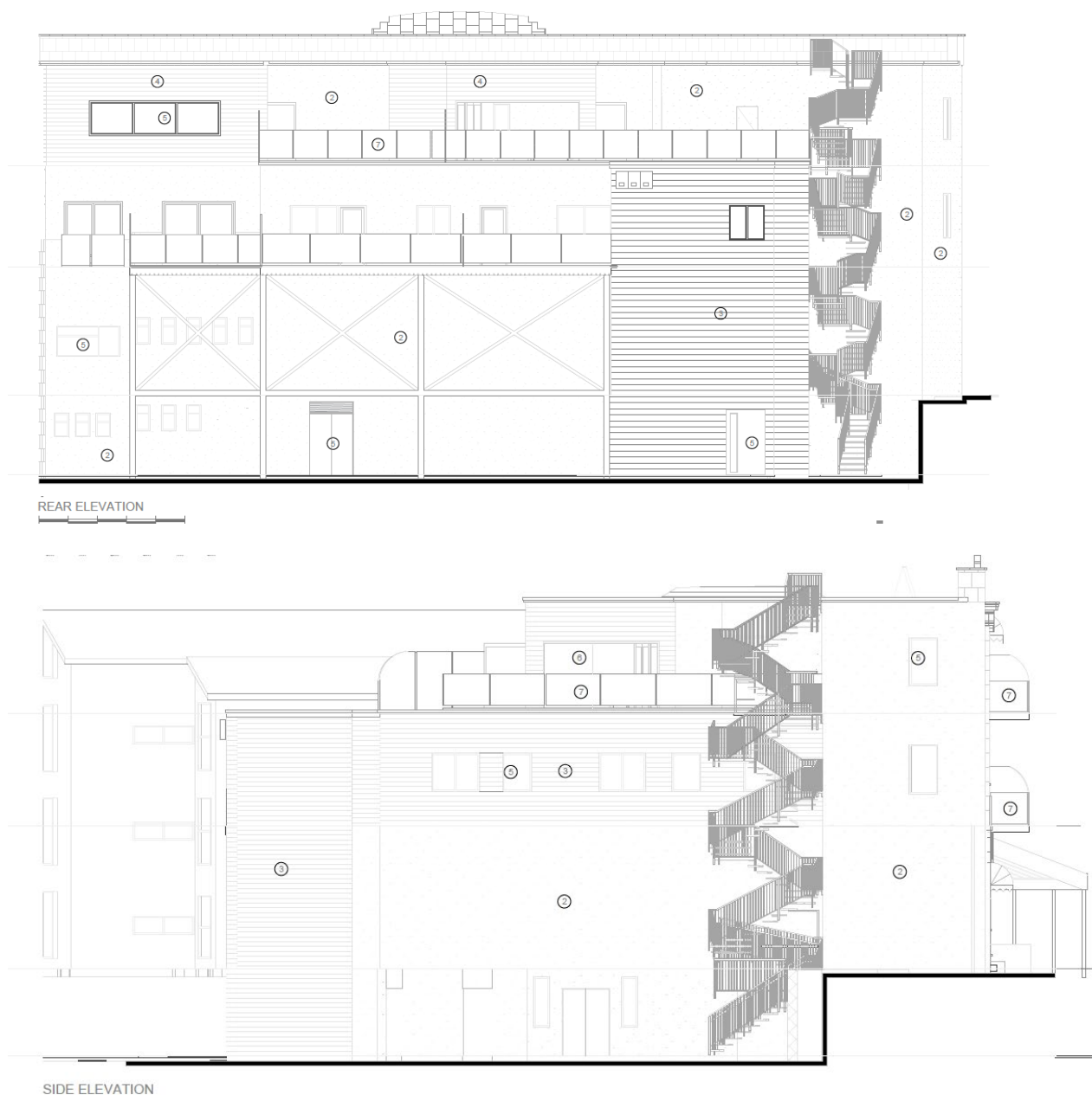
Side and Rear Elevations:

There are a series of minor amendments to the arrangement of fenestration to the rear elevation shown on the proposed plan. The principal changes are the provision of an extended external staircase, providing direct roof access to the telecom equipment sited on it, as well as the omission of a vertical window serving a staircase. The proposed lift has also been omitted.

The approved rear and side elevations are depicted below: -



The proposed rear and side elevations are depicted below:



PLANNING HISTORY

2023/01214/FUL, Address: Existing telecommunications site on rooftop of Barry Gymnasium, Paget Road, Barry, Proposal: Removal of existing 6No. antennas, 2No. equipment cabinets and other ancillary equipment; Installation of 6No. replacement antennas on new support structures, with the height to top of antennas at 15.85m AGL; 1 no. replacement equipment cabinet and ancillary equipment thereto, Decision: Approved

2022/01185/FUL, Address: 8, Paget Road, Barry, Proposal: Proposed change of use and conversion of the first and second floor and extension of The Merrie Friars building (8 and 9, Paget Road, Barry Island) to create six residential units (five additional), Decision: Approved

2022/01185/2/CD, Address: 2-3 Merrie Friars Building, Paget Road, Barry, Proposal: Discharge of Condition 5 (Materials details) for Planning Application ref 2022/01185/FUL - Proposed change of use and conversion of the first and second floor and extension of The Merrie Friars building (8 and 9, Paget Road, Barry Island) to create six residential units (five additional) at 8, Paget Road, Barry. Decision: Approved

2022/01185/1/CD, Address: 8, Paget Road, Barry, Proposal: Discharge of Condition 3 - Biodiversity Enhancement Details. Planning Permission ref: 2022/01185/FUL. Proposed change of use and conversion of the first and second floor and extension of The Merrie Friars building (8 and 9, Paget Road, Barry Island) to create six residential units (five additional) at 8, Paget Road, Barry. Decision: Approved

2014/01246/FUL The Gymnasium, 8, Paget Road, Barry Extension to rear of top floor flat upon roof to first floor level below Approved 12/12/2014

2014/00024/FUL Rooftop of Barry Gymnasium, 9, Paget Road, Barry. Proposed replacement of six no. Telefonica O2 antennas with six no. Vodafone antennas, together with replacement of two no. equipment cabinets and additional single equipment cabinet. Approved 04/03/2014

2010/00963/FUL Barry Island Gym, Paget Road, Barry. Installation of two, four stack dipole antennas on freestanding grillage and ancillary development with the equipment located within an internal equipment room at ground level. Approved 22/10/2010

2007/01586/FUL Rooftop of Barry Gymnasium, Paget Road, Barry Island, Barry. Retrospective application for installation of six antennae on steel pole mounts with equipment cabinet and associated cables and trays. Approved 30/01/2008

2007/01179/PNT Barry Gymnasium, Paget Road, Barry Island. Installation of 3 additional antennae on roof parapet wall and additional equipment cabinet as detailed on drawings enclosed. The proposed installation will complement the existing three pole mounted antennae and cabinet as well as another operators equipment. Withdrawn 30/06/2007

2005/00558/FUL 8 & 9, Paget Road, Barry Island, Barry. Change of use of first floor accommodation from gymnasium. Conversion of 3 no. 2 bedroom flats including the demolition and alteration of structures to the rear. Erection of garage accommodation. Approved 09/09/2005

2003/01414/FUL Second floor, 8/9, Paget Road, Barry. Change of use of second floor area to domestic flat. Approved 21/11/2003

1997/01061/FUL Merry Friars, Paget Road, Barry Island. Rear fire escape serving top floor. Approved 14/11/1997

1991/00442/FUL The Merrie Friars, 8 Paget Road, Barry Proposed alteration to entrance and canopy over. Approved 28/06/1991

1989/01200/REG4 Former conveniences, Paget Road & Friars Road, Barry Island Hoarding (Timber construction) Withdrawn 06/10/1989

1974/01184/FUL Marie Friars, Paget Road, Barry Island. To provide new first floor male toilet accommodation. Approved 12/09/1975

CONSULTATIONS

Barry Town Council stated no objection.

Highway Authority stated no objection.

VoGC Drainage Section (SAB) – no response.

Shared Regulatory Services (Pollution) – no response.

VoGC Conservation Officer objected to the proposed variations to the front elevation and provided the following detailed comments: -

“The amendments to the front elevation is particularly harmful in terms of the impact from the amended design of the balcony. The original permission approved the creation of individual balconies for each apartment which sat between the existing stone piers. Such an approach reflected the historic design of the building where the design allowed ten insets on the first and second floor creating seating areas from which to enjoy the seaside resort. Such is evidenced in photographs e.g. Barry Island Promenade | Peoples Collection Wales. Whilst the ground floor of the property has in more recent times has lost some (or covered over) of the historic features through less sympathetic signage or shopfront design, the historic core is still visible especially at first and second floor levels. The proposal approved in 2022 reflected the original design and this was welcomed. However, the proposal within this application sees the creation of a balcony that covers over the piers losing the deliberate and quality interwar design which is reflective of the historic importance of the seaside resort at Barry Island.

In addition to the balconies are the changes to the fenestration within these spaces, from fixed windows to bi fold doors. Whilst this could be supported the design shows the doors opening at various sides creating a confused impact, it is considered that each bifold should open or close on the same side to reflect the ordered and classically inspired design of the property.”

The proposed amendments to the side and rear elevation were not considered to be harmful.

Baruc Ward Councillors – no response.

Dwr Cymru/ Welsh Water – did not object and requested a planning condition that prevented the discharge of any rainwater from extended parts of the building into the public sewer.

VoGC Estates – no response.

Cllr S Wiliam stated:

“As the local ward member, I write to express my full support for the application to create residential units on Paget Road.

This is an excellent proposal and will improve the area as well as enhance the building. The alterations proposed by the developer are necessary as proven by the structural and building control justifications and evidenced by the applicant.

Though I am fully in support of the Marine Conservation Area and was one of the councillors behind its establishment more than 20 years ago, I do not believe that this proposal goes against the spirit of that and in that sense, I disagree with the views expressed by the conservation officer. Rather than detracting from the area, this application improves the appearance of the building considerably and enhances the area.

Already a drab, grey, miserable building has been transformed into an aspiring and beautiful one. The slim line balustrading has emphasised the vertical columns of the building that was one of the main concerns of the officer.

They remain prominent and a special feature of the Marine Conservation area. It should also be noted that this building is not a listed one either and therefore not subject to certain conditions that would restrict the applicant's ability to refine it.

Considerable work has been done here on what is obviously a labour of love on the part of the applicant. This approach is one which should be welcomed. It is a considerate proposal which is sensitive to its surroundings and improves the appearance of the whole area.

I strongly approve of and support this proposal."

Cllr S Perkes called the application to Planning Committee with the stated reason being: *"due to the importance of the regeneration area that this development scheme is in. It therefore supports the aims of the regeneration scheme."*

REPRESENTATIONS

The neighbouring properties were consulted on 7 April 2025, and a site notice was also displayed on 2 May 2025. No representations have been made.

REPORT

Planning Policies and Guidance

Local Development Plan:

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

Strategic Policies:

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

Managing Growth Policies:

POLICY MG1 – Housing Supply in the Vale of Glamorgan
POLICY MG4 – Affordable Housing

Managing Development Policies:

POLICY MD1 - Location of New Development
POLICY MD2 - Design of New Development
POLICY MD3 - Provision for Open Space
POLICY MD4 - Community Infrastructure and Planning Obligations
POLICY MD5 - Development within Settlement Boundaries
POLICY MD6 - Housing Densities
POLICY MD7 - Environmental Protection
POLICY MD8 - Historic Environment
POLICY MD9 - Promoting Biodiversity

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.

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 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

Chapter 4 - Active and Social Places

- Transport
- Living in a Place (housing, affordable housing and gypsies and travellers and rural enterprise dwellings)

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)

PPW12 also contains the following advice in relation to planning and conservation areas:

6.1.9 “Any decisions made through the planning system must fully consider the impact on the historic environment and on the significance and heritage values of individual historic assets and their contribution to the character of place.”

6.1.14 “There should be a general presumption in favour of the preservation or enhancement of the character or appearance of conservation areas or their settings. Positive management of conservation areas is necessary if their character or appearance are to be preserved or enhanced and their heritage value is to be fully realised. Planning authorities should establish their own criteria against which existing and/or new conservation areas and their boundaries should be reviewed. The preparation of conservation area appraisals and management plans can assist planning authorities in the exercise of their development management functions.”

6.1.15 “There is a strong presumption against the granting of planning permission for developments, including advertisements, which damage the character or appearance of a conservation area or its setting to an unacceptable level. In exceptional cases, the presumption may be overridden in favour of development considered desirable on public interest grounds.”

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 2 – Planning and Affordable Housing (2006)
- Technical Advice Note 5 – Nature Conservation and Planning (2009)
- Technical Advice Note 11 – Noise (1997)
- Technical Advice Note 12 – Design (2016)

In relation to design, TAN12 states:

2.6 “Design which is inappropriate in its context, or which fails to grasp opportunities to enhance the character, quality and function of an area, should not be accepted, as these have detrimental effects on existing communities.”

4.5 “In many cases an appraisal of the local context will highlight distinctive patterns of development or landscape where the intention will be to sustain character. Appraisal is equally important in areas where patterns of development have failed to respond to context in the past. In these areas appraisal should point towards solution which reverse the trend.”

4.8 “Appraising “character” involves attention to topography; historic street patterns, archaeological features, waterways, hierarchy of development and spaces, prevalent materials in buildings or floorscape, architecture and historic quality,

landscape character, field patterns and land use patterns, distinctive views (in and out of the site), skylines and vistas, prevailing uses and plan forms, boundary treatments, local biodiversity, natural and cultural resources and locally distinctive features and traditions (also known as vernacular elements)."

6.16 *"The appearance and function of proposed development, its scale and its relationship to its surroundings are material considerations in determining planning applications and appeals. Developments that do not address the objectives of good design should not be accepted."*

- Technical Advice Note 15 – Development and Flood Risk (2004)
- Technical Advice Note 24 – The Historic Environment (2017)

Welsh National Marine Plan:

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

Supplementary Planning Guidance:

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

- Affordable Housing (2025)
- Barry Development Guidelines
- Biodiversity and Development (2018)
- Parking Standards (2019)
- Planning Obligations (2018)
- Residential and Householder Development (2018)
- Barry Marine Conservation Area Appraisal and Management Plan

Other relevant evidence or policy guidance:

- Manual for Streets (Welsh Assembly Government, DCLG and DfT - March 2007)
- Welsh Government Circular 016/2014: The Use of Planning Conditions for Development Management
- Welsh Office Circular 13/97 - Planning Obligations

- Section 160 of the Historic Environment (Wales) Act 2023, imposes a duty on the Council with respect to any buildings or other land in a conservation area, where *special attention shall be paid to the desirability of preserving or enhancing the character or appearance of that area*.
- Cadw - Barry Island: Understanding Urban Character (2016)
- Section 58 (1) of the Marine and Coastal Access Act places a requirement on the Council to take authorisation decisions in accordance with the appropriate marine policy documents, unless relevant consideration indicates otherwise.

Equality Act 2010

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

Well-being of Future Generations (Wales) Act 2015

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

Issues

The application seeks to make amendments to an extant planning permission. The scope of this assessment is therefore duly limited to the acceptability of the proposed amendments, and matters relating to planning conditions.

Design and Barry Marine Conservation Area

The site is in the Barry Marine Conservation Area where Policy MD8 (Historic Environment) of the Local Development Plan (LDP) requires development proposals preserve or enhance the character or appearance of the area. In a legislative context, Section 160 of the Historic Environment (Wales) Act 2023 imposes a duty on the Local Planning Authority whereby "*special attention shall be paid to the desirability of preserving or enhancing the character or appearance*" of the conservation area. Moreover, Policy MD2 (Design of New Development) and MD5 also promote a high standard of design and state new development must relate well to its surroundings.

The principal (and most important) elevation is the front façade to Paget Road, albeit the original façade had been altered by infilling the recess between the columns with upvc casement windows and boarding in years gone by. The conversion of the upper floors presented an opportunity to enhance this elevation through the provision of better-quality windows with a greater extent of glazing and slimmer frames. This has been achieved to a degree (in terms of the fenestration design) and while the cladding boards are not characteristic of the original building or conservation area, they are considered acceptable being an improvement over the pre-existing white upvc installations. The painting over of the masonry is not ideal, as it is a potential maintenance burden, but can be carried out under permitted development.

Planning application 2022/01185/FUL proposed to provide balconies to the upper floor, in between the piers. Those shown in the prior application were of a high quality and minimalistic design, cantilevered, and largely clear glazed. Although new features, these balconies respected the core original design of the building and sat between the stone piers. This approach reflected the historic design of the building where the design allowed ten insets on the first and second floor, creating seating areas from which to enjoy views over the seaside resort. The original frontage is shown below, for context: -



Photograph c. 1925. Source: Cadw - Barry Island: Understanding Urban Character (2016)

The character study by Cadw refers to the Merrie Friars building on page 67 as follows: -

“The Merrie Friars is equally impressive. Built in the 1920s, the building has a modern classical-cum-Art Deco spirit, which is expressed in visually prominent ashlar masonry. The three-storey structure has seven bays with a plain cornice and parapet. The central and terminal bays are slightly proud of the main build. Overall, its robust period character is integral to that of Whitmore Bay.”

The balconies constructed and which form part of this application have instead been built across the piers, one of the principal architectural features of the building. It results in detriment to the deliberate and high-quality interwar design, which is reflective of the historic importance of the seaside resort at Barry Island. The expanse of the balconies also creates a strong horizontal emphasis which clashes with the dominant vertical emphasis of the piers. Although glazed, the balconies also have substantive steel frames around each glass pane, whereas the panes on the approved design are larger and shown without such frames – and this adds to their prominence, exacerbating the identified harm. The aforementioned legislation and policy context requires development in conservation areas to preserve or enhance the host area, and for the reasons given above, the development fails to meet this requirement and represents a significant and harmful retrograde step to the previous approval.

The application is supported by a Structural Report which explains the rationale behind the construction. It states that the only means to cantilever the balconies was using existing steel columns between the pillars, as the pull-out forces of the bolts would otherwise have exceeded the resistant characteristics of the masonry. I.e. it concludes that it would have been impossible to implement the approved design. These findings are not disputed, however, on establishing this fact there would clearly have been an opportunity to raise this matter with the Local Planning Authority, to discuss and seek approval for any amendments before undertaking unauthorised works. No such contact was made.

Whilst some weight that can be afforded to the amenity benefits to the occupiers from having a front balcony, ultimately, this does not outweigh the harm caused to the character of the building and conservation area from the unauthorised works. All but one of the flats will have access to sizeable rear balconies that provide beneficial and acceptable spaces for outdoor amenity. Flat 1 would not have access to any external private or shared amenity space, however, the functional requirements such as bin and secure cycle storage are provided for on the ground floor of the building. The units also benefit from a good level of public amenity, with the beachfront as well as public play space on its doorstep, and a Juliet style ‘balcony’ window would provide for a reasonable alternative.

The proposals include several other alterations from the approved drawings to the side and rear elevation. These elevations are relatively utilitarian and of much lesser importance to the character of the street scene and Barry Marine Conservation Area, when compared to the front. These other amendments are relatively minor in scale and would otherwise be considered acceptable.

In summary, the re-design of the front balconies, by covering the piers which are a fundamental part of the core historic design, has unacceptably harmed the character of the Merrie Friars building. The building is one of the most prominent within the Barry Marine Conservation Area and, consequently, the proposals fail to preserve the character of the conservation area. It is considered that such harm is not outweighed by other factors. It is therefore contrary to criterion Policies SP10 (Built and Natural Environment), criterion 1 & 2 of Policy MD2 (Design of New Development), and criterion 1 of Policy MD8 (Historic Environment), as well as the advice within Planning Policy Wales Ed. 12 and TAN12 (Design). Having regard to the Council’s duty to pay special attention to this matter under Section 160 of the Historic Environment (Wales) Act 2023, it is considered that the application should be refused.

Residential Amenity

The submitted floor plans show a reversion to 1.1m side screens to the balconies of Flats 4 and 6 to the rear of the building. However, the elevation plans show them as 1.8m tall. There is no mention of amending the screens in the application documents or cover letter, and therefore, this appears to be a plan error. The approved screens are 1.8m and would need to be retained at this height to protect the amenity of neighbouring occupiers, who may otherwise be subject of intrusive overlooking from the proposed garden terraces (rear balconies).

REASON FOR RECOMMENDATION

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

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

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

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

RECOMMENDATION

APPROVE subject to the following condition(s):

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

Location Plan

R702 16 A1 Proposed Ground Floor Plan

R702 17 A1 Proposed First Floor Plan

R702 18 A1 Proposed Second Floor Plan

R702 19 A1 Proposed Roof Plan

R702 20 A1 Proposed Elevations

R702 40 A0 Proposed Basement Floor Plans

Reason:

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

2. The building shall be adapted so as to provide sound insulation against both airborne and impact noise to achieve the following noise levels:

Bedrooms: LAeq, T 30dB(A) with an LAmax fast 45

Living rooms: LAeq, T 35dB(A)

Following completion of the proposed development and prior the first beneficial occupation of any of the units, a sound test of the premises shall be undertaken by a suitably qualified acoustician and a test report submitted to and approved by the Local Planning Authority. The report shall either demonstrate that sufficient noise insulation is in place or identify the remedial action that is necessary to meet the required noise levels, along with a timetable for their implementation. Should remedial action be deemed to be required and the agreed timetables for their implementation be breached, the occupation of the development shall cease until such time as it is confirmed that the agreed remediation measures have been fully implemented.

Reason:

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

3. Notwithstanding the submitted plans and details, no unit shall be occupied until the proposed roof terrace and balconies which serve them have been constructed, are available for the occupiers to use, and 1.8m high obscurely glazed privacy screens (using obscured glass to a minimum of level 3 of the "Pilkington" scale of obscuration) have been erected along their sides, in accordance with the details that have first been submitted to and approved by the Local Planning Authority. Once erected, the privacy screens shall also thereafter be retained for the lifetime of the development.

Reason:

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

4. The development shall be carried out in accordance with the Biodiversity Mitigation and Enhancement Strategy approved on 20.02.24 under planning reference 2022/01185/1/CD. The enhancement measures set out within shall also be provided in accordance with the approved timings and, thereafter, retained in perpetuity in accordance with the approved details.

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.

5. No unit shall be occupied until the parking spaces, circulation space, bin store, and cycle store have been laid out within the site in accordance with drawing no 'R702 40 A0 Proposed Basement Floor Plan' and no gate shall be erected across the vehicular access to the rear lane unless it is in accordance with details which have first been submitted to and approved by the Local Planning Authority.

Reason:

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

NOTE:

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.

APPLICANT: Vale of Glamorgan Council, The Alps Depot, Quarry Road, Wenvoe, CF5 6AA

AGENT: Mr Marcus Bayona-Martinez Hodge House, Suite 4d, 4th Floor, 114 - 116, St Marys Street, Cardiff, CF10 1DY

Sully to Cosmeston Active Travel Route

Works for a shared pedestrian and cycle route (Active Travel Route), earthworks, landscaping and associated works from Sully to Cosmeston.

REASON FOR COMMITTEE DETERMINATION

The application is required to be determined by Planning Committee under the Council's approved scheme of delegation as it is of a scale and nature that is not covered by the scheme of delegation. Furthermore, the application has been called in for determination by Councillor Mahoney who has raised concerns with the scheme which are set out in the body of the report below.

EXECUTIVE SUMMARY

The Proposed Development is for a new shared footway/cycleway Active Travel Route linking the village of Sully to Cosmeston, commencing southeast of Sully, on South Road (B4267), and terminating at Cosmeston Drive, Penarth.

The route would follow a northeast alignment, beginning on a 0.76 km stretch of the current footway/cycleway on South Road, and then continues along the existing shared use route adjacent to Lavernock Road toward 'The Vineyards'. The proposals would upgrade the existing shared-use route in line with the latest Active Travel Guidance (Wales). The route would cross Lavernock Road before joining the disused railway track which would continue for circa 2km before reaching its endpoint at Cosmeston Drive, where it will continue along the existing 'Railway Walk' route.

A comment was received by Councillor Mahoney raising concerns regarding the stretch of proposed track from the Vineyards at the old Sully bends into the village of Sully and predominantly the loss of the green verge and the removal of greenery at Swanbridge Grove, Highbridge Close and Winsford Rd opposite the sports club. Comments were also made relating to highway safety along Swanbridge Crossroads. Additional concerns have been raised with regards to the cost of the project and its justification noting the existing shared pathway arrangements which was also raised by residents. Further concerns have been raised by residents regarding the loss of privacy, security, excessive lighting, damage to wildlife habitats, and land ownership. This said, comments in support of the application have also been received by residents stating that the proposal would provide a safe corridor for both pedestrians and cyclists and promote other linkages via public rights of way within the wider area.

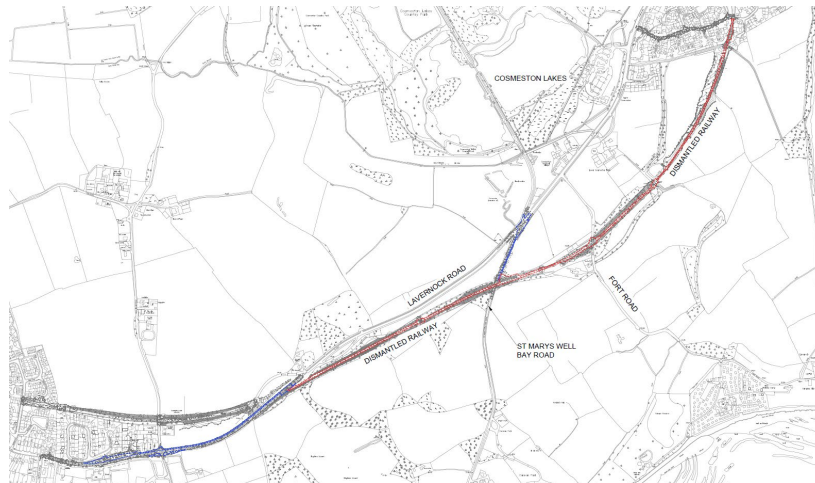
Insofar as consultees, no objections (subject to suitable conditions and informatives) have been raised by the Council's Shared Regulatory Services, Highways, Dwr Cymru, Natural Resources Wales, Ecology, the council's heritage officer, Heneb and the Council's drainage officers.

The application is recommended for approval, subject to conditions.

SITE AND CONTEXT

The application site relates to a 1.33ha area between the village of Sully and Cosmeston. The route would begin on a 0.76 km stretch of the current footway/cycleway on South Road and then continue along the existing shared use route adjacent to Lavernock Road toward 'The Vineyards'. The proposals would upgrade the existing shared-use route in line with the latest Active Travel Guidance (Wales). The route would cross Lavernock Road before joining the disused railway track which would continue for circa 2km before reaching its endpoint at Cosmeston Drive, where it will continue along the existing 'Railway Walk' route.

The route would be partially sited within the Sully and Penarth Settlement boundaries as identified by the Vale of Glamorgan adopted Local Development Plan 2011 – 2026 and partially within the countryside. It would predominantly be sited within the South Penarth to Sully Green Wedge, a Category 1 safeguarding zone for Limestone (including dolomite) and within a route designated for transport allocation (the national cycle network route 88).



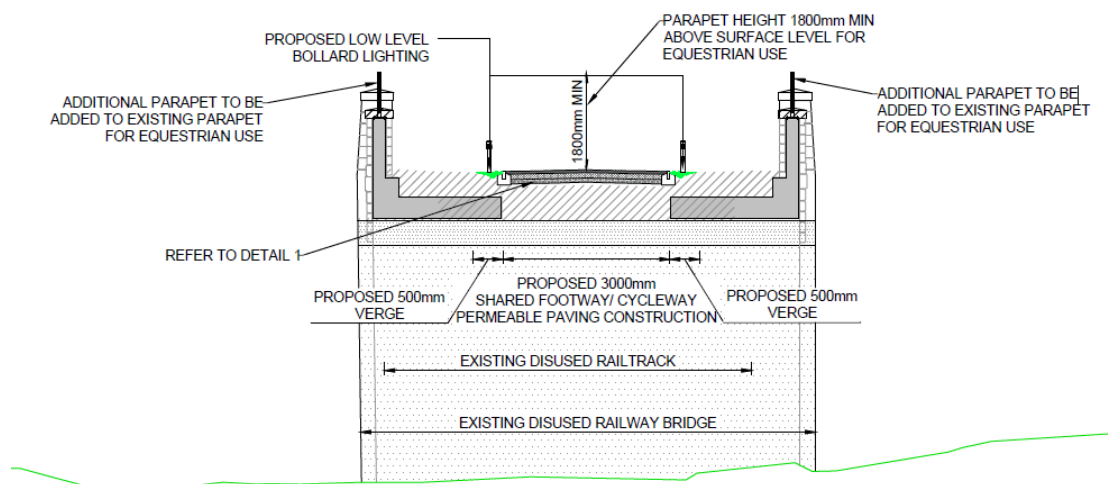
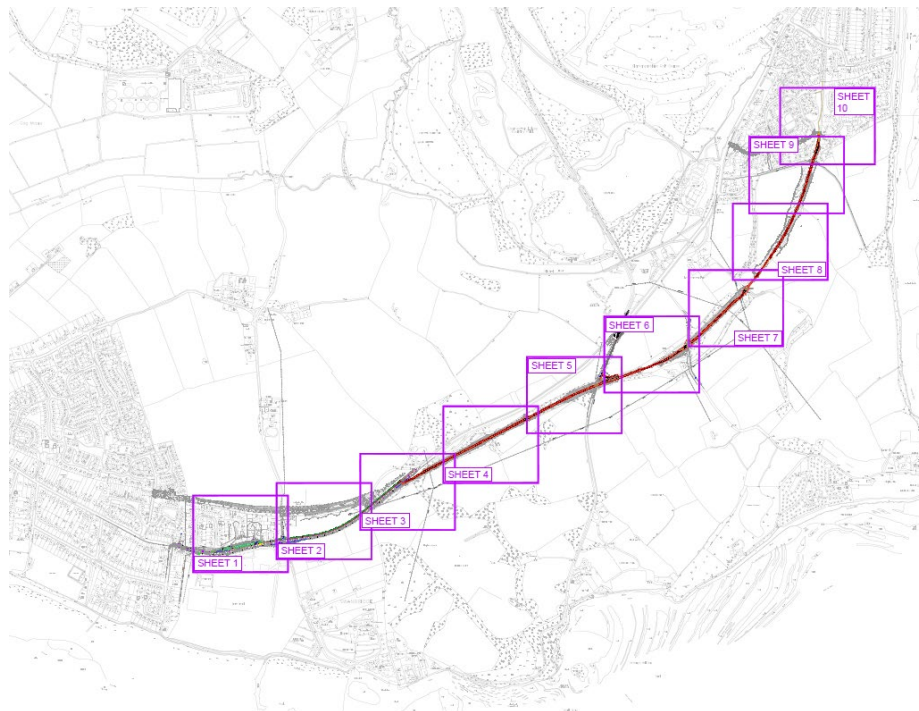
DESCRIPTION OF DEVELOPMENT

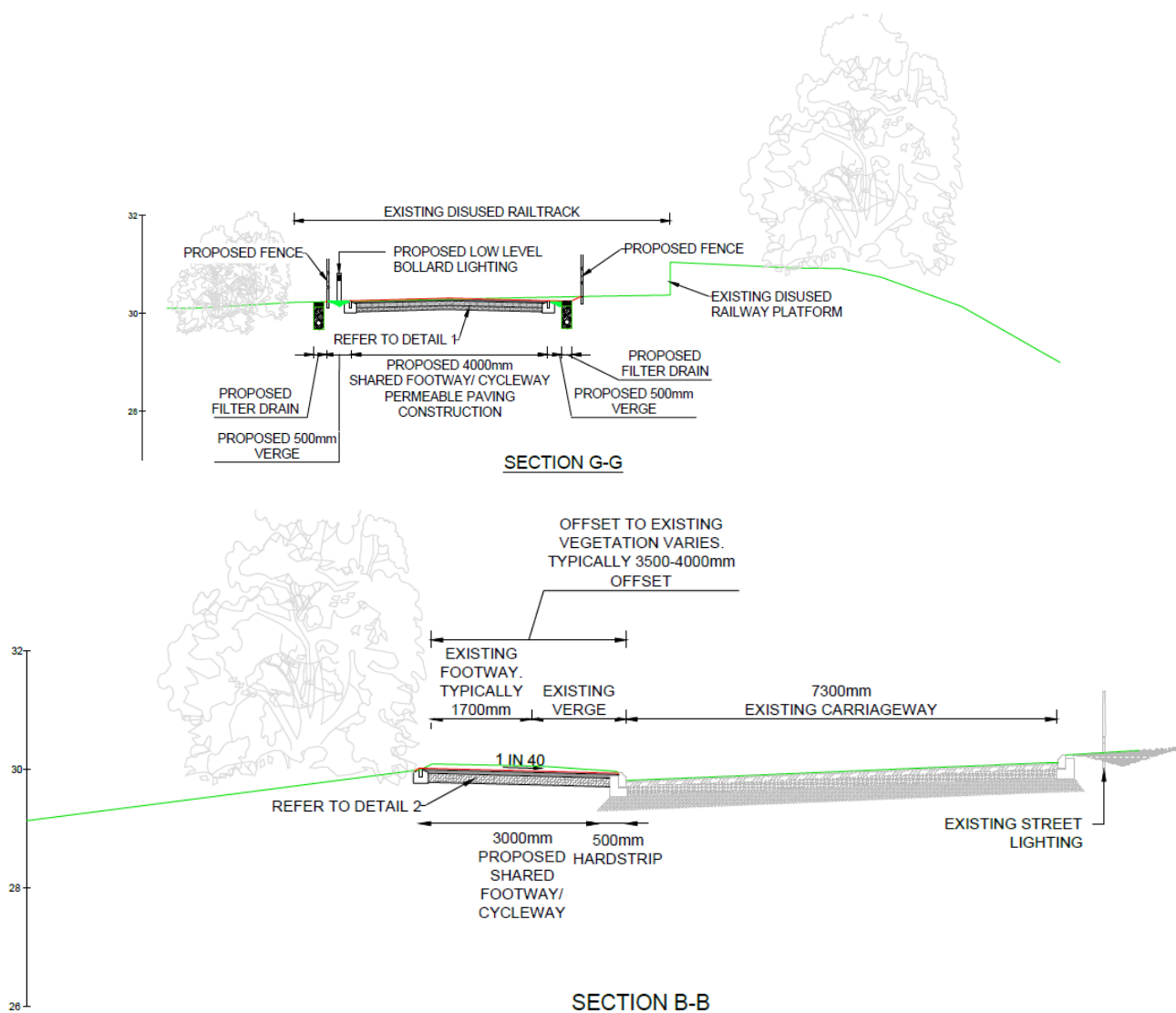
The application seeks full planning permission for a proposed shared footway and cycleway from Sully to Cosmeston. The proposal would provide separate lanes for cyclists to provide a safe space from cars and a pedestrian and cycle path through widening of existing paths. The proposed route, crossing points for pedestrians at key intersections and crossings along the route inclusive of provision of tactile paving would ensure safety provisions are in place.

The footway will be 4m wide along the railway and a minimum of 3m wide (shared footway/ cycleway) on primary routes (namely along the adopted highway), with a 0.5m verge width for routes with speed limits up to 40mph.

The proposal includes signage, road markings, and signals to guide cyclists and pedestrians along the route as well as lighting, designed to balance the needs of the user to safely navigate the cycleway, increase a sense of security and avoid adverse impacts on key receptors such as wildlife. A new pedestrian ramp with landings at St Marys Well Bay is to be installed at a shallow gradient for ease of movement. A new retaining wall is included to accommodate the ramp. Finally, across the length of the disused railway, the proposal includes the erection of a 1.2m high 3 timber post and rail Fencing, with 0.9m bollards at both ends of the disused railway.

The General overview plan, and typical section drawings are attached.





PLANNING HISTORY

1974/00869/OUT, Address: Land at Lower Penarth, (Former Cement Works Site) Now Lavernock Park, Proposal: Outline Application for Residential Development, Decision: Approved

1976/00933/REG4, Address: Os Parcel 2800 and Part OS Parcel 1400, Lavernock, Proposal: Domestic Refuse Disposal, Decision: Approved

1978/01385/OUT, Address: Former Penarth Cement Works and part of OS Parcel 4649 (Now Lavernock Park), Proposal: Residential Development, Decision: Approved

1980/01247/RES, Address: Lavernock Park, Lavernock Road, Penarth, Proposal: Erection of Private Residential Units together with their garages, associated roads and sewers, Decision: Approved

1981/00618/OUT, Address: Lavernock Park, Lavernock Road, Penarth, Proposal: Renewal of outline planning permission for residential development, Decision: Approved

1981/02112/RES, Address: Lavernock Park, Lavernock Road, Penarth, Proposal: Erection of private residential units together with their garages, roads and associated sewers, Decision: Approved

1985/00809/FUL, Address: 'Baruch', Fort Road, Lavernock, Proposal: Extension of domestic accommodation, Decision: Approved

1999/00442/FUL, Address: Baruch, Fort Road, Lavernock, Proposal: Extension to bungalow living accommodation and new garage/workshop, Decision: Approved

2013/00582/LAW, Address: Disused railway line, Archer Place/Sully Terrace, Penarth, Proposal: Resurfacing of sections of existing walking and cyclepath on the route of disused railway line and associated improvements, Decision: Approved

2018/01431/SC1, Address: Land at Upper Cosmeston Farm, Lavernock, Proposal: Request for screening opinion, Decision: Environmental Impact Assessment (Screening) - Required

2018/01432/SC2, Address: Land at Upper Cosmeston Farm, Lavernock, Proposal: Request for scoping opinion, Decision: EIA (Scoping) - Further info required

2020/01170/OUT, Address: Land at Upper Cosmeston Farm, Lavernock Road, Penarth, Proposal: Outline application for residential development, a primary school, community space and public open space with all matters reserved other than access, Decision: Approve subject to Legal Agreement (outstanding)

2021/00828/FUL, Address: Baruch, Fort Road, Lavernock, Proposal: Removal of existing pitched roof structure to allow new first floor flat roof extension, including minor internal and external works, Decision: Approved

CONSULTATIONS

Sully Community Council were consulted and raised no objection.

The Council's Highway Development section were consulted and raised no objection in principle subject to queries which do not relate to the acceptability of the scheme.

These queries related to the possibility of connecting the proposed route to 3.5m route along Fort Road. However, the applicant had explored the opportunity to link to the route at Ysgol Y Deri when developing the scheme, however, was not technically feasible due to the changes in levels and the land available.

Another query related to the thickness of the proposed route which would need to ensure its suitable for vehicles to travel over for maintenance. As such, it was recommended to increase the subbase layer to 200mm which was passed onto the applicants Engineering Team for further discussion as the project progresses to a detailed design stage.

The third query related to the development at Lower Cosmeston Farm, and whether construction funding is approved, consideration will be required whether the site has already started or is due to start and what implications this will have. Confirmation was received that the proposals have come forward in liaison with the owners of the Upper Cosmeston Farm development to ensure alignment between the two projects.

Finally, it was queried whether the route will be required to be adopted by the highway authority, and confirmation was received via email that it is assumed that the route would be adopted.

Confirmation was received by the highway authority that the queries were answered.

The Council's Public Rights of Way Officer was consulted, no comments have been received to date.

Chief Fire Officer was consulted, no comments have been received to date.

The Council's Economic Development Section was consulted, no comments have been received to date.

The Councils Drainage Section were consulted and requested a Flood Consequences Assessment and Drainage Strategy. Upon receipt and review, no objection was raised to the proposal. However, it is noted that the application is subject to separate approval under the SAB process.

The Council's Tourism & Marketing section were consulted, no comments have been received to date.

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

The Councils Heritage Planning Officer was consulted and raised no objection.

Heneb, The Trust for Welsh Archaeology (GGAT) were consulted, and raised no objection subject to a condition requiring the applicant to submit a detailed written scheme of investigation for a programme of archaeological work to protect the archaeological resource.

Cadw, Ancient Monuments were consulted, no comments have been received to date.

Dwr Cymru were consulted and initially raised concerns regarding potential impacts on Dwr Cymru apparatus. However, following discussions with the planning agent, the objection was withdrawn and as such no objection is raised subject to conditions and informatives.

The Council's Ecology Officer was consulted, and raised no objection however requested details of biodiversity enhancement provisions (subject to condition) in addition to a plan indicating the unlit sections of the route in relation to woodlands and the presence of Lesser Horseshoe Bats as per NRW's request. Upon receipt of this plan, no further concerns were raised.

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

The Council's Strategic Property Estates section were consulted, no comments have been received to date.

The Badger Group were consulted, no comments have been received to date.

The Operational Manager for Healthy Living and Performance was consulted, no comments have been received to date.

Cadw, Historic Gardens, were consulted, no comments have been received to date.

Sully Ward members were consulted, Cllr Mahoney responded raising concerns regarding the stretch of proposed track from the Vineyards at the old Sully bends into the village of Sully and predominantly the loss of the green verge and the removal of greenery at Swanbridge Grove, Highbridge Close and Winsford Rd opposite the sports club, highway safety along Swanbridge Crossroads. Additional concerns have been raised with regards to the cost of the project and its justification noting the existing shared pathway.

The Council's Transport and Road Safety section were consulted, no comments have been received to date.

Natural Resources Wales were consulted, and initially raised concerns regarding European Protected Species (Bats) however are satisfied that these concerns can be satisfied via conditions. Concerns were also raised in relation to the operation of the lights throughout the night and have requested they be turned off for 5 hours. Confirmation was received from the agent to switching the lights off for 5 hours through the night which will be controlled via condition.

Shared Regulatory Services (Contaminated Land, Air & Water Quality) were consulted, and raised no objection subject to suitable conditions, relating to unforeseen contamination; imported soils/aggregates and use of site won materials, in addition to an informative relating to contamination matters.

South Wales Police were consulted, no comments have been received to date.

Open Spaces Society were consulted, no comments have been received to date

The Councils Arboricultural Manager was consulted, no comments have been received to date.

Plymouth Ward members were consulted, no comments have been received to date.

REPRESENTATIONS

The neighbouring properties were consulted on 4th June 2025.

Site notices were also displayed along the route on 11th June 2025.

The application was also advertised in the press on 12th June 2025.

To date, a total of 5 responses have been received, two letters are in support of the proposals, one with general comments relating to the justification and expenditure. Two objections have been received regarding loss of privacy, security, excessive lighting, damage to wildlife habitats, and land ownership.

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 SP9 – Minerals

Managing Growth Policies:

POLICY MG16 – Transport Proposals

POLICY MG18 – Green Wedges

POLICY MG19 – Sites and Species of European Importance

POLICY MG20 – Nationally Protected Sites 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 MD5 - Development within Settlement Boundaries

POLICY MD7 - Environmental Protection

POLICY MD8 - Historic Environment

POLICY MD9 - Promoting Biodiversity

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.

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 11- National Connectivity

- Support developments associated with improvements to national connectivity.
- Where appropriate, new development should contribute towards the improvement and development of the National Cycle Network and the key links to and from it.

Policy 12- Regional Connectivity

- Active travel must be an essential and integral component of all new developments.
- New development and infrastructure should be integrated with active travel networks and where appropriate ensure new development contributes towards their expansion and improvement.

Planning Policy Wales:

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

Chapter 4 - Active and Social Places

- Transport

Chapter 6 - Distinctive and Natural Places

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

Technical Advice Notes:

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

- Technical Advice Note 11 – Noise (1997)
- Technical Advice Note 12 - Design
- Technical Advice Note 15 – Development, Flooding and Coastal Erosion
- Technical Advice Note 18 – Transport (2007)
- 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)

- Travel Plan (2018)
- 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

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 primary issues to consider in assessing the proposals against the relevant policies and guidance listed above are the principle of development, the visual impacts of the proposal on the character of its surroundings, potential impact on residential amenity, drainage and flooding, highway and pedestrian safety, heritage, ecology and green infrastructure.

Principle of Development

Policy SP1 (Delivering the Strategy) of the Adopted Local Development Plan 2011 - 2026 seeks to improve the living and working environment, promote enjoyment of the countryside and coast and manage important environmental assets. Criterion 3 and 4 of this policy seek to concentrate the majority of growth in the Key Service Centre and Primary Settlements in order to maximise the opportunities for sustainable regeneration, thereby favouring new local service provision and by encouraging the use of sustainable travel modes. The proposed development proposes a pathway designed for sustainable transport (walking and cycling) and as such the principle of development would comply with the aims and objectives of policy SP1.

Policy SP7 (Transportation) and MG16 (Transport Proposals) highlight the importance of Walking and Cycle routes and specifically refers to National Cycle Network Route 88, which the application site forms part of the proposed route. Policy MG16 identifies and, where necessary, safeguards land required for transport proposals for the LDP, providing improvements which will support the strategic objectives of the Plan and realise enhanced sustainable transport facilities and highway improvements. Walking and Cycling are sustainable and practical alternatives to the private car, supporting healthy lifestyles and reducing the impact on the environment. An essential element in encouraging an increase in walking and cycling is the provision of a network of high quality dedicated routes that link communities and provide access to local retail, employment and recreation opportunities. A stated commitment of the LDP is to encourage and give priority to those proposals that enhance opportunities for walking and cycling, with supporting text of Policy MG16 stating that *'the Council has a longstanding commitment to develop the National Cycle Network within the Vale of Glamorgan. NCN Route 88 links NCN Route 4 at Margam Park in the County Borough of Bridgend, through the Vale of Glamorgan to the start of NCN Route 8 in Cardiff Bay'*. The route has been identified within the Active Travel Network Map (<https://www.valeofglamorgan.gov.uk/en/living/transportation/Active-Travel.aspx#ActiveTravelNetworkMap>) referenced VALE-SULLY-Future-030I. The site is therefore identified in the adopted LDP as part of National Cycle Network Route under Policy MG16 (01). The supporting documents indicate that funding for this project has also been obtained from the Welsh Government Core Active Travel fund and that the active travel route has been recognised by the Welsh Government and the Vale of Glamorgan Council as an optimal route to create a safer environment for pedestrians along the highway and to promote active travel, especially for vulnerable road users and secondary school-aged children.

The Active Travel Act (2013) emphasises the statutory responsibility the planning system has on supporting the delivery of Active Travel infrastructure and it is considered that the provision of the proposed route aligns with the policy guidance set out in Local Development Plan and Planning Policy Wales (12th Edition) and is considered acceptable in principle.

The proposed route is also located within the South Penarth to Sully Green Wedge, as such Policy MG18 (Green Wedges) is of relevance. The policy states that within these areas, development which prejudices the open nature of the land will not be permitted and that Green Wedges have been identified to prevent the coalescence of settlements and to retain the openness of land. National guidance, within PPW (paragraph 3.77) recognises that certain forms of development may be appropriate within green wedge designations, providing they maintain their openness and do not conflict with the purposes of the designation, including local transport infrastructure 'subject to detailed considerations. The supporting documents indicate that in terms of openness, the proposal has been designed to *'blend seamlessly'* along the existing disused railway line, with no other above ground works that would impact on the open nature of the surrounding landscape. Owing to the type of development proposed and predominantly being located along a disused railway line and existing highway route, the provision of an active travel route in line with relevant policies of the Local Development Plan as a designated route, it is considered with regard to the 'openness' of the land that it would predominantly be retained, and would therefore be acceptable in principle. This would be subject to further consideration of the visual impacts, including from lighting, provided within the officer report below.

As such, the principle of development is considered acceptable, subject to other material planning considerations as discussed below.

Visual Impact

Policy MD2 (Design of New Development) states that in order to create high quality, healthy, sustainable and locally distinct places development proposals should (et alia):

1. 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 or landscape interest;
2. Respond appropriately to the local context and character of neighbouring buildings and uses in terms of use, type, form, scale, mix, and density;
3. Where appropriate, provide new or enhanced areas of public realm particularly in key locations such as town centres, major routes and junctions;
4. Promote the creation of healthy and active environments and reduce the opportunity for crime and anti-social behaviour. In the case of retail centres, developments should provide active street frontages to create attractive and safe urban environments;
5. Provide a safe and accessible environment for all users, giving priority to pedestrians, cyclists and public transport users;
6. Have no unacceptable impact on highway safety nor cause or exacerbate existing traffic congestion to an unacceptable degree;

The route would also partially be sited within the Sully and Penarth settlement boundaries, and as such policy MD5 of the LDP is of relevance. It states that new development proposals will be permitted where (et alia):

1. It Makes efficient use of land or buildings;
2. Would not prejudice the delivery of an allocated development site;
3. Is of a scale, form, layout and character that is sympathetic to and respects its immediate setting and the wider surroundings and does not unacceptably impact upon the character and appearance of the locality;
4. The proposal would not result in the loss of natural or built features that individually or cumulatively contribute to the character of the settlement or its setting;

The proposed route would commence southeast of Sully, on South Road and terminate at Cosmeston Drive, with these locations pictured below:



South Road (lhs) and Cosmeston Drive (rhs)

The route follows a northeast alignment, beginning on a 0.76 km stretch of the current footway/cycleway on South Road, and then continues along the existing shared use route adjacent to Lavernock Road toward 'The Vineyards'. The proposals would upgrade the existing shared-use route to comply with the latest Active Travel (Wales) Guidance. Crossing Lavernock Road, the proposed route then joins a disused railway track for a further circa 2km to Cosmeston Drive.

Prior to joining the disused railway track, the proposed route would be visible along Lavernock Road to vehicular traffic traveling between Sully, Cosmeston and Penarth. The submitted visual impact assessment accompanying the application states that development within the urban section of the route as it follows the B4267 eastwards from Sully, is limited to relatively minor interventions to the existing highways, with visual effects largely restricted to the construction phase. No unacceptable residual effects are anticipated once the proposed development becomes operational in this area, particularly given the presence of the current footway/cycleway. Whilst rain gardens and new raised crossings are proposed at the commencement of the route along South Road, and the junction between South Road, Lavernock Road and Beach Road, these are common features within a residential urban context and are considered appropriate in terms of their visual impact. As such whilst alterations would be made to the current layout, it is considered that these would not be detrimental to the character of the area when compared to the existing layout and considered justified to increase safety of users.

The proposal would then cross Lavernock Road adjacent to the Vineyards which would result in the addition of a new pedestrian and cyclist toucan crossing, before the proposed route joins a disused railway track. Views of the proposed development within the section of the route that follows the historic railway embankment, will be largely obscured by existing woodland to the sides of the embankment, that would be retained as part of the proposals. The submitted Ecological Impact Assessment states that a total of 16 trees will be removed within the woodland, one group of trees, and the partial removal of 11 tree groups, most of which would be along the section of disused railway within the dense woodland. The exact location and species of these trees, in addition to their health and condition are included within the Arboricultural report provided by Tr33 Services. Where existing woodland is to be removed, mitigation planting has been proposed to reduce the visual impact of the development, including 0.06ha replacement woodland planting near St Marys Well Bay Road and approximately 153m of new hedgerow which will become increasingly effective as it reaches maturity, particularly in the medium to long term. Whilst vegetation cannot necessarily be relied upon in perpetuity to screen the visual impacts of a proposal, given the nature of the works, comprising predominantly of surfacing or resurfacing in permeable construction, measuring a width of between 3m – 4m, the associated visual impacts would be limited in any event. This part of the route would transition between in cutting to being sited on the embankment given the existing terrain.



Photo of existing disused railway

It is worth noting at this stage that Section 75 of the Highways Act 1980 grants the Highway Authority the ability to vary the relative widths of carriageways and of any footway. It is considered that under the provisions of Class A, Part 13 the proposed route from South Road to the abandoned railway and then from the end of the railway line to Cosmeston drive, can be undertaken via Permitted Development Rights (as set out in Part 13:Development by Highway Authorities of The Town and Country Planning (General Permitted Development) Order 1995 (as amended)) owing to the works being carried out by the VOGC, within the confines of the adopted highway limits. It is important to note that the VOGC has the option of doing these works under the relevant section of the Highways Act in tandem and as such should be noted as a practical fall-back position. Nevertheless, this report is considered to provide a robust assessment of relevant planning issues based on the planning merits and impacts of the proposals as presented.

In terms of visual impact, the section of the route along the railway would be mostly limited to its users, bar certain residential properties and views also from crossing points over existing bridges. The most notable visual alterations would be along St Marys Well Bay Road (as demonstrated in plan ref: 10056562 Arc Xx 110 Dr C 00003 Saint Mary's Well Bay Road Ramp) given the addition of a 3m wide ramp which would tie into the existing footway along the road.



Viewpoint from St Marys Well Bay Road

The proposed ramp would as mentioned be visible from the viewpoint pictured above and would require some ground works in order to allow for a shallow gradient to link the existing footpath and the ATR. A new retaining wall would be included to accommodate the ramp which would also have a visual impact, particularly given the loss of scrubland and vegetation, which in turn would result in a loss of green infrastructure. This said, the new ramp will be lined by native hedgerow planting, with native deciduous woodland and species-rich grassland planting adjacent to St Mary's Well Bay Road and the disused railway, which would be suitable compensatory planting for that lost. The Trail Flex surfacing will allow vegetation to regrow through the ramp to assist in maintaining the natural appearance of the site and as such its visual impact is not considered incongruous within its context.

The route then continues along the railway, relatively hidden to the wider environment until its approach to the Cosmeston Drive housing estate where it will link up with an existing shared use route referred to as 'Railway Walk'. Visually, the proposal would make use of the existing grass track between Shearwater Close and Fulmar Close, which crosses Cosmeston Drive as photographed below.



Cosmeston Drive, proposed route (rhs) and Railway Walk (lhs)

New tactile paving is proposed to be installed for existing uncontrolled crossing over Cosmeston Drive, and staggered removable bollards would be provided to allow for maintenance access at the end of the proposed ATR. Whilst both features would be visible from Cosmeston Drive, given the urban context, they would not result in an unacceptable impact on the character of the area.

Along the route, the proposal would include various forms of signage and markings, in addition to the erection of 1.2m high 3 timber post fencing and galvanized steel fencing, 0.9m high bollards on each end of the ATR and street lighting. The material specifications for the other structural elements use a similar palette of materials, namely a mix of timber, galvanised metal fencing and Trailflex paving (which is recycled rubber paving). The colour finishes are considered to predominantly replicate those used on existing structures within the surrounding highways, whilst also completing natural colour schemes found in the immediate vicinity through the use of timber fencing, and the use of suitable paving which as suggested within submissions, has been selected by owing to the aesthetic appeal, and ability to create durable and low-maintenance pathways in a number of outdoor settings, including parks, nature trails, and recreational areas. As such, this is considered appropriate for a development of this nature, and visually there is no reason to disagree with the justification of the material selection in this instance.

The site does not sit within any designated landscapes although it does lie within a Green Wedge (Local Policy MG18). The proposal would be visible from wider viewpoints, albeit relatively limited given the vegetation and limited number of structures proposed. The proposal would utilise an existing disused railway line (brownfield land). As such, and noting the previous assessment upon the green wedge, the proposed development is not considered to impact the openness of the green wedge.

The proposal includes lighting along the proposed route, which would result in a degree of visual impact on the mostly rural and dark context of the route. The stretch of the ATR adjacent to the highway would make use of current street lighting, which would not result in any additionally adverse visual impact on the landscape. The siting may be minimally adjusted to accommodate the alignment of the route and current lighting standards. The height would remain as existing. This is also the case along South Road which would minimise obtrusive lighting and additional light spill.

As mentioned, the disused railway section would benefit from bollards which would have a colour temperature of 2700K which reduces the impact of artificial lighting. The bollards would project light on one side only (towards the route) which would reduce light spill and would be positioned to face away from key receptors including housing where necessary. The lighting has therefore been designed to ensure navigation and safety for users, and to avoid adverse impacts on the countryside and key receptors through unnecessary light spill. Furthermore, by turning the lights off for a 5 hour period during dark hours (as discussed later with regard to ecology), this would not only benefit ecology but also maintain the dark, rural appearance of the route in night time hours.

Consequently, it is considered that the proposed development would result in an acceptable impact on the visual amenity of the area, subject to suitable conditions, and as such would comply with policies MD1, MD2, MD5 and MG18 of the adopted Local Development Plan 2011 – 2026 in terms of visual amenity.

Impact on Residential Amenity

Criterion 8 of policy MD2 states that in order to create high quality, healthy, sustainable and locally distinct places, development proposals should Safeguard existing public and residential amenity, particularly with regard to privacy, overlooking, security, noise and disturbance.

Policy MD7 (Environmental Protection) of the Local Development Plan 2011 – 2026 seeks to ensure that development proposals will not result in an unacceptable impact on people, residential amenity, property and/or the natural environment from either:

1. Pollution of land, surface water, ground water and the air;
2. Land contamination;
3. Hazardous substances;
4. Noise, vibration, odour nuisance and light pollution;
5. Flood risk and consequences;
6. Coastal erosion or land stability;
7. The loss of the best and most versatile agricultural land; or
8. Any other identified risk to public health and safety.

As noted, the proposed ATR would begin on South Road, utilising existing highways land adjacent to Winsford Road and Swanbridge Grove, and as such would be sufficiently set away from residential properties at this stage to mitigate any undue or unacceptable impacts for this nature of development from noise, overlooking or lighting (as shown on the submitted lighting plan). The route then travels along the existing pathway along Lavernock Road, which is also set well away from residential properties until its approach and crossing over Fort Road. The proposed ATR would cross the existing bridge along the railway track and be sited within relative close proximity to the residential properties of Baruch and Ty'r Orsaf. Given the nature of the proposal, and the limited extent of structures, no overbearing impacts would occur as a result of the development. Whilst it is acknowledged that that the proposed fence enclosures would be visible through the existing and proposed vegetation, this is not considered detrimental to the amenities of nearby residential properties.

The proposal would result in increased recreational activity and pedestrian movements adjacent to the boundary with 'Baruch', which backs onto the old railway line. Whilst a degree of additional activity would occur, given the nature of the development, it is unlikely that users would give rise to any excessive disturbance and certainly not to a degree to prevent the grant of planning permission in this instance. Furthermore, following a site visit along the disused railway, dense foliage along this boundary would somewhat mitigate any potential for direct overlooking. However, for the avoidance of doubt and to safeguard the amenity of this property, a condition is proposed to be attached to any subsequent consent requiring the initially proposed 1.2m fence be increased to 1.8m along this boundary to avoid direct overlooking views into the windows of Baruch. Details of the siting and design of the fence will be required to be submitted to the Local Planning Authority prior to the first beneficial use of the path/cycle path, to minimise any potential privacy implications to this property.

In terms of lighting, the street lighting strategy plans indicate that the disused railway would include 1.1m high bollards which offer a low lux, directional form of lighting as demonstrated within the lighting plans which would not give rise to unacceptable neighbouring impacts by virtue of lighting. . Given the nature of the proposed lighting, and the lack of proximity to neighbouring dwellings, it is considered that the light pollution would have negligible impact on residential amenity along this stretch of the proposal.

With regards to Ty'r Orsaf to the south of the route, this property would be set approximately 48m from the proposed pathway, and whilst elevated views may be available from the railway track, given the distance to the property, it is considered acceptable to avoid any unduly overlooking views.

Moving further north and east, the route would remain set away from residential properties, circa 160m from Lower Cosmeston Farm to the northwest which is considered sufficient to mitigate any overlooking impacts. Furthermore, given the low nature of the lighting, this would have negligible impact on the amenities of the Lower Cosmeston Farm occupants. The route then crosses through the residential allocation identified within the LDP and subject of application '2020/01170/OUT', an outline application for residential development (up to 576 dwellings), a primary school, community space and public open space at land at Upper Cosmeston Farm. This application was resolved to be approved subject to a Section 106 Agreement on the 22/03/24 and made explicit endorsement for the proposed ATR running along the disused railway. This acknowledgment recognises the disused railway as a designated Cycle Route for pedestrian use under Policy MG16 of the Local Development Plan. As such, the approved illustrative layout has designed the residential properties to correspond appropriately with the proposed route, with the use of public open space either side of the route which would act as an open buffer between the route and residential properties, which will be further secured through consideration of any further reserved matters layout.

The route would then follow the existing green corridor between Fulmar Close and Shearwater Close and would run along the boundaries of these properties. Comments of support have been received by certain occupants along Shearwater Close, and it is worth noting that the proposed ATR would be set at a lower level than these properties given the gradient of hill, with levels typically falling from east to west. With regards to properties along Fulmar Close and Cosmeston Drive, a 1.8m high fence is proposed along this boundary which would mitigate the opportunity for overlooking views and given the existing nature of enclosures along this green corridor, the 1.8m fence would not be overbearing. Concerns have also been raised regarding light pollution along Cosmeston Drive. However as demonstrated on plan ref 10056562 Arc At 130 Dr C 00010 P01, the lighting bollards backing onto these properties would be 1.1m high with directional lighting onto the path, and any potential light spill would be further mitigated by the proposed 1.8m high fence. Furthermore, given the low lighting nature of the bollards, this would also mitigate light spill.

It is recognised that the introduction of an active travel route would increase noise given the nature of its use, however the noise associated with the cycle/walking route is unlikely to be excessive and would not be uncommon within residential contexts and in this instance does not warrant refusal of the scheme.

Consequently, it is considered that the proposal would comply with policies MD2 and MD7 of the adopted Local Development Plan 2011 – 2026 with regards to impact on neighbours.

Drainage and Flooding

As noted, policy MD7 of the LDP seeks to ensure that development proposals will not result in an unacceptable impact on people, residential amenity, property and/or the natural environment from Flood risk and consequences (criterion 5). The site is located within Flood Zone A (i.e Low probability of flooding from rivers and the sea) as per the NRW Development Advice Flood Map.

The application triggers the need for a Flood Consequences Assessment due to surface water flood risk under the new TAN15 guidance (section 6.1) which was submitted in September 2025. It concludes that the majority of the proposed development is located on previously developed land under TAN15 with the remaining areas of highway upgrades considered to fall under permitted development.

The proposed development is classified as a 'less vulnerable development' under TAN15. In line with TAN15 guidance the proposed development is appropriate provided the development proposals do not over intensify use and reduce the area's ability to absorb flood water nor cause problems with flooding elsewhere. In addition, the development must be compliant with the tolerable conditions set out in TAN15.

TAN 15 states that the development is considered to be at a 'very low' risk of river / fluvial flooding. The annual chance of fluvial flooding of the Site is less than 1 in 1000 (<0.1%), therefore, the TAN15 fluvial threshold and consequences (tolerable conditions) guidelines have been met. The development is also considered to be at a 'low' present day risk of flooding from the Sea. Therefore, the TAN15 threshold and consequences guidelines have been met with regard to future flood risk from this source.

By implementing a Surface Water Drainage Strategy, the development would be safe from surface water flooding and there would be no increase in surface water runoff to other areas surrounding the development. The development is considered to be at a 'low' risk of groundwater and sewer flooding and is not considered to be at risk of flooding from artificial sources. The submitted FCA has therefore demonstrated that flood risk to the development meets TAN15 requirements, and the development would not increase flooding elsewhere.

Comments from the Council's Drainage team were received raising no objection to the proposal following the receipt of the Surface Water Drainage Strategy and the Flood Consequences Assessment. However, it is noted that the application is subject to separate approval under the SAB process.

In conclusion, it, is therefore considered that the Proposed Development site is acceptable in terms of flood risk and from a drainage perspective in compliance with LDP Policy MD7.

Access, Highway and Pedestrian Safety

The proposed development seeks to advance the promotion of more sustainable means of travel within the local area, as identified by local planning policy. By providing a dedicated cycle and pedestrian route, which will encourage a shift away from car dependency towards more environmentally friendly modes of travel and the creation of healthy and active environments that will be accessible and safe. As noted above, the LDP seeks to encourage and give priority to those proposals that enhance opportunities for walking and cycling. Policy MD2 states that new development proposals should

5. Provide a safe and accessible environment for all users, giving priority to pedestrians, cyclists and public transport users;
6. Have no unacceptable impact on highway safety nor cause or exacerbate existing traffic congestion to an unacceptable degree;

Comments were received from the Council's Highway Authority, who raise no objection in principle to the proposal. The width of the route would vary along its length however it is proposed to be constructed in dense A/C tarmac along existing highways and then a new porous type tarmac along the separated route. Four queries were received relating to the materials, potential connections and the adoption of the route as noted within the consultee responses section above. These comments were forwarded onto the planning agent and confirmation was then received from the highway authority that all queries had been resolved.

No objection is also raised to the new pedestrian and cyclist toucan crossing along Lavernock Road, which will be constructed in accordance with that shown within the Active Travel Act Guidance (Ref: DE613), which given its siting, will afford a distance of 70m from the access to the vineyards and complies with the guidance contained within the Design Manual for Roads and Bridges. This element of the proposal can be carried out under permitted development rights afforded to the highway authority as eluded to above.

The general route direction was not commented on as this has already been considered acceptable in principle including under the LDP process and Welsh Government Active Travel funding that has been awarded to complete the detailed design of an improved active travel route connecting Sully to Cosmeston.

Turning to pedestrian safety, it is considered that adequate provisions are in place to ensure the route is safe for all users. These include signage, well-marked crossings and lighting. Fencing is also proposed in order to provide a physical barrier between the route and adjacent roads, railways and steep verges which would reduce the risk of accidents. The proposed fencing would also act as a visual guide for users, delineating the boundaries of the route and helping them stay on the designated paths. Furthermore, the proposed toucan crossing section of the proposal along Lavernock Road would create a designated space for cyclists and pedestrians to cross the road to gain access to the continuation of the ATR, reducing potential conflicts and improving overall safety for all road users. Finally, the proposal includes lighting bollards across the length of the route which will improve visibility along the route in terms of user safety.

The entranceways on each side of the route would propose removable bollards preventing vehicular access, other than maintenance vehicles to access the route. The proposed route allows for accommodating various modes of transportation including walking, cycling, and other means such as scooters and wheelchairs. Furthermore, the addition of the ramp feature along St Marys Well Bay Road would improve accessibility.

Consequently, the proposal would be acceptable in terms of access, highway and pedestrian safety and as such accord with policy MD2 of the adopted Local Development Plan 2011 – 2026.

Archaeology and Heritage

Policy SP10 of the adopted Local Development Plan states that *‘Development proposals must preserve and where appropriate enhance the rich and diverse built and natural environment and heritage of the Vale of Glamorgan including:*

1. The architectural and / or historic qualities of buildings or conservation areas, including locally listed buildings.
2. Historic landscapes, parks and gardens.
3. Special landscape areas.
4. The Glamorgan Heritage Coast
5. Sites designated for their local, national and European nature conservation importance.
6. Important archaeological and geological features.

Policy MD8 of the LDP also states that ‘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’.

A number of archaeological remains, as well as Cosmeston Lakes Site of Special Scientific Interest (SSSI) are sited to the north of the application site. Ty-r-Orsaf Site of Importance for Nature Conservation (SINC) is adjacent to the southwest of the site. The supporting documents include a Desk-Based Assessment carried out by Arcadis dated January 2025. The risk of impact to previously unrecorded archaeological remains is identified within this assessment as low. The ATR would largely be built on an existing railway embankment. The route would also follow parts of the B4267 and there would be some groundworks involving a widening of the footway of this road in places. It is known that medieval remains were recorded close to the road at the Sully end of the Proposed Development, however any widening would be within existing highways verges that are likely to have already been heavily disturbed.

The proposed development involves the construction of a shared pedestrian and cycle route (Active Travel Route), earthworks, landscaping and associated works from Sully to Cosmeston. The proposal will require earthworks, landscaping and associated works and as such there is the potential to encounter archaeological remains given the siting and proximity of the proposed development. As such, Heneb have requested a condition requiring the applicant to submit a detailed written scheme of investigation for a programme of archaeological work to protect the archaeological resource. Furthermore, an informative has been requested noting that the archaeological work must be undertaken to appropriate standards. However, no objection is raised to the principle of the works subject to the conclusions of the archaeological mitigation.

A Cultural Heritage assessment has been provided and concludes that the development of the Site is unlikely to cause permanent negative changes in setting that would impact the significance of the only designated heritage asset, the Listed Original House as Lower Cosmeston Farm which is set considerably away from the proposed route. Whilst it does acknowledge that there may be temporary impact to its setting, particularly during construction in terms of noise, traffic and dust, these would not only result in neutral long-term impacts. The Council's Heritage officer was also consulted and raised no objection to the proposals.

As such, subject to suitable conditions and informatives, the proposal is considered to comply with policies SP10 and MD8 of the adopted Local Development Plan.

Land Contamination

Policy MD7 of the adopted Local Development Plan states that development proposals will be required to demonstrate that they will not result in unacceptable impact on people... and/or the natural environmental from a number of risks including pollution of land, land contamination and hazardous substances.

The site includes a section of disused railway line and is within close proximity a former landfill site known as 'Cosmeston No.1 Old Tip'. Given the nature of development, it is not considered likely that the development would be introducing a use that would likely result in future disturbance by means of land pollution or contamination.

Noting the above, Natural Resources Wales have requested a condition is attached to any subsequent consent relating to unforeseen contamination. They echo concerns raised by the Council's SRS with regard to unforeseen contamination of the site that may pose a risk if they are not remediated. As such, they request that conditions relating to unsuspected contamination and associated remediation are implemented.

To this end, subject to suitable conditions, no concerns are raised with regards to Land Contamination.

Ecology

Policy MD9 (Promoting Biodiversity) of the Local Development Plan requires development proposals to conserve and where appropriate enhance biodiversity interests unless it can be demonstrated that the need for the development clearly outweighs the biodiversity value of the site and the impacts of the development can be satisfactorily mitigated and acceptably managed through appropriate future management regimes.

The route itself is free of a recognised ecological designation, albeit there are features including trees (both under a Tree Preservation Order and unprotected), hedgerows and buildings/structures that may provide features that could support wildlife. The River Severn, runs along the eastern boundary of the site and the Cosmeston Lakes that are recognised as Sites of Special Scientific Interest (SSSI), Special Area of Conservation (SAC) and an NRW Ramsar Site.

As such policies MG19 'Sites and Species of European Importance' and MG20 'Nationally Protected Sites and Species' of the Local Development Plan would be of relevance in determination of the application.

Policy MG19 states:

Development proposals likely to have a significant effect on a European site, when considered alone or in combination with other projects or plans will only be permitted where:

- 1. The proposal is directly connected with or necessary for the protection, enhancement and positive management of the site for conservation purpose; or*
- 2. The proposal will not adversely affect the integrity of the site;*
- 3. There is no alternative solution;*
- 4. There are reasons of overriding public interest; and*
- 5. Appropriate compensatory measures are secured.*

Development proposals likely to have an adverse effect on a European protected species will only be permitted where:

- 1. There are reasons of overriding public interest;*
- 2. There is no satisfactory alternative; and*
- 3. The action authorised will not be detrimental to the maintenance of the population of the species concerned at a favourable conservation status in their natural range.*

Policy MG20 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.*

Development proposals likely to affect protected species will only be permitted where it is demonstrated that:

- 1. The population range and distribution of the species will not be adversely impacted;*
- 2. There is no suitable alternative to the proposed development;*
- 3. The benefits of the development clearly outweigh the adverse impacts on the protected species; and*
- 4. Appropriate avoidance, mitigation and compensation measures are provided.*

The site is located between Penarth and Sully and is situated within a range of habitats. The western section of the site follows the footpath on the northern side of the B4267 and is located adjacent to amenity grassland, a species-poor hedgerow, hedgerow with trees and scattered trees. The central section of the site crosses the B4267 and is located along a narrow footpath and disused railway line within semi-natural broadleaved woodland. The central part of the site is adjacent to the Ty'r Orsaf SINC which contains a pond. The eastern section of the site is on a footpath with bare ground, semi-improved neutral grassland and tall ruderal habitat. The north-eastern section of the site is within the residential estate of Cosmeston Drive. Bridges are also located along the route. There are no statutory designated sites for nature conservation located within close proximity to the site boundary and would not be impacted as part of the proposed development.

As noted, the Cosmeston Lakes Site of Special Scientific Interest (SSSI) is sited to the north of the application site. This would however be sited over 360m north of the application route at its closest point. The EcIA concludes that all works would be localised and will only affect sites immediately adjacent to the route. These sites are considered sufficiently distant from the site to mitigate any adverse impacts. . Ty'r-Orsaf Site of Importance for Nature Conservation (SINC) is adjacent to the southwest of the site. The submitted EcIA acknowledges the potential impacts which may be caused upon the SINC given its proximity to the proposed route, however it states that the residual effects would be insignificant. Additionally, Fencing will be installed on the boundary of the SINC with appropriate signage to ensure that no works encroach into the SINC as noted within the mitigation measures of the EcIA. No concerns in this regard have been raised by the Council's Ecologist nor NRW.

An EIA (Ecological Impact Assessment) has been submitted, which identified the potential for loss of habitat of principal importance (woodland), potential for damage to habitat of principal importance, and potential for harm to reptiles, amphibians, birds, bats, badger, dormouse, and hedgehog due to construction of the proposed development.

A Badger Survey has also been submitted which identifies that the proposed site contains habitats that are used by badgers. As such, the survey identifies recommendations for preconstruction checks for active sett identification, restrictions on construction timing, secure storage of materials overnight, and mitigation for potential badger encounters during construction.

The submissions detail that mitigation, compensation and monitoring methods are in place, through sensitive site clearance in line with the method statements to be detailed in the CEMP; Implementation of the landscaping plan to replace vegetation that is removed and re-enforce existing green infrastructure; and a sensitive lighting design as outlined within the submitted EIA, which is proposed to be controlled via condition. Once the landscaping planting is fully established, it is considered that there will be an overall net benefit for biodiversity if all of the mitigation measures outlined in this report are followed.

Natural Resources Wales were consulted and initially requested additional details regarding European species (bats). Predominantly concerning the low-level lighting proposed on the disused railway, that the proposed lighting will impact on horseshoe bats because this species is particularly sensitive to light and their flight patterns typically involve flying close to the ground. As such, it was requested that the lighting scheme should include a nightly light curfew of at least 5 hours along the disused railway to allow a consistent dark period during which bats can use the corridor without disturbance. Confirmation was received from the planning agent, agreeing to switching the lights off for 5 hours through the night between 12am and 5am to ensure maximum coverage of dark hours during the summer and so as not to impede early morning commuters in the winter. This was agreed by NRW and will be controlled via condition. Additional conditions have also been requested requesting the submission of a CEMP and details of any contamination not previously identified during construction. As such, no objection is raised from NRW subject to conditions.

The Council's Ecologist was also consulted and similarly raised initial concerns regarding the lighting and its impacts on the presence of lesser horseshoe bats. Following the submission of the 10056562-ARC-130-AT-DR-CE-00011-Wildlife Sensitive Lighting Plan, the County Ecologist confirmed that this concern was overcome and it is considered that this can be suitably controlled via condition. This plan demonstrates that light spill would not affect the tree canopy and habitat behind the bollard, and that light spill would be limited, for the most part, to the route itself. No further concerns are raised in this regard. Further details of the location of bat/bird boxes and habitat piles have also been requested, and would be required via condition, attached to any consent granted.

The application is accompanied by an Ecological Impact Assessment (EIA), and has identified 4 records of dormouse within 2km of the proposed development, with the closest being 58m from the northeast of the site in 2017. No dormouse were recorded on site during the 2023 survey however given the historic records, it is possible that they may be present. The EIA also identifies that the woodland, scrub and hedgerow within the proposed development were suitable to support foraging and nesting dormouse. Comments have also been received by NRW and the Council's Ecologist regarding dormice. Initial comments from NRW note the loss of a 0.1ha of suitable dormouse habitat would be lost in total, separated over four areas of the route. The landscaping proposals set out in the EclA for dormouse which includes new woodland and scrub, hedgerow planting, and tree and shrub regeneration to compensate for lost habitats. However, Policy MG21 of the LDP includes reference to protected species and states that development that is likely to have an adverse impact on protected species will only be permitted where it can be demonstrated that:-

- 1. The need for the development clearly outweighs the nature conservation value of the site;*
- 2. Adverse impacts on nature conservation and geological features can be avoided;*
- 3. Appropriate and proportionate mitigation and compensation measures can be provided; and*
- 4. The development conserves and where possible enhances biodiversity interests.*

This is supported by the Council's SPG on Biodiversity and Development and is in line with national guidance including the most recent Conservation of Habitats and Species Regulations 2010 ('habitat regulations'). As a competent authority under the Conservation of Habitats and Species Regulations 2010 ('habitat regulations'), the LPA must have regard to the Habitats Directive's requirement to establish a system of strict protection and to the fact that derogations are allowed only where the three conditions under Article 16 of the EC Habitats Directive are met (the 'three tests') (TAN5, section 6.3.6). In order to comply with its duty under the Habitats Regulations, the LPA will need to take all three tests into account in its decision. It is essential that planning permission is only granted when the Local Planning Authority is satisfied that all three tests are likely to be met. If not, then refusal of planning permission may be justified (TAN5, section 6.3.6).

The following points are noted in relation to the three tests for derogation.

Test i) - The derogation is in the interests of public health and public safety, or for other imperative reasons of overriding public interest, including those of a social or economic nature and beneficial consequences of primary importance for the environment

The proposal is for an Active Travel Route connecting the settlement of Sully to Cosmeston, joining National Cycle Route No.88, and is a strategic cycle route identified within LDP policy MG16. As such the proposal is considered to be of public interest of a social and economic nature that offers long-term benefits of primary importance, including environmental benefits from more sustainable active travel movements between settlements within the Vale.

Test ii) - There is no satisfactory alternative

As mentioned, the route has been allocated and identified under LDP policy MG16. Any works to upgrade of the fabric of the route to bring it up to acceptable standards would likely require works which would have associated impacts. The existing railway embankment also offers a singular, previously developed route, whilst other routes would likely have other significant constraints affecting their feasibility.

Test iii) - The derogation is not detrimental to the maintenance of the population of the species concerned at a favourable conservation status in their natural range.

Given the nature of the proposals, the proposed works would result in the disruption of a protected species habitat, and as such a Protected Species Licence must be obtained from Natural Resources Wales before any work can take place. The habitat loss is minimal, and suitable mitigation measures set out within the submitted EIA identify a sensitive method will be followed during vegetation clearance that will encourage any dormouse present in affected vegetation to move into adjacent retained habitats. The proposed bramble, scrub and tree loss will be mitigated and compensated for by the proposed woodland and hedgerow planting which will include a range of native species (Hazel, Oak, Honeysuckle, Bramble, Hawthorn, Broom, Yew and Wayfaring) which provide food sources for dormouse. Furthermore, the use of ecologically sensitive lighting will ensure that dark corridors are maintained so that dormice (a nocturnal species) would not be negatively impacted. Additional measures are quoted within section 6 of the submitted Hazel Dormouse Survey Report which will be controlled via condition. The Council's Ecologist and NRW have raised no objection to the proposed measures, and as such they are considered to be appropriate.

Thus, it is considered that the proposal meets all three tests for derogation, and is in line with local and national policy, guidance and regulations, including, policies MG21 and MD9 of the LDP; national guidance contained in TAN5 - Nature Conservation and Planning; and the Conservation of Habitats and Species Regulations 2010, subject to suitable conditions and mitigation measures.

Trees and Hedgerows

Policy MD9 (Promoting Biodiversity) of the Local Development Plan requires development proposals to conserve and where appropriate enhance biodiversity interests unless it can be demonstrated that the need for the development clearly outweighs the biodiversity value of the site and the impacts of the development can be satisfactorily mitigated and acceptably managed through appropriate future management regimes.

The application has been submitted alongside a ground level tree assessment which identifies a total of 16 individual trees, one group of trees and the partial pruning works of 11 tree groups as specified within the submitted EIA and Arboriculturist Report that are to be removed as part of the proposals. The exact number of trees which are to be removed within the 'groups' mentioned within the report is unknown, however the report does state that their removal is required due to the positioning of individual trees within the alignment of the proposed route, which would encroach substantially into the RPA of individual trees. As such, their retention is not viable. Confirmation was also received by the planning agent that this was the case. As such, it is considered that the removal of said trees is justified. Nonetheless, the majority of trees required for removal have been identified owing to ash dieback are Category C (low quality) or below. The survey confirms that the proposed development offers the possibility to mitigate the adverse effects of ash dieback through the removal of infected trees and the establishment of new trees in the form of replacement planting, with circa 300 replacement trees identified at a density of 0.5 trees/shrubs per sqm (section 4.2.1 of EclA). Noting the above, it is considered that tree removals would be suitably offset by planting new trees, resulting in a transitional period with an overall neutral effect once new planting is established. The total of replacement trees has been calculated based on the planting densities provided on sheet 11 of the Soft Landscaping Drawings, and the total area of native deciduous woodland identified within the drawings. However, a condition will be imposed upon approval for details of all removed trees and their location to ensure that the replanting complies with the 3:1 ratio noted within PPW.

The proposed landscaping planting strategy proposes a number of woodland planting (including *prunus spinosa* (blackthorn), *Quercus palustris* (pin oak), *acer campestre* (field maple), *Crataegus laevigata* (Hawthorn)) around the perimeter of the site as well as along the proposed route, together with a native hedge mix. Further enhancement planting is provided by means of native planting of the development site by means of screening the proposals and also providing landscaping compensation.

The tree report outlines the trees which are proposed to be removed, one of which relates to a tree placed under group tree preservation order No.06 of 1952 adjacent to the proposed ramp along St Marys Well Bay Road. The tree is a sycamore tree which is considered to be of poor quality (category U) as concluded by the Arboricultural report provided by Tr33 services. As such, its removal is considered acceptable and shall be replaced at a ratio of 3:1 with suitable native species of a similar size.

Comments have been received in relation to the loss of the current green verge on the pavement from the Vineyards to Swanbridge crossroads which is proposed to be replaced with asphalt.

Whilst it is acknowledged that the proposal would impact the green infrastructure along this section of the route, which would predominantly result in the loss of the verge along Lavernock Road, no trees are proposed to be removed to accommodate this section of works as per the submitted tree removal plan within the Arboricultural report. The loss of the verge is regrettable, however it is considered that sufficient compensatory planting has been proposed for the development with the addition of circa 300 trees, species-rich rain gardens at the western end, north and south of the route (species specified within Soft Landscape Design sheet 11 of 11), Native deciduous woodland and scrub planting at St Mary's Well Bridge and Cosmeston Drive, Amenity grassland and species-rich grassland creation and shade tolerant species-rich grassland along the edge of the route throughout the woodland section. Furthermore, the addition of a 153m (linear) native hedgerow is proposed spread over two main locations. A native hedgerow would line the proposed ramp at St Marys Well Bay Road, and a linear stretch of hedgerow would also be planted towards the eastern end of the site along the boundaries with shearwater Close.

Comments are also noted by Councillor Mahoney regarding the loss of greenery fronting Swanbridge Grove, Highbridge Grove and Winsford Road. Whilst the siting of the proposed path would impact the section of greenery referred to, it is worth noting that the existing footpath on the northern side of the green area is to be broken out and reinstated as greenery, and as such would offset any such loss and it is considered that the area would not be detrimentally impacted in this regard. Furthermore, the green area is identified within the Soft Landscape Design Sheet 1 of 11 as being proposed for Species-rich Grassland. Four trees have been identified along this green area as being 'at risk' as per the arboriculturist report. However, at this stage, these are not proposed to be removed. Furthermore, rainwater gardens are also proposed which are considered to assist in compensating for any loss, which would maintain the openness of the area.

As noted above, the Council's Ecologist was consulted and raised no concerns in regard to the loss of trees and the proposals are considered to provide suitable mitigation and replacement for vegetation to be lost as a result of the development, which seeks to provide tangible benefits by facilitating active travel movements between identified settlements. Whilst it is accepted that the proposal will be visible from wider viewpoints, the existing vegetation and proposed planting (which would be conditioned) accord with Policies SP1, MD1, MD9 and the guidance set out in the Council's adopted Trees, Woodlands, Hedgerows and Development SPG (July 2018).

Green Infrastructure

Paragraph 6.2.12 of PPW12 requires a green infrastructure statement (GIS) to be submitted with all planning applications. PPW states GIS should be '*proportionate to the scale and nature of the development proposed and will describe how green infrastructure has been incorporated into the proposal. In the case of minor development this will be a short description and should not be an onerous requirement for applicants. The green infrastructure statement will be an effective way of demonstrating positive multi-functional outcomes which are appropriate to the site in question and must be used for demonstrating how the step-wise approach has been applied.*'

A green infrastructure statement has been submitted, which evidenced that the proposal has considered maintaining the largest possible area of existing habitat and continued long term maintenance and management of retained areas to benefit biodiversity.

Whilst it is noted that total of 16 individual trees, one group of trees and pruning works to 11 tree groups are proposed to be removed as specified within the submitted EcIA and Arboriculturist Report, details of which will be required via condition, the majority of trees required for removal have been identified owing to ash dieback are Category C (low quality) or below and are justified in this case. The proposal does however compensate for the loss of trees, by incorporating replacement planting, with circa 300 replacement trees identified at a density of 0.5 trees/shrubs per sqm (section 4.2.1 of EcIA), all of which would be native species as illuded to above. Tree removals would be offset by planting new trees, resulting in an overall net benefit of trees. Where sections of grassland would be lost, areas of compensatory planting is proposed, along with species rich rain gardens (specifications of species on sheet 11 of Soft Landscape Design).

In terms of biodiversity enhancement, bat boxes, bird boxes and habitat piles are proposed in addition to the above. Such enhancement coupled with landscaping improvements is considered to suitably mitigate and enhance green infrastructure and further details of would be secured by condition attached to any consent granted,

As such, the Green Infrastructure Statement provided is considered to accord with the aims and objectives of Planning Policy Wales (12th Edition) in this regard and the application is acceptable in terms of its impact upon Green Infrastructure.

Mineral Safeguarding

As noted previously part of the site also lies within a Mineral Safeguarding Area and as such Policy MG22 of the LDP is of relevance. This policy requires that known mineral resources of sandstone, sand and gravel and limestone to be safeguarded, with new development only being permitted where the identified criteria are met as follows:

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

Having regard to the above, it is considered that owing to the position of the site near to existing residential properties, in addition to the nature of development, that the proposal would meet criterion 2 of this policy.

Other Matters

Comments have been raised regarding the justification for the new cycle/footway, in addition to the expenditure. As noted, the route has been identified within LDP policy MG16 (Transport Proposals) criterion 1 and given that the Active Travel Act (2013) emphasises the statutory responsibility the planning system has on supporting the delivery of Active Travel infrastructure, shifting from vehicular transport and an emphasis on more sustainable methods, it is considered that the provision of the proposed route aligns with the policy guidance set-out in Local Development Plan and Planning Policy Wales (12th Edition) and is considered justified.

Comments have also been received regarding the expenditure of the scheme. It is noted that this is not a material planning consideration. However, for clarification, routes included on the Active Travel Network Map (ATNM) that was approved by Welsh Government in 2022 went through 3 rounds of public consultation and had Cabinet and Scrutiny approvals. Routes on the ATNM should then be constructed and that funding comes mainly from Welsh Government Transport funding, with some areas being funded or match funded by Section 106 or Shared Prosperity Funds. As such, it is considered that this does not represent a reason to withhold planning permission in this instance.

REASON FOR RECOMMENDATION

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

Having regard to Policies SP1 (Delivering the Strategy), SP7 (Transportation), SP9 (Minerals), MG16 (Transport Proposals), MG18 (Green Wedges), MG19 (Sites and Species of European Importance), MG20 (Nationally Protected Sites and Species), MG22 (Development in Minerals Safeguarding Areas), MD1 (Location of New Development), MD2 (Design of New Development), MD5 (Development within Settlement Boundaries), MD7 (Environmental Protection), MD9 (Promoting Biodiversity) of the adopted Local Development Plan 2011 – 2026, Future Wales: The National Plan 2040, the relevant chapters of Planning Policy Wales (12th Edition), Technical Advice Notes 11 (Noise), 12 (Design), 15 (Development, Flooding and Coastal Erosion), 18 (Transport) and 24 (The Historic Environment), the council's Supplementary Planning Guidance on Biodiversity and Development, Design in the Landscape, Minerals Safeguarding, Travel Plan, Trees, Woodlands, Hedgerows and Development, the proposal would be acceptable with regards to the principle of development, visual impact on the character and appearance of the landscape, impact on residential amenity, Drainage and Flooding, Access, highway and pedestrian safety, Archaeology and Heritage, Ecology, Trees and Hedgerows and Green Infrastructure.

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

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

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

RECOMMENDATION

Deemed planning consent be GRANTED subject to the following condition(s):

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

Reason:

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

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

10056562 Arc At 010 Dr C 00002 Site Location Plan
10056562 Arc At 030 Dr C 00001 Fencing & Bollard Construction Details
10056562 Arc At 072 Dr C 00001 Typical Cross Sections Sheet 1
10056562 Arc At 072 Dr C 00003 Typical Cross Sections Sheet 2
10056562 Arc At 110 Dr C 00003 General Arrangement Overview
10056562 Arc At 110 Dr C 00004 General Arrangement Sheet 1
10056562-ARC-AT-110-DR-C-00005-General_Arrangement-Sheet_2
10056562-ARC-AT-110-DR-C-00006-General_Arrangement-Sheet_3
10056562-ARC-AT-110-DR-C-00007-General_Arrangement-Sheet_4
10056562 Arc At 110 Dr C 00008 General Arrangement Sheet 5
10056562 Arc At 110 Dr C 00009 General Arrangement Sheet 6
10056562-ARC-AT-110-DR-C-00010-General_Arrangement-Sheet_7
10056562-ARC-AT-110-DR-C-00011-General_Arrangement-Sheet_8
10056562 Arc At 110 Dr C 00012 General Arrangement Sheet 9
10056562 Arc At 110 Dr C 00013 General Arrangement Sheet 10
10056562-ARC-130-AT-DR-CE-00011-Wildlife Sensitive Lighting Plan
10056562 Arc At 130 Dr C 00001 Proposed Street Lighting Layout Sheet 1
10056562 Arc At 130 Dr C 00002 P01 Street Lighting Sheet 2
10056562 Arc At 130 Dr C 00003 P01 Street Lighting Sheet 3
10056562 Arc At 130 Dr C 00004 Proposed Street Lighting Layout Sheet 4
10056562 Arc At 130 Dr C 00005 P01 Street Lighting Sheet 5
10056562 Arc At 130 Dr C 00006 Proposed Street Lighting Layout Sheet 6
10056562 Arc At 130 Dr C 00007 P01 Street Lighting Sheet 7
10056562 Arc At 130 Dr C 00008 P01 Street Lighting Sheet 8
10056562 Arc At 130 Dr C 00009 P01 Street Lighting Sheet 9
10056562 Arc At 130 Dr C 00010 P01 Street Lighting Sheet 10
10056562 Arc At 300 Dr A 00001 P01.2 Soft Landscape Design (Sheet 1 of 11)
10056562 Arc At 300 Dr A 00002 Soft Landscape Design Sheet 2 of 11
10056562 Arc At 300 Dr A 00003 Soft Landscape Design Sheet 3 of 11
10056562 Arc At 300 Dr A 00004 Soft Landscape Design Sheet 4 of 11

10056562 Arc At 300 Dr A 00005 P01.2 Soft Landscape Design (Sheet 5 of 11)
 10056562 Arc At 300 Dr A 00006 P01.2 Soft Landscape Design (Sheet 6 of 11)
 10056562 Arc At 300 Dr A 00007 Soft Landscape Design Sheet 7 of 11
 10056562 Arc At 300 Dr A 00008 Soft Landscape Design Sheet 8 of 11
 10056562 Arc At 300 Dr A 00009 P01.2 Soft Landscape Design (Sheet 9 of 11)
 10056562 Arc At 300 Dr A 00010 P01.2 Soft Landscape Design (Sheet 10 of 11)
 10056562 Arc At 300 Dr A 00011 P01.2 Soft Landscape Design (Sheet 11 of 11)
 10056562-ARC-300-AT-TR-EC-00002 Ecological Impact Assessment Rev 2
 10056562-ARC-XX-XXX-TR-ZZ-00002 Design and Access Statement
 10056562-ARC-XX-XXX-TR-ZZ-00001 Planning Statement
 10056562-ARC-XXX-AT-TR-HI-00028 Cultural Heritage Desk-Based Assessment
 of Sully to Cosmeston Active Travel Route
 10056562-ARC-AT-300-RP-E-00002 Badger Survey Report
 10056562-ARC-XX-XXX-RP-E-00004 Ground Level Tree Assessment
 10056562-ARC-XX-XXX-RP-E-00003 Hazel Dormouse Survey Report
 - Appendix E - Dormouse Conservation Plan – EclA, Ref: 10056562-ARC-300-AT-
 TR-EC-00002, Rev 02, prepared by Arcadis, dated April 2025.
 10056562-ARC-EGN-ZZ-LVA-RP-00001 Landscape And Visual Impact
 Assessment
 Sully - Cosmeston ATR Drainage Strategy & FCA - 10056562-ARC-050-AT-DR-CE-
 00002-Flood Consequences Assessment
 10056562-ARC-XX-300-TR-LV-00001 Green Infrastructure Statement
 10056562 Arc Xx 110 Dr C 00003 Saint Mary's Well Bay Road Ramp
 10056562 Arc Xx 050 Rp C 0001 Sully Cosmeston Drainage Strategy (1)
 Huw Davies (case officer) email to NRW (15/07/25)

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. Notwithstanding the submitted details, prior to the first beneficial use of the development, a Biodiversity Enhancement Strategy addressing enhancement measures shall be submitted to and approved in writing by the Local Planning Authority. The development shall thereafter be carried out in accordance with the approved strategy and timings set out within and thereafter retained in accordance with the approved details whilst the development remains in existence. The Strategy shall include the following:
 - a) Details and location of any bird and bat box provision
 - c) Details and location of any additional ecological enhancements (habitat piles etc)

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.

4. No development or demolition (including vegetation clearance, topsoil strip or other groundworks) shall take place until a written scheme of historic environment mitigation has been submitted to and approved in writing by the Local Planning Authority. Thereafter, the programme of work will be fully carried out in strict accordance with the approved details.

Reason:

In order that archaeological operations are undertaken to an acceptable standard and that legitimate archaeological interest in the site is satisfied and to ensure compliance with Policies SP1 (Delivering the Strategy), SP10 (Built and Natural Environment) and MD8 (Historic Environment) of the Local Development Plan.

5. The archaeological report, as specified and required by condition 4, shall be submitted to and approved in writing by the Local Planning Authority within six months of the completion of the archaeological fieldwork.

Reason:

In order that archaeological operations are undertaken to an acceptable standard and that legitimate archaeological interest in the site is satisfied and to ensure compliance with Policies SP1 (Delivering the Strategy), SP10 (Built and Natural Environment) and MD8 (Historic Environment) of the Local Development Plan

6. No development shall commence, including any works of demolition, until a Construction Environment Management Plan (CEMP) has been submitted to, and approved in writing by, the Local Planning Authority. The CEMP shall include the following details:

- i) Locations where vegetation clearance shall be supervised by a suitable qualified ecologist,
- ii) Avoidance and mitigation measures to avoid potential killing or injury of dormice during works,
- iii) Tree felling and pruning methods to avoid potential killing or injury of bats,
- iv) Actions to be taken if a dormouse and/or bats, or dormouse nest, are found during works, and
- v) Timing of vegetation management works, to avoid impacts on dormouse breeding season or hibernation period.
- vi) loading and unloading of plant and materials;
- vii) storage of plant and materials used in constructing the development;
- viii) the erection and maintenance of security hoarding including decorative displays and facilities for public viewing, where appropriate;
- ix) measures to control and mitigate the emission of dust, smoke, other airborne pollutants and dirt during construction;
- x) a scheme for storing/recycling/disposing of waste resulting from demolition and construction works.
- xi) hours of construction;
- xii) measures to reduce dust, noise and light spill

The construction of the development shall be undertaken in accordance with the approved CEMP.

Reason:

To ensure that the construction of the development is undertaken in a neighbourly manner and in the interests of the protection of amenity and the environment and to ensure compliance with the terms of Policy / Policies SP1 (Delivering the Strategy) / MD7 (Environmental Protection) of the Local Development Plan.

7. Prior to the first beneficial use of the footpath/cycle lane, details of the proposed fencing along the boundary with the Baruch site (identified on plan ref:10056562 Arc At 110 Dr C 00009 General Arrangement Sheet 6) shall be submitted to and agreed by the Local Planning Authority. The details should include its siting, height and appearance. The fence, as agreed, shall be erected prior to beneficial use of the development hereby approved and thereafter be retained in perpetuity.

Reason:

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

8. Prior to the commencement of any site clearance, tree removal, construction works or development shown on plan references 'Figure 6 and 7 of the Tree Retention/Removal Strategy provided by Tr33 services', a revised Arboricultural Impact Assessment and tree strategy for that particular phase of the route, shall be submitted to and approved in writing by the Local Planning Authority. This should include:

a) details of the number and nature of works to trees (including removal, pruning or other tree work)

b) confirmation and details of replacement planting to be at a planted at a ratio of 3:1

The works shall thereafter be carried out in accordance with the approved details.

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 SP1 (Delivering the Strategy), SP10 (Built and Natural Environment), MD1 (Location of New Development), MD2 (Design of New Developments), MD8 (Historic Environment) of the Local Development Plan.

9. The development shall at all times be carried out in accordance with the recommendations and mitigation methods contained within documents titled 'Ecological Impact Assessment, Sully to Cosmeston ATR, Document Ref: 10056562-ARC-300-AT-TR-EC-00002, Revision: 02, prepared by Arcadis, dated April 2025, Hazel Dormouse Survey Report, Sully to Cosmeston ATR, Document Ref: 10056562-ARC-XX-XXX-RP-E-00003, Revision: 01, prepared by Arcadis, dated December 2023. - Appendix E - Dormouse Conservation Plan – EcIA, Ref: 10056562-ARC-300-AT-TR-EC-00002, Rev 02, prepared by Arcadis, dated April 2025, Street Lighting Sheets 1-10, 10056562-ARC-AT-130-DR-C-00001-00010, P01, prepared by Arcadis, dated October 2024. , in addition to Email from Huw Davies to South East Planning NRW, at 15/07/2025 at 11:18.

Reason:

In the interests of ecology and to ensure compliance with Policies SP1 (Delivering the Strategy), MG19 (Sites and Species of European Importance) & MD9 - Promoting Biodiversity of the Local Development Plan & the Council's adopted Supplementary Planning Guidance on Biodiversity.

10. 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), MD1 (Location of New Development), MD2 (Design of New Developments) and MD9 (Promoting Biodiversity) of the Local Development Plan.

11. The lighting layout shall be provided in accordance with the approved details as shown on '10056562-ARC-130-AT-DR-CE-00011-Wildlife Sensitive Lighting Plan (sheets 1 - 10)' prior to the beneficial use of the development hereby approved and retained as such thereafter. The lighting in the area annotated as 'extent of wildlife sensitive lighting' on the approved plans shall be turned off between 00:00-05:00, to reduce impacts to light-sensitive species (e.g. dormice and bats).

Reason:

In the interests of ecology and to ensure compliance with in the interests of ecology and to ensure compliance with Policies SP1 (Delivering the Strategy), MD9 (Promoting Biodiversity) and MG19 (Sites and Species of European Importance) of the Local Development Plan.

12. In the event that contamination is found at any time when carrying out the approved development that was not previously identified it must be reported in writing within 2 days to the Local Planning Authority, all associated works must stop, and no further development shall take place until a scheme to deal with the contamination found has been submitted to and approved in writing by the Local Planning Authority. An investigation and risk assessment must be undertaken and where remediation is necessary a remediation scheme and verification plan must be prepared and submitted to and approved in writing by the Local Planning Authority. Following completion of measures identified in the approved remediation scheme a verification report must be submitted to and approved in writing by the Local Planning Authority. The timescale for the above actions shall be agreed with the LPA within 2 weeks of the discovery of any unsuspected contamination.

Reason:

To ensure that any unacceptable risks from land contamination to the future users of the land, neighbouring land, controlled waters, property and ecological systems are minimised, and to ensure that the development can be carried out safely without unacceptable risks to workers, neighbours and other offsite receptors in accordance with Policy / Policies SP1 (Delivering the Strategy) / MD7 (Environmental Protection) of the Local Development Plan.

13. Any topsoil [natural or manufactured], or subsoil, aggregates (other than virgin quarry stone) or recycled aggregate material to be imported shall be assessed for chemical or other potential contaminants in accordance with a scheme of investigation which shall be submitted to and approved in writing by the Local Planning Authority 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 the relevant Code of Practice and 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 policy MD7 of the Vale of Glamorgan Local Development Plan.

14. Any site won material including soils, aggregates, recycled materials shall be assessed for chemical or other potential contaminants in accordance with a sampling scheme which shall be submitted to and approved in writing by the Local Planning Authority in advance of the reuse of site won materials. Only material which meets site specific target values approved by the Local Planning Authority shall be reused.

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.

15. No surface water and/or land drainage shall be allowed to connect directly or indirectly either directly or indirectly, into the public sewerage network.

Reason:

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

NOTE:

1. **Bats must not be disturbed or destroyed during tree work. A full visual inspection of the trees to be worked on must be carried out prior to intended work to check for the presence of bats. Advice on bats and trees may be obtained from the Natural Resources Wales (Countryside Council for Wales as was). Bats may be present in cracks, cavities, under flaps of bark, in dense ivy and so forth. Should bats be identified, please contact either Natural Resources Wales on 0845 1306229 or the Council's Ecology Section on 01446 704627.**
2. **The archaeological work must be undertaken to the appropriate Standard and Guidance set by Chartered Institute for Archaeologists (CIfA), (www.archaeologists.net/codes/cifa) and it is recommended that it is carried out either by a CIfA Registered Organisation (www.archaeologists.net/ro) or an accredited Member.**
3. **The proposed development site is crossed by public sewers and, in accordance with the Water Industry Act 1991, Dwr Cymru Welsh Water requires access to its apparatus at all times in order to carry out maintenance and repairs. Therefore, we recommend the developer contact Dwr Cymru Welsh Water to discuss and consider possible solutions to protect the integrity of these assets and avoid damage thereto.**

The proposed development is also crossed by public water mains, with their approximate positions being shown on the attached plan. Dwr Cymru Welsh Water as Statutory Undertaker has statutory powers to access our apparatus at all times and accordingly, we enclose our Conditions for Development near Water mains. It may be possible for this water main to be diverted under Section 185 of the Water Industry Act 1991, the cost of which will be re-charged to the developer. The developer must consult Dwr Cymru Welsh Water before any development commences on site.

4. As of 7th January 2019, this proposed development is subject to Schedule 3 of the Flood and Water Management Act 2010. The development therefore requires approval of Sustainable Drainage Systems (SuDS) features, in accordance with the 'Statutory standards for sustainable drainage systems – designing, constructing, operating and maintaining surface water drainage systems'. It is therefore recommended that the developer engage in consultation with the Vale of Glamorgan County Council, as the determining SuDS Approval Body (SAB), in relation to their proposals for SuDS features. Please note, Dwr Cymru Welsh Water is a statutory consultee to the SAB application process and will provide comments to any SuDS proposals by response to SAB consultation.

The applicant is also advised that some public sewers and lateral drains may not be recorded on our maps of public sewers because they were originally privately owned and were transferred into public ownership by nature of the Water Industry (Schemes for Adoption of Private Sewers) Regulations 2011. The presence of such assets may affect the proposal. In order to assist us in dealing with the proposal the applicant may contact Dwr Cymru Welsh Water. Under the Water Industry Act 1991 Dwr Cymru Welsh Water has rights of access to its apparatus at all times.

5. 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

6. **Warning: An European protected species (EPS) Licence is required for this development.**
This planning permission does not provide consent to undertake works that require an EPS licence.
It is an offence to deliberately capture, kill or disturb EPS or to recklessly damage or destroy their breeding sites or resting places. If found guilty of any offences, you could be sent to prison for up to 6 months and/or receive an unlimited fine.
To undertake the works within the law, you can obtain further information on the need for a licence from Natural Resources Wales on 0300 065 3000 or at <https://naturalresources.wales/permits-and-permissions/species-licensing/apply-for-a-protected-species-licence/?lang=en>
7. The applicants are advised that all necessary consents / licences must be obtained from Natural Resources Wales (formerly Environment Agency Wales) prior to commencing any site works. The Natural Resources Wales, Ty Cambria, 29 Newport Road, Cardiff, CF24 0TP General enquiries: telephone 0300 065 3000 (Mon-Fri, 8am - 6pm).

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.

APPLICANT: Mr Jacob George 5 Meadow View Court, Sully, Penarth, CF64 5AY

AGENT: Dr Somas Kandiah 58B CLEARWATER WAY, LAKESIDE, CARDIFF, CF23 6DJ

Christ Church Presbyterian, Tynewydd Road, Barry

Proposed change of use to retail, restaurant and staff accommodation with first floor rear extension with internal and external alterations

REASON FOR COMMITTEE DETERMINATION

The application is required to be determined by Planning Committee because the application has been called in by Cllr Ian Johnson, for the reason: - *“this is a change of use of a historic Barry building in a central location and committee should be apprised of the implications of this upon the town centre and surrounding area, and be able to consider the positive and negative impacts of this change.”*

EXECUTIVE SUMMARY

The application relates to Christ Church Presbyterian, Tynewydd Road, Barry. It was previously known as the Jerusalem Methodist Chapel and was built in c. 1894-99. The proposal is for the change of use, extension and alteration of the chapel to comprise a mixture of retail (A1) and restaurant (A3) uses, and provision of staff accommodation through conversion of a detached building to the rear of it.

No representations have been received, albeit concerns were raised about the scheme in representations to a previous planning application in 2024. Among the latter, the prevalent concerns related to a lack of need, parking and highway safety matters, concerns about neighbouring amenity (noise, odour, litter etc.) and relating to the former use of the side garden as a memorial area.

There are no objections from statutory consultees, including from the Highway Authority, Shared Regulatory Services, and Natural Resources Wales.

The principle of the proposed uses is considered acceptable in this central and sustainable location. In addition, the impacts on visual amenity, parking, and highway safety are considered acceptable, as are the neighbouring amenity, biodiversity, and green infrastructure impacts, subject to the proposed mitigation and enhancement measures and planning conditions. The application is recommended for approval.

SITE AND CONTEXT

The application site is Christ Church Presbyterian, Tynewydd Road, Barry.

It was previously known as the Jerusalem Methodist Chapel and was built in 1894-99 in the Lombardic style with a gable entry and leaded segmental-head windows with the main façade dressed in stone. It is located at the southern end of Tynewydd Road at its junction with Wyndham Street. The chapel consists of a rectangular chamber and survives in, more or less, its original form, with a detached hall to its rear.

It is a prominent town centre site, as identified by the site location plan below:



It is outside of, but directly adjoins, the Barry Holton Road District Centre as defined by the Local Development Plan (LDP).

DESCRIPTION OF DEVELOPMENT

The proposal is for the change of use, extension, and alteration of the church to comprise a mixture of retail (A1) and restaurant (A3) uses, and provision of staff accommodation within the building to the rear of it. Shown on the floor plans a retailing area and takeaway counter is proposed on the ground floor, and a restaurant on the first floor.

It is proposed to construct a first-floor extension to the rear of the building above the existing single storey rear annexe. The floor plans indicate this would be an extension, and not a demolition and re-build. There would be a new arrangement of fenestration to the southern side of the extension, including a new doorway and loading area. On the northern side, the ground floor windows are shown to be retained, with two new windows of similar design and proportion (but a different alignment) on the first floor of the extension. The extension is shown to be finished in slate, render and contain aluminium framed windows.

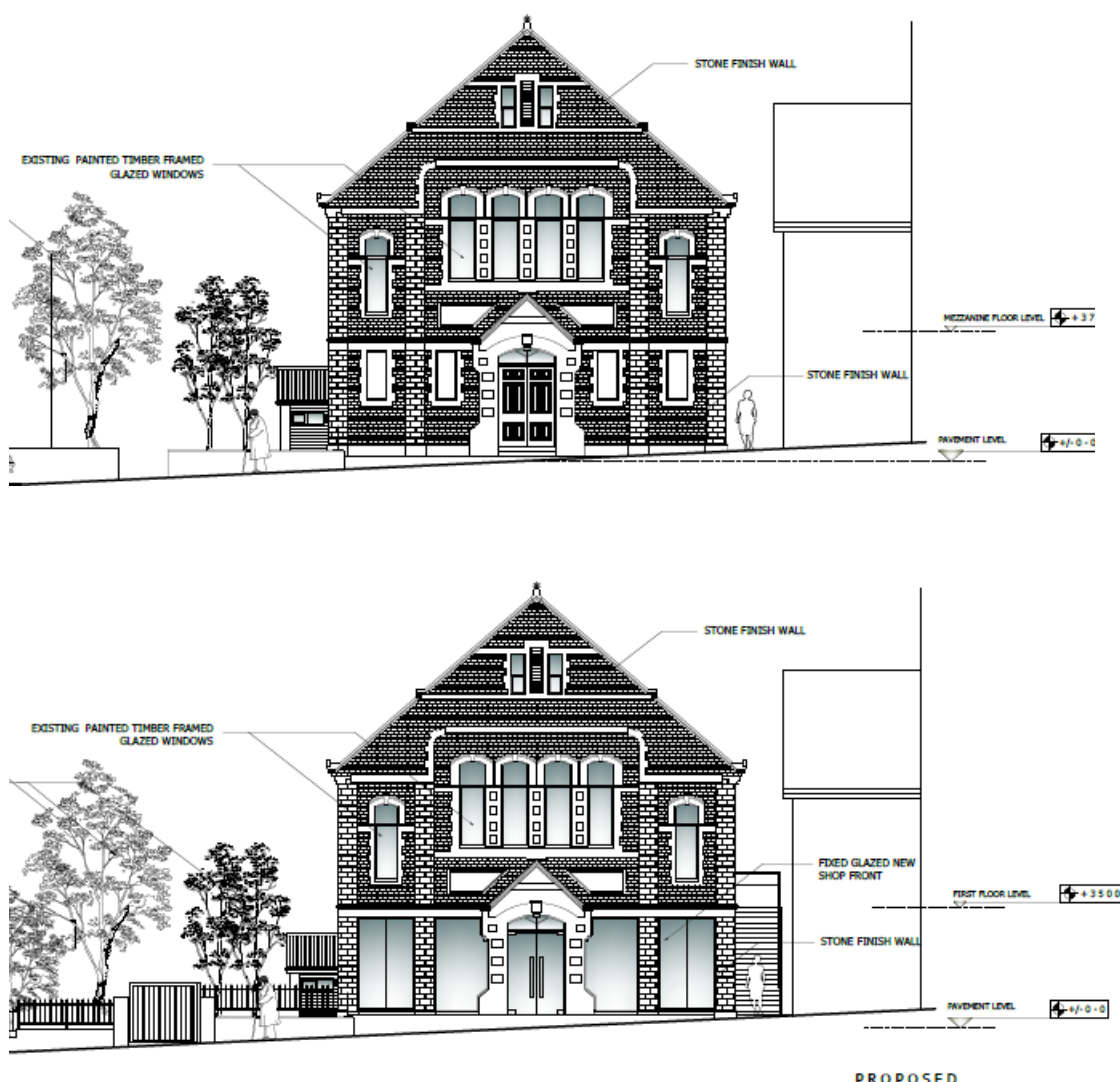
The gabled front elevation is shown retained as existing at first floor and above, with a glazed shop front and access doors installed on the ground floor. This would involve enlargement of the existing window openings and installation of floor to ceiling style glazing.

The side elevations of the main chamber are shown to be unchanged apart from the installation of a fire door exit to one of the existing window openings and an external staircase to the northern side. Three of the window openings on the southern side are also shown to be reinstated.

Externally, it is proposed to install a new ramped pedestrian access around the front and side of the building to provide level access to both entrances. There are also points shown for bin and cycle storage, and a loading area. There have been new double gates installed to the front boundary; however, these are now omitted from the proposed plans in favour of a pedestrian gate.

It is proposed to provide staff accommodation within the detached building at the rear. It would be largely unaltered externally, apart from the installation of a new window on the northern elevation, and sub-division of the external area to provide amenity space. Although described as being last used as visiting Priest's accommodation, there is no planning records of it being used as residential accommodation. A planning application as recently as 2019 suggests it was then being used as a church hall (2019/00361/FUL).

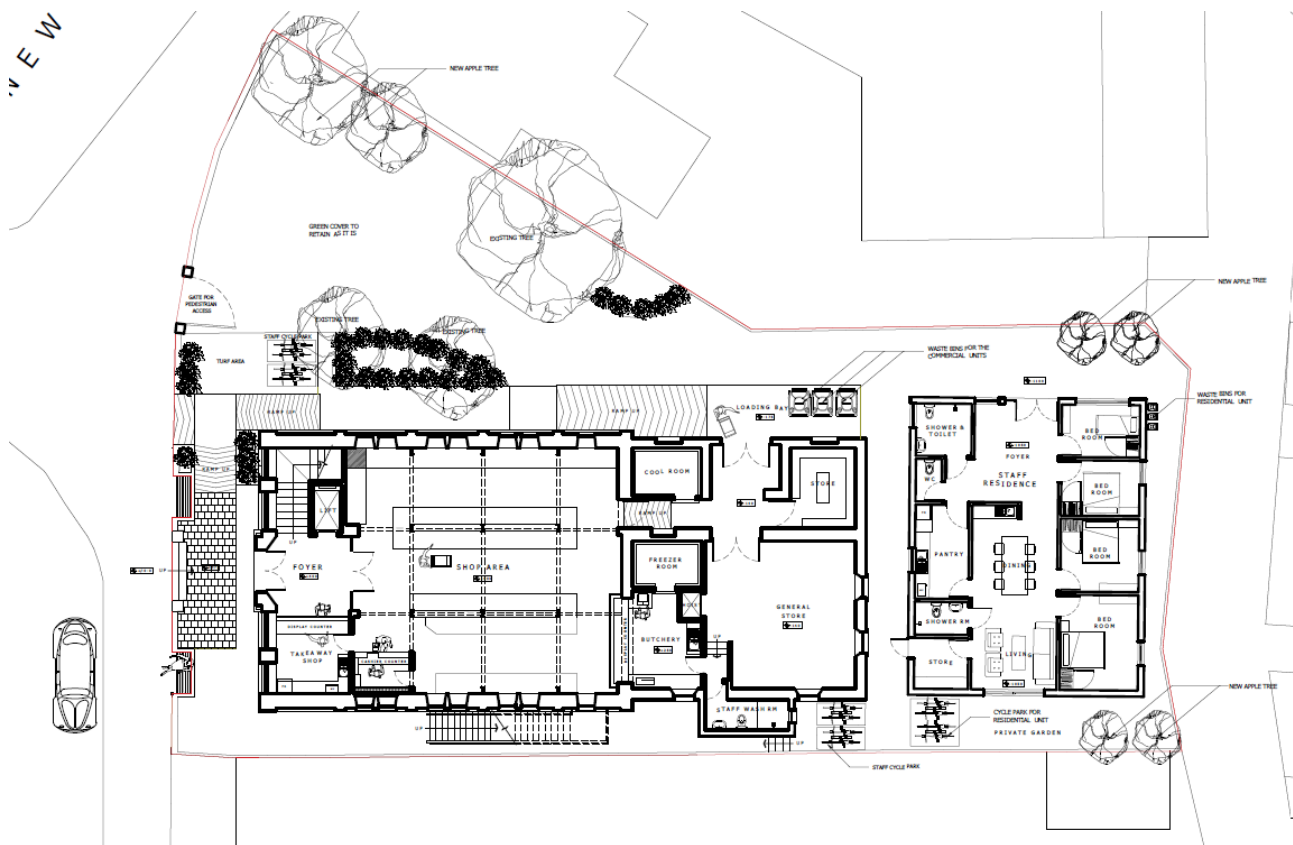
Existing and Proposed Front Elevations:



Existing and Proposed Side Elevations:



Proposed Site Layout Plan:



PLANNING HISTORY

2024/00758/FUL, Address: Christ Church Presbyterian, Tynewydd Road, Barry, Proposal: Proposed change of use to retail, restaurant and staff accommodation with first floor rear extension, internal and external alterations, Decision: Withdrawn

2021/00903/PND, Address: Christ Church Presbyterian, Tynewydd Road, Barry, Proposal: Demolition of existing church building, which is derelict and not in use, Decision: Further prior approval required.

2019/00361/FUL, Address: New Jerusalem Church, Tynewydd Road, Barry, Proposal: The existing single storey building to the rear is to be refurbished internally with a new porch to front property. Also existing door to be replaced with window and also front window reduced in size, Decision: Approved

2011/01046/FUL, Address: New Jerusalem Congregational Church, Tynewydd Road, Barry, Proposal: Install disabled ramp to chapel, 2 no. new external staircases and solar panels, Decision: Approved

1998/00132/FUL, Address: Tynewydd Road, Barry, Proposal: Conversion of Chapel into offices with associated parking, Decision: Refused

1997/00515/FUL, Address: Tynewydd Road, Barry, Proposal: Conversion of chapel into offices with associated parking, Decision: Approved

1993/01097/OUT, Address: New Jerusalem Congregational Church, Tynewydd Road, Barry, Proposal: Offices, Decision: Refused

1993/01096/OUT, Address: New Jerusalem Congregational Church, Tynewydd Road, Barry, Proposal: Retail with offices, Decision: Approved

1993/01095/OUT, Address: New Jerusalem Congregational Church, Tynewydd Road, Barry, Proposal: Residential, Decision: Refused

CONSULTATIONS

Barry Town Council did not respond. In relation to a previous application for this scheme (2024/00758/FUL) they stated no objection in principle, however, raised concerns about impact to the residential amenity standards enjoyed by neighbouring residents.

Highway Development stated no objection. Their previous response to application 2024/00758/FUL stated this was contingent on no vehicular access being created from Tynewydd Road.

In relation to parking, they stated by comparing parking standards there was a deficit of 11 spaces between the existing and proposed uses. However, no objection was raised on account of the central location, with good sustainable transport and pedestrian links, as well as car parks close by which could be utilised.

They said they had some concern about management of deliveries to the site, and recommended that a delivery management plan was submitted and agreed prior to first beneficial use of the development.

VoGC Drainage Section did not respond. In relation to a previous application for this scheme (2024/00758/FUL), they did not object or request further information but advised that SAB approval would be required if the cumulative area of the alterations exceeded 100 sq.m.

Shared Regulatory Services noted the presence of details for an extraction unit and silencer and, subject to a planning condition that required post-installation noise testing be carried out, did not object or raise any further concerns.

VoGC Heritage Planning Officer stated that the majority of the changes would not be considered to have a detrimental impact on the setting of the listed building (Barry Municipal Buildings and Library), but details of the new gates boundaries and hardstanding should be conditioned to ensure they are appropriate.

Dwr Cymru / Welsh Water did not object, requested a planning condition prohibiting the discharge of surface water from any increased roof area or hard surfacing to the public sewer, and provided advisory notes relating to new drainage connections and asset protection.

VoGC Ecologist – stated no objection, and that he concurred with the bat survey observations and conclusions. He also stated that the applicant needs to retain access to a licensed and qualified bat handler, ensure that all contractors are made aware of the potential for bats to be present (a toolbox talk or similar) and to understand that any bat/s discovered should lead to an immediate cessation of work and the need for a Protected Species licence from Natural Resources Wales, and to erect a bat roost box early on in the works at a height of more than three metres which could be used to relocate discovered bats.

He also stated that it would be helpful to indicate the number of bat and bird boxes, and ‘woodcrete’ nest boxes for House Sparrow and Swifts would be especially beneficial.

Cllr Ian Johnson called the application to Planning Committee because this is a change of use of a historic Barry building in a central location and committee should be apprised of the implications of this upon the town centre and surrounding area and be able to consider the positive and negative impacts of this change.

Natural Resources Wales stated no objection, noting no evidence of bats was found and no bat roosts were within the site, and recommended the Council’s Ecologist was consulted with regard to any further measures/ avoidance measures.

Buttrills Ward Councillors – no other responses were received.

REPRESENTATIONS

The neighbouring properties were consulted on 1st July 2025, and a site notice was also displayed on 14th July 2025.

No representations have been received to date.

Committee may wish to note that in response to consultations for withdrawn planning application 2024/00758/FUL (the same scheme), representations were received from five respondents who objected and/ or raised concerns about the following: -

- Instances of vehicles crossing over public footway into the site from Tynewydd Road, via newly erected gates.
- Lack of on-site parking
- Parking congestion / blocking of accesses, inc. construction traffic
- Detriment to highway safety
- Elderly residents nearby / personal circumstances
- Noise disturbance inc. from deliveries / servicing
- Increased antisocial behaviour
- Odour nuisance
- Pest and vermin issues
- Loss of privacy
- Impact on adjacent garden areas
- Lack of need for the proposed uses
- Desecration of remembrance garden / interred ashes

REPORT

Planning Policies and Guidance

Local Development Plan:

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

Strategic Policies:

POLICY SP1 – Delivering the Strategy
POLICY SP3 – Residential Requirement
POLICY SP6 – Retail
POLICY SP10 – Built and Natural Environment

Managing Growth Policies:

POLICY MG1 – Housing Supply in the Vale of Glamorgan
POLICY MG12 – Retail Hierarchy
POLICY MG13 – Edge and Out of Town Retailing 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

Managing Development Policies:

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

POLICY MD5 - Development within Settlement Boundaries
POLICY MD6 - Housing Densities
POLICY MD7 - Environmental Protection
POLICY MD8 - Historic Environment
POLICY MD9 - Promoting Biodiversity

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:

Policy 1 – Where Wales will grow

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

Policy 2 – Shaping Urban Growth and Regeneration – Strategic Placemaking

- Based on strategic placemaking principles.

Policy 3 – Supporting Urban Growth and Regeneration – Public Sector Leadership

- The public sector must show leadership and apply placemaking principles to support growth and regeneration for the benefit of communities across Wales.

Policy 6 – Town Centre First

- Sequential approach for new commercial, retail, education, health, leisure and public service facilities.

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 33 – National Growth Area – Cardiff, Newport and the Valleys

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

Planning Policy Wales:

National planning policy in the form of Planning Policy Wales (Edition 12, 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
- Accessibility
- Previously Developed Land
- Supporting Infrastructure

Chapter 4 - Active and Social Places

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

***4.3.43** Retail and commercial centres often include activities which contribute to a vibrant and viable evening and night-time economy. Such uses may include, for example, bars, restaurants, pubs, theatres, music, arts and other entertainment venues which provide for social and cultural experience and spaces in which creativity can be fostered. Such activities are likely to be characterised by increased levels of noise, large gatherings of people, later operating hours and greater movements in traffic.*

***4.3.44** Where new uses incorporating evening and night time activities are established in retail and commercial centres, and are located near to existing residential accommodation, planning applicants should include appropriate mitigation measures to counter potential impacts to amenity. Similarly, where residential development is proposed next to or near existing evening and night time uses, such as those described, it will be necessary to consider the compatibility of uses and to incorporate mitigation measures to minimise any impact on the amenity of any future residents. The agent of change principle (see Chapter 6 for more detail) will be a guiding principle for supporting the evening economy and the development of uses sensitive to the soundscapes experienced in busy commercial centres.*

Chapter 5 - Productive and Enterprising Places

- Economic Infrastructure (electronic communications, transportation Infrastructure, economic development, tourism and the Rural Economy)
- Energy (reduce energy demand and use of energy efficiency, renewable and low carbon energy, energy minerals)

- Making Best Use of Material Resources and Promoting the Circular Economy (design choices to prevent waste, sustainable Waste Management Facilities and Minerals)

Chapter 6 - Distinctive and Natural Places

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

Technical Advice Notes:

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

- Technical Advice Note 4 – Retailing and commercial development (2016)
- Technical Advice Note 5 – Nature Conservation and Planning (2009)
- Technical Advice Note 11 – Noise (1997)
- Technical Advice Note 12 – Design (2016)
- Technical Advice Note 18 – Transport (2007)
- Technical Advice Note 24 – The Historic Environment (2017)

Welsh National Marine Plan:

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

Supplementary Planning Guidance:

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

- Barry Development Guidelines
- Biodiversity and Development (2018)
- Parking Standards (2019)
- Residential and Householder Development (2018)
- Retail and Town Centre Development (2023)

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
- Section 160 (1) of the Historic Environment (Wales) Act 2023, imposes a duty on the Council with respect to any buildings or other land in a conservation area, where *special attention shall be paid to the desirability of preserving or enhancing the character or appearance of that area.*
- Section 58 (1) of the Marine and Coastal Access Act places a requirement on the Council to take authorisation decisions in accordance with the appropriate marine policy documents, unless relevant consideration indicates otherwise.

Equality Act 2010

The Equality Act 2010 identifies several ‘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 application site lies within the settlement boundary of Barry as defined within the Local Development Plan (LDP). Policy MD5 (Development within Settlement Boundaries) of the LDP states that development will be permitted where it (among other criteria) would not result in the unacceptable loss of public open space, community or tourism buildings or facilities. The existing building is a place of worship, defined as a community building in Annex 1 of the LDP. However, in this instance, the building has been vacant for several years and is clearly no longer required following the closure of the chapel, and the sale of the land. The change of use of the building to another, non-community, use is therefore considered acceptable, in this instance, especially as it would provide the vacant building with a beneficial use and an economic incentive towards its restoration and future maintenance. Furthermore, the principle of staff accommodation, in essence a residential dwelling, within the building to the rear would also be acceptable, noting its location within the settlement of Barry.

The site is outside of, but directly adjoins, the Barry Holton Road District Centre. Policies MG12 (Retail Hierarchy) and MG13 (Edge and Out of Town Retailing Areas) together seek to direct new retail uses toward the established town and local retail centres. Although, technically, outside of an established centre, this site is very close by and, if developed, would become a cohesive part of the district centre. The proposals do not conflict with the aims and objectives of the retail policies of the LDP, in this regard, and would positively contribute to the diversity of retail offer and footfall within the district centre.

Design and Visual Impact

Policy SP10 (Built and Natural Environment) states that development proposals must preserve and enhance the built and natural environment and heritage of the Vale of Glamorgan. Policy MD2 (Design of New Development) and MD5 (Development within Settlement Boundaries) both promote high quality design.

The chapel was subject of an Article 4 direction prohibiting its demolition, as it is a historic and prominent building and is considered to make an important contribution to the street scene, adding to the strong sense of place in the environs of King Square at the edge of the town centre. The building, while not listed, exhibits important evidential, historical, aesthetic and cultural value.

The most important element of this building is its front elevation, as this contains much of the architectural detailing and makes the strongest contribution to the street scene. Of secondary importance are the side elevations which are much simpler than the well decorated front elevation, however, the left side elevation is also prominent in the street scene.

The scheme has undergone design amendments since it was first submitted in 2024. The current proposals contain contemporary styled fenestration and glazed doorway to the front elevation, at ground floor, however, it is considered that the proposal retains the building's main features of architectural quality, including the gable entry, dressed stone, and fenestration at first floor and above. The side elevations of the main chamber are also shown to be retained largely as existing.

The proposed first floor extension to the rear would alter the character of the building to a degree, however, it is located at the back of the site which is of lesser prominence and importance in terms of the street scene. It is also considered that the amendment to a pitched roof design (from a flat roof) has improved its appearance, and as a result, it would appear more in harmony with the existing building.

It is noted that part of the front wall was demolished and a red coloured double metal gate installed. The gate is not considered to be in keeping with the character of the site and building, with Officers having raised this as a concern, the proposals were amended to show a smaller pedestrian gate instead. The proposed arrangement is considered acceptable in principle, subject to further details of the materials, including the wall and pillar to be reinstated.

In terms of detailed design and materials, the proposals show contemporary glazing to the front at ground floor level and timber framed windows to the existing openings. The windows to the proposed extension and detached building are shown to be aluminium framed. The proposals illustrate the retention of existing masonry and render to the main chamber, with the proposed extension to be finished in primarily render, with a slate roof. In all instances, noting that the existing windows may also be in poor and unsalvageable condition, it is recommended that full details of the proposed materials are secured by planning condition, as well as sectional detail of the new front windows (see proposed conditions 3 and 4).

The other external alterations, including the ramped access to around the front and side of the building, are also considered acceptable.

In conclusion, the proposals are acceptable in scale and demonstrate a sympathetic design approach toward the conversion and extension of the building, that will also importantly provide it with a beneficial use that will incentivise its upkeep and maintenance. The principal external architectural features of the building are also proposed to be retained, and subject to further details of the fenestration and materials, it is considered that the proposals are well-designed and accord with Policies SP10, MD2, MD5 and MD8 of the Local Development Plan.

Neighbouring Impacts

The building is on the edge of the town centre, in a mixed-use area, with several commercial buildings nearby including the neighbouring units on Tynewydd Road. There are also residential homes nearby, with houses to the rear (backs on to Newlands Street) as well as retirement housing opposite (on the corner of Wyndham Street). The main commercial activity in this part of the centre is retail, and there are not many late-night uses in the immediate vicinity of the site.

In relation to the night-time economy, PPW states at paragraph 4.3.43 that *“retail and commercial centres often include activities which contribute to a vibrant and viable evening and night-time economy”* and at paragraph 4.3.44 *“where new uses incorporating evening and night time activities are established in retail and commercial centres, and are located near to existing residential accommodation, planning applicants should include appropriate mitigation measures to counter potential impacts to amenity.”*

Criterion 8 of Policy MD2 (Design of New Development) also states the development proposals should safeguard existing public and residential amenity, particularly regarding privacy, overlooking, security, noise and disturbance.

The application documents detail that the proposed unit would operate as a mixed retailing and food and drink use, including a restaurant with a cooking area, and a takeaway counter. The application documents do not detail the type of cuisine, but details of an extraction system and a flue designed to deal with emissions from cooking have been provided alongside the application. The proposed opening hours are 8am – 10pm, and 9am – 9pm on Sundays.

In response to consultation Shared Regulatory Services noted the presence of details for an extraction unit and silencer and did not object or raise any further concerns. These are considered appropriate to mitigate the potential impacts of nuisance odours from the commercial kitchen. The proposed opening hours are also considered reasonable, and control of opening hours would ensure that the premises would be shut during the very late and early morning hours (see proposed conditions 9 and 11).

There is no other proposed external plant shown on the application drawings. However, noting that the proposals are for uses that may require refrigeration units, a condition that prohibits the installation of any new or additional plant or machinery is recommended (see proposed condition 10). This condition would ensure that any such plant or machinery achieves a noise rating that would be below prevailing background levels at the nearest existing residential property. BS 4142 :2014+A1:2019 *Methods for rating and assessing industrial and commercial sound* states (section 11) states that the significance of commercial/industrial sound depends upon both the margin by which the rating level of the specific sound source exceeds the background sound level, and the context in which the sound occurs; adding that levels below background level indicate a low impact, and +5dB an adverse impact.

The proposed unit would primarily be a retail unit and restaurant, albeit with a takeaway counter at ground floor. Restaurants are not typically associated with high levels of anti-social behaviour or nuisances such as litter, and there is no evidence to suggest this proposal would cause or unacceptably exacerbate any public health or amenity issues related to vermin. Moreover, the premises would require a licence to operate, operated accordingly, is unlikely to result in unacceptable levels of disturbance or nuisance to neighbouring residents. It is also in an appropriate town centre location, where a degree of evening activity is to be expected.

The adjoining properties on Tynewydd Road all appear to be wholly commercial in nature. The adjoining No.19 Tynewydd Road is the most sensitive of these uses, being a commercial childcare setting with a rear yard that is, or could otherwise potentially be, used for outdoor play. The first-floor extension would increase the massing of the building near the common boundary with No.19; however, it would not significantly enclose the rear yard or unacceptably deprive it of natural light. There are two new windows proposed in the side elevation, but considering the non-residential uses, to both sides, this arrangement is considered acceptable.

There would be new rear facing windows installed on the first-floor extension; however, these would be a minimum of 16m from the boundary of residential properties, and over 21m from the dwellings on Newlands Street. The detached building proposed to be converted to residential use would also contain only ground floor level windows. The development would consequently cause no unacceptable overlooking or detriment to privacy.

Having regard to the above, and the benefits of the providing a beneficial use to the vacant building, and the mixed-use town centre location, the proposals are considered acceptable in relation to neighbouring impacts, subject to the mechanical control of odour and the securing of operating hours via planning condition. The development is considered acceptable and compliant with the requirements of Policies MD2 and MD7 of the LDP.

Highways and Transportation

The site is sustainable and centrally located on the edge of the town centre, with good access to public transport, and reachable within easy walking distances from many existing residences in Barry. The building has a lawful D2 use as a place of worship and is not served by any lawful vehicular access or dedicated off-street parking. Non-resident staff and users would either be reliant on active or public transport to reach the site, or would have to find suitable parking on the street or in local car parks. There are pull-in parking bays near the site, albeit on street parking is subject to heavy regulation through traffic orders (resident parking and/or time restrictions), and there is a car park very close by on Wyndham Street.

The proposal would extend the building, providing additional floor space on the first floor. The maximum parking standard for the proposed uses, assessed using the floorspace ratios within the Parking Standards SPG, are:

Retail A1: 3 spaces

Restaurant A3: 14 spaces

Dwelling: 3 spaces

Total 20 spaces

The existing requirement is for places of worship is one space per 10 seats or 8sq.m of praying space. The existing capacity is not known, however, based on the floor space in the main chamber and balcony alone, this would equate to 26 spaces. This calculation excludes the rear annexe and detached hall.

On this basis, the parking demand of the proposed uses would be less than the existing situation (the fallback position). The building could also lawfully be put to other, also potentially parking intensive, uses in the D2 use class. The nature of the use would clearly change, and the proposed uses would be operated throughout the day and into the evening. The proposed use could also, feasibly, offer deliveries and be frequented by delivery vehicles. However, the peak demand (such as a full service), would be less than the existing situation.

The site is also in an extremely sustainable location, and it is considered unlikely that a significant amount of trade would comprise customers solely visiting the area to access this site alone, and some custom is likely to be linked to other linked trips made to the town centre.

Notwithstanding this, parking is also heavily regulated in the area, with Traffic Regulation Orders prohibiting parking and stopping (for deliveries etc.) on the adjacent roundabout. In the event unauthorised parking or movements occurred, this would be enforceable by the relevant authorities. The Highway Authority have been consulted and stated no objection, subject to a planning condition requiring submission and approval of a Deliveries Management Plan (see proposed condition 13). This would provide for a framework to manage site deliveries, and for goods deliveries, could restrict hours to ensure these occurred outside of the busier daytime periods.

Ecology

All species of British bats are European Protected Species, legally protected under The Conservation of Habitats and Species Regulations 2017. Legal protection relates to the animals themselves and the places they use to rest and breed. These requirements are translated into planning policy through Planning Policy Wales (PPW) and TAN 5 (Nature Conservation and Planning). The national policy related to this area is outlined in the Planning Policy Section of this report, above, and is also reflected by the requirements of Policy MG19 (Sites of Importance for Nature Conservation, Regionally Important Geological and Geomorphological Sites and Priority Habitats and Species) of the LDP.

The undertaking of ecological surveys to establish whether protected species are present on the site is a fundamental first step in this process. Appropriate survey work had not been carried out prior to submission of application 2024/00758/FUL, which was eventually withdrawn. This application is now supported by a survey of the building, together with emergence (flight) surveys. The survey results concluded that, while the building had potential to house a roost, there were no bat roosts found on inspection of the building and no bats were observed emerging from it at dusk. Moreover, there was only a very low level of bat flight activity (a single sighting) observed during the emergence survey. On this basis, it is considered that a derogation licence is not required for the development, and neither Natural Resources Wales nor the Council's Ecologist objected.

The Council's Ecologist made some additional recommendations concerning avoidance (mitigation) measures in the event bats were discovered during the works. It is recommended that these details can be secured for approval as part of planning conditions (see proposed condition 7).

Biodiversity and Green Infrastructure

PPW places increased emphasis on the protection and enhancement of the natural environment and encourages a proactive approach to green infrastructure. It states that all developments must achieve a biodiversity benefit and that green infrastructure statements should accompany all planning applications which will be proportionate to the scale and nature of the development proposal. Policy 9 of Future Wales also states that, in all cases, 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.

A green infrastructure (GIS) and biodiversity enhancement statement has been submitted. Although shown as retained on the plans, the proposals may require the removal of two trees in the front yard, given the proximity of the proposed access ramps. The trees are not protected by a preservation order and are not of such stature or condition to warrant such protection, consequently their removal is considered acceptable. The proposed plans illustrate that 6.no new apple trees would be planted. This would accord with the replacement ration of 1:3 specified in PPW and the Council's Trees, Woodland, Hedgerows and Development SPG (in the event the existing trees were removed). However, there is very little space and light for trees in the northeastern corner of the site, and it is recommended that revised details of landscaping are secured by planning condition (see proposed condition 5).

In response to the requirement for biodiversity enhancement, the applicant has proposed to install 4.no 'woodcrete' sparrow boxes (8.no nests) on the site, in addition to the new apple

trees. This is considered acceptable and proportionate, noting there would be negligible value in providing a bat box here given the very low activity in the immediate area (street lit with limited foraging areas). The provision of the bird boxes can be secured via planning condition (see proposed condition 8).

Drainage

The application forms state that it is proposed to discharge both foul and surface water via the main sewer. This is not the preferred method for disposal of surface water, but this appears to be reflective of the existing situation and so the proposals are not likely to materially increase surface water discharges from impermeable surface areas within the site. The proposed condition by Welsh Water would ensure that no new surface water discharges are directed to the main sewer (see proposed condition 12). Neither Welsh Water nor the Council's Drainage Engineer have objected to the proposals, with the latter having previously advised that SAB approval would be required where the construction area exceeds 100sq.m.

The proposed dwelling

The town centre location is sustainable and close to many amenities and services such as parks, shops, and schools, as well as being a close to public transport routes. It is suitable for new residential development, in principle, and while it is stated it would be staff accommodation, it would nonetheless help offset overall housing demand. The proposal is a conversion of an existing building and, as noted above, would not result in any unacceptable neighbouring impacts. There is no dedicated off-street parking, but the proposals are for conversion of an ancillary hall building, and unlikely to result in significant additional parking demand. In any event, the central location is close to many amenities and public transport, where occupants would not necessarily be reliant on access to a car. The key considerations are matters relating to the living conditions of the occupants.

The dwelling would be close to a commercial use, including kitchens. However, subject to the mitigations outlined in the neighbouring impacts section of this report, the location is considered suitable for a new residential unit. The habitable rooms are all an acceptable size and would all be served by windows, providing them with some outlook and natural light.

A demarcated outdoor amenity space / circulation space would also be established around the building, c. 70sq.m total in size, with bin and cycle store areas provided within. It is acknowledged that the Residential and Householder SPG standard of 20sq.m per occupier is not met (the unit contains four bedrooms), and its functionality is somewhat constrained by its shape and layout. However, it is considered acceptable, noting the proposal is for a conversion of an existing building and it would acceptably accommodate for the basic amenity functions such as outdoor storage, sitting out, clothes drying etc. The landscaping area to the side of the chapel could also feasibly provide an ancillary amenity function for resident staff, albeit it would not be private in nature.

Chapel /memorial garden

It had been raised, anecdotally, in representations to application 2024/00758/FUL that the church yard was used as a remembrance garden and for the interment of ashes. Whilst it is perhaps more likely that ashes would have been scattered than interred in this confined space, restrictions upon works or future uses of former places of worship are dealt with outside the planning process, usually, through restrictive covenants placed on the land by the governing body of the religious denomination concerned (prior to or upon sale of the land). The applicant (via a letter from their legal representative) has advised that the property is a registered freehold and no relevant rights or other entries are registered against the title.

REASON FOR RECOMMENDATION

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

Having regard to policies SP1 (Delivering the Strategy), SP3 (Residential Requirement), SP6 Retail, SP10 Built and Natural Environment, MG1 (Housing Supply in the Vale of Glamorgan), MG12 (Retail Hierarchy), MG13 (Edge and Out of Town Retailing Centres), MG19 (Sites and Species of European Importance), MG20 (Nationally Protected Sites and Species), MG21 (Sites of Importance for Nature Conservation, Regionally Important Geological and Geomorphological Sites and Priority Habitats and Species), MD1 (Location of New Development), MD2 (Design of New Development), MD5 (Development within Settlement Boundaries), MD6 (Housing Densities), MD7 (Environmental Protection), MD8 (Historic Environment) and MD9 (Promoting Biodiversity) of the adopted LDP, Future Wales: The National Plan 2040, Planning Policy Wales Edition 12, TAN4, TAN5, TAN11, TAN12, TAN18 and TAN24, as well as guidance contained within the Council's Supplementary Planning Guidance documents – Barry Development Guidelines, Biodiversity and Development, Parking Standards, Residential and Householder Development, and Rerail and Town Centre Development, the proposed development is considered acceptable in principle, would benefit the Barry Holton Road District Centre, and provide the historic and vacant building with a beneficial use, without unacceptably impacting upon the character of the building, residential amenity, drainage, parking congestion and highway safety, ecology, green infrastructure, and provides for commensurate biodiversity enhancement.

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

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

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

RECOMMENDATION

APPROVE subject to the following condition(s):

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

Reason:

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

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

100 Location Plan
101 D Proposed Site Plan
102 D Proposed Ground Floor
103 C Proposed First Floor
104 C Proposed Front Elevation
105 A Proposed South East Elevation
106 B Proposed North West Elevation
107 C Proposed Rear Elevation
Proposed Mechanical Ventilation for Canopy Extraction
Fan Details
Filter Details
Silencer Details

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 full schedule and samples of the materials to be used in the construction of the development hereby approved, including the proposed gate and the wall and pillar to be reinstated, 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 its first beneficial use.

Reason:

To safeguard local visual amenities, as required by Policies SP1 (Delivering the Strategy), Policy MD2 (Design of New Development), SP10 (Built and Natural Environment) and MD8 (Historic Environment) of the Local Development Plan.

4. Notwithstanding the submitted plans and prior to their use in the development hereby approved, further plans and sections of the proposed windows (including sectional details at scale 1:20), doors and eaves/rainwater goods shall be submitted to and approved in writing by the Local Planning Authority and the development shall thereafter be carried out in accordance with the approved details.

Reason:

To safeguard the character of the building and local visual amenities , as required by Policies MD2 (Design of New Development), SP1 (Delivering the Strategy) and SP10 (Built and Natural Environment) and MD8 (Historic Environment) of the Local Development Plan.

5. Notwithstanding the submitted details, a scheme of hard and soft landscaping shall be submitted to and approved in writing by the Local Planning Authority. The scheme shall include indications of all existing trees (including spread and species), identify those to be retained, set out measures for their protection throughout the course of development and a method statement, and provide a schedule of proposed planting together with a method statement for their initial care and establishment.

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) of the Local Development Plan.

6. 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) and MD2 (Design of New Developments) of the Local Development Plan.

7. Notwithstanding the submitted details, no development shall take place until a bat mitigation strategy has been submitted to and approved in writing by the Local Planning Authority. The plan shall include:

- i) Confirmation that access will be available to a licensed and qualified bat handler.
- ii) Details of how all contractors are made aware of the potential for bats to be present (a toolbox talk or similar)
- iii) Steps to be undertaken if a bat or roost is discovered during the works

iv) Details of a bat roost box to be installed early on in the works (at a height of more than three metres), which could be used to relocate discovered bats.

The development shall then proceed in accordance with the measures in the approved Bat Mitigation Strategy.

Reason:

In the interests of ecology and to ensure compliance with Policies SP1 (Delivering the Strategy), MD9 (Promoting Biodiversity), MG19 (Sites and Species of European Importance) of the Local Development Plan.

8. The biodiversity enhancement measures set out in plan ref: 107 shall be carried out in full prior to the first beneficial occupation or use of the development and thereafter retained in accordance with the approved details whilst the development remains in existence.

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.

9. Before the use hereby approved commences, the equipment to control the emission of fumes and odour from the premises shall be installed fully in accordance with approved details contained in Condition 2. All equipment installed as part of the scheme shall thereafter be operated and maintained in accordance with the approved details for as long as the use continues, unless superseded by details required and approved by the Local Planning Authority under Condition 10.

Reason

To ensure that the amenities of neighbouring occupiers are safeguarded and to ensure the development accords with Policies SP1 (Delivering the Strategy) and MD7 (Environmental Protection) of the Local Development Plan.

10. No plant or machinery other than expressly authorised by this permission shall be installed on the site unless details have first been submitted to and approved by the Local Planning Authority. All plant and machinery shall operate to achieve an overall rating level figure no higher than background noise levels, measured at the boundary of the nearest residential property (Newlands Street), and the resulting noise shall contain no tonal element. Post installation testing shall also be carried out within 6 weeks of the first operation of any plant and machinery, including the mechanical extraction system, and details of the test results shall be submitted to the Local Planning Authority in writing within 14 days of the test date, together with any details of mitigation should the units not achieve the required overall rating figure(s) stated above. If the rating levels exceed those specified above, the plant and machinery shall cease operation until the mitigation has been approved and implemented. Any such approved mitigation measures shall be retained in perpetuity.

Reason:

To ensure that residential amenity is protected, 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.

11. The use hereby permitted shall not be open to customers outside of the following hours:

08:00 to 22:00 on Monday to Saturday
09:00 to 21:00 on Sunday

Reason:

To ensure that residential amenities are protected, 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.

12. No surface water from any increase in the roof area of the building /or impermeable surfaces within its curtilage shall be allowed to drain directly or indirectly to the public sewerage system.

Reason:

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

13. Prior to the commencement of development, a Deliveries Management Plan shall be submitted to and approved in writing by the Local Planning Authority. The Plan shall include a requirement for deliveries to avoid peak times, and identify safe and convenient places to park in order to unload.

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) and MD2 (Design of New Developments) of the Local Development Plan.

NOTE:

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.