

THE VALE OF GLAMORGAN COUNCIL

PLANNING COMMITTEE : **16 JULY 2026**
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

2026/0292/BN	A	6, Stanton Way, Penarth. CF64 5RQ	Double storey rear & side extension, single storey rear extension, first floor extension above utility room, balcony and internal alterations
2026/0293/BN	A	28, Laburnum Way, Penarth. CF64 3NE	Loft conversion with dormer
2026/0296/BN	A W	29, Port Road East, Barry. CF62 9PY	2nd storey extension above ground floor, single storey extension to the rear of the property
2026/0299/BN	A	100, Phyllis Street, Barry. CF62 5UT	Re roof
2026/0301/BN	A	19, Boverton Court, Boverton, Llantwit Major. CF61 1UJ	Front porch

2026/0302/BN	A	Glenview, St. Hilary, Cowbridge. CF71 7DP	2 single storey ground floor extensions, internal alterations, dormers and carport
2026/0303/BN	A W	15, Glastonbury Road, Sully, Penarth. CF64 5PZ	Single story extension replacing the existing conservatory Within this replacement structure, there will be an expansion of the kitchen size, a utility room and downstairs bathroom.
2026/0305/BN	A W	17, Lavernock Road, Penarth. CF64 3NW	Single storey rear extension & loft conversion with dormer
2026/0307/BN	A	6, Queens Road, Penarth. CF64 1DH	Cut out an install new window at the rear of the building with new lintel and upvc window
2026/0308/BN	A	11, Plassey Street, Penarth. CF64 1EJ	Demolish coal store and outside toilet to form extension of existing stairs, changing window to french doors onto new verandah
2026/0309/BN	A	17, Jestyn Close, Dinas Powys. CF64 4JQ	Re roof & ceiling level loft insulation upgrade
2026/0319/BN	A	6, Meliden Road, Penarth. CF64 3UG	Internal reconfiguration and improvement works

The Building (Approved Inspectors etc.) Regulations 2000

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

2026/0101/AI	A	The Paddocks, Colwinston. CF71 7NL	Re roof and refurbishment of existing outbuildings
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2026/0102/AI	A	The Grange, Penllyn, Cowbridge. CF71 7RQ	Single storey rear extension (works to incorporate material alterations to structure, controlled services, fittings and thermal elements)
2026/0103/AI	A	Building 64, Bro Tathan West, St. Athan. CF62 4AL	Internal alterations, installation of mezzanine floor and external escape stair, replacement doors, erection of external lean-to and associated refurbishments
2026/0104/AI	A	3, Beech Park, Colwinston, Cowbridge. CF71 7NH	Proposed in fill extension and associated works
2026/0105/AI	A	36, Dudley Place, Barry. CF62 7HZ	Formation of structural opening to accommodate the installation of a lift
2026/0106/AI	A	Elm Cottage, The Common, Dinas Powys. CF64 4DU	Replacement conservatory roof to existing dwelling
2026/0107/AI	A	28, Shackleton Close, St. Athan. CF62 4JE	Conservatory roof replacement with a warmer roof and new frames
2026/0108/AI	A	23, Somerset View, Ogmore By Sea. CF32 0PP	New warm type roof to existing conservatory (works to incorporate material alterations to structure, controlled services, fittings and thermal elements)

2026/0109/AI	A	8, The Orchard, Aberthin, Cowbridge. CF71 7HU	Proposed front porch and side single storey extension
2026/0110/AI	A	71, Burdons Close, Wenvoe. CF5 6FE	Single storey rear / side extension and garage conversion (works to incorporate material alterations to structure, controlled services, fittings and thermal elements)
2026/0111/AI	A	28, Walston Road, Wenvoe. CF5 6AU	Single storey side / rear extension and internal alteration (works to incorporate material alterations to structure, controlled services, fittings and thermal elements)
2026/0112/AI	A	10, Porthkerry Road, Rhoose. CF62 3HD	Rear extension and dormer construction
2026/0113/AI	A	Former Vale Car Sales, Leckwith Road, Llandough, Penarth. CF64 2LY	Construction of 4 no. detached buildings for 30 no. new flats
2026/0114/AI	A	9, Coleridge Avenue, Penarth. CF64 2SP	Loft conversion (works to incorporate material alterations to structure, controlled services, fittings and thermal elements)

2026/0115/AI	A	29, Coleridge Avenue, Penarth. CF64 2SQ	Loft conversion (works to incorporate material alterations to structure, controlled services, fittings and thermal elements)
2026/0116/AI	A	Dyffryn House, St. Nicholas. CF5 6SU	Proposed passive fire protection measures to Dyffryn Hall
2026/0117/AI	A	5, The Highlands Garage, Penarth. CF64 2AR	Detached garage with first floor ancillary space
2026/0118/AI		Pantiles, Llysworney, Cowbridge. CF71 7NQ	Single storey rear extension with first floor terrace from master bedroom. Creation of new porch to front of property, replace existing flat garage roof with pitched roof to match existing style of house
2026/0101/AI	A	The Paddocks, Colwinston. CF71 7NL	Re roof and refurbishment of existing outbuildings
2026/0102/AI	A	The Grange, Penllyn, Cowbridge. CF71 7RQ	Single storey rear extension (works to incorporate material alterations to structure, controlled services, fittings and thermal elements)
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2026/0110/AI	A	71, Burdons Close, Wenvoe. CF5 6FE	Single storey rear / side extension and garage conversion (works to incorporate material alterations to structure, controlled services, fittings and thermal elements)
2026/0111/AI	A	28, Walston Road, Wenvoe. CF5 6AU	Single storey side / rear extension and internal alteration (works to incorporate material alterations to structure, controlled services, fittings and thermal elements)

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PLANNING COMMITTEE : **16 JULY 2026**

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

2018/00240/5/NMA	A	Land at Darren Farm, North West Cowbridge	Non Material Amendment - To amend the External Material details. Planning Permission ref. 2018/00240/RES: Phase 2 of the development consisting of 306 new homes, new public open space, landscaping and highways infrastructure
2018/01396/1/NMA	A	21 Colcot Road, Barry	Non Material Amendment - to reduce size of rear extension, amend the arrangement of windows, and amend porch design - For planning ref 2018/01396/FUL - Erection of part single part double storey rear extension, two storey side extension and attic conversion over original house and proposed extension including dormer to rear
2021/00554/1/NMA	A	Paddocks, Ystradowen	Non Material Amendment - Instead of render and stone we would like to use render, brick and cladding. Planning permission ref: 2021/00554/FUL - Proposed integral garage/family room and first floor bedroom(s) extension
2021/00643/1/NMA	A	Station House, 1 Station Terrace, Wenvoe	Non Material Amendment - Reduction in rear extension approved under 2021/00643/FUL: Demolition of existing garage, single storey extensions to side and rear. Conversion of attic space with dormer to rear

2022/00452/2/NMA	A	St. Athan Boys Village, St. Athan	Non Material Amendment - An amendment to condition 2 (approved plans) of 2022/00452/RES - Approval of Reserved Matters (Access, Appearance, Landscaping and Layout) for demolition of part demolished, fire damaged and derelict former C1 residential buildings. Construction of 14 no. link dwellings (40% affordable), and the conversion of the existing chapel into a dwelling and the retention/extension of the caretaker's bungalow (2016/00369/OUT)
2022/00714/1/CD	A	Adjacent 17, Courtenay Road, Barry	Discharge of Conditions 3 (Means of Enclosure) 4 (Levels) 6 (Hard and Soft Landscaping) and 8 (Biodiversity) of Planning Approval 2022/00714/FUL: New dwelling on existing vacant site, to include new vehicular and pedestrian access, parking and varying height retaining walls to rear and side of site, with new hard and soft landscaping
2022/00846/1/NMA	A	Chy Avallon, Church Road, Llanblethian, Cowbridge	Non Material Amendment - an amendment to the design of the proposed garage so that the eaves detail matches that of the house so that it will be more harmonious. for planning ref 2022/00846/FUL - Proposed extensions and alterations to dwelling. Demolition of existing garage and replacement garage and home office space above and alterations to main parking area.

2023/00002/1/NMA	R	Land off Five Mile Lane, Bonvilston (Oaklands Solar Farm) (DNS 3245503)	Non Material Amendment - See covering letter for amendments of Planning Permission 2023/00002/DNS (3245503)
2023/00880/1/NMA	R	East House, Maendy	Non Material Amendment - Reduction in size of single storey extension on north face of property, and reduction and change in size and positioning of glazing on east elevation. Planning Approval 2023/00880/FUL: Two storey extension to East facing gable elevation and single storey extension to North facing elevation including demolition and rebuilding of more substantial conservatory on West facing elevation
2023/00954/1/NMA	A	38 Windsor Road, Penarth	Non Material Amendment - An amendment to seek approval of conditions: 4. Privacy Screen 6. External Materials 7. Extraction Details 8. Sound Insulation for planning ref 2023/00954/FUL - Removal of two storey extension approved under Permission 2022/01268/FUL. Incorporation of part of former A3 use RAFA (Pier and Piano) Club, and Construction of two storey extension to the former Club. Incorporation of former beer garden area to the RAFA Club to create larger rear yard area

Non Material Amendment -
An amendment to retain the existing porch on the front elevation and replace the existing window with the front door and associated side windows.

- Add stone cladding to the existing porch walls.
- Glazing to the TV room.
- Glazing to the utility.
- Position of the bi-fold door opening on the rear elevation.
- Replace all casement windows, with an adjustment to the arrangement of glazing panels within each.
- Adjust capping detail to the approved extension at the rear.
- Retain existing extension to the south of the rear elevation.
- Adjustments to the internal layouts. For planning ref 2024/00356/FUL - Construction of retaining structure using gabion baskets, soil nails, mesh & shot crete face.

2024/00648/1/CD R The Block House, St Mary's Well Bay Road, Swanbridge, Penarth

Discharge of Condition 3 (Materials Sample Panel) of Planning Approval 2024/00648/FUL:
Extension of the existing house, improvement works to the existing site entrance along with approval for the conversion of an existing outbuilding referred to as the 'Generator Room' for ancillary use to the Block House.

2024/00677/1/CD	A	Aberthaw North Quarry, Castle Road, Aberthaw	Discharge of Condition 20. (Ecology Protection and Management Plan DRAFT for planning ref 2024/00677/FUL - Variation of Conditions 1, 15, and 16 of Planning Permission 2016/00551/FUL to allow for an amended restoration landform and drainage system
2024/00846/1/CD	A	Hillcroft, Heol-y-cawl, Dinas Powys	Discharge of Conditions 5 (Historic Building Recording), 9 (Landscaping Scheme) and 14 (CEMP) of Planning Permission 2024/00846/FUL: Proposed subdivision of single dwelling to three dwellings with extensions
2024/00911/FUL	A	3, Andover Close, Barry	Alter garden from the highest point to level it out and create a ramp in order to access the garden.
2024/01199/1/CD	A	80 Stanwell Road, Penarth	Discharge of Condition 2 (Windows) of Planning Permission 2024/01199/FUL: Replacing of wooden window sash frames and surrounds with more energy efficient UPVC sash windows and frames to front and back of property.

2025/00157/RES	A	Land adjacent to Oak Court, Myrtle Close, Penarth	Approval of the Reserved Matters (appearance, landscaping, layout, and scale) for "Hybrid planning application comprising of a full application for extra-care accommodation and associated highways, landscaping and drainage works and outline application for residential development and associated works with all matters reserved except for access" (Approval Ref.2022/00294/HYB)
2025/00182/FUL	A	33 The Verlands, Cowbridge	Proposed Garage Conversion and Single Storey Rear Extension
2025/00279/2/CD	A	58, High Street, Cowbridge	Discharge of Condition 4.(Railing details) for planning ref 2025/00279/FUL - Refurbishment of Grade 2 listed property and demolition of later additions and replacement contemporary extension
2025/00502/FUL	R	47 Arcot Street, Penarth	Change of use of the coach house from C4 back to C3 as a separate single bedroom unit using the existing access off the rear lane which connects Salop Street to Chapel Lane.
2025/00509/RES	A	Land at Swanbridge Road, Sully - Phase 2	Reserved Matters (access, appearance, landscaping, layout and scale) for the erection of new homes and associated works pursuant to outline planning permission (ref. 2016/01520/OUT)

2025/00513/1/CD	A	Dunelm, Factory Road, Llanblethian, Cowbridge	Discharge of Condition 3: Details / Additional Details for 2025/00513/FUL - Proposed replacement kitchen and alterations including construction of disabled parking as approved 2024/01225/LAW
2025/00543/FUL	A	99 Windsor Road, Penarth	Proposed rear and side single storey extension and new dormer window to rear.
2025/00546/1/NMA	A	Lower Greenway Farm, Bonvilston	Non Material Amendment- Change to the wording of Condition 6 of Planning Approval 2025/00546/FUL: Retrospective application for conversion of existing building to house 2 no. Biomass boilers
2025/00656/FUL	R	Pwll Y Darren Farm, Whitefields Farm Lane, Welsh St Donats	Creation of a lake on agricultural land.
2025/00745/1/CD	A	The Paddocks, Lane - Graig Penllyn To Penllyn Via Vistla Farm, Penllyn	Discharge of Condition 3 (Materials Details) of Planning Permission 2025/00745/FUL: Convert existing dormer bungalow to a two storey house. Proposals include a new porch, new rear extension and additional first floor accommodation above the garage
2025/00872/1/NMA	A	53 Byrd Crescent, Penarth	Non Material Amendment - Introduction of an obscured ensuite bathroom window to the first floor side elevation. For Planning Approval 2025/00872/FUL: Two storey and single storey extensions to the rear and front, including external and internal material alterations.

2025/00940/1/CD	A	Barclays, 62 High Street, Cowbridge	Discharge of Condition 6.(Signage) for planning ref 2025/00940/LBC - Replacement of 3 no external steel doors and 1 no window on rear elevation with new fully glazed aluminium units. Demolition and reconfiguration of non structural partitions and alterations to internal drainage to supply 3 no bathrooms.
2025/01016/FUL	A	16A Conybeare Road, Sully	Proposed 2 storey side extension and rear dormer loft conversion including a single storey rear extension
2025/01026/FUL	A	St Anne's Bungalow, 23 Ceri Avenue, Rhoose	Construction of a single-storey side extension, single-storey rear extension, front facing dormer and a rear dormer.
2025/01039/FUL	A	10 Norris Close, Penarth	Proposed Ground Floor WC extension and First Floor Living Area and Shower room
2025/01115/FUL	R	2 The Limes, Cowbridge	To construct a steel and glass balustrade area on top of an existing flat roof to change it into a balcony.
2025/01116/1/CD	A	Old Hall Gardens, High Street, Cowbridge	Discharge of Condition 4 (Watching Brief) of Planning Approval 2025/01116/FUL: Installation of a metal garden shed on a concrete slab with associated works
2025/01156/FUL	A	Barclays Bank Plc, 73 Holton Road, Barry	Change of use from A2 to A1 and A3

2025/01168/FUL	A	Persondy, Moorhill To Ty Candy Farm, Treoes	Proposed extensions, external alterations, reinstated vehicular entrance and associated works
2025/01209/FUL	A	1 Vale View Close, Llandough, Penarth	First floor extension to rear. Ground Floor utility room extension to rear. New pitched roof to existing garage/new utility room
2025/01237/FUL	A	23 Victoria Square, Penarth	Replacement of Roof Finish and Windows
2025/01249/FUL	A	12 Min-y-mor, Barry	Proposed dormer loft conversion
2025/01283/FUL	A	32, Merthyr Dyfan Road, Barry	Proposed first storey side extension over existing ground floor integral garage of existing domestic dwellinghouse
2025/01295/FUL	A	Eden Cottage, Church Road, Llanblethian, Cowbridge	Solar shading awning structures and additional balcony to South Elevation and re-grading of garden levels

2026/00004/1/NMA	A The Moorwell, Windsor Road, Penarth	Non Material Amendment to amend condition 3 (Restricting Use to A1 wine, spirits and beer) as follows:
		<p>The premises shall only be used for the retail of wine, spirits, beer and associated ancillary refreshments (including non-alcoholic drinks, and sweet and savoury confectionery) and for no other purpose (in class A1 of the schedule to the Town and Country Planning (Use Classes) Order 1987 (or in any provision equivalent to that class in any statutory instrument revoking and re enacting that order with or without modification). for planning ref 2026/00004/FUL - Change of Use from Gym (Class D2) to Retail Use (Class A1) of the Ground Floor at The Moorwell, Windsor Road, Penarth, Vale of Glamorgan</p>
2026/00009/FUL	A 1 Cae Wyndham, Cowbridge	Retrospective application for conversion of garage into second living room.
2026/00017/FUL	A 10 Bessant Close, Cowbridge	To demolish conservatory to rear and to build a single storey extension with flat roof in its place along the back of house. To extend ground and first floors to front elevation. To add 2 No. obscure windows to side elevation

2026/00020/1/NMA	R	137 Plymouth Road, Penarth	Non Material Amendment - Reduce roof extension, remove Juliette balcony, reduce front gable glazing to Planning Approval 2026/00020/FUL: Proposed renovations and extensions (front, side and rear), changes to fenestration including Juliet balcony to front elevation and associated works.
2026/00021/FUL	A	28 Stallcourt Avenue, Llantwit Major	Construction of a single storey rear extension and associated raised decking area, and the addition of a new front entrance porch to the existing dwelling.
2026/00023/FUL	A	71 Burdons Close, Wenvoe	Single storey ground floor extension, attic conversion with flat roof dormer and part conversion of garage into gym. Removal of existing conservatory.
2026/00031/FUL	R	Buttercup Barn, Dimlands Road, St Donats, Llantwit Major	New garage
2026/00032/LAW	A	Veg Patch and Farm Yards at Pitcot Farm, Wick Road, St Brides Major	Proposed shipping container and polytunnel.
2026/00043/1/NMA	A	Farm Villa, Llantwit Road, Wick	Non Material Amendment - Addition of 3 No bedroom windows at first floor on the (side) elevation to Planning Approval 2026/00043/FUL: Demolition of the existing two-storey side extension. Demolition of the existing conservatory. Construction of a new two-storey side extension
2026/00057/FUL	A	Pantwilkin Stables, Aberthin	Proposed retention of existing holiday lodge and associated works

2026/00074/FUL	A	Green Isha Farm, Llantwit Road, Wick, Cowbridge	Redevelopment of stone stables into a dwelling
2026/00087/FUL	A	6, St John's Place, Fontygary, Rhoose	Remove existing conservatory, replace with extension to rear to create a dining room and utility room
2026/00088/FUL	R	New Mill Cottage, Llancarfan	Proposed Ground Floor Front Extension
2026/00091/LAW	A	Penarth Bowls Club, Rectory Road, Penarth	Installation of 21 Solar panels to the front north east facing roof slope, facing the bowling green
2026/00109/FUL	A	Tyn Y Coed, Ty Mawr Close, Ystradowen	Proposed demolition of existing single storey sun room and replacement with larger single storey flat roof extension and construction of dormer to rear.
2026/00110/FUL	A	20 Ivy Street, Penarth	Ground floor rear and side extension
2026/00114/FUL	A	36, Park Road, Barry	Installation of conservation- style flush rooflight windows.
2026/00119/FUL	R	15, Borough Avenue, Barry	Placing a static home on the current hard standing as additional accommodation for family members/ visitors.
2026/00127/FUL	A	15 Purcell Road, Penarth	Demolition of existing porch extension to front elevation and construct new single storey front porch. Demolition of existing garage & garden shed to read of site and construction of new garage. Alterations to Internal layouts.
2026/00130/FUL	A	139 St David's Crescent, Penarth	Double storey side extension

2026/00132/FUL	A	Colwinston Village Hall, Maes Y Bryn, Colwinston	Provide storage container to northern point of sport field to store sport equipment and other village hall-related items
2026/00137/FUL	A	15 Leigh Close, Boverton	Proposed replacement garage at the above property.
2026/00140/FUL	A	Mill Stream Cottage, Llandow	Proposed extensions to Mill Stream Cottage to provide facilities for disabled person
2026/00141/FUL	R	Will's Yard, Land Adj to The Elms, Hillview, Nash, Cowbridge	Provision of multi-purpose shed & stables with creation of access
2026/00151/FUL	A	5 Thomas Clarke Road, Cowbridge	Rear dormer to create 2 bedrooms & ensuite
2026/00162/FUL	A	Church Stone Cottage, Llanmaes	Erection of Oak framed Garden Room following removal of existing conservatory
2026/00168/LBC	A	Green Isha Farm, Llantwit Road, Wick, Cowbridge	Listed Building consent for conversion and extension of barn into a dwelling.
2026/00174/LBC	A	St Donats Castle, East Drive, St Donats	Listed Building Consent to refurbish the internals of the Brewhouse and Portcullis
2026/00181/FUL	A	6 Cwrt Edward, Barry	Build a garden room/office in the rear of the garden
2026/00185/FUL	A	12 Hollyrood Close, Barry	Demolition of existing conservatory at rear of house, to be replaced by a solid extension extending 5m from original rear elevation of house.
2026/00188/LAW	A	Robert Price Builders Merchants, Cardiff Road, Barry	Extension to existing industrial building.

2026/00189/FUL	A	The Dales, Little Brynhill Lane, Barry	Creation of flat roof outbuilding for ancillary use to the main house.
2026/00190/LAW	R	17 Lavernock Road, Penarth	New single storey extension and dormer loft conversion both to the rear
2026/00195/FUL	A	1 Kymin Terrace, Penarth	Replace rear roof with Glendyne natural slates. Raise bottom edges of dormer windows and install new lead flashings. Double glazed units in the side of the window to be replaced. Fibreglass flat roof on the top of the dormer window to be replaced with a black EPDM rubber membrane.
2026/00199/FUL	A	The Gathering Place, Flemingston Road, St Athan	Flat pack outdoor storage container and greenhouse to sit on land at front of the gathering place by existing storage. Hidden from main road with existing trees.
2026/00200/FUL	A	5 Bron Awelon, Barry	Single storey side extension, internal remodelling, plus all associated works
2026/00201/FUL	A	3 Beech Park, Colwinston	Proposed single storey extension to create new bedroom and ensuite
2026/00209/FUL	A	12 Porlock Close, Ogmores By Sea	Installation of windowless, pent roof, wooden shed in rear garden along the Southern boundary
2026/00212/LAW	A	Ty Pica Farm, Station Road East, Wenvoe	Siting of a twin-unit caravan for ancillary residential use
2026/00216/FUL	A	Lower Greenway Farm, Bonvilston	Proposed Security Barrier

2026/00220/FUL	A	Land adjacent to Gorllwyn Forestry Holding. Parcel of land south to 'Mill Pond'	The proposal is for the development of an agricultural building and associated facilities and features (e.g. Polytunnel, and further allotment areas) as an agricultural operation
2026/00226/FUL	A	Land to r/o 1-9, Hilda Street, Barry	Proposed demolition of existing buildings, construction of a 2 storey block of 4 no. one bed self-contained walk-up apartments.
2026/00227/ADV	A	Business Service Centre, Hood Road, Barry	5 No. Signs
2026/00228/FUL	R	50 Heol St. Cattwg, Pendoylan	Variation of condition 2 (Plan Specification) and removal of condition 6 (Non Standard Approval - complete rebuilt chimney) for planning ref 2025/01033/FUL - Rear extension, partial conversion of garage, replacement roof and windows (including addition of solar panels) in addition to hard and soft landscaping
2026/00229/FUL	A	Cold Knap Sewage Pumping Station, Lakeside, Barry	Variation of Condition 1. (Approved Plans) on 2024/00499/FUL - to allow increase of one container from 20ft to 30ft, increase the space available for our welfare unit and members changing facilities
2026/00231/FUL	A	49, Pontypridd Road, Barry	Retrospective application for the retention and completion of a domestic outbuilding.

2026/00233/FUL	R	Land off Argae Lane, Barry	Proposed stable block and change of use to equine, associated storage container, and associated works
2026/00235/HR	A	Cottrell Park, St Nicholas	Creation of 5m gateway through the hedgerow to provide vehicular and pedestrian access between two parcels of land under common ownership.
2026/00236/FUL	A	Bonvilston Reading Room, Bonvilston	To install solar panels on the southernmost facing roof of Bonvilston Reading Room. To install a battery and inverter on the patio on the south side of the building. The footprint of the battery and inverter are approximately 0.126 sq m.
2026/00239/FUL	A	The Duchy, Church Close, Ogmore By Sea	Change of use of a garage to an annex dependent on the main dwelling.
2026/00244/FUL	A	59 Marine Drive, Barry	Proposed conversion of existing double garage to habitable room
2026/00246/FUL	A	11 Castle Wood Road, Sully	Construction of a contemporary glazed single storey extension to the rear of a double storey single occupancy residential property
2026/00252/FUL	A	Business Service Centre, Hood Road, Barry	Installation of PV array on one roof of BSC
2026/00253/FUL	A	71, Plasnewydd Walk, Llantwit Major	Single storey extension to side of existing dwelling to provide additional bedroom & living space, using materials to match existing external surfaces
2026/00254/FUL	R	24 Holton Rd, Barry	Change of use of derelict upper floors to two residential units

2026/00258/FUL	A	23 Cornerswell Road, Penarth	Dormer to existing loft conversion and a one and a half storey rear extension
2026/00261/FUL	A	4 Coleridge Crescent, Barry	Disability accessible ground floor toilet & shower in new porch.
2026/00266/FUL	A	53, Port Road East, Barry	Second storey extension to side with single storey rear extension. Roof altered over porch
2026/00267/FUL	A	25 Smithies Avenue, Sully	Proposal for new front wall with electric sliding gate and new side wall along boundary with number 27 Smithies Avenue.
2026/00268/LAW	A	Greystones, Factory Road, Llanblethian, Cowbridge	Construction of single storey garden room under permitted development rights.
2026/00269/FUL	R	Cowbridge Christmas Tree Farm, Watery Lane, Cowbridge	Proposed Development of a New Access Track Serving Cowbridge Christmas Tree Farm
2026/00273/FUL	A	30 Gileston Road, St Athan	Single-Storey rear extension
2026/00278/LBC	A	The Market Place Restaurant, 66 High Street, Cowbridge	Listed building consent for erection of an enclosed room for use within shopfront space. Reversible timber frame partitions.
2026/00285/FUL	A	12 Sycamore Crescent, Barry	Variation of Condition 2 (Approved Plans) of Planning Approval 2023/00438/FUL: Demolition of existing garage to create new single storey side and rear extension

2026/00287/OBS	P	St Donats Castle, Atlantic College, East Drive, St Donats, Llantwit Major	Repair to damaged surface of upper-level ramp of concrete slipway for safety reasons. The proposed works area measures approximately 37 x 15m. Works only to repair the existing slipway structure (replacing damaged concrete), no works are proposed to expand the footprint of existing slipway.
2026/00289/TCA	A	4 Victoria Avenue, Penarth (situated within the public highway)	Work to tree (situated within the public highway)
2026/00296/FUL	A	14, Victoria Square, Penarth	proposed single storey side/rear extension
2026/00301/FUL	A	Sycamore Court, Trehedyn Lane, Peterston Super Ely	Proposed single storey rear extension, front porch extension, internal alterations to existing house and annex, alterations to existing fenestration and new external materials. New driveway and detached garage.
2026/00305/FUL	R	Brook House, Main Avenue, Peterston Super Ely	Proposed ground floor link extension to garage with first floor annexe extension above. Single storey rear extension to create new gym. First floor side annexe extension. Associated internal alterations
2026/00306/TCA	A	St Quentins Cottage, St Quentins Hill, Llanblethian, Cowbridge	2x Sugar Maples (T1 & T2): Reduce and shape to highest previous points
2026/00307/FUL	A	6 Beechwood Road, Sully	Construction of porch

2026/00310/TCA	A	3 Castle Mews, Llanblethian, Cowbridge	Removal of Ash tree located next to the garage.
2026/00311/FUL	A	Penllyn Castle, Penllyn	Construction of fencing and gates around immediate garden.
2026/00315/FUL	R	Wayside Cottage, Llwyn Nwydog Farm, Cowbridge Road, Talygarn	Single-storey rear extension
2026/00317/FUL	R	Verge at Caerau Lane, by Port Lane, Wenvoe	Construction and operation of micro energy storage project.
2026/00319/TPO	A	St Canna Church, Llangan	Work to Tree(s) covered by a Tree Preservation Order no 02 of 2015 - Removal of one ash tree
2026/00321/TCA	A	The Old Barn, Llangan	Work to Tree(s) in a Conservation Area - removal of 5 ash trees affected by die back disease.
2026/00331/FUL	A	5, Boverton Road, Llantwit Major	Installation of prescription vending machine within glazing panel for out of business hour access
2026/00332/FUL	A	4, Pant Y Coed, Llanbethery	The demolition of an existing single-storey outbuilding and the construction of a new single-storey rear extension in its place.
2026/00339/FUL	A	Strone Cottage, Colwinston	Proposed removal/demolition of existing garage and conservatories and construction of single storey extension to form new utility room, bedroom and ensuite.

2026/00340/FUL	A	Herberts Cottage, St Mary Church	Ground floor oak-framed porch extension
2026/00344/TCA	A	Solus, Cardiff Road, Cowbridge	TREE 1199 - Purple Beech - Reduce the crown and over extended branches on the east and north sides of the crown which are above the bungalow, patio and rear garden by a maximum of 3 metres. Reduce the lowest branch on the east side of the crown by 4 metres.
2026/00346/TCA	A	Land adjacent to Stallcourt Close/ Church Road, Llanblethian	Hawthorn Tree to be removed
2026/00349/LAW	A	Glyn Ddawen, Main Road through City, Llansannor	Lawful confirmation required for both myself and my family to occupy the property if purchased
2026/00350/FUL	A	36 Elfed Avenue, Penarth	Loft conversion with rear dormer, internal & external remodelling plus new driveway and vehicular crossover
2026/00358/FUL	A	Woodlands, Graig Penllyn	The Proposal consists of a First Floor Side Extension above the existing Kitchen & Utility, in order to create an additional Bedroom and En-Suite Shower Room.
2026/00359/LAW	A	Premises at (aka The Old Stables), Dingle Lane, Penarth	Lawful application to confirm compliance with condition 1 (Time Limit) of application 2002/01445/FUL.

2026/00365/TCA	A	17 St Augustine's Road, Penarth	T1 Contorted Willow (Salix matsudana 'Tortuosa') section fell as close as possible to ground level, treat stump to inhibit regrowth. T2 Pittosporum, pollard at 1.8 metres above ground level, leaving a bare-wood framework for the tree to resprout. T3 Apple tree, (Malus sp.) crown reduce by approximately 1 metre back to suitable live growth points T4 Snowball tree (Viburnum opulus) coppice mature stem close to ground level leaving basal suckers to form a new crown. T5 Cotinus, remove/thin out taller stems leaving a low crown intact G1 Cornus and Laurel group growing from neighbours garden, prune back hard to boundary. T6 Small Eucalyptus sapling in front garden - fell and dig out stump. T7 Small Sycamore sapling in front garden, fell and dig out stump.
2026/00375/LAW	A	37 Drylla, Dinas Powys	New dormer to rear elevation
2026/00384/TCA	A	Vicarage Lawns, Wick Road, St Brides Major	Work to Tree(s) in a Conservation Area : Tree 1 – Nordmann Fir - Fell to ground level. Tree 2 – Sycamore (Acer pseudoplatanus), Fell to ground level.
2026/00395/LAW	R	13 Augusta Road, Penarth	The development proposes a new kitchen infill extension to the rear of the property, along with new windows and doors in the existing

2026/00405/FUL

A Westcliffe, Peterston
Super Ely

Ground-floor open plan extension with kitchen relocation. First-floor extension for an additional bedroom with an ensuite. Installation of PV Panels and ASHP.

THE VALE OF GLAMORGAN COUNCIL

PLANNING COMMITTEE: **16 JULY 2026**

REPORT OF THE HEAD OF SUSTAINABLE DEVELOPMENT

4. APPEALS

(a) Planning Appeals Received

LPA Reference No: 2025/00585/FUL
Appeal Method: Written Representations
Appeal Reference No: CAS-04714-W4S7H5
Appellant: Mr Jonathan Field
Location: Oaktree Farm, Morfa Lane, Wenvoe, CF5 6AE
Proposal: Change of use of The Piggery, Morfa Lane, Wenvoe from agricultural/forestry use to class D1 (non-residential institution) and to include the siting of a mobile welfare unit
Start Date: 28 April 2026

LPA Reference No: 2025/00456/FUL
Appeal Method: Written Representations
Appeal Reference No: CAS-04728-G4Q4R4
Appellant: Mr and Mrs Barnham
Location: The Paddocks, Home Farm, Hensol, CF72 8JY
Proposal: Proposed Dwelling, Landscaping, Boundary Treatments and Associated Works
Start Date: 11 May 2026

LPA Reference No: 2025/00753/FUL
Appeal Method: Written Representations
Appeal Reference No: CAS-04799-H5K8D8
Appellant: Mr & Mrs Nick and Nia Rolfe
Location: 22 Trem Y Bae, Penarth, CF64 1TG
Proposal: Two storey and single storey extensions to the side, including external and internal material alterations
Start Date: 18 May 2026

(b) Enforcement Appeals Received

None.

(c) Planning Appeal Decisions

LPA Reference No: 2025/01185/FUL
Appeal Method: Written Representations
Appeal Reference No: CAS-04889-W0P0X7
Appellant: Mr Richard Coleman
Location: 37 Tennyson Road, Penarth, CF64 2RY
Proposal: Proposed first floor side extension to extend Bedroom 3

Decision: Appeal dismissed
Date: 30 April 2026
Inspector: C Sweet
Council Determination: Delegated

Summary

The Inspector confirmed that as the second reason for refusal had been overcome through the submission of a Green Infrastructure Statement (GIS), the main issue was therefore the effect of the proposal on the character and appearance of the area.

The appeal property was a semi-detached house on the northeastern side of Tennyson Road, which was largely characterised by pairs of semi-detached houses, of simple, traditional design with limited side alterations. This gave the street scene a distinctive consistency of appearance, which contributed positively to the character of the area.

Due to its size and set back position, the proposed extension would be mostly screened by existing built form but would be clearly visible from the pavement nearby. Whilst its finishing materials would match the main house, the proposed extension's angular shape parallel to the boundary, asymmetrical roof and position atop two pillars would cause it to appear as an overly contrived, unsympathetic addition, when viewed against the simple appearance of the appeal property and other houses nearby.

Whilst the Inspector acknowledged that the proposal sought to make creative use of limited space, in line with advice contained in TAN 12: Design, these factors would cause it to appear incongruous when viewed in context and result in unacceptable harm to the character and appearance of the area. It was considered that the proposal conflicted with policies MD2 and MD5 of the LDP which, require development to be of a high standard of design that positively contributes to the context and character of the surrounding natural and built environment, and also conflicted with advice set out in the SPG.

Other Matters

The proposed extension was not considered to cause unacceptable overshadowing or visual impact on 35 Tennyson Road and would slightly improve privacy for its occupiers by removing a facing window at the appeal property. However, whilst it was accepted that the proposal could deliver a proportionate degree of biodiversity enhancement and would also provide the appellant with an improved living and working space which would likely be beneficial for their general wellbeing, the Inspector considered that such benefits would be modest, and would not outweigh the significant harm to the character and appearance of the area.

Conclusion

Notwithstanding a lack of objection from neighbours, it was concluded that the appeal should be dismissed.

LPA Reference No:	2025/00880/FUL
Appeal Method:	Written Representations
Appeal Reference No:	CAS-04761-R6K6Q9
Appellant:	Miss C Maddocks
Location:	Ty-ffynnon, Drope Road, St Georges Super Ely, Cardiff, CF5 6EW
Proposal:	Outbuilding in garden
Decision:	Appeal dismissed
Date:	6 May 2026
Inspector:	G Hall
Council Determination:	Delegated

Summary

The main issues were considered to be the effect of the proposal on the Grade II listed building Ty Ffynnon and trees and biodiversity interests.

Listed Building

The appeal site comprised an attractive thatched cottage which was thought to date from the early 19th century and was understood to have originally comprised three separate cottages that were later combined into a single dwelling. The cottage sat within a large garden in a rural setting on the edge of a hamlet, with open fields to the front and south.

The Council had raised two concerns, firstly, that the proposed pitched-roof design of the outbuilding would be visually prominent and would dominate views of the listed building from the front and northern aspects and secondly, that the alterations to the gated access and the adjoining bank, would harm the setting of the listed building.

The Inspector considered that the historic setting of Ty Ffynnon was influenced by the presence of Whitecrofts, (located to the north-west), which introduced a more contemporary and visually dominant element within the context of the listed building. However, this did not diminish the statutory duty to give special regard to the desirability of preserving the listed building and its setting. It was considered that an ancillary outbuilding within the rear part of

the domestic curtilage would not, in principle, be unacceptable, subject to careful consideration of its detailed design, scale and relationship with the host building. However, taking into account that Ty Ffynnon was a notably low-lying building with a simple and modest profile, the proposed outbuilding would, by reason of its height and pitched roof form, appear overly prominent in relation to the low eaves and restrained form of the cottage. It would detract from the visual primacy of the listed building and appear unduly assertive within its immediate curtilage.

In addition, it was considered that the existing grassed bank and five-bar gate contributed positively to the rural and informal character of the cottage's immediate setting and the bank was an important element of the local landform. The proposal included alterations to this area however, due to the limited detail that had been provided regarding the extent of excavation, retaining features, boundary treatments and reinstatement of the bank, the Inspector was unable to be satisfied that the works would preserve the rural and informal qualities of the listed building's setting. Furthermore, whilst screening may assist in reducing visual impact, it was not considered to be a substitute for an acceptable design.

It was therefore concluded that the appeal scheme would fail to preserve the setting of the listed building, the outbuilding's height would make it unduly prominent in relation to the modest cottage, and insufficient information had been provided to demonstrate that the associated works to the bank, access and enclosure would avoid harm to this sensitive part of the listed building's setting. The proposal would be contrary to PPW and TAN 24 and also conflict with LDP Policies SP10, MD2, MD5 and MD8.

Trees and biodiversity interests

The proposed siting of the outbuilding would necessitate the removal of a tree and works to the existing grassed bank. Whilst the extent, depth and final form of those works were not clearly defined, the Inspector was satisfied that it did not preclude the principle of securing an appropriate planting and biodiversity enhancement scheme capable of integrating with the finished development. Whilst the submitted details did not fully specify the planting and enhancement measures, this could be secured by condition and the Inspector therefore considered that the proposal would be capable of complying with FW Policy 9 and the relevant provisions of PPW.

Other Matters and Conclusion

The Inspector took into account the appellant's intentions for EV charging and to provide secure storage but these matters did not alter the assessment of the proposal's visual relationship with the cottage and did not outweigh the harm identified to the setting of the listed building. It was therefore concluded that the appeal should be dismissed.

LPA Reference No:	2023/00990/FUL
Appeal Method:	Written Representations
Appeal Reference No:	CAS-04621-P4G6F4
Appellant:	SC Design Build Ltd

Location:	Land at St. Andrews Quarry, St. Andrews Road, Dinas Powys, CF64 4HB
Proposal:	Construction of a contemporary dwelling, footpath access, highways amendments and associated works
Decision:	Appeal dismissed
Date:	12 May 2026
Inspector:	L Hughson-Smith
Council Determination:	Delegated

Summary

The main issues were considered to be whether the proposed development was justified in its countryside location having regard to local and national planning policy, the effect of the development on highway safety, whether the development made appropriate provision for foul water disposal and affordable housing.

Countryside Location

The appeal site was located along St. Andrews Road outside of the primary settlement of Dinas Powys and was therefore, located in the open countryside. It formed part of a dormant limestone quarry, now containing a lake and characterised by high cliff faces, woodland and vegetation and included several redundant buildings in poor condition.

Whilst the Inspector identified advice in Planning Policy Wales (Edition 12) (PPW) which stated that infilling or minor extensions to existing settlements may be acceptable where they meet a local need for affordable housing or where the proposal will increase local economic activity, there was no substantive evidence that the proposed dwelling would meet this criteria. Whilst there were dwellings along parts of St. Andrews Road, the quarry site remained physically and visually separate from the settlement. Its scale, landform, woodland and lake did not represent a natural continuation of the built form and the proposal would not constitute infill development, or a logical extension to the settlement. Whilst it was recognised that the appeal site comprised previously developed land associated with the former quarry, the Inspector acknowledged that not all previously developed land was suitable, and this may be because of its unsustainable location.

Whilst the Inspector accepted that the distance of local amenities in Dinas Powys from the appeal site were suitable for walking and cycling, it was considered that proximity alone did not equate to genuine accessibility and, therefore, sustainability. The appellant had identified two pedestrian routes from the appeal site to the settlement, one via Beauville Lane and the other via St. Andrews Road. The Inspector identified significant concerns with the quality and usability of the Beauville Lane route and considered that it would likely deter future occupiers to use it for day-to-day journeys on foot.

It was considered that St. Andrews Road provided a more direct and legible route, however a section of the road between the appeal site and the settlement was characterised by a lack of continuous pedestrian infrastructure. While the proposed highway works would deliver some pedestrian improvements, these would address only a small portion of the

overall route and pedestrians would still be required to walk within the carriageway, with limited step off opportunities. A combination of regular vehicle movements, constrained carriageway width and limited lighting would result in an environment that would feel uncomfortable and unattractive for pedestrians, particularly during periods of darkness or poor weather.

The same characteristics would also undermine the suitability of St Andrews Road for cycling. Whilst the Inspector acknowledged that opportunities for reducing car use and increasing walking, cycling and use of public transport were more limited in rural areas, neither route would provide a convenient and attractive means of accessing day-to-day services on foot or bicycle. As such, the appeal site would not represent a genuinely accessible or sustainable location, and future occupiers would be heavily reliant on the private car. The proposal would therefore represent an unjustified form of development in its countryside location in conflict with the accessibility and sustainability objectives of LDP Policies MD1 and MD2 and the overarching aims of PPW.

Whilst the appellant had contended that the reactivation of the former quarry represented a planning fallback, the Inspector considered there was little to indicate that the former quarry use would realistically recommence and therefore afforded the approved quarry use limited weight as a fallback.

Highway Safety

The proposal included highway works to accommodate a section of footway along St. Andrews Road which would involve the reduction in the available carriageway to approximately 3m together with an amended road arrangement to provide a priority give way scheme.

Whilst the provision of additional pedestrian infrastructure would offer a degree of benefit for pedestrian safety, the Inspector did not consider that technical evidence had been provided to demonstrate that the revised road arrangement would operate safely and satisfactorily for the full range of vehicles likely to use it and was not satisfied that the scheme had been shown to maintain the safe operation of the highway. Even if the highway works were not undertaken, the Transport Note (TN01), referring to Manual for Streets, confirmed that the existing carriageway along this section of the road was insufficient to allow two vehicles to pass, requiring vehicles to overrun onto the verges. Given that St. Andrews Road was likely to be the preferred route for pedestrians and cyclists, together with the regularity of traffic movements along it, such conditions would, give rise to an unacceptable risk of conflict between vehicles, pedestrians and cyclists. The Inspector therefore concluded that the proposal would result in harm to highway safety, contrary to LDP Policy MD2.

Foul Drainage

The appellant had submitted a Proposed Drainage Strategy to support the appeal which identified a route for connection to the public sewer on land within the appellant's control and via the highway. Correspondence from Dwr Cymru Welsh Water had indicated that there was capacity within the sewer network and Wastewater Treatment Works to accommodate flows from one additional dwelling. Based on this evidence, the Inspector was satisfied that a connection to the public sewer was likely to be viable and a detailed scheme

could be secured by planning condition. It was therefore concluded that appropriate provision for foul water disposal could be achieved in accordance with the requirements of LDP Policy MD1 and the objectives of PPW.

Affordable Housing

The appeal was accompanied by a signed Unilateral Undertaking (UU) which offered the requested affordable housing contribution, however the UU contained several omissions and therefore it was not explicit what proposal or site it related to. The Inspector was not therefore satisfied that the development provided the necessary infrastructure, however as he was dismissing the appeal on other main issues, an amended UU had not been sought.

Even if the UU was effective, the benefits from the limited extent of the affordable housing contribution would attract only modest weight and would not outweigh the policy conflict arising from the proposal's unsustainable location and therefore, would not alter the outcome of the appeal. It was therefore concluded that the proposal failed to make adequate provision for affordable housing in conflict with LDP policy MD4, the AH SPG and Technical Advice Note 2: Planning and Affordable Housing.

Other Matters

The Inspector considered that irrespective of whether a greater number of dwellings could be accommodated on the site, this would not overcome the concerns regarding the site's location outside the settlement boundary and its limited accessibility by sustainable modes of transport. Whilst the benefits of the proposal including the provision of an additional dwelling with high sustainability credentials were acknowledged, the scope of these benefits were limited and did not outweigh the harm identified.

Conclusion

The proposed development being unjustified in its countryside location, the harm to highway safety and the failure to provide adequate provision for affordable housing were significant and compelling factors and it was therefore concluded that the appeal should be dismissed.

LPA Reference No:	2025/00474/FUL
Appeal Method:	Written Representations
Appeal Reference No:	CAS-04753-G3H0L9
Appellant:	Mr A Donnelly
Location:	Homri Barn, Well Lane, St Nicholas, CF5 6SG
Proposal:	Domestic garage and green house
Decision:	Appeal dismissed
Date:	20 May 2026
Inspector:	C Sweet
Council Determination:	Delegated

Summary

The appeal proposed alterations to a garage and greenhouse which were already in place and the main issue was the effect of the proposal on the character and appearance of the area. The appeal property was a residential barn conversion located in the countryside to the northeast of St Nicholas, outside the settlement boundary and set within the Ely Valley and Ridge Slopes Special Landscape Area (SLA). The area immediately around the appeal site largely consisted of open agricultural fields, with associated hedgerows and trees.

The Inspector agreed with the previous Inspector's description of the pleasant and attractive rural character of the local context and the appeal property, and their positive contribution to the overall character and appearance of the area. Although views of the proposed garage and greenhouse would be limited from the wider public domain due to topography, existing planting and their position on a lightly used private lane, they would nonetheless be clearly visible from several points along the Public Right of Way to the east, the lane and adjoining field to the west, and the neighbouring dwelling opposite.

The proposed garage's front elevation would be set back from the adjoining barn, and its height would be reduced. This would lend it a degree of subservience to the main barn when viewed from nearby points on the lane close to its front. Though its roof pitch would differ from those of the main barn, it would not be to a degree that would be harmful. However, despite the proposed garage's reduced height and depth, and use of matching materials, together with the attached greenhouse, the Inspector considered that the combined size and scale of development would appear as a bulky, modern and unsympathetic addition when viewed in context with the main barn from other positions. This would cause them to appear unduly prominent and would harmfully detract from the character of the main barn. The greenhouse's more lightweight appearance would do little to offset this effect.

The Inspector considered whether a condition requiring a landscaping scheme to be approved would be appropriate, however agreed with the previous Inspector regarding the potential effectiveness of planted screening and considered that, even with such screening in place, the proposal would appear unsympathetic to its context and the identified harm would persist.

The presence of a garage at the dwelling opposite was acknowledged but was identified as being smaller in scale than the proposed garage and did not have a sizeable modern greenhouse attached to it. It therefore represented a more sympathetic addition and its presence did not materially alter the rural character of the area or weigh in favour of the appeal scheme.

Whilst the Inspector considered that the proposal's effects on the wider SLA would be limited, it would result in unacceptable harm to the character and appearance of the area and conflicted with LDP policies MD2, MD11 and MD12 and with advice contained in the SPG, Technical Advice Note 12: Design and Planning Policy Wales (PPW).

Other Matters

The appellant had submitted a Bat Survey Report (L&G Ecological Consulting – March 2026) which concluded that bats were likely to be present in the

garage and recommended further surveys. Those surveys had not been undertaken and the proposal's exact effect on bats was therefore unclear. The Inspector had not provided an opportunity for further submissions as they had found against the proposal on the main issue. Even if the proposal had been found acceptable in terms of its effects on bats, that would not outweigh the harm to the character and appearance of the area.

Whilst it was acknowledged that the greenhouse allowed a small amount of domestic food production, which provided some sustainability benefits and a proportionate level of biodiversity enhancement could likely be secured, such benefits would be modest and not outweigh the identified harm.

Conclusion

It was therefore concluded that the appeal should be dismissed.

Comment

The existing garage and greenhouse have been the subject of an ongoing enforcement investigation, however following this latest appeal decision which sought to undertake alterations to the building, it is now proposed that enforcement action is taken to require the removal of the unauthorised structure.

(d) Enforcement Appeal Decisions

None.

(e) April 2026 – March 2027 Appeal Statistics

		Determined Appeals			Appeals withdrawn /Invalid
		Dismissed	Allowed	Total	
Planning Appeals (to measure performance)	W	4	0	4	-
	H	-	-	-	-
	PI	-	-	-	-
Planning Total		(100%)	-	4	-
Committee Determination		-	-	-	-
Other Planning appeals (inc. appeal against a condition)		-	-	-	-
Enforcement Appeals	W	-	-	-	-
	H	-	-	-	-
	PI	-	-	-	-
Enforcement Total		-	-	-	-
All Appeals	W	4	0	4	-
	H	-	-	-	-
	PI	-	-	-	-
Combined Total		(100%)	-	4	-

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 : **16 JULY 2026**

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

2025/00964/TPO	A	Fox and Hounds, Llancarfan	Work to Trees covered by TPO No.24 of 1973: Trim back the trees and branches overhanging the car park
2025/01294/TPO	A	Monmouth House, Salisbury Close, Penarth	Work to Tree(s) covered by Tree Preservation Order No. 3 of 1985: T1 Lime, T2 Lime, T3 Oak, T4 Oak, T5 Oak, T6 Oak, T7 Oak, T8 Oak, T10 Oak, T11 Oak, T12 Field Maple, T13 Mature Ash, T14 Oak, T15 Oak, T16 Mature Oak, G2 Ash (only one Ash within the group of three is protected), G6 Oak (only one Oak within the group of two is protected)

2026/00202/TPO	A	3 Dros Y Mor, Penarth	Common Lime identified as 4935 in Tree Maintenance Ltd report work as noted against tree 4935 for pollarding not felling
2026/00238/TPO	A	Picketston House, Picketston	Works to Tree(s) covered by a Tree Preservation Order No 02 of 1984 - Yew tree (<i>Taxus baccata</i>) crown reduction.
2026/00257/TPO	A	The Pines, Wick Road, Ewenny	Work to Tree(s) covered by Tree Preservation Order 1991, No.1 (OGWR) - Tree 0199 - Corsican Pine - Remove all dead wood above 4cm diameter. Tree 0200 - Corsican Pine - Remove all dead wood above 4cm diameter and remove one low over extended branch over the highway and reduce lower and mid crown branches by a maximum of 2 metres on the north, south and west side of the crown.
2026/00264/TCA	A	56, Plymouth Road, Penarth	Work to Tree(s) in a Conservation Area : Carry out works as per the attached Survey

2026/00274/TPO	A	6, Plas Dorlan, Minafon, Cowbridge	Works to Tree(s) covered by a Tree Preservation Order no 5 of 2025 - Low- level pruning
2026/00277/TCA	A	2 Kymin Terrace, Penarth	Remove laylandii fir tree to stump level in rear garden
2026/00284/TCA	A	1 Church Road, Penarth	Fell 1x Holly tree located next to garage

THE VALE OF GLAMORGAN COUNCIL

PLANNING COMMITTEE : 16 JULY 2026

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: Vale of Glamorgan and Lovell Homes Civic Offices,, Holton Road,, Barry,, CF63 4RU

AGENT: Mrs Llinos Hallett Unit 5, Cae Gwyrdd, Greenmeadow Business Park,, Tongwynlais, CF15 7AB

No.1 Dock and The Mole, Neptune Road, Barry Waterfront, Barry

The proposals for the site are the subject of a hybrid application comprising:

1. Full planning permission for engineering works to raise the existing ground levels of the Mole site to a minimum of 9.00m AOD to mitigate against potential future flood risk.
2. Outline planning permission for the development of a watersports centre, associated college/education facility and café on the eastern part of the site.
3. Outline planning permission for residential development of up to 100 dwellings.
4. Outline planning permission for ancillary works, including access, parking, landscaping, public open space and other associated infrastructure.

REASON FOR COMMITTEE DETERMINATION

The application is required to be determined by Planning Committee under the Council's approved scheme of delegation because:

- The application is of a scale and nature that is not covered by the scheme of delegation.

EXECUTIVE SUMMARY

The proposals for the site are the subject of a hybrid application and are made up of five distinct, but complementary, components as follows:

1. Outline planning permission is sought for the creation of a new 400-berth marina with floating pontoons within No. 1 Dock.
2. Full planning permission is sought for engineering works to raise the existing ground levels of the Mole site to a minimum of 9.00m AOD in order to mitigate against flood risk.
3. On the eastern part of the site outline permission is sought for the development of a marina office building which will include facilities for visitors/ members and a restaurant.
4. Adjacent to the marina building outline permission is sought for an incubator workspace building comprising offices, smart innovation space, break-out space and a café.
5. On the western part of the site outline planning permission is sought for residential development comprising 45 townhouses and 20 apartments.

The principal issues for consideration with the application are the principle of development in terms of its location, flood risk, highway matters, design and visual impact, impact upon amenity of neighbouring occupiers, ecology, flood risk and drainage, historic environment, noise and air quality, contaminated land and planning obligations and viability.

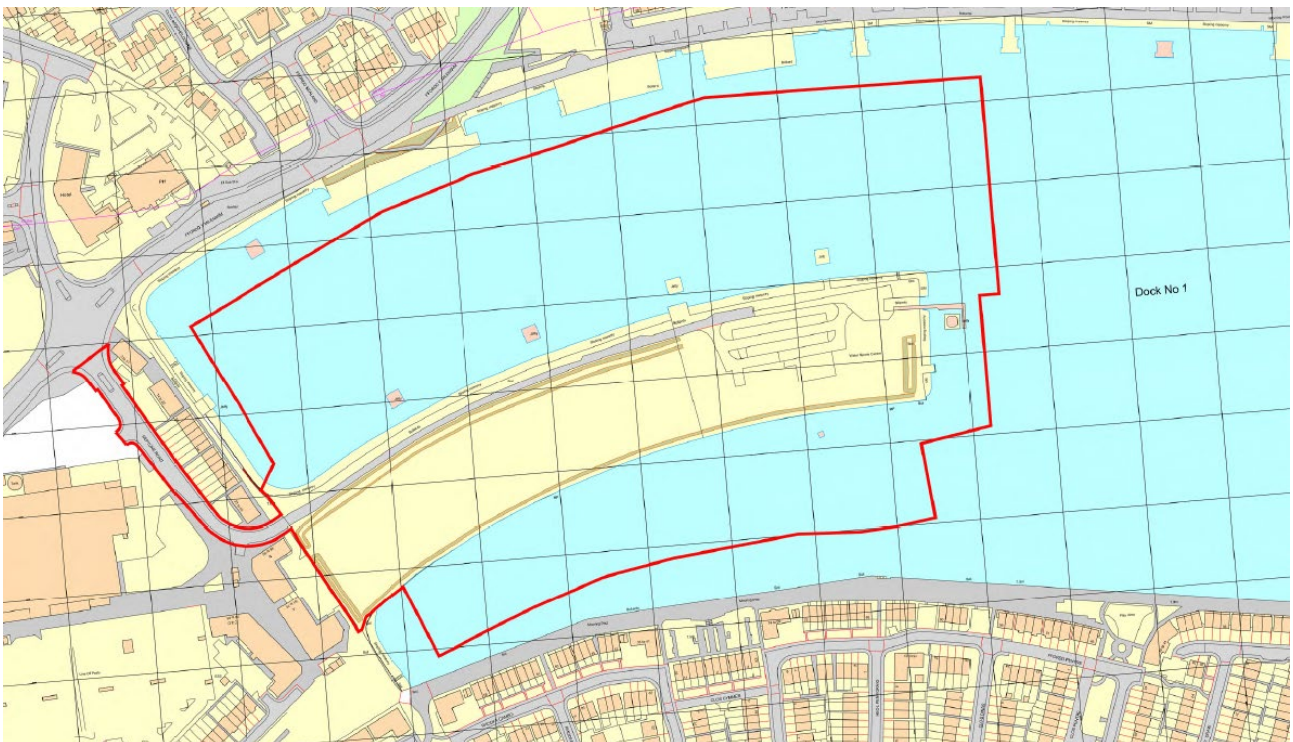
Comments were received from members of the public raising concerns including impact of the proposal on visual and residential amenity, highway impacts, impacts on local services, ecology and potential increases in pollution.

Comments were also received supporting the scheme.

It is considered that whilst there are significant viability constraints, there are significant regeneration benefits to the scheme and as such the application is recommended for approval subject to conditions.

SITE AND CONTEXT

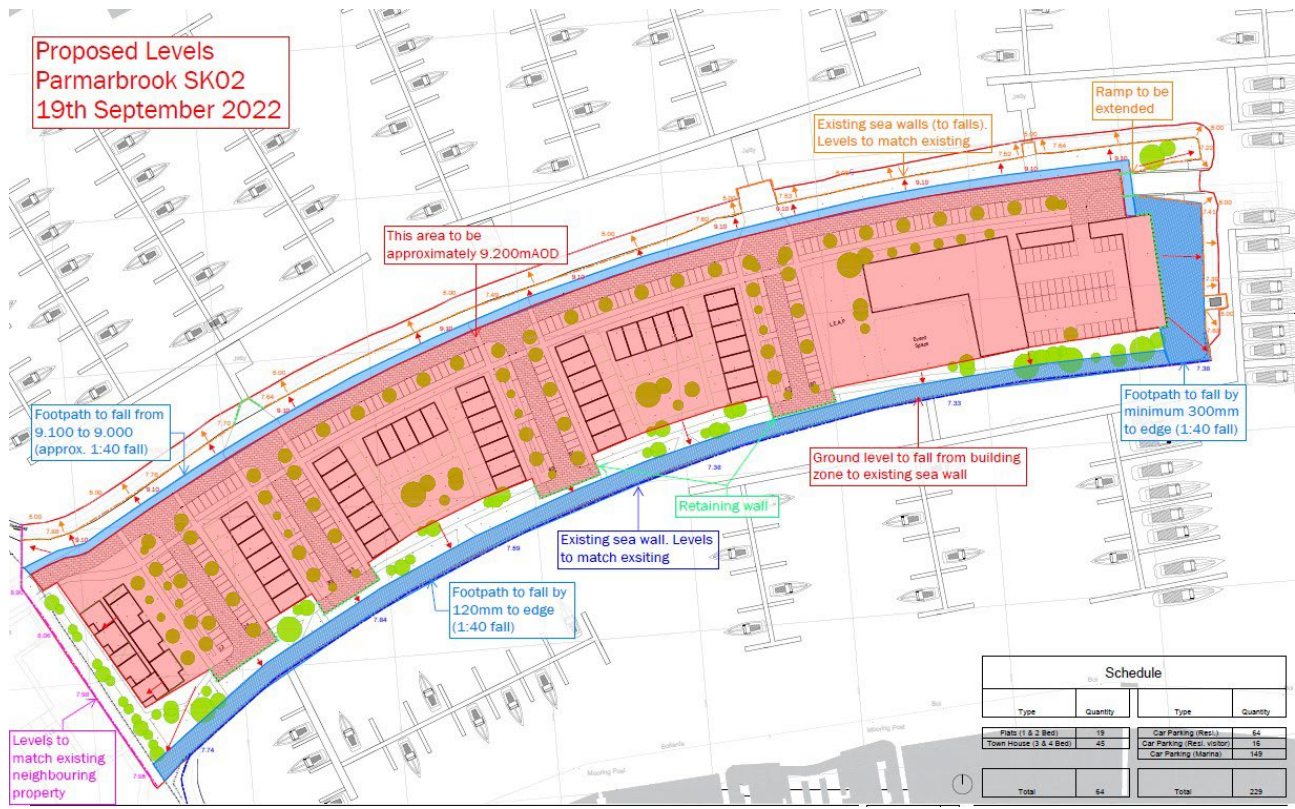
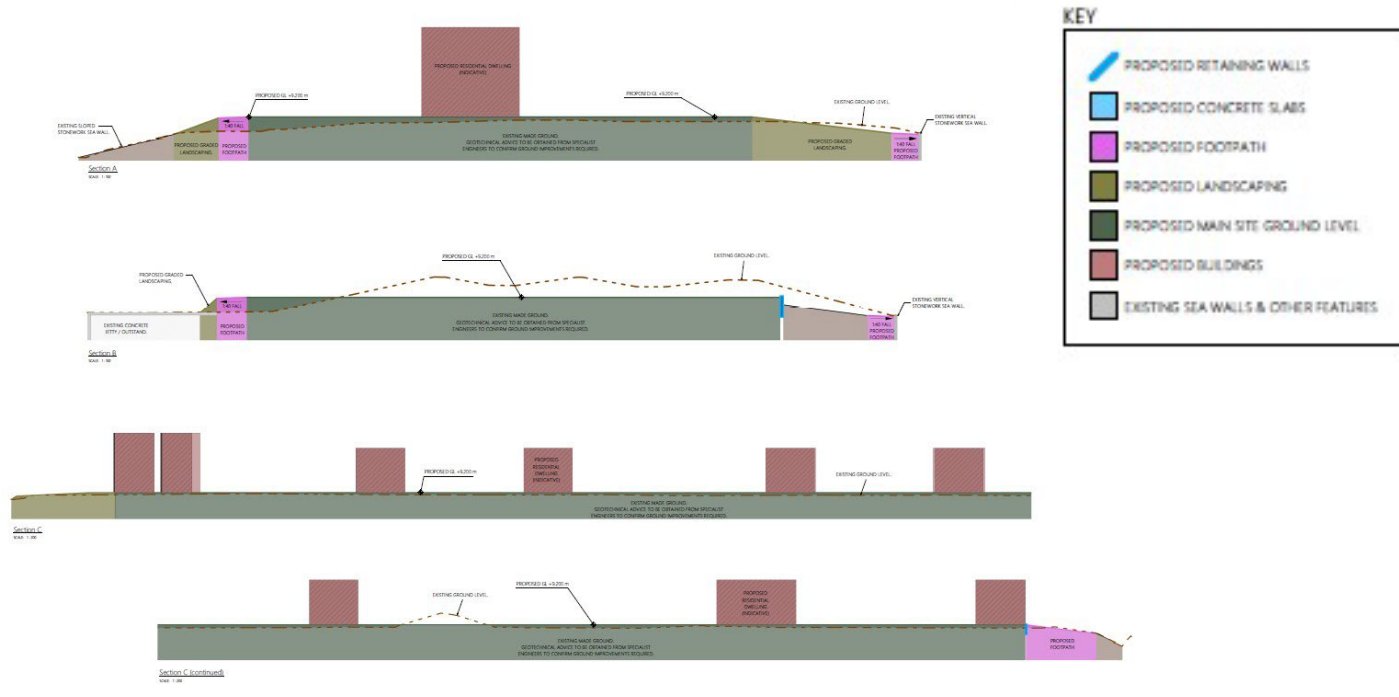
The application site is approximately 3.03 hectares of land projecting out within Barry Docks and adjacent water within the wider dock. The site contributes to the wider redevelopment of Barry Waterfront with surrounding phases already complete. The land comprises of former industrial land with the far eastern end currently occupied by Barry Community Water Activity Centre which includes a number of temporary buildings and a boat storage area. The site is largely indicated on Development Advice (DAM) as



falling within Flood Zone C2 with a small part of the western end within Flood Zone B.

DESCRIPTION OF DEVELOPMENT

This application seeks full planning permission for engineering works to alter the existing ground level of the Mole to a minimum of 9.00 AOD. In some areas the level would be reduced by approximately 2.5 metres where a bund exists on the site but raised by a modest amount, approximately 0.5 metres maximum across the majority of the site to achieve the indicated height.



The application also seeks outline permission for the following aspects:

- The creation of a new 400-berth marina with floating pontoons within No. 1 Dock.

- The development of a marina office building which will include facilities for visitors/ members and a restaurant on the eastern end of The Mole.
- Incubator workspace building comprising offices, smart innovation space, break-out space and a café.
- Residential development comprising up to 45 townhouses and 20 apartments.
- The provision of a linear park of circa 0.45 ha to the southern side of the Mole

The indicative plan below shows land use parameters, with residential development coloured blue across the west and central parts of the site with the proposed incubator building (yellow) and marina (pink) shown to the east.



Indicative ground floor masterplan



Indicative First Floor Masterplan



Scale Parameters for building heights



Green Infrastructure Parameters inclusive of public open space to the southern side of the Mole



PLANNING HISTORY

1986/01113/OUT, Address: Dock No. 1, Barry Dock, Barry, Proposal: Complete redevelopment, Decision: Appeal Allowed

1991/00496/OUT, Address: No. 1 Dock, Barry, Proposal: Renewal of consent for comprehensive redevelopment, Decision: Approved

1994/00144/OUT, Address: No. 1 Dock, Barry (190 acres), Proposal: Comprehensive redevelopment, Decision: Approved

1994/00207/FUL, Address: No. 1 Dock, Barry, Proposal: Infrastructure to comprehensive redevelopment, Decision: Approved

2000/00265/FUL, Address: Barry Waterfront, Proposal: Variation of Condition 3 of planning permission 94/00144/OUT to extend time period for approval of reserved matters from three years to seven years, Decision: Approved

2007/01682/SC2, Address: Sites C and D - West Pond & South Quay, Barry Waterfront, Proposal: Mixed use development including residential, leisure, education, community facilities, employment, hotel and retail use, Decision: EIA (Scoping) - No Further Information Required

2009/00946/OUT, Address: Land at Barry Waterfront adjacent to Dock No. 1, Barry, Proposal: Development of vacant land at Barry Waterfront for residential (C3), retail (A1), cafes, bars and restaurants (A3), hotel (C1), offices (B1) and community and leisure uses (D1 and D2). Development of vehicular and pedestrian/cycle access including a new link road, re-grading of site to form new site levels and associated infrastructure works, parking, servicing, landscaping, public realm and public open space provision, Decision: Approved

2010/00397/SC1, Address: Land at Barry Waterfront adjacent to Dock No. 1, Barry, Proposal: Regrading of site and remediation of contamination, Decision: Environmental Impact Assessment (Screening) - Not Required

2010/00696/FUL, Address: Land at Barry Waterfront adjacent to Dock No. 1, Barry, Proposal: Re-grading of site, remediation of contamination and construction of link road to Barry Island, Decision: Approved

2012/00852/SC1, Address: Barry Waterfront, Proposal: Asda foodstore and non-food retail units, Decision: Environmental Impact Assessment (Screening) - Not Required

2012/00971/EAR, Address: Powell Duffryn Way, Barry Waterfront, Barry, Proposal: Development of Phase 1 of District Centre comprising Asda foodstore and two non food retail units, with associated petrol filling station, car parking, access works and landscaping, Decision: Approved

2014/00793/FUL, Address: East End of The Mole, Barry Docks, Proposal: Change of use from operational dockland to Barry Community Water Activity Centre, The Mole, Barry Docks, Decision: Approved

2014/00794/FUL, Address: East End of The Mole, No. 1 Dock, Barry Docks, Proposal: Engineering works - formation of a boat slipway in the existing dock wall, Decision: Approved

2014/01218/RES, Address: Proposed District Centre, Barry Waterfront, Powell Duffryn Way, Barry, Proposal: Development of vacant land at Barry Waterfront for residential use (C3), retail (A1), cafes, bars and restaurants (A3), hotel (C1), offices (B1) and community and leisure uses (D1 and D2). Development of vehicular and pedestrian/cycle access including a new link road, regrading of site to form new site levels and associated infrastructure works, parking, servicing, landscaping, public realm and public open space provision at land at Barry Waterfront adjacent to Dock No. 1, Barry., Decision: Withdrawn

2015/00359/OUT, Address: BCWAC, The Mole, Powell Dyffryn Way, Barry, Proposal: Water sports facility, Decision: Approved

2017/00025/FUL, Address: Barry Community Water Activity Centre, Powell Duffryn Way, Barry, Proposal: Construction of new community leisure building with associated site works. New building to incorporate; changing, storage and office space for water activity centre, Decision: Approved

2017/00476/RES, Address: Dockside Quay, Barry Waterfront., Proposal: Development of the site known as Dockside Quay for residential development, A3 units and associated infrastructure works, parking, and landscaping, Decision: Approved

2017/00715/FUL, Address: Barry Community Water Activity Centre, Powell Duffryn Way, Barry, Proposal: Construction of new multi-use community building with associated site works. New building to incorporate; (D2) gymnasium and classrooms as well as (A3) restaurant, Decision: Approved

2017/01356/RES, Address: Land at Barry Waterfront, Barry, Proposal: Construction of new District Centre comprising of 57 residential apartments, 1,885sq.m food & drink use (A3), 390sq.m flexible commercial use (D1/D2/A3), together with associated infrastructure works, parking and landscaping, Decision: Approved

2019/01153/FUL, Address: Dockside Quay, Barry Waterfront, Proposal: Variation of Condition 14 of Planning Permission ref. 2017/00476/RES to allow temporary consent for A2 use of the unit for 12 months as a sales office for the development, Decision: Withdrawn

2019/01407/RES, Address: District Centre, Land at Barry Waterfront, Barry, Proposal: Amend plan schedule to revise housing schedule and minor amendments to the fenestration/elevation detail. Variation of Condition 1 of Planning Permission ref. 2017/01356/RES (Construction of new District Centre comprising of 57 residential apartments, 1,885sq.m food & drink use (A3), 390sq.m flexible commercial use (D1/D2/A3), together with associated infrastructure works, parking and landscaping), Decision: Approved

2020/00717/FUL, Address: Land at Barry Waterfront, adjacent to Dock No. 1, Proposal: Vary Conditions 1, 2, 3, 4, 5, 6, 7, 8, 9, 12, 13, 14, 15, 16, 19, 20, 22, and 23 of planning permission 2010/00696/FUL, Decision: Approved

2022/00867/SC1, Address: The Mole, Barry, Proposal: Formal screening opinion requested - The scheme proposed for this site is a mixed-use scheme comprising leisure, business space and residential, Decision: Environmental Impact Assessment (Screening) - Not Required

CONSULTATIONS

1. **Barry Town Council** - Raised no objection to the creation of the marina or engineering operations to raise ground levels subject to further details being submitted. No objection to the office or marina building however thought should be given to the building being of an iconic nature reflecting the historic importance of the town. Lack of continuity with and support for existing, adjacent office space. Objects to the proposed residential development.
2. **Council's Highway Development section** – Provided feedback on the layout of the proposed development and requirements for road widths, turning heads, refuse vehicles and visibility. Active travel routes, footways and cycleways must be provided and include lighting and full signage.

Provision should be provided for Electric Vehicle charging points or ultra-low emission vehicles.

Suitable provision shall be provided on site for cycle parking, electric bikes and next bikes including bike lockers etc.

Parking requirements for the development should be in accordance with the adopted parking standards however, there is justification for a reduction in parking provision making note of sustainable modes of transport and the close proximity to local amenities and travel links.

Consideration should be given to the implementation of restricting parking along the main access road carriageway through into the turning head.

The submitted Transport Assessment and Transport Plan have been reviewed by a consultant and following the submission of additional surveys and information, it was concluded that any concerns have been resolved, with the exception of the level of parking for the 3-4 bed townhouses. It is considered that the proposed 1 space per unit would be insufficient to serve the townhouses and 2 spaces is recommended.

3. **Chief Fire Officer** – No representations received.
4. **The Council's Economic Development Section** – No representations received.
5. **Councils Drainage Section** - Information submitted to support this application suggest surface water runoff generated by the proposed development will be directed to SuDS features in the form of swales, bioretention and filter drains. It is proposed discharge from the surface water system will be made to the dock at unrestricted rates.

While it has previously been agreed that initial raising of ground levels would not require SAB approval where associated with the main development through planning application. It is considered that the main development itself would be subject to Schedule 3 of the Flood and Water Management Act 2010 and as such it is advised that a detailed drainage design will be required to be submitted through the SAB process.

6. **Shared Regulatory Services (Pollution)** - A noise assessment for noise generated by the marina use – vehicle movements and engine noise is recommended prior to implementation to ensure the marina achieves a rating noise level of background -10dB at the nearest noise sensitive premises together with sound insulation and noise reduction measures for residential premises.

Prior to occupation, a post noise survey shall be undertaken to demonstrate that all habitable rooms achieve internal noise levels of 35 dBA Leq 16 hour during the day and bedrooms achieve 30dBA Leq 8 Hour at night. Should the noise survey show that these levels have not been achieved, further mitigation and a further noise survey will be required.

A CEMP is also recommended.

In terms of the proposed restaurant, a condition controlling fume extraction is also recommended.

7. **Glamorgan Gwent Archaeological Trust (GGAT)** - Initially requested that in order to ascertain the impact that the development will have on the archaeological resource, a suitably qualified archaeologist should initially prepare an archaeological desk-based assessment of the current knowledge of the archaeological resource in the application area in order for the impact of the proposed development to be determined and to allow informed mitigation measures to be proposed.

This work was undertaken and GGAT have advised that the proposal requires archaeological mitigation and the following condition:

No works to which this consent relates shall commence until an appropriate programme of historic building recording and analysis has been secured and implemented in accordance with a written scheme of investigation which has been submitted to and approved in writing by the local planning authority

The justification for the imposition of the condition would therefore be: -

Reason: As the building is of architectural and cultural significance the specified records are required to mitigate impact.

8. **Baruc Ward Councillors** – No representations received.
9. **Dwr Cymru Welsh Water-** Advised that a condition be attached to any permission requiring a drainage scheme for the site.
The water supply system in the immediate vicinity has insufficient capacity to serve the development and as such any future water connection application will require a hydraulic modelling assessment and the delivery of reinforcement works may be required as the same time as the provision of new water mains to serve the new development.

10. **The Council's Ecology Officer** – No objection.

The applicant has employed The Ecology Consultancy to undertake a Preliminary Ecological Appraisal and Temple Group Ltd to undertake a botanical survey.

The Mole contains a number of different habitats and the botanical survey noted that it was quite diverse. In moving forwards with the development, it would be good to indicate how habitats at TN2 and TN3 are to be incorporated and managed in the future through the green infrastructure.

The applicant attention is drawn to both the Supplementary Planning Guidance on Biodiversity and Development and Trees, Hedgerows, Woodlands and Development.

The former suggests targets for the inclusion of nest boxes in new developments and the latter may be relevant to retaining habitats and their replacement if lost. On the whole the proposals for biodiversity enhancement in Chapter 4 of the PEA are acceptable.

There is a requirement for a CEMP because of the proximity to the Severn Estuary SAC and this should be one of the planning conditions.

11. **The Council's Landscape Section** – Supports the proposals and provided advice on the further development of the masterplan with particular reference to the type and layout of planting, footpaths/circulation, play provision layout, soft and hard landscaping and drainage strategy.
12. **The Council's Housing Strategy (Affordable Housing) section** – No objection and provided the following comments:
In line with the SPG there is a requirement in this area for 30% affordable housing on developments resulting in a net gain more than 5 residential units i.e., 20 units (19.2 rounded up), of which we would ask for a tenure split between social rent and assisted home ownership of 70/30 in favour of social rented, i.e., 14 for rent and 6 for sale.

Housing strategy fully supports this development and look forward to working with the developer to ensure the affordable housing provided meets the needs identified above, 14 social rented as follows:

8no 1-bedroom units – 59%

4no 2-bedroom units – 27%

2no 3-bedroom units – 12%

6 units for assisted home ownership:

4no. 2 bed units

2no. 3 bed houses

A housing association will need to be involved and the affordable housing will need to meet WDQR21 standards.

13. **The Council's Transport and Road Safety section** – No representations received.

14. **Natural Resources Wales** – Initially advised that conditions relating to a Construction Environment Management Plan, Environmental Management Plan and Biosecurity Risk Assessment be attached to any consent to minimise the risk of pollution entering the marine environment during and post construction, and potential spread of invasive non-native species (INNS) through an anticipated increase in vessel movements. Without these conditions NRW would object to the proposal.

Confirmation of the means of foul water drainage was requested and it is the developer's intention to provide both foul and mains water connections to The Mole. Surface water drainage is proposed to be discharged into the surrounding dock and a detailed plan of how site surface water will be minimised and managed during the construction phase of the development, given the high risk of pollutants entering the dock during this phase. This information shall be included within the required CEMP condition.

The site was noted to be within proximity to the Severn Estuary Special Areas of Conservation (SAC), Special Protected Area (SPA) and Ramsar site and as such significant effect from the proposed development cannot be ruled out and a Habitat Regulations Assessment was requested. This was presented to NRW for comments and they advised that they agreed with the conclusions of the Appropriate Assessment that there will be no adverse effect on site integrity subject to the implementation of the measures outlined in the AA. Avoidance of piling works during sensitive periods of fish migration (April to July) will limit any disturbance to the fish features of the SAC.

The application proposes a highly vulnerable development within flood risk zone C2. The site would be raised to 9.0 metres AOD and as such would be .44 metres above the predicted 1 in 200 year floor event and is therefore designed to be flood free. It is also 0.1 metres above the 1 in 100 year flood event. NRW considers that all the criteria under A1.12 of Tan 15 has been complied with.

15. **The Council's Shared Regulatory Services (Contaminated Land, Air & Water Quality)** – No objections or concerns in relation to air quality.

In relation to contamination, conditions relating to ground gas assessment and protection measures, contaminated land assessment, remediation & verification, unforeseen contamination, imported soil, imported aggregates and use of site won materials are recommended.

The submitted assessments have identified contaminants of concern that will require remediation to make the site suitable for use. A detailed remediation strategy and verification plan for the proposed use, will need to be undertaken.

The submitted information also includes a ground gas assessment of the site, based on 3 complete monitoring visits. Monitoring was undertaken over a limited range of barometric pressures. This combined with the potential tidal influence necessitate further monitoring and assessment to robustly assess the risk from ground gas.

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

16. **South Wales Police** – No representations received.
17. **Executive Director of Public Health** – No representations received.
18. **The Council's Education Section** – No representations received.

REPRESENTATIONS

The neighbouring properties were consulted on 2 March 2023.

A site notice was also displayed on 23rd March 2023.

The application was also advertised in the press on 2nd March 2023.

18 responses were received expressing both support and opposition to the scheme.

Reasons for support included the following:

- Add value to the surrounding area and make for a wonderful place to live.
- Good for the surrounding area and the whole of Barry.
- Generate tourism and support jobs in the local area.
- Enhancement of the waterfront area.

Objections were made on the following grounds:

- Loss of views.
- Impact on highway network as only one road to and from the Mole and increased traffic.
- The traffic lights at the Neptune Road junction are dangerous with the current traffic levels. Further increases will lead to further accidents.
- Lack of parking and less than proposed at pre-application consultation.

- Traffic does not understand that Neptune road is a dead end resulting in large vehicles trying to turn in the road.
- Existing anti-social behaviour will get worse.
- Loss of privacy and noise from boats using the dock.
- Increased noise and disturbance in addition to Asda.
- Lack of services – shops, dentist, doctors and schools. Further facilities required to serve existing and future residents.
- Impact on wildlife on the dock.
- Overdevelopment of Barry- no more residential properties required at the waterfront.
- Loss of light and privacy.
- Pollution of the dock.
- Air, noise, environmental and light pollution arising from the dock use.
- Lack of confidence in the developer completing the development due to works at adjacent developments.
- The number of boats has increased since the original proposal.
- All outstanding works around the area should be completed first.
- The docks authority has not been proactive in keeping their land tidy and maintained.
- Visual Impact – Building up the height of the Mole and having buildings up to 4 storeys high will detract from the complete appearance of the mole.
- The rail tracks running down the Mole should be preserved together with the few other original features.
- Incubator offices seem unnecessary addition as there are already ample empty offices in the current development opposite Neptune Road and the Goods Shed.
- If the slab levels of the properties in this Application are to be higher than those in Rhodfa Cambo and Ffordd Pentre then the proposal for 3 storey townhouses on The Mole would create an overbearing perspective, with the feeling of geographically dividing this waterside community. By proposing raising ground (and slab levels) of this central and focal part of the dock, a sympathetic approach to the impact on the visual environment would surely be to limit the residential units to 2 storey, with 3 storey apartments and office/community units acceptable at the outer extents (west and east) of The Mole.
- Visual impact of the retaining walls to the south to contain the vehicle parking courts.
- Already unoccupied properties close to 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 SP2 – Strategic Sites
POLICY SP3 – Residential Requirement
POLICY SP4 – Affordable Housing Provision
POLICY SP5 – Employment Requirements
POLICY SP6 – Retail
POLICY SP7 – Transportation
POLICY SP10 – Built and Natural Environment
POLICY SP11 – Tourism and Leisure

Managing Growth Policies:

POLICY MG1 – Housing Supply in the Vale of Glamorgan
POLICY MG2 – Housing Allocations
POLICY MG3 – Strategic Site at Barry Waterfront
POLICY MG4 – Affordable Housing
POLICY MG7 – Provision of Community Facilities
POLICY MG9 – Employment Allocations
POLICY MG12 – Retail Hierarchy
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 MG29 – Tourism and Leisure Facilities

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
POLICY MD13 - Tourism and Leisure
POLICY MD14 - New Employment Proposals

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

Future Wales: The National Plan 2040:

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

Chapter 3: Setting and achieving our ambitions

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

Policy 1 – Where Wales will grow

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

Policy 2 – Shaping Urban Growth and Regeneration – Strategic Placemaking

- Based on strategic placemaking principles.

Policy 6 – Town Centre First

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

Policy 7 – Delivering Affordable Homes

- Focus on increasing the supply of affordable homes

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 12- Regional Connectivity

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

Policy 13 – Supporting Digital Communications

- New development should include the provision of Gigabit capable broadband infrastructure from the outset.

Policy 15 – National Forest

- Supports tree planting as part of new development proposals.

Policy 16 – Heat Networks

- Large-scale mixed-use development should where feasible have a heat network with a renewable / low carbon or waste heat energy source.
- Relevant planning applications should include an energy masterplan and an implementation plan if applicable.
- Barry identified as a district heat network priority area.

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 11, 2021) (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
- Previously Developed Land

Chapter 4 - Active and Social Places

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

- Recreational Spaces

4.1.1 The planning system should enable people to access jobs and services through shorter, more efficient and sustainable journeys, by walking, cycling and public transport. By influencing the location, scale, density, mix of uses and design of new development, the planning system can improve choice in transport and secure accessibility in a way which supports sustainable development, increases physical activity, improves health and helps to tackle the causes of climate change.

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

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

4.2.18The criteria for identifying housing led regeneration sites can include demonstrating the sites have high credentials in terms of sustainable development and placemaking, such as being aligned to transport hubs or addressing contamination or industrial legacy; proven need and demand for housing in that area; and that the proposed intervention is the best means of addressing a site's contamination and constraints.

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 2 – Planning and Affordable Housing (2006)
- Technical Advice Note 11 – Noise (1997)
- Technical Advice Note 12 – Design (2016)
- Technical Advice Note 15 – Development and Flood Risk (2004)

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

- Achieving a sustainable marine economy –
 - Contribute to a thriving Welsh economy by encouraging economically productive activities and profitable and sustainable businesses that create long term employment at all skill levels.
 - Provide space to support existing and future economic activity through managing multiple uses, encouraging the coexistence of compatible activities, the mitigation of conflicts between users and, where possible, by reducing the displacement of existing activities.
 - Recognise the significant value of coastal tourism and recreation to the Welsh economy and well-being and ensure such activity and potential for future growth are appropriately safeguarded.
- Ensuring a strong, healthy and just society
 - Contribute to supporting the development of vibrant, more equitable, culturally and linguistically distinct, cohesive and resilient coastal communities.
 - Support enjoyment and stewardship of our coasts and seas and their resources by encouraging equitable and safe access to a resilient marine environment, whilst protecting and promoting valuable landscapes, seascapes and historic assets.
 - Improve understanding and enable action supporting climate change adaptation and mitigation.
- Living within environmental limits
 - Support the achievement and maintenance of Good Environmental Status (GES) and Good Ecological Status (GeS).
 - Protect, conserve, restore and enhance marine biodiversity to halt and reverse its decline including supporting the development and functioning of a well-managed and ecologically coherent network of Marine Protected Areas (MPAs) and resilient populations of representative, rare and vulnerable species.
 - Maintain and enhance the resilience of marine ecosystems and the benefits they provide in order to meet the needs of present and future generations.
- Promoting Good Governance
 - Support proportionate, consistent and integrated decision making through implementing forward-looking policies as part of a plan-led, precautionary, risk-based and adaptive approach to managing Welsh seas.
- Using Sound Science Responsibly
 - Develop a shared, accessible marine evidence base to support use of sound evidence and provide a mechanism for the unique characteristics and opportunities of the Welsh Marine Area to be better understood.

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:

- Affordable Housing (2022)
- Barry Development Guidelines
- Biodiversity and Development (2018)
- Parking Standards (2019)
- Planning Obligations (2018)
- Public Art in New Development (2018)
- Residential and Householder Development (2018)
- Sustainable Development - A Developer's Guide
- Tourism and Leisure Development (2019)
- Travel Plan (2018)

Other relevant evidence or policy guidance:

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

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

This hybrid application forms a major development.

Outline consent is sought for the development of a brownfield site to a mix of residential development for a maximum of up to 65 residential units, marina building, floating pontoons, incubator office space and the creation of public open space in the form of a linear park running along the full length of the southern part of The Mole. As this application is in outline with all matters reserved, the detail provided only extends to access, an indicative layout and scale parameters. These elements will be considered against the relevant criteria set out in Policies MD2, MD5 and MD7 of the Adopted LDP 2011- 2026.

In order to enable the development of the site for the above, full permission is also sought for the alteration of land levels across the site to ensure a minimum of 9.0 metres AOD to allow for the site to be considered flood free.

The primary issues considered with this application are as follows:

- The principle of the proposed development
- The indicative layout and scale of the proposals and the visual impacts
- Potential impact to neighbour amenities
- Amenity space provision
- Access, Parking & Highways
- Consideration of the proposed drainage strategy and the impact of flood risk
- Ecological impacts of the proposed developments
- Contamination/Noise
- Impact on archaeology

Principle of Development

The site is allocated as a Strategic Site under policy SP2 of the Vale of Glamorgan Local Development Plan 2011-2026. This policy outlines the vision for Barry Waterfront as “The creation of a sustainable new urban quarter with distinctive neighbourhoods, attractive places and community facilities that complement, integrate and link with Barry town and Barry Island, whilst taking full advantage of the maritime setting of the No. 1 Dock”. The strategic mixed use development at Barry Waterfront will help to realise significant regeneration benefits for the town, help to integrate Barry Island, the Waterfront and the town centre and strengthen Barry’s key settlement role in the Capital Region.

Policy MD5 (Development within Settlement Boundaries) considered that new development within settlement boundaries will be permitted where the proposed development:

1. 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;
5. Would not result in the unacceptable loss of public open space, community or tourism buildings or facilities;
6. Has no unacceptable impact on the amenity and character of the locality by way of noise, traffic congestion and parking; and
7. Makes appropriate provision for community infrastructure to meet the needs of future occupiers

The proposals, for both land raising and subsequent development would facilitate the development of the site to provide mixed use development that are considered to accord with the aims and objectives of policy SP2 and MD5 and as such the proposals are considered to be acceptable in principle subject to all other material planning considerations being met.

In terms of the outline application, Policy MD14 (New Employment Proposals) states that proposals for new employment uses will be permitted where it is located within or adjacent to an existing settlement boundary, where the scale and type of employment use is complementary to its location and neighbouring uses. It is considered that the proposed incubator office accommodation would serve to support this and is acceptable in principle.

SP11 (Tourism and Leisure) states proposals which promote the Vale of Glamorgan as a tourism and leisure destination will be favoured. Existing tourism and leisure facilities will be protected and enhanced, and favourable consideration will be given to proposals which:

1. Enhance the range and choice of the Vale of Glamorgan's tourism and leisure opportunities, particularly through the provision of all year round facilities and a range and choice of visitor accommodation in appropriate locations;
2. Favour rural diversification and the local economy; and
3. Protect existing tourism assets and promote the sustainable use of the countryside and the Glamorgan Heritage Coast.

This is further supported by policy MD13 (Tourism and Leisure) which encourages new and enhances tourism and leisure facilities within key settlements, which Barry is. It is considered that the proposed marina would also serve to increase the leisure offer within Barry and as such would comply with policies SP11 and MD13.

In light of the above, the proposals are considered acceptable in principle, subject to other material planning considerations being satisfied.

Flooding

Turning to the issue of flood risk, LDP Policy MD7 Environmental Protection states that all new development proposals will be required to ensure that they 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.

The site is currently shown on Development Advice Maps to be within Flood Zone C2 and partially zone B. As such Technical Advice Note (TAN) 15 is clear in that highly vulnerable development such as proposed should be directed away from the C2 Zones. It is noted that a revised TAN 15 is emerging however is currently on hold. Notwithstanding this, LPAs have been advised by Welsh Government that it is expected that advice from NRW will highlight the Flood Map for Planning (FMfP) where it affects the context of the application. This type of advice is possible because the FMfP remains publicly accessible and provides better and more up to date information than the DAM. The FMfP holds no formal weight as it is not yet national policy, but best available information may be regarded as a material consideration.

Guidance from Welsh Government confirms that NRW has been instructed not to make any further updates to the DAM however will allow challenges up until May 2023. The challenge in respect of this application has been undertaken and conclusion set out below.

A Flood Consequences Assessment has been provided in support of the application which clarifies the following;

“In October 2020, JBA Consulting submitted to NRW updated tidal flood modelling for a number of sites in the Barry Dock area, including the proposed development site. This established to the satisfaction of NRW new flood risk modelling for the area through the Flood Map Challenge process.

This new modelling showed the current DAM to be inaccurate, with none of the Mole site located within the 0.1% AEP flood extent that defines DAM Zone C2.

Following NRW approval of the updated modelling, the site can be re-classified to Zone A (areas with little to no flood risk). On receipt of this information NRW would usually update the DAM maps to show the change in zone. However, NRW are in the process of updating the DAM maps and during this process they state that:

“We will continue to accept, and review models submitted in support of a planning application consultation, which will be used to inform our technical flood risk advice. However, this information will not be incorporated into the Development Advice Map and there will be no change made to the flood zones.”

A Flood Consequence Assessment (FCA) is not normally required for developments outside of Zone C. However, recognising the transitional status of the DAM, with a DAM update agreed but not yet implemented online, this FCA has been prepared to document the detailed site-specific appraisal of flood risk at the proposed development site.”

The submitted FCA demonstrates that the proposed land raising would remove the entirety of the site from zone C2.

With regards to the emerging flood risk plan, the FMfP indicates that the site, as raised, would largely be within zone 2 for seas and the periphery in zone 3. There is no flood risk from rivers. Flood Zone 3 represents areas with a greater than 1 in 200% (0.5%) chance of flooding in any given year, including climate change. The central area of the site is predominantly located within Flood Zone 2 of the Flood Map for Planning for Sea. Flood Zone 2 represents areas with a 0.1% - 0.5% (1 in 100 to 1 in 200) chance of flooding from the sea in any given year, including the effects of climate change. It is therefore demonstrated by the FCA that the site is flood free for the lifetime of development when the raised levels are taken into account. Highly Vulnerable Development will be permitted in Flood Zone 2, subject to the application of the Justification Test and Acceptability Criteria. Development will be justified in Zone 2 if:

1. It will assist, or be part of, a strategy supported by the Development Plan to regenerate an existing settlement or achieve key economic or environmental objectives; AND
2. Its location meets the definition of previously developed land; AND
3. The potential consequences of a flooding event for the particular type of development have been considered and found to be acceptable in accordance with the criteria contained in section 11.

Whilst noting that the emerging TAN15 is yet to be adopted, having regard to the aforementioned guidance, this is considered to be a material consideration in determination of the current proposals in respect of the FMfP.

As noted above, the full element of the proposals include the raising and levelling of the site level. NRW have reviewed the submitted FCA and advised that the proposals include raising the existing site to a level of 9mAOD, to form a development plateau, which will mitigate the risk of flooding within the proposed development site. They advise that the proposed increase in site levels to 9mAOD is 0.44 metres above the predicted 0.5% (1 in 200-year) event (plus climate change) tidal flood level. The site is therefore designed to be flood free and complies with Section A1.14 of TAN15. It is also 0.10 metres above the predicted 0.1% (1 in 1000-year) event (plus climate change) and is therefore A1.15 compliant. In addition, NRW note that all criteria (relevant to this proposal) under A1.12 of TAN 15 has been complied with. NRW consider that the FCA therefore shows that the risks and consequences of flooding can be managed to an acceptable level and NRW has no objection subject to the FCA being included as an approved document. It is therefore for the Local Authority to determine that development in this location is justified.

TAN15 advises that 'plan allocations and applications for all development can only proceed subject to justification in accordance with section 6 and acceptability of consequences' in terms of the acceptability criteria listed within the table and Section 7 of TAN15. Section 6 of TAN15 requires the Local Planning Authority to determine whether the development at this location is justified. If the LPA considers the proposal meets the tests set out in criteria (i) to (iii), then the final test (iv) is for the applicant to demonstrate through the submission of an FCA that the potential consequences of flooding can be managed to an acceptable level. Whilst the proposals are considered to be highly vulnerable development for the purposes of TAN15, taking into account the proposed land raising and the status of the site within the emerging revised FMfP, the guidance from NRW indicates that it is appropriate to apply the justification tests in this instance, despite normally being applicable to less vulnerable developments and not the highly vulnerable developments included in this proposal.

The justification test details that development, including transport infrastructure, within either flood zone C1 or C2, will only be justified if it can be demonstrated that:-

- i. Its location in zone C is necessary to assist, or be part of, a local authority regeneration initiative or a local authority strategy required to sustain an existing settlement;
 - ii. or, ii Its location in zone C is necessary to contribute to key employment objectives supported by the local authority, and other key partners, to sustain an existing settlement or region;
- and,
- iii. It concurs with the aims of PPW and meets the definition of previously developed land (PPW fig 2.1); and,
 - iv. The potential consequences of a flooding event for the particular type of development have been considered, and in terms of the criteria contained in sections 5 and 7 and appendix 1 found to be acceptable.

In terms of points i and ii the site forms part of policy SP2 for the strategic regeneration of the dock and wider Barry waterfront area, with the majority of the area (not inclusive of the Mole) previously been granted planning permission for the development of the dock area under application 2009/00946/OUT and subsequent reserved matters consents. Policy SP2 indicates that *'the strategic mixed use development at Barry Waterfront will help to realise significant regeneration benefits for the town, help to integrate Barry Island, the Waterfront and the town centre and strengthen Barry's key settlement role in the Capital Region'*. Whilst The Mole was not included within the previous masterplan it is nevertheless evident that it is included within a strategically important site within the adopted development plan and would offer an enhanced leisure offer to sustain and grow the settlement of Barry. As such it is considered that the proposal meets the requirements of both criteria i and ii. With regards to point iii, the site, in addition to the historic use, has been utilised for gas storage and as such is considered to be previously developed land and therefore complies with this criterion.

In terms of point iv, the development proposes the alteration of ground levels to ensure the entirety of the site is 9.0 metres AOD. The application is supported by a Flood Consequences Assessment which demonstrates that the site, as raised, would be flood free in both a 1 in 200 year event and 1 in 1000 year flood event and therefore Natural Resources Wales considers that the proposal complies with section A1.14 of TAN 15 which sets out the threshold frequency for development types. The FCA therefore shows that the risks and consequences of flooding can be acceptably managed. Furthermore, access and egress from the site would also be flood free. As the requirement for the site levels to be 9.0 metres AOD is considered intrinsic to the acceptability of the scheme as a whole, a revised topographic survey will be required following the completion of these works and prior to the implementation of the outline elements of the scheme to ensure that the site will be free from flooding (**condition 10 refers**).

The proposal is therefore considered to comply with the requirements of TAN 15 and policy MD7 (Environmental Protection) of the Vale of Glamorgan LDP and there would be no unacceptable impact in terms of flood risk on the site or increased risk elsewhere arising from the proposals.

Layout and Scale of Development

Policy MD5- Development within Settlement Boundaries and the general design criteria set out in Policy MD2- Design of New Development require proposals to be of a high standard of design and respond appropriately to the scale, form and character of the neighbouring buildings, while minimising the impact upon adjacent areas. These sentiments are supported by Planning Policy Wales (Edition 11) and TAN12- Design (2016).

The Mole projects into Barry Dock and as such would be prominent within the Barry townscape and viewed from all sides. The development would include a mix of residential and commercial buildings ranging from two to three storeys in height (9 – 15 metres). The commercial buildings are proposed to be located at the eastern end of the site with the marina building proposed to measure a maximum of 9 metres in height with the adjacent incubator office building a maximum of 15 metres in height. The flats being located adjacent to the district centre to the west with the remaining dwellings occupying the central area both a maximum of 12 metres in height. A spine road would run along the northern side with a linear park, providing open space that would provide a green, traffic free link along the southern edge. However, it is accepted that the proposed masterplan is indicative at this stage.

The commercial and public buildings at the eastern most end of The Mole would represent a focal point for the dock area and whilst the final design would be presented as part of the reserved matters application the scale and massing of these buildings is considered to be commensurate with the location and wider waterfront development. These buildings would be set around an area of outdoor event space and further public open space.

In terms of the residential development, no elevations of the buildings have been provided with an artist's impression and indicative layout only due to the nature of the outline application. Based on these, the design shown appears to be generally in keeping with the surrounding developments and full details would be submitted as part of the reserved matters application. The scale and layout of the residential development with townhouses set in blocks follows the style of the wider waterfront development which has frontages onto the dock and public open space. It is expected this would be replicated on this phase.

It has been raised by officers that an active frontage will be required facing the linear park to allow for adequate natural surveillance of this space and create a cohesive relationship with the park and neighbouring uses. It is expected that this will be addressed as part of the reserved matters. Furthermore, an area of shared amenity space is proposed to the rear of each of the blocks of townhouses. It is considered that this has the potential to create an ill-defined boundary between public and private areas and the revisiting of this part of the residential layout would allow for the opportunity for higher value amenity space for each townhouse and enhanced public realm to be considered, along with allowing a current deficit of parking provision to be addressed that will be discussed later in this report.

Notwithstanding this however, it is noted that the layout is indicative at this stage and it is considered that the site could accommodate a varied form of development (as evidenced within the masterplan), and it is not considered necessary to be overly prescriptive with an overly prescriptive layout, detailed design code or similar at this point. Layout and design are matters reserved for subsequent applications, and officers are confident that an appropriate high quality form of development, within the identified scale parameters, can be achieved within the confines of the site, subject to necessary scrutiny with any reserved matters submission(s).

LDP Policy MD6 (Housing Densities) indicates that residential development proposals within the key service centre and primary settlements will be permitted where the net residential density is a minimum of 30 dwellings per hectare. The proposal is for up to 65 dwellings on a site area of circa 1.7ha (not inclusive of the road and commercial development). As such the density on site would be above the minimum 30d.p.h. that is required within key settlements, which is considered appropriate given its context adjacent to the built form within the Barry urban area. Accordingly, the proposal is considered acceptable in respect of its density.

The 400 berth Marina would consist of a series of floating pontoons. Whilst this would significantly alter the appearance of the docks area, it is typical of a waterside location and is not considered to be inappropriate. The pontoons would be set at the waterline, below the adjacent ground level of the surrounding dock and as such would not be visually prominent from outside the immediate dock area and it is considered would assimilate within their context. The proposed marina would contribute to the wider leisure offer within Barry, creating an additional leisure destination for visitors and the wider community in accordance with policies SP11 and MD13 cited above.

Accordingly, it is considered that the proposed development can be sited in the proposed location without harmfully impacting upon the existing pattern of development or the visual amenities of the area, complying with the requirements of MD2 and MD5 of the Adopted LDP 2011-2026.

Impact of Land Raising on Visual and Residential Amenity

The existing site levels range from a minimum of 7.2m AOD to 11.55m AOD however the typical height is currently around 8.6m AOD, with the 11.55m area comprising a singular mound. The proposed full application seeks to create a largely level plateau to enable future development to be flood free. The level on the northern side of the mole would be increased with the southern side decreased to create a plateau of a uniform width of approximately 55 metres which would then have a gradual sloping gradient to the existing sea walls.

Policy MD2 (Design of New Development) requires proposals to be of a high standard of design that positively contributes to the context and character of the surrounding natural and built environment and protects existing features of townscape or landscape interest. They should also safeguard existing public and residential amenity, particularly with regard to privacy and overlooking.

Where the mole adjoins the mainland, levels are noted to be 8.8m AOD at the access road. Whilst the proposal represents an increase in level above the adjoining land, the modest change in level is not considered to be at a scale that would be unacceptably discernible or harmful. The alterations to the land level are, in themselves, not considered to have an unacceptable impact on visual or residential amenity. Furthermore, it is not considered that the plateau created, would result in subsequent development being raised above neighbouring development to an extent that could not be adequately mitigated through appropriate design at reserved matters stage, in line with the submitted scale parameters, and the slab level being controlled (**condition 10 refers**).

It is considered that the proposed land raising would have an acceptable impact in terms of both visual amenity and the amenity of neighbouring residents when assessed in accordance with policy MD2 (Design of New Development). The change in levels is not considered to result in a perceptible increase and would allow for the beneficial redevelopment of the site.

Public Open Space

Residential developments are expected to make provision for Public Open Space and/or recreational facilities to meet the needs of the future population they will bring to the area. Open space offers vital opportunities for sport and recreation and also act as a visual amenity.

TAN 16: Sport, Recreation and Open Space (2009) states "Planning conditions and obligations (Section 106 Agreements) can be used to provide open space, sport and recreational facilities, to safeguard and enhance existing provisions, and to provide for their management".

Policy MD3 of the LDP requires new residential developments to make provision for public open space at a minimum standard of,

1. Outdoor sports provision 1.6 ha per 1,000 population;
2. Children's equipped play space 0.25 ha per 1,000 population;
3. Informal play space 0.55 ha per 1,000 population.

The Council applies this policy to all residential developments of 5 or more dwellings, in addition to the basic amenity space requirements necessary to meet the immediate amenity needs of occupiers (e.g. private garden space) as outlined in the approved Residential and Householder SPG. The proposal in its current form is outline with all matters reserved however the linear park to the southern edge of the site forms an integral part of the proposal.

The indicative plans indicate that the linear park would be circa 0.45 hectares in size with a further 0.12 ha of public open space adjacent to the incubator building. These spaces have been assessed to be of sufficient size to serve the proposed development and would include a local equipped area of play adjacent to the incubator building and with more informal areas of play space along the length of the linear park. Further event space would also be integrated into the space between the marina building and incubator building to provide a further facility. As aforementioned, the proposals also indicate areas of private open space to the rear of the proposed town houses which would provide a communal area of open space to be shared by occupiers, that demonstrates that further open space could be assimilated within a future reserved matters submission, albeit with better defined public/private relationship. Whilst no specific outdoor sports provision has been shown, the development offers a range of outdoor recreation opportunities of ample size to satisfy the requirements of policy MD3.

The Council's Landscape Officer has commented in support of the proposal and provided guidance on the further development of the proposals beyond outline stage. They advise that final landscaping proposals will need to consider the exposed nature of the site and wind microclimate, choosing appropriate species for planted areas that will thrive in the conditions along with maximising biodiversity. The planting scheme will be particularly important in providing a strong wind screen of vegetation at the eastern end and compartmentalise the spaces to create a sense of progression through the linear open space.

Further consideration will also need to be given to pedestrian and cycle linkages throughout the site within any reserved matters submission, from north to south and along the linear part to promote clear connectivity and prevent conflict with pedestrians and other users. The linear park also presents the opportunity to link the play areas into a trail, helping to segregate cyclists and children. In terms of drainage, there would also be opportunity to further incorporate the raingardens and swales into the overall design for the site and play spaces.

As the masterplan is indicative at this stage and the suggestions of the Landscape Officer can be incorporated in further development of the masterplan without substantive changes it is considered that the proposals are acceptable in principle. Details of the soft and hard landscaping features of the site can be secured by condition (**condition 18 refers**).

Residential Amenity

Whilst the layout of the development is a reserved matter, the illustrative layout gives an indication of the possible development of the site. Policy MD2 of the LDP and the Council's SPG on Residential and Householder Development seek to ensure adequate amenity for the occupiers of not only new housing but also the existing properties. Criterion 8 of policy MD2 requires that new development safeguard existing public and residential amenity, particularly with regard to privacy, overlooking, security, noise and disturbance.

Policy MD2 of the LDP and the Council's SPG on Residential and Householder Development seek to ensure adequate amenity for the occupiers of not only new housing but also the existing properties. Criterion 8 of policy MD2 requires that new development safeguard existing public and residential amenity, particularly with regard to privacy, overlooking, security, noise and disturbance.

In terms of residential amenity given the indicative nature of the layout provided, this would be thoroughly assessed at reserved matters stage, though there is fair certainty that the development would not have significant detrimental impacts to the amenity of existing neighbouring occupiers outside of the site bounds across the docks given the separation distance with nearby residential buildings and neighbouring uses. This is also the case for the proposed pontoons where the masterplan demonstrates that these can be cited an adequate distance from nearby residential properties so as to ensure that adequate privacy is maintained. It is considered at this outline stage that there is no reason why an acceptable layout cannot be achieved in principle, which provides for adequate spacing between dwellings to ensure that the residential amenities of those existing residents are protected.

The Council's standards in relation to amenity space (20 sq.m per occupier) and privacy standards are also outlined within the Residential and Householder Development SPG. It is of importance that all amenity spaces are directly accessible to occupiers, and in the case of shared spaces, that these are sufficient in size, usable and not dominated or hindered by bin storage areas and other practical requirements. It is acknowledged that the proposed layout is indicative, with approximately 32-38sqm of private amenity space per townhouse and a further area of shared amenity space of approximately 390sqm per perimeter block of town houses. The 20 flats, a mix of one and two bedroom units, would be served by approximately 420sqm. Whilst these figures appear to fall slightly short of the standards set out in the SPG, it is noted that these plans are indicative and they broadly indicate an acceptable standard of amenity space can be achieved and the exact nature and form of this provision can be better established through any reserved matters submission. The level of amenity space is also commensurate with the previous phases of the Barry Waterfront development.

This amenity space is further supported by access to the linear park within a nominal distance of all properties, supporting the recreational function of this space and is considered broadly typical of the urban location. A strong relationship inclusive of an active frontage onto this space from the prospective residential development and greater clarity of the interaction between public and private domain, would be sought through any subsequent reserved matters submissions, to ensure that this space is an attractive and accessible environment for all users with good natural surveillance.

Accordingly, it is considered that the development in principle would not adversely impact upon the amenities of neighbouring dwellings if designed and laid out suitably, with control over the physical impact of the buildings and levels of privacy being retained for

consideration with the reserved matters. In this respect it is considered that the proposal complies with policies MD2 and MD5 of the Adopted LDP 2011-2026.

Noise and disturbance

Policy MD7 (Environmental Protection) states that 'development proposals will be required to demonstrate they will not result in an unacceptable impact on people, residential amenity, property and / or the natural environment from' a number of criteria including '4. Noise, vibration, odour nuisance and light pollution... Where impacts are identified the Council will require applicants to demonstrate that appropriate measures can be taken to minimise the impact identified to an acceptable level. Planning conditions may be imposed or legal obligation entered into, to secure any necessary mitigation and monitoring processes

Technical Advice Note 11: Noise (1997) (TAN11) provides guidance for consideration of noise in the determination of planning permission for residential development depending upon which of the four noise exposure categories (A-D) the application falls.

The Council's Shared Regulatory Services considered that a noise assessment for noise generated by the marina use – vehicle movements and engine noise is recommended prior to implementation to ensure the marina achieves a rating noise level of background - 10dB at the nearest noise sensitive premises together with sound insulation and noise reduction measures for residential premises. At this stage the proposed layout is unknown which limits the detailed assessment of the impacts, albeit it is considered that this can be achieved. However, noting the mixed nature of the use, inclusive of potential noise generating activities, it is considered reasonable that a condition requiring a noise assessment to be submitted with any reserved matters application which outlines sound insulation measures to ensure the amenity of any future occupants is protected is appropriate. It is considered that subject to such condition, the proposal could be acceptable. (Condition 11 refers)

Prior to occupation, a post noise survey shall be undertaken to demonstrate that all habitable rooms achieve internal noise levels of 35 dBA Leq 16 hour during the day and bedrooms achieve 30dBA Leq 8 Hour at night. Should the noise survey show that these levels have not been achieved, further mitigation and a further noise survey will be required. (Condition 12 refers)

Inclusion of a condition requiring a CEMP and fume extraction for the proposed restaurant would also be necessary. (condition 25 and 13 refer)

Highway Safety and Parking

Policy MD1 (Location of New Development) requires new development to have access to or promote the use of sustainable modes of transport and benefit from existing infrastructure provision. New development will be directed to those locations that are accessible by sustainable transport and reduce dependence on the private car. In directing development to the most sustainable locations the Council recognises the importance of ensuring that development is carefully managed ensuring that development does not have an unacceptable impact on existing infrastructure.

Policy MD2 (Design of New Development) builds on this to say development shall provide a safe and accessible environment for all users, giving priority to pedestrians, cyclists and public transport users. Furthermore, proposals must have no unacceptable impact on highways safety not cause or exacerbate existing traffic congestion to an unacceptable degree.

It is proposed to improve the existing spine road along the north side of The Mole, with the residential properties accessed by a series of cul de sacs off the spine road. The Marina and commercial buildings would be located at the end of the spine road. A turning head at the end of the spine road would allow access to a slipway and the undercroft parking under the marina building at ground level.

Car parking would be provided along the spine road, each cul de sac and under the marina building. It has been shown on the indicative layout that parking would be provided at a rate of 130 spaces for the marina use, 65 spaces for the residential use (1no. space per unit) and 13 residential visitor spaces.

The submitted Transport Assessment has been assessed by the Council's Highway Development team and audited by Asbri Transport. The Council's Highways section and their appointed consultant raised concerns relating to the level of parking, in particular for the proposed 3-4 bedroom town houses. A rate of 1 space per unit has been indicated within the submissions across the whole of the residential element, giving rise to concerns of indiscriminate on street parking, particularly along the spine road. The adopted parking standards seek a maximum requirement of 1 space per bedroom, up to a maximum of 3no. spaces, however it must be noted that this is a maximum requirement and a degree of pragmatism and relaxation can be applied in certain contexts. It is acknowledged that the site is in a highly sustainable location with good access to public transport links and as such a parking requirement of 2no. spaces per 3 and 4 bedroom town house was considered to be more appropriate to avoid future parking and highway safety issues.

It is noted that the revised masterplan is indicative of the potential proposed layout and serves to demonstrate that 208 spaces can be accommodated on site, up from an initial 184, however it is considered an additional 45 spaces would be required to achieve 2 spaces per town house. This has been discussed with the applicant and it is noted that layout is a matter reserved for future applications and would be subject of additional scrutiny at this stage. It is considered that subject to a revised layout being submitted at reserved matters stage (**condition 09 refers**), additional spaces to satisfy the requirements of the Council's Highway Development section can be accommodated on the site without compromising the overall integrity of the scheme, in particular the linear park.

The indicative masterplan was amended following discussion and review of the submitted transport assessment to take account of the following:

- The main access road has had the build outs (horizontal deflection) opposite the residential cul-de-sacs removed. Traffic calming is retained through a series of raised tables.
- Refuse collection is proposed for the residential elements with vehicles reversing (under supervision) into each cul-de-sac and then exiting in forward gear. Swept path analysis showing a 11.2m refuse vehicle is included in the TA update which also includes two-way working, that are considered to be acceptable in principle.
- Each residential cul-de-sac now includes a compact turning area which allows 5.9m delivery vehicles to turn around and exit in forward gear.

These amendments have been considered acceptable in principle subject to full engineering details being provided ([condition 16 refers](#)) and would need to be reflected within any layout submitted at reserved matters stage.

In order to ensure the highway network across the site is kept accessible a traffic regulation order is considered appropriate to prevent indiscriminate parking and other forms of obstruction. This would be considered further at reserved matters stage and is reflected by suggested [condition 23](#) .

The Council's Highways section also raised concerns regarding the use of the slipway, causing an obstruction and highway safety concerns due to vehicle turning in this area. It has been advised that this slipway would be for emergency use only and any launching or lifting of vessels into the dock would be accommodated at east dock where there is suitable provision and not from The Mole ([condition 40 refers](#)).

In terms of wider traffic impacts, junction modelling and assessment of traffic flows have been undertaken and reviewed by the transport consultant appointed by the Council's Highway Development section. Following review they have advised that the development will have a minimal impact on the Ffordd y Mileniwm/Hood Road junction and no mitigation is considered necessary. Furthermore the Ffordd y Mileniwm/Gladstone Bridge roundabout would continue to operate well within its operating capacity. As such no objections have been sustained in relation to any impacts to the wider highway network.

In terms of cycling, pedestrians and public transport, an established bus route runs within 250 metres of the site into central Barry with Barry Island and Barry Railway stations approximately 0.6 miles away. The route would not provide any additional bus stops but would provide a link to sustainable routes within a short walking distance. A sustrans cycle route also exists along Ffordd Y Mileniwm, It is considered that the development would provide good access to a range of public transport and active travel routes.

Noting all of the above, it is considered that the site is appropriately located and the indicative masterplan generally demonstrates that a suitable form and layout of development could be accommodated. It is considered that subject to enhanced parking provision being provided as part of a revised masterplan at reserved matters stage ([condition 09 refers](#)), the proposal would have an acceptable impact on highway safety within the development itself and the surrounding network in accordance with policy MD2 of the Development Plan.

Contamination

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

Impact of potential contamination on the proposals is two-fold in that the importation of material will be required to achieve the increased land level and the creation of a safe environment for end users of the development.

The application is supported by a Geo-Environmental Desk Study and Site Assessment prepared by Pick Everard and TRC respectively, that determines the risk to site users is considered to be high due to the sensitivity of the end users (residents) and the likelihood

of potential contamination from the historic rail sidings, dock and oil storage terminal which covered the entire site. There has been contamination identified on the site associated with its former use, including elevated levels of heavy metals, polycyclic aromatic hydrocarbons (PAH) and asbestos.

Following review of the proposals by the Council's Shared Regulatory Services they note that the assessment has identified contaminants of concern that will require remediation to make the site suitable for use. The assessment has been undertaken based on 'residential without gardens' use and this will need to be revised to take into consideration the homes with private gardens that form part of the development. SRS has advised that the proposed with gardens use is acceptable in principle however a detailed remediation strategy and verification plan for the proposed use, based on such a revised assessment will need to be undertaken. However, it is considered that this can be suitably conditioned (**condition 31 refers**).

The information also includes a ground gas assessment of the site, based on 3 complete monitoring visits. Monitoring was undertaken over a limited range of barometric pressures. This combined with the potential tidal influence necessitate further monitoring and assessment to robustly assess the risk from ground gas.

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

As such SRS notes that a contamination and ground gas assessment of the site, including site based investigations and monitoring would be required to ensure that the site is made suitable for use. SRS recommend that a number of conditions and an informative (**01**) be attached to any consent granted including those relating to ground gas assessment and protection (**condition x28 refers**); contaminated land assessment (**condition 29 refers**); contaminated land remediation and verification plan and measures to be carried out (**conditions 31 and 32 refer**); unforeseen contamination (**condition 30 refers**); imported soils and aggregates (**conditions 33 & 34 refer**) and use of site won materials (**condition 35 refers**). The proposed mitigation measures relate to known techniques and SRS advise that it is highly likely that the site can be made safe for a residential end use. The development is considered acceptable in this respect, subject to the identified conditions. NRW also request conditions relating to the provision of a CEMP (**condition 25 refers**); biodiversity risk assessment from invasive species (**condition 36 refers**); environmental management plan for detailing strategies for the management and maintenance of the controlled water features at the site (**condition 27 refers**).

In terms of air quality, the site is neither within nor adjacent to any Air Quality Management Area (AQMA) and no objections have been received from the Council's Shared Regulatory Services section with regard to the prospective residential use. Noting the above, the development site is considered acceptable in terms of contamination for the intended residential use and would not have any significant impact on air quality from its operational or construction phases.

Ecology and Biodiversity

The Council's adopted Biodiversity and Development SPG provides guidance as to the broad approach and requirements for new development. Adverse impacts on biodiversity should be designed out of the proposals as far as possible. Biodiversity surveys will be required to establish the existing biodiversity value of the site and the possible presence of protected species.

Policy MG19 (Sites and Species of European Importance) states that;

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 MG19 (Sites and Species of European Importance) states that;

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 (Nationally Protected Sites and Species) 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*

A preliminary ecological appraisal and a botanical and habitat survey were submitted in support of the application and identified the following:

- The Severn Estuary SPA, SAC and Ramsar sites are present within 4.7km of The Mole.
- Potential for impacts on marine biodiversity.
- Suitable habitat is present for locally common species of wintering birds.
- Suitable habitat for locally common and widespread species of breeding birds.
- Protected and notable plant species have been reported.
- The poor, semi-improved grassland and areas of scrub provide low suitability for reptiles to be present as an isolated population.

The Council's Ecologist has advised no objections to the proposal subject to a condition requiring a Construction Environmental Management Plan being submitted (**condition 25 refers**) and the development being carried out in accordance with section 4 of the Preliminary Ecological Appraisal. This section outlines steps to be undertaken to assess the impacts of the proposal and inform mitigation and measures. These include timing and method of working to avoid harm to any resident species, provision of wildlife planting, biodiverse roofing, provision of bird boxes, bat roosting opportunities and habitat provision for invertebrates. It is considered appropriate to secure full details of these measures but condition (**condition 14 refers**)

Natural Resources Wales noted that the site is within proximity to the Severn Estuary Special Areas of Conservation (SAC), Special Protected Area (SPA) and Ramsar site and as such significant effect from the proposed development cannot be ruled out and a Habitat Regulations Assessment was requested and the findings are outlined below.

Habitats Regulation Assessment

The Mole is approximately 7 kilometres from the Severn Estuary / Môr Hafren SAC and 4.7 kilometres from the Severn Estuary Special Protection Area and RAMSAR site. Because of this, Natural Resources Wales have asked for a Habitats Regulations Assessment to be undertaken.

The appropriate assessment concluded that the development has the potential to have an effect on the integrity of the site and therefore recommends conditions/restrictions on the way the proposal would be carried out. The concluding section concludes a number of measures that could be implemented, including but not limited to pollution prevention strategy; long term water management; avoiding sensitive period of fish migration. Following consultation with NRW, they agreed with the conclusions of the HRA prepared by the Council and it is therefore considered that any impacts could be **suitably controlled by way of condition (condition 39 refers)**.

Green infrastructure/Biodiversity Enhancement

Policy MD9 (Promoting Biodiversity) requires new development proposals to conserve and enhance biodiversity interests. Developers must demonstrate what measures have been taken to avoid an adverse impact on biodiversity and what mitigation measures will be undertaken to minimise the impact on biodiversity. Where reasonable avoidance measures and mitigation are not sufficient in minimising an adverse impact, any residual impact should be addressed by appropriate and proportionate compensation measures.

There is opportunity within the site to provide biodiversity enhancement as required by this policy. Levels of enhancement should be commensurate with the level of adverse impact and the scale of development. Mitigation features that can be included could include: small animal underpasses, bird boxes on new build, vegetated dark flight corridors, ponds, hedgerows, native species in planting schemes, newt friendly drainage. These features not only mitigate and enhance, but also significantly contribute towards sustainability and natural resource planning; ensuring that new developments in the Vale are “future-proof” allowing for migration and colonisation in response to climate change. A suitable condition can be attached to any permission to ensure biodiversity enhancement is delivered (**condition 14 refers**).

As of 11th October 2023, the updated Chapter 6 of Planning Policy Wales refers to addressing the Nature Emergency through the Planning System and encourages taking a proactive approach to Green Infrastructure. Green infrastructure plays a fundamental role in shaping places and our sense of well-being, and is intrinsic to the quality of the spaces we live, work and play in. The quality of the built environment should be enhanced by integrating green infrastructure into development through appropriate site selection and use of creative design. With careful planning and design, informed by an appropriate level of assessment, green infrastructure can embed the benefits of biodiversity and ecosystem services into new development and places, help to overcome the potential for conflicting objectives, and contribute to health and well-being outcomes.

PPW goes on to state that a green infrastructure statement should be submitted with all applications, however due to the consideration of application already being advanced, it has not been submitted or sought. There are multiple ways of incorporating green infrastructure, depending on the needs and opportunities a site presents, and the green infrastructure assessment should be referred to, as appropriate, in order to ascertain local priorities. Landscaping, green roofs, grass verges, sustainable drainage and gardens are examples of individual design measures that can have wider cumulative benefits, particularly in relation to biodiversity and the resilience of ecosystems as well as in securing the other desired environmental qualities of places. Wider landscape measures, such as the creation of species rich meadows, woodlands and the improvement of linkages between areas of biodiversity value should be considered for larger scale development.

Whilst indicative at this stage, the proposal includes significant areas of public open space which has the potential to enhance the biodiversity of The Mole which will be secured by condition (**condition 14 refers**). The site is currently grass land however the linear park would provide opportunity for more diversity in terms of habitats. The linear park would also link with green space to the east and south creating a green corridor between the docks, Barry Island and further afield.

Archaeology

Policy SP10 'Built and Natural Environment' of the LDP 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 individual buildings...'. Policy MD8 'Historic Environment' requires that 'development proposals must protect the qualities of the built and historic environment of the Vale of Glamorgan specifically...2. For listed and locally listed buildings, development proposals must preserve or enhance the building, its setting and any features of significance it possesses and 4. For sites of archaeological interest, development proposals must preserve or enhance archaeological remains and where appropriate their settings.'

An archaeological desk based assessment has been provided and sets out how the site has been assessed by period and potential. For any buried archaeological resource, the potential is assessed as low/ local; the impact on the setting of the listed structures outside the immediate dock area, including Dock Office and Pump House, is assessed as limited and unlikely to harm their significance; the impact on the upstanding remains of the port structures is assessed as requiring mitigation to record them.

The Dock structures include five stone-built coal chute bases distributed around the northern and eastern perimeter of the Mole dock. Four are evenly spaced along the northern edge of the Mole, with the remaining one at the eastern end. These stone bases are approximately 6 by 7 metres and project approximately 2 metres above the surface of the water. Along the Mole itself, only a railway track along the northern edge is a visible remnant of the coal loading structures.

Glamorgan Gwent Archaeological Trust agrees with the results of the assessment that some vestiges of the original port structure remain along the edges of the Mole in the form of the coal chute bases, and some limited recording of these may provide a suitable level of archaeological mitigation. GGAT recommends that a condition requiring a survey of historic building recording and analysis prior to work commencing be attached to any permission (**condition 37 refers**). This should be in the form of a Level 2 survey as set out in *Understanding Historic Buildings: A Guide to Good Recording Practice* (Historic England 2016), with a measured scale in the photographs and a directional plan for the photographs. To ensure that work is carried out in a suitable manner.

It is therefore considered that adequate archaeological mitigation can be accommodated.

Drainage

Policy MD7 of the LDP requires that development proposals will be required to demonstrate that they will not result in unacceptable impact on people and/or the natural environment from a number of risks including flood risk and consequences. The issue of flood risk has been discussed above and considered acceptable.

In accordance with Planning Policy Wales (Edition 11) and Technical Advice Note 12 (Design), a sustainable approach in considering water supply in new development proposals, including utilising approaches that improve water efficiency and reduce water consumption is required.

The Council's Drainage section has advised that surface water runoff generated by the proposed development will be directed to SuDS features in the form of swales, bioretention and filter drains. It is proposed discharge from the surface water system will be made to the dock at unrestricted rates.

While it has previously been agreed that initial raising of ground levels would not require SAB approval where associated with the main development through planning application. It is considered that the main development itself would be subject to Schedule 3 of the Flood and Water Management Act 2010 and as such it is advised that a detailed drainage design will be required to be submitted through the SAB process and discussions in relation to this are ongoing.

The Council's Landscape Officer has advised that there may be opportunities to utilise the shallow basin and swales shown around the main square as part of an exciting design for the whole space rather than just individual features in and running around the eastern and northern perimeter of the building.

NRW raised that the proposal did not include details for foul drainage from the proposal and advised that the first presumption must be to provide a connection to the public sewer and NRW expect developers discharging domestic sewerage to connect to the public sewer where it is reasonable to do so. Discharges of trade effluent are also expected to connect to the public sewer.

DCWW also reiterated that a condition be attached to any consent requiring a drainage scheme for the site prior to the commencement of development to address foul and surface water drainage ([condition 38 refers](#)).

In terms of water supply, DCWW has advised that the water supply system in the immediate vicinity has insufficient capacity to serve the development and a hydraulic modelling assessment and the delivery of reinforcement works may be required at the same time as the provision of new water mains to serve the new development. Whilst matters relating to water supply are raised it is indicated that this can be dealt with by way of a condition to any consent given and as such does not represent a reason to delay the grant of planning permission ([condition 15 refers](#)).

S106 Planning Obligations

LDP policies MG4 and MD4, in addition to the Council's Affordable Housing and Planning Obligations Supplementary Planning Guidance (SPGs), provide the local policy basis for seeking affordable housing and planning obligations through Section 106 Agreements in the Vale of Glamorgan. It sets thresholds for when obligations will be sought and indicates how they may be calculated.

The contributions sought for this application would amount to the following:

- Affordable Housing - In this instance 20 affordable units would be required based on 30% of 64 (19.2 and rounded to the nearest whole number), of which should be a tenure split between social rent and assisted home ownership of 70/30 in favour of social rented, i.e., 14 for rent and 6 for sale.
- Education - £13,811 per unit amounting to a total of £883,904
- Public Open Space - A total of 3,564m² would be required for the residential element inclusive of equipped play facilities with an area of 371.2m², other play space of 816.6m² and outdoor sport provision of 2,375.7m². The site plan indicates approximately 5608m² can be accommodated on-site.
- Sustainable Transport - £2,300 per dwelling is required along with £2,300/100sqm for non-residential. This development would attract £147, 200 for the residential

- portion and £73, 600 for the non-residential.
- Community Facilities - On sites of over 25 dwellings, 0.75sqm of community floor space will be required per dwelling equivalent to £1,260 per dwelling. The contribution for this development based on 64 dwellings would be £80,640.
- Public Art - The Council introduced a 'percent for art' policy in July 2003, which is supported by the Council's adopted SPG on Public Art. It states that on major developments, developers should set aside a minimum of 1% of their project budget specifically for the commissioning of art and, as a rule, public art should be provided on site integral to the development proposal.
- Training and Development - On commercial development of 100sqm floor space/1 hectare site area, one trainee (£1255) per 500sqm of floor space will be required. Based on the submission at this time this would equate to £7,530 or training opportunities for 6 employees on site.

A viability appraisal has been submitted which has been assessed by an independent consultant. Whilst there is some discrepancy in assumed values and costs, the assessment and subsequent review indicates that even without the planning contributions outlined above, the proposal would generate a deficit of in excess of £17.4 million. This is largely due to the significant abnormal costs generated by the creation of the marina facilities.

The Planning Obligations SPG sets out that the Council considers that reduced planning obligations will only be justified on the grounds of development viability where there is sufficient planning merit weighing in favour of the development, such as:

- The delivery of a strategically important development site in the context of the Local Development Plan.
- There are unusual or extraordinary site constraints affecting viability that must be overcome for the site to be developed and the development would be in the wider public interest (e.g. protection of a listed building, contaminated land, urban renewal project etc.)
- The development itself is being used as a means of delivering / subsidising a mixed use, commercial or community project (in the public interest) which would not be deliverable without financial support

In terms of the criteria above, the proposal would redevelop an ex-industrial brownfield site to deliver both residential and commercial development, supporting both housing and economic growth within Barry. The brownfield nature of the site, identified land contamination and required land raising also offers significant viability constraints. It is acknowledged that the proposed residential development would generate additional demand, particularly in terms of education provision and community facilities, however on balance the proposal would provide an area of high quality public open space to serve not only the site itself but also its surroundings and allow for the regeneration of a prominent Barry site, contributing to the overall character and appearance of the waterfront setting.

The marina, would provide a destination for visitors from further afield, not only within Barry and the wider Vale of Glamorgan but also outside, supporting the continued regeneration of the Docks area and Barry's role as a key settlement.

The proposal is reliant on external grant funding, which has recently been secured, and without this it is unlikely the development would proceed. Given the significant regeneration and economic benefits to both Barry and the wider Vale of Glamorgan, it is considered that the proposal is unviable to an extent that the requirement for the above S106 contributions can be waived.

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), SP2 (Strategic Sites), SP3 (Residential Requirement), SP4 (Affordable Housing Provision), SP5 (Employment Requirements), SP6 (Retail), SP7 (Transportation), SP10 (Built and Natural Environment), SP11 (Tourism and Leisure), MG1 (Housing Supply in the Vale of Glamorgan), MG2 (Housing Allocations), MG3 (Strategic Site at Barry Waterfront), MG4 (Affordable Housing), MG7 (Provision of Community Facilities), MG9 (Employment Allocations), MG12 (Retail Hierarchy), 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), MG29 (Tourism and Leisure Facilities), MD1 (Location of New Development), MD2 (Design of New Development), MD3 (Provision for Open Space), MD4 (Community Infrastructure and Planning Obligations), MD5 (Development within Settlement Boundaries), MD6 (Housing Densities), MD7 (Environmental Protection), MD8 (Historic Environment), MD9 (Promoting Biodiversity), MD13 (Tourism and Leisure) and MD14 (New Employment Proposals) the proposal would be acceptable.

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

1. Prior to the commencement of any part of the development hereby approved (including demolition and site clearance) or the submission of any application for reserved matters or discharge of conditions, a phasing plan, inclusive of a timetable for the construction/delivery of the engineering works, watersports centre, open space and each phase of residential development shall be submitted to and approved in writing by the Local Planning Authority. The plan shall include details of the timing and delivery of the following:
 - Demolition and site clearance
 - Remediation and mitigation
 - Land raising
 - Temporary construction access and associated works

- Construction deliveries including machinery, materials and importation of clean materials

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

Reason:

To ensure compliance with Policies SP1 (Delivering the Strategy) and MD2 (Design of New Development) of the Local Development Plan.

2. Details of the access, appearance, landscaping, layout, and scale (hereinafter called "the reserved matters") shall be submitted to and approved in writing by the Local Planning Authority before any development begins and the development shall be carried out as approved.

Reason:

To comply with the requirements of Section 92 of the Town and Country Planning Act 1990.

3. Any application for approval of the reserved matters shall be made to the Local Planning Authority not later than three years from the date of this permission.

Reason:

To comply with the requirements of Section 92 of the Town and Country Planning Act 1990.

4. The development shall begin either before the expiration of five years from the date of this permission or before the expiration of two years from the date of approval of the last of the reserved matters to be approved, whichever is the later.

Reason:

To comply with the requirements of Sections 91 and 92 of the Town and Country Planning Act 1990.

5. The development shall be carried out in accordance with the scale parameters height specified in the document entitled 'Scale Parameters' ref MB-ASL-00-ZZ-DR-A-0104 SL Rev P5

Reason:

To comply with the requirements of Section 92 of the Town and Country Planning Act 1990 and to ensure a satisfactory form of development in accordance with Policies SP1 (Delivering the Strategy) and MD2 (Design of New Development) of the Local Development Plan.

6. No more than 100 residential units shall be erected on the application site.

Reason: For the avoidance of doubt

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

Full and Outline Consent

20065 05 090 Site Location Plan

Preliminary Ecological Appraisal dated April 2021

Botanical And Habitat Survey June 2022 prepared by temple

Outline Drainage Strategy February 2022

Phase 1 Geo E-Environmental Desk Study Report Dated 12/02/2020

Phase II Geo E-Environmental Desk Study Report Dated October 2021

Supplementary Site Investigation Report 4501/RH/26/SI dated May 2026

Remediation Strategy Report 14501RH/26/RS dated June 2026

Flood Consequences Assessment February 2023 prepared by JBA consulting

Heritage Desk Based Assessment prepared by RPS

Transport Note ref 407.064975.00001 dated 31 March 2026 prepared by SLR Consulting

Topographic Survey 06/02/2020

Site sections TMB-ASL-00-ZZ-DR-A-102 Rev P5

Planning Resubmission Letter dated 21 April 2026 from Lovell

Flood Risk Compliance Statement dated March 2026 by JBA consulting

Green Infrastructure Statement dated March 2026 prepared by Tir Collective

Update Preliminary Ecological Appraisal dated 27 March 2026 by temple

Shadow Habitats Regulation Assessment dated 27 November 2025 by temple

Botanical and Habitat Update Survey, Memo Letter V1.0 by temple

Design and Access Statement by Austin Smith Lord dated February 2026

Site Sections TMB-ASL-00-ZZ-DR-A-0102

Drainage Strategy dated March 2026 prepared by Lovell

2753 500 'Engineering Layout Planning Levels'

Outline ONLY

Drainage Strategy dated March 2026 prepared by Lovell

Access and Movement Parameters ref TMB-ASL-00-ZZ-DR-A-0105 Rev P4

Proposed Masterplan ref TMB-ASL-00-ZZ-DR-A-0100 Rev P5

Land Use Parameters ref TMB-ASL-00-ZZ-DR-A-103 Rev P3

Scale Parameters TMB-ASL-00-ZZ-DR-A-104 Rev P5

Landscape Parameter Plans 1, 2 and 3 by Tir Collective

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.

8. Prior to commencement of any part of the residential development hereby approved, a scheme for the provision of affordable housing as part of the development shall be submitted to and approved in writing by the Local Planning Authority. The affordable housing shall be provided in accordance with the approved scheme and shall meet the definition of affordable housing in Annex B of the Welsh Government Technical Advice Note 2 on Affordable Housing or any future guidance that replaces it. The scheme shall include:

- i) the numbers, type, tenure and location on the site of the affordable housing provision to be made which shall consist of not less than 30% of housing units;
- ii) the arrangements for the transfer of the affordable housing to an affordable housing provider or the management of the affordable housing;
- iii) the arrangements to ensure that such provision is affordable for both first and subsequent occupiers of the affordable housing; and
- iv) the occupancy criteria to be used for determining the identity of occupiers of the affordable housing and the means by which such occupancy criteria shall be enforced.

Reason:

In order to ensure that the site delivers appropriate provision of affordable housing to meet the identified need and to ensure compliance with the terms of Policies SP1 (Delivering the Strategy), SP4 (Affordable Housing Provisions), MG4 (Affordable Housing) and MD4 (Community Infrastructure and Planning Obligations) of the Local Development Plan.

9. Any reserved matters applications for each phase as identified by the details approved pursuant to condition 1 of this consent, shall include topographical details and finished floor levels of all buildings and external spaces. The finished floor levels shall raise the land to at least 9.0mAOD as detailed within the submissions.

Reason:

To ensure that amenity of neighbouring occupiers are safeguarded, and to ensure the development accords with Policies SP1 (Delivering the Strategy), MD2 (Design of New Development) and MD7 (Environmental Protection) of the Local Development Plan.

10. No development shall take place until details of a scheme to divert, remove or grout up the non-operational watermain crossing the site have been submitted to and approved in writing by the local planning authority. The scheme shall include a detailed design, outlining the measures taken to divert, remove or grout up the non-operational water main. No other development pursuant to this permission shall be carried out until the scheme has been implemented and completed. The approved scheme shall be adhered to throughout the lifetime of the development.

Reason:

To ensure the non-operational water main is adequately and safely abandoned to prevent the transference of gases and to prevent collapse and to ensure compliance with the provisions of Policies MD2 'Design of New Development' and MD7 'Environmental Protection' of the adopted Vale of Glamorgan Local Development Plan 2011-2026.

11. Any reserved matters submission, shall be submitted with a revised Biodiversity Enhancement Strategy that amongst other things, shall provide further details amended biodiversity enhancement measures. The development shall thereafter be carried out in accordance with the approved details and timings set out within and thereafter retained in accordance with the approved details whilst the development remains in existence. The Strategy shall include the following:
- a) Details of any bird/bat box provision (including the provision of at least 3 no. swift nest chambers in suitable locations)
 - b) Details of any landscaping features
 - c) Details of any additional ecological enhancements

Reason:

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

12. Prior to the commencement of any works on site (including site clearance), a site clearance strategy, addressing the potential presence of breeding/wintering birds, reptiles and hedgehog, shall be submitted to, and approved in writing by the Local Planning Authority. All works shall thereafter be carried out 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 and Part 1 Section 6 of the Environment (Wales) Act 2016, and policy contained in Welsh Assembly Government's Planning Policy Wales (2024) and Tan 5 Nature Conservation and Planning (2009).

13. Prior to the commencement of any works (including site clearance) a strategy for the conservation of the species-rich grassland shall be submitted to, and approved in writing by the Local Planning Authority. The Strategy shall include, but not be exclusively limited to: methodology, timing, transport, storage, receptor site, post translocation aftercare; management and monitoring for a period of no less than 10 years. All works shall thereafter be carried out in accordance with the approved details.

Reason:

To secure mitigation, compensation and/or enhancement measures for biodiversity on site, in accordance with Part 1 Section 6 of the Environment (Wales) Act 2016, Planning Policy Wales (February 2024) and Tan 5 Nature Conservation and Planning (2009) and policy MD9 (Promoting Biodiversity) of the adopted Vale of Glamorgan Local Development Plan 2011-2026.

14. Notwithstanding the submitted plans, full engineering details of the new vehicular / pedestrian access points in to the site, any new pedestrian footways and internal roads within the site, turning facilities and vision splays, sections, street lighting, surface water drainage and surface materials, shall be submitted to and approved in writing by the Local Planning Authority before the commencement of any development associated with any reserved matters phase identified within the details approved by condition 1 of this consent. The development shall be implemented and maintained thereafter in accordance with the approved details.

Reason:

In the interests of highway safety in accord with Policies MD2 and MD5 of the Local Development Plan.

15. Notwithstanding the submitted information and the geo environmental site assessment, no work shall commence on site until further details have been submitted to and approved in writing by the Local Planning Authority for the raising of the levels on site and ground improvement. The details shall include the type of material used and the method of compaction and ground remediation to ensure the site is suitable for construction and suitable for road construction and then details of highway construction taking into account additional engineering measures. The works shall thereafter be carried out in accordance with the approved details.

Reason:

In the interests of highway safety to ensure estate roads are designed and constructed to a suitable and safe standard and to ensure compliance with the provisions of Policies MD2 'Design of New Development' and MD7 'Environmental Protection' of the adopted Vale of Glamorgan Local Development Plan 2011-2026.

16. Notwithstanding the submitted plans, prior to the first beneficial occupation of any of the buildings or dwellings within each respective phase as identified by condition 1 of this consent, full details of the lighting to be provided on the highways, footpaths and open space areas for that particular phase of the development, shall be submitted to and approved in writing by the Local Planning Authority.

The lighting scheme shall thereafter be carried out in full accordance with the approved details and prior to the first beneficial occupation/use of any part of the site to which the lighting relates.

Reason:

To ensure satisfactory lighting is provided throughout the development, in the interest of public safety and security, in the interests of ecology and to accord with Policies SP1, MD2 and MD9 of the Local Development Plan.

17. No development shall take place on any reserved matters phase identified within the details approved by condition 1 of this consent until details of both hard and soft landscape works have been submitted to and approved in writing by the Local Planning Authority. These details shall include:

- i) A statement setting out the design objectives and how these will be delivered;
- ii) earthworks showing existing and proposed finished levels or contours;
- iii) means of enclosure and retaining structures;
- iv) other vehicle and pedestrian access and circulation areas;
- v) hard surfacing materials;
- vi) minor artefacts and structures including those within identified play spaces (e.g. furniture, play equipment, refuse or other storage units, signs, etc.),
- vii) water features, and
- viii) Ongoing maintenance of areas of open space and landscaped areas

Soft landscape works shall include planting plans; written specifications (including cultivation and other operations associated with plant and grass establishment); schedules of plants noting species, plant supply sizes and proposed numbers/densities where appropriate; an implementation programme (including phasing of work where relevant).

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

Reason:

To safeguard local visual amenities, and to ensure compliance with the terms of Policies SP1 (Delivering the Strategy), SP10 (Built and Natural Environment), MG17 (Special Landscape Areas), MD1 (Location of New Development), MD2 (Design of New Developments) and MD9 (Historic Environment) of the Local Development Plan,

18. 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 10 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), MG17 (Special Landscape Areas), MD1 (Location of New Development), MD2 (Design of New Developments) and MD8 (Historic Environment) of the Local Development Plan.

19. All means of enclosure associated with the development hereby approved shall be completed in accordance with a scheme to be submitted to and agreed in writing by the Local Planning Authority. The means of enclosure shall be completed in accordance with the approved details prior to the first beneficial use of the respective phase of development.

Reason:

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

20. Each respective phase of development (as approved pursuant to condition 1 of this consent) shall not be occupied until facilities for the secure storage of cycles have been provided in accordance with details to be submitted to and approved in writing by the Local Planning Authority and they shall be retained in perpetuity.

Reason:

To ensure that satisfactory parking for cycles is provided on site to serve the development, and to ensure compliance with the terms of Policies SP1 (Delivering the Strategy), MD1 (Location of New Development) and MD2 (Design of New Developments) of the Local Development Plan.

21. The development hereby approved shall have a minimum of 10% of all car parking spaces provided therein to have active (fully wired and connected) electric vehicle charging points, with those serving the non-residential element to be of 'fast charge' type, provided prior to beneficial occupation of the development, and shall remain available for their designated use in perpetuity.

Reason:

To ensure satisfactory provision electric vehicle charging point parking to serve the development to ensure compliance with Policy 12 (Regional Connectivity) of Future Wales - The National Plan 2040.

22. Prior to the beneficial occupation of each respective phase of development as agreed by condition 1 of this consent, a Travel Plan shall be prepared to include a package of measures tailored to the needs of the site and its future users, which aims to widen travel choices by all modes of transport, encourage sustainable transport and cut unnecessary car use. The Travel Plan shall thereafter be completed in accordance with the approved details.

Reason:

To ensure the development accords with sustainability principles and that site is accessible by a range of modes of transport in accordance with Policies SP1 (Delivering the Strategy), MD1 (Location of New Development) and MD2 (Design of New Developments) of the Local Development Plan.

23. No development or phase of development, including site clearance, shall commence until a site wide or phase specific Construction Environmental Management Plan (CEMP) has been submitted to and approved in writing by the Local Planning Authority for that respective phase. The CEMP should include:
- i) Construction methods: details of materials, how waste generated will be managed. a scheme for recycling/disposing of waste resulting from demolition and construction works.
 - ii) 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.
 - iii) Soil Management: details of topsoil strip, storage and amelioration for re-use.
 - iv) 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.
 - v) Ground Stability: Details on how the proposed development plateau will be stabilised to prevent ground slippage into the surrounding dock, for example during heavy rainfall.
 - vi) Control of Nuisances: details of restrictions to be applied during construction including timing, duration, and frequency of works; details of measures to minimise noise and vibration from piling activities, for example acoustic barriers; details of dust control measures, odour management and mitigation;
 - vii) 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.
 - viii) Traffic Management: details of parking of vehicles of site operatives and visitors, loading and unloading of plan and materials, site deliveries, plant on site, wheel wash facilities.
 - ix) Pollution Prevention: measures to control and mitigate the emission of dust, smoke, other airborne pollutants and dirt during construction, demonstrate how relevant Guidelines for Pollution Prevention and best practice will be implemented, including details of emergency spill procedures and incident response plan.
 - x) Surface Water Management Plan detailing how surface water would be minimised and managed during the construction phase.
 - xi) Details of the persons and bodies responsible for activities associated with the CEMP and emergency contact details.
 - xii) Landscape/ecological clerk of works to ensure construction compliance with approved plans and environmental regulations.
 - xiii) how the developer proposes to accord with the Considerate Constructors Scheme (www.considerateconstructorsscheme.org.uk) during the course of the construction of the development; and
 - xiii) a system for the management of complaints from local residents which will incorporate a reporting system.
 - xiv) Ground Stability: Details on how the proposed development plateau will be stabilised to prevent ground slippage into the surrounding dock, for example during heavy rainfall.

xv) Biodiversity management: details of invasive species management during soil importation, including measures to control, remove or for the long-term management of any invasive non-native species both during construction and operation.

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

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 Policies SP1 (Delivering the Strategy), MD7 (Environmental Protection) and MD9 (Promoting Biodiversity) of the Local Development Plan.

24. No development or phase of development, including site clearance, shall commence until a site wide or phase specific Construction Traffic Management Plan is submitted to and approved in writing by the Local Planning Authority. The Management Plan shall include details of parking for construction traffic, the proposed routes for heavy construction vehicles, timings of construction traffic and means of defining and controlling such traffic routes and timings. The development shall be carried out in accordance with the approved Management Plan.

Reason:

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

25. No development, shall commence until the following components of a scheme to deal with the risks associated with contamination at the site, has been submitted to and approved in writing by the Local Planning Authority.

1. A preliminary risk assessment which has identified:

- all previous uses
- potential contaminants associated with those uses
- a conceptual model of the site indicating sources, pathways and receptors
- potentially unacceptable risks arising from contamination at the site

2. A site investigation scheme, based on (1) to provide information for a detailed assessment of the risk to all receptors that may be affected, including those off site.

3. The results of the site investigation and the detailed risk assessment referred to in (2) and, based on these, an options appraisal and remediation strategy giving full details of the remediation measures required and how they are to be undertaken.

4. A verification plan providing details of the data that will be collected in order to demonstrate that the works set out in the remediation strategy in (3) are complete and identifying any requirements for longer-term monitoring of pollutant linkages, maintenance and arrangements for contingency action.

The remediation strategy and its relevant components shall be carried out in accordance with the approved details.

Reason:

To ensure the risks associated with contamination at the site have been fully considered prior to commencement of development as controlled waters are of high environmental sensitivity; and where necessary remediation measures and long term monitoring are implemented to prevent unacceptable risks from contamination in accordance with Policies SP1 (Delivering the Strategy) and MD7 (Environmental Protection) of the adopted Local Development Plan.

26. Prior to the commencement of any development works a scheme to investigate and monitor the site for the presence of gases* being generated at the site or land adjoining thereto, including a plan of the area to be monitored, shall be submitted to the Local Planning Authority for its approval.

Following completion of the approved monitoring scheme, the proposed details of appropriate gas protection measures to ensure the safe and inoffensive dispersal or management of gases and to prevent lateral migration of gases into or from land surrounding the application site shall be submitted to and approved in writing to the LPA. If no protection measures are required than no further actions will be required.

All required gas protection measures shall be installed and a verification report that demonstrates the effectiveness of the measures carried out must be submitted to and approved in writing by the Local Planning Authority before occupation of any part of the development. The approved protection measures shall be retained and maintained until such time as the Local Planning Authority agrees in writing that the measures are no longer required.

- 'Gases' include landfill gases, vapours from contaminated land sites, and naturally occurring methane and carbon dioxide, but does not include radon gas. Gas Monitoring programmes should be designed in line with current best practice as detailed in CIRIA 665 and BS 8485:2015+A1:2019 Code of practice for the design of protective measures for methane and carbon dioxide ground gases for new buildings.

Reason:

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

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

Reason:

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

28. Prior to the commencement of the development a detailed remediation scheme and verification plan to bring the site to a condition suitable for the intended use by removing any unacceptable risks to human health, controlled waters, buildings, other property and the natural and historical environment shall be submitted to and approved in writing by the Local Planning Authority. The scheme shall include all works to be undertaken, proposed remediation objectives and remediation criteria, a timetable of works and site management procedures. The scheme must ensure that the site will not qualify as contaminated land under Part 2A of the Environmental Protection Act 1990 in relation to the intended use of the land after remediation.

All work and submissions carried out for the purposes of this condition must be conducted in accordance with the Environment Agency's 'Land contamination: risk management (LCRM)' (October 2020) and the WLGA / WG / NRW guidance document ' Land Contamination: A guide for Developers' (2017) unless the Local Planning Authority agrees to any variation.

Reason:

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

29. The remediation scheme approved by condition 23 must be fully undertaken in accordance with its terms. The Local Planning Authority must be given two weeks written notification of commencement of the remediation scheme works.

On the completion of the measures identified in the approved remediation scheme and prior to the occupation of any part of the development unless otherwise agreed in writing by the Local Planning Authority, a verification report that demonstrates the effectiveness of the remediation carried out must be submitted to and approved in writing by the Local Planning Authority.

All work and submissions carried out for the purposes of this condition must be conducted in accordance with the Environment Agency's 'Land contamination: risk management (LCRM)' (October 2020) and the WLGA / WG / NRW guidance document ' Land Contamination: A guide for Developers' (2017) unless the Local Planning Authority agrees to any variation.

Reason:

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

30. Any topsoil natural or manufactured, or subsoil, nor any aggregate (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 Pollution Control's Imported Materials Guidance Notes. Subject to approval of the above, sampling of the material received at the development site to verify that the imported soil is free from contamination shall be undertaken in accordance with a scheme and timescale to be agreed in writing by the LPA.

Reason:

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

31. 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.

32. No demolition or development (including the removal of any internal and external feature(s)) shall take place until written scheme of investigation, detailing the appropriate programme of historic building recording, 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:

As the building is of significance the specified records are necessary in order that records are kept of any features of architectural and archaeological interest and to ensure compliance with Policies SP1 (Delivering the Strategy) , SP10 (Built and Natural Environment) and MD8 (Historic Environment) of the Local Development Plan.

33. The Historic Building Record report, as specified and required by condition 33, shall be submitted to and approved in writing by the Local Planning Authority in accordance with the timings set out in the approved WSI.

Reason:

As the site is of significance the specified records are necessary in order that records are kept of any features of architectural and archaeological interest and to ensure compliance with Policies SP1 (Delivering the Strategy), SP10 (Built and Natural Environment) and MD8 (Historic Environment) of the Local Development Plan.

34. No piling or other foundational works shall commence until details of piling or any other foundation designs using penetrative methods sufficient to demonstrate that there is no unacceptable risk to groundwater have been submitted to and approved in writing by the Local Planning Authority. The piling/foundation designs shall be implemented in accordance with the approved details.

Reason:

To ensure there is no unacceptable risk to groundwater during construction and methods/design are agreed prior to the commencement of development or phase of development and to ensure compliance with Policies SP1 (Delivering the Strategy), MD9 (Promoting Biodiversity) , MG19 (Sites and Species of European Importance), MG20 (Nationally Protected Sites and Species) and MG21 (Sites of Importance for Nature, Regionally Important Geological and Geomorphological Sites and Priority Habitats and Species) of the Local Development Plan.

35. No piling work shall be carried out between the months of April and July, to avoid sensitive fish migratory periods.

Reason:

In the interests of ecology and to ensure compliance with Policies SP1 (Delivering the Strategy), MD9 (Promoting Biodiversity), MG19 (Sites and Species of European Importance), MG20 (Nationally Protected Sites and Species) and MG21 (Sites of Importance for Nature, Regionally Important Geological and Geomorphological Sites and Priority Habitats and Species) of the Local Development Plan.

NOTE:

1. CONTAMINATION AND UNSTABLE LAND ADVISORY NOTICE

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

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

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

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

The Local Planning Authority has determined the application on the basis of the information available to it, but this does not mean that the land can be considered free from contamination.

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

Further information of the SAB process can be found at our website or by contacting our SAB team: sab@valeofglamorgan.gov.uk

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.

2025/01282/FUL Received on 16 December 2025

APPLICANT: Aberthaw Energy Limited 2 Hopkins Mead, Chelmsford, CM2 6SS

AGENT: Paul McConville Plumer House, Third Floor, East Wing, Tailyour Road, Plymouth, PL6 5DH

Gileston Farm, Gileston

Construction, operation and maintenance of an enclosed Battery Energy Storage System (BESS) facility with 602 battery unit containers with a total output capacity of 249 megawatts (MW), along with associated infrastructure and works.

REASON FOR COMMITTEE DETERMINATION

The application is required to be determined by Planning Committee because the application is of a scale that is not covered by the scheme of delegation and the application has been called in for determination by Cllr Hennessy for the reason that he considers there to be better sites and the development should not be within the Glamorgan Heritage Coast.

EXECUTIVE SUMMARY

The application relates to the construction, operation, maintenance and decommissioning of an enclosed Battery Energy Storage System (BESS) facility with 602 battery unit containers with a total output capacity of 150MW, along with associated infrastructure and works on 7.1 hectares (ha) of agricultural land at Gileston Farm, Gileston, in the Vale of Glamorgan.

The site would be accessed from the main B4265, one of the primary highways running east/west through the southern part of the Vale of Glamorgan. The site is located less than a kilometre to the southwest of the village of St Athan and is close to the Cardiff Capital Region (CCR) Energy site (formerly Aberthaw Power Station) and the Bro Tathan and Cardiff Airport Enterprise Zone. The site lies outside any identified settlement boundary as defined in the adopted Vale of Glamorgan Local Development Plan 2011-2026, however the site is within the designated Glamorgan Heritage Coast (GHC) as identified in Policy MG27 Glamorgan Heritage Coast 18 of that plan.

The main issues in assessing this application relate to the principle of development, its impact on the wider visual amenities of the countryside and Glamorgan Heritage Coast, impact on residential amenities, highway safety, ecology and biodiversity and green infrastructure.

In excess of 30 objections have been received raising concerns based on the unsuitability of the greenfield coastal location, significant harm to the landscape character and visual amenity, conflicts with the Heritage Coast protections and planning policy, as well as concerns around safety, traffic, wildlife impacts, tourism impacts and lack of proper consideration of alternative sites and community engagement.

Insofar as consultees, concerns have been raised by St Athan Community Council, Natural Resources Wales (NRW), Cllr Hennessy and Cllr Haines. Notably objections have also been received from the Council's Heritage Officer, the Council's Ecologist and SRS (Shared Regulatory Services - Pollution). Furthermore, Heneb have requested that the planning decision be deferred until a field evaluation (trial trenching) is completed and assessed.

Notwithstanding the above, should the application be recommended for approval, conditions have been requested by the Council's Highway Authority, Welsh Water (Dwr Cymru), Shared Regulatory Services (Environment) and Natural Resources Wales.

Following consideration of the proposed development, members should note that the recommendation is to **REFUSE** planning permission.

SITE AND CONTEXT

This site is located within the Glamorgan Heritage Coast which, notwithstanding the nearby power station, is recognised for its special environmental qualities such as visible landscape features, specific habitats and unspoilt nature, as is expanded upon within the Policy Context and Landscape and Visual Impact sections of this report. The site is located outside of an identified Settlement Boundary and is also located within a mineral safeguarding area for Limestone. The site is also highly visible from the main coastal road and from the extensive footpath in the locality, including the All-Wales Coastal path which runs along the coast and also immediately in front of Gileston farm itself (see map extract below). Overall, the site is located approximately one mile away from Aberthaw Power Station, which is currently being demolished.



DESCRIPTION OF DEVELOPMENT

The Proposed Development would consist of the construction of an enclosed BESS facility with 249MW capacity with associated infrastructure on an approximately 7.7ha Site, with a design life of approximately 40 years. It will comprise the following infrastructure:

BESS Compound to include:

- 602 Battery Unit Containers sited on concrete support structures containing heating, ventilation and air conditioning units (HVAC units). These units would measure up to approximately 3.6m total height, 2.5m wide and 6.1m deep.
- 86 Power Conversion System (PCS) unit containers containing a transformer, ring main unit (RMU) and depending on the supplier, inverters, on concrete support structures, measuring approximately 2.5m wide, up to 3.6m total height (including concrete support structures measuring 0.5m high).
- 2no. megavolt (MV) Switchrooms measuring approximately 20m in length, 6.7m high and 6.2m wide.
- 2no. Welfare Areas
- 2no. Auxiliary Transformers.
- 3no. above ground water storage tanks with a capacity of c. 120,000 litres (l) each, with pumping stations. Approximately 10m diameter.
- 3no. fire hydrants.

- 1no. Sustainable Drainage System (SuDS) basin with associated drainage systems with a volume of 3,900m³ including freeboard.
- 1no. main site access, which will be 6m wide (10m at bellmouth).
- 1no. emergency access, which will be 4m wide (6m at bellmouth).
- Internal access tracks, which will be 6m wide.
- 9no. car parking spaces

Substation Compound, to include:

- Air Insulated Switchgear (AIS) Substation with 275kV transformer and busbars, measuring approximately 10m total height.
- 275kV Substation Control Room, measuring approximately 14.7m deep, 6.6m wide and 5m high.
- 1no. 33kV Package Substation
- Internal access tracks, which will be 5m wide.

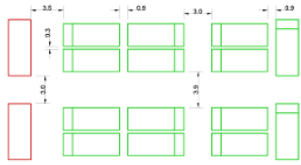
Associated development to include:

- Security gates measuring approximately 2.4m high, palisade security fencing measuring approximately 3m with additional 1.2m wiring on internal side, mesh perimeter fencing, substation electric fencing, CCTV and sensor lighting system measuring up to 4m high, landscaping works and all associated ancillary infrastructure.
- Associated electrical cabling and ducting and all other ancillary and miscellaneous site works including site clearance, and areas of hard standing.

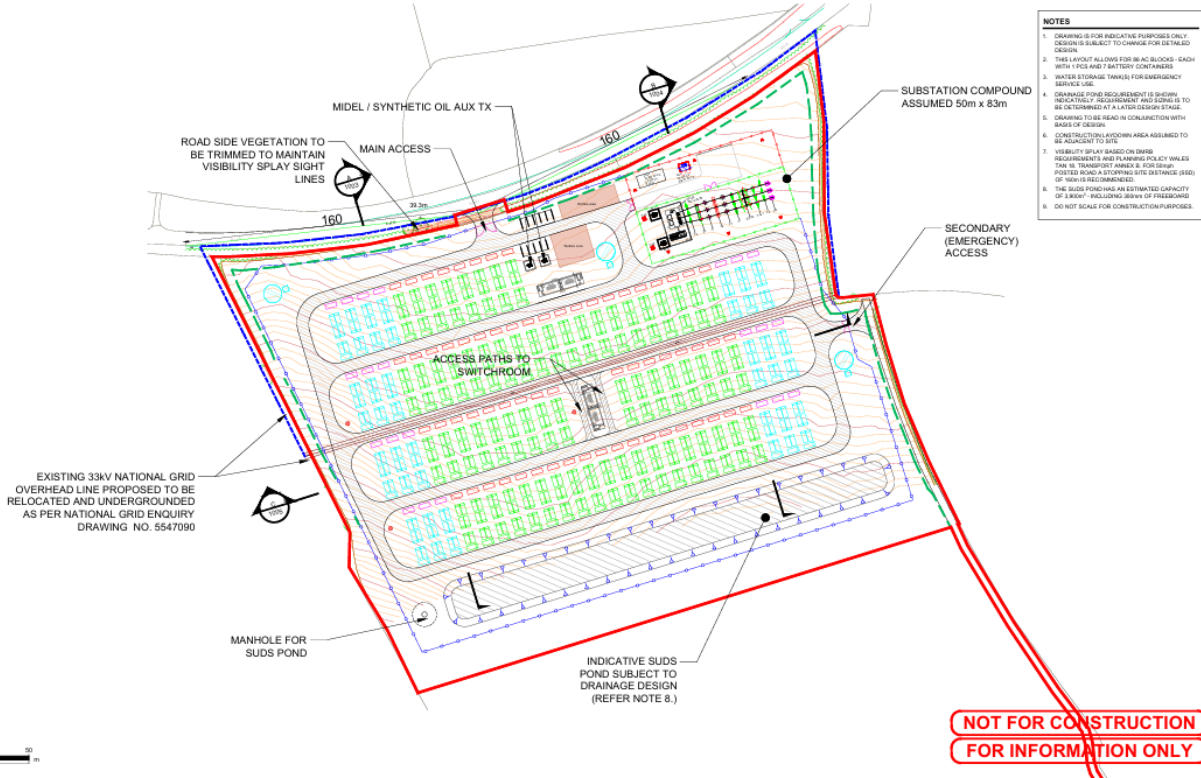
A Google Maps image of the existing site is attached below:



Proposed Plans are attached below:

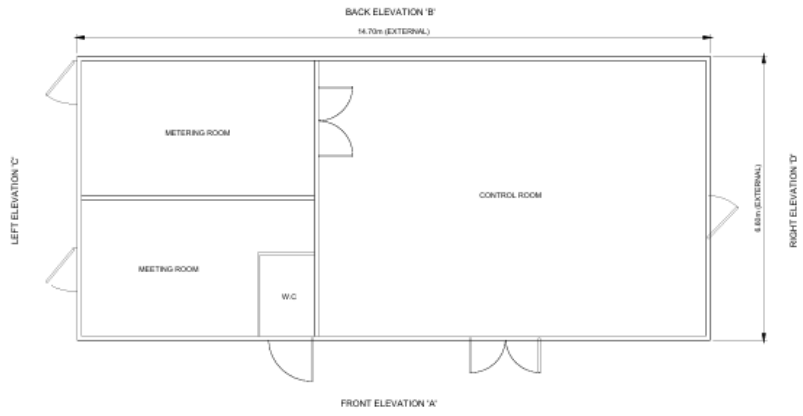


A | TYPICAL SPACINGS
Scale 1:200

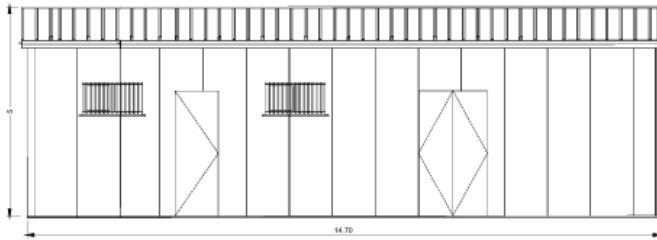


- NOTES**
1. DRAWING IS FOR INDICATIVE PURPOSES ONLY. DESIGN IS SUBJECT TO CHANGE FOR DETAILED DESIGN.
 2. THIS LAYOUT ALLOWS FOR 80-80-80 BLOCKS - EACH WITH 1 PCS AND BATTERY CONTAINERS.
 3. WATER STORAGE TANKS FOR EMERGENCY SERVICE USE.
 4. DRAINAGE POND REQUIREMENT IS SHOWN. INDICATIVE REQUIREMENT AND FORMS TO BE DETERMINED IN A LATER DESIGN STAGE.
 5. DRAWING TO BE READ IN CONJUNCTION WITH BASIS OF DESIGN.
 6. CONSTRUCTION AND/OR WORK AREA ASSUMED TO BE ADJACENT TO SITE.
 7. VISIBILITY SPLAY BASED ON OMBG REQUIREMENTS AND PLANNING POLICY WALES 2016. BE TRANSPARENT AND 5.00 DRIVE POSTED ROAD A STOPPING SITE DISTANCE (SSD) OF 80M IS RECOMMENDED.
 8. THE SUDS POND HAS AN ESTIMATED CAPACITY OF 80M³ INCLUDING 30M OF FREEBOARD.
 9. DO NOT SCALE FOR CONSTRUCTION PURPOSES.

Proposed Site Layout Plan:



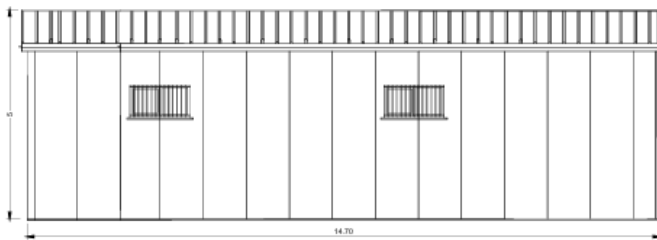
PLAN
1:50m @ A1



A | FRONT ELEVATION
1:50m @ A1



C | LEFT ELEVATION
1:50m @ A1

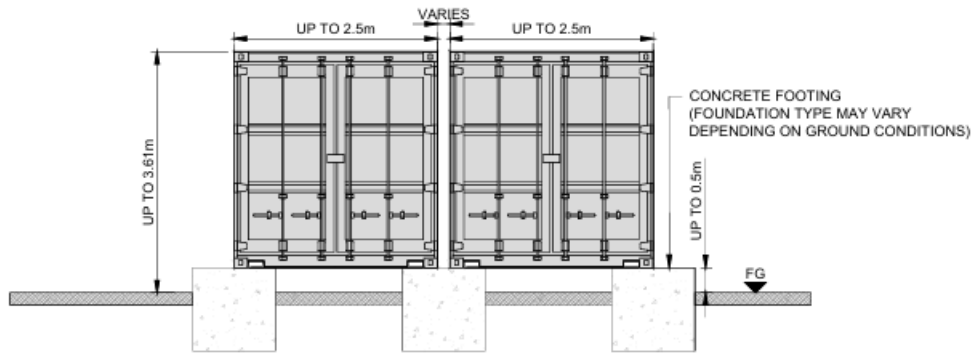


B | BACK ELEVATION
1:50m @ A1



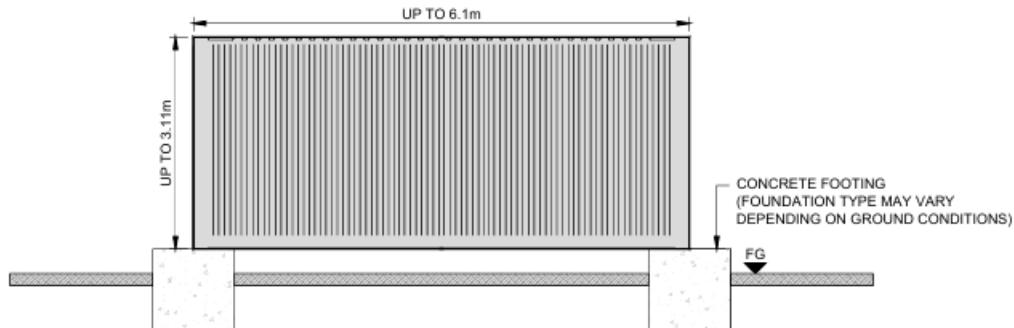
D | RIGHT ELEVATION
1:50m @ A1

Proposed Substation Control Room Elevations:
:



BESS UNIT CROSS SECTION DETAIL

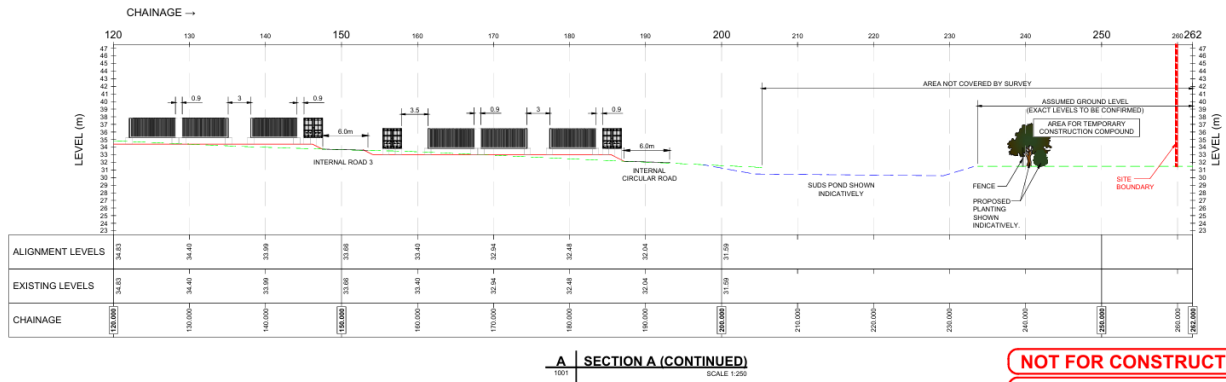
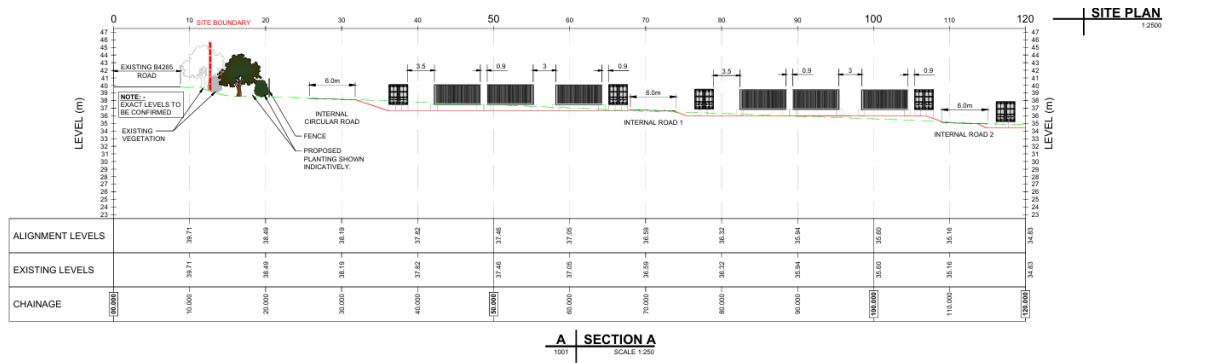
SCALE 1:50m @A1



BESS UNIT ELEVATION DETAIL

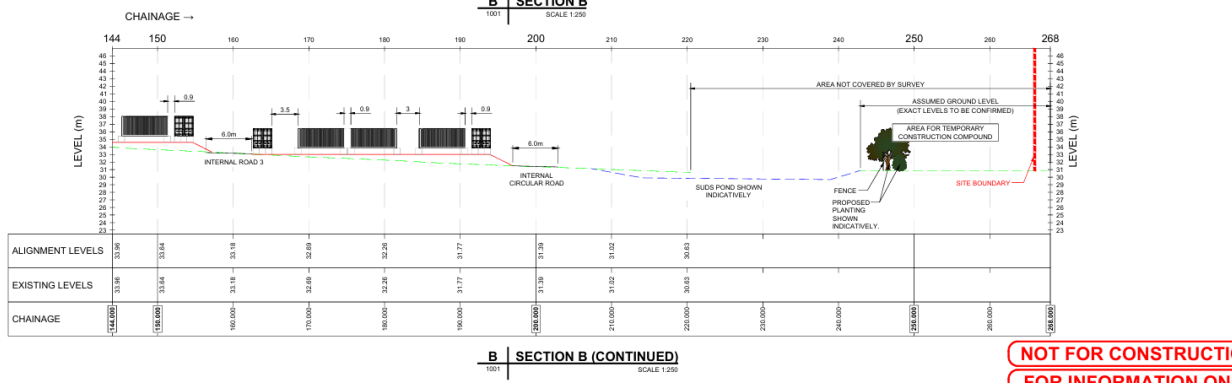
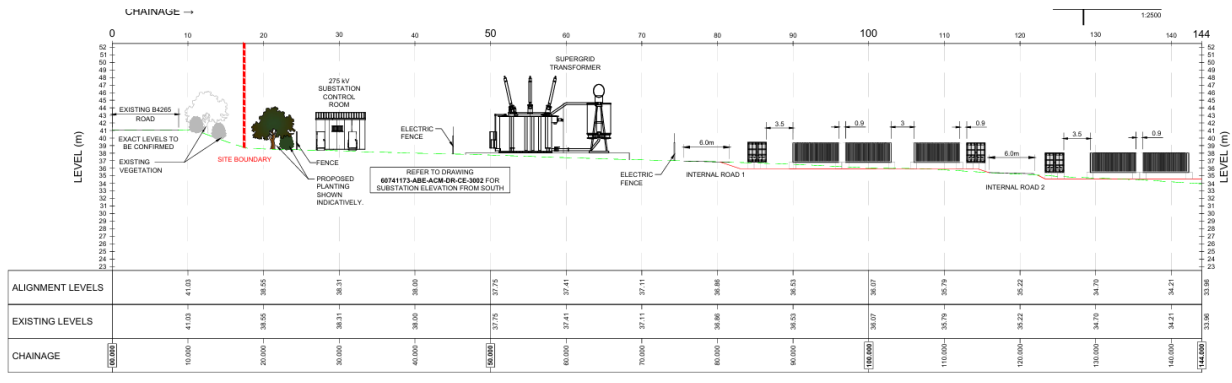
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Proposed typical BESS Unit Elevation and Cross Section Detail:



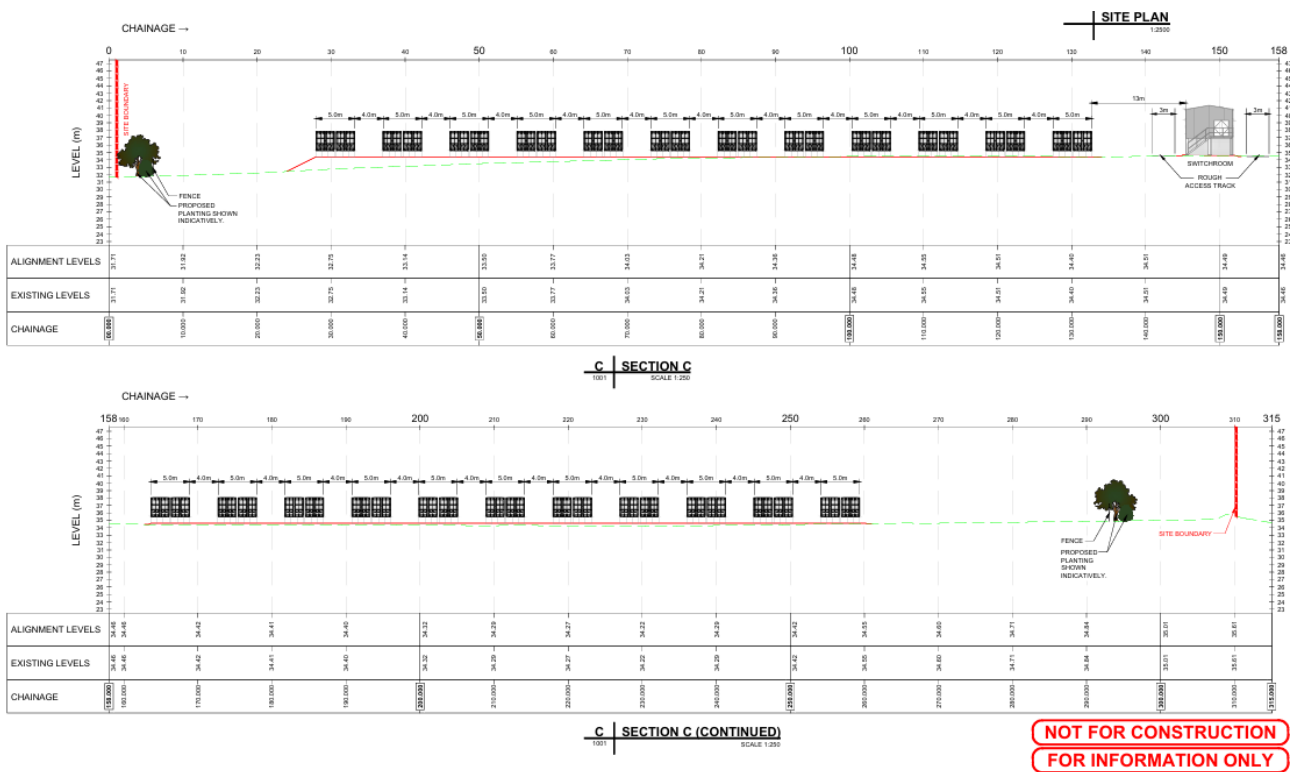
**NOT FOR CONSTRUCTION
FOR INFORMATION ONLY**

Proposed Site Cross Sections (Section A):



**NOT FOR CONSTRUCTION
FOR INFORMATION ONLY**

Proposed Site Cross Sections (Section B):



Proposed Site Cross Sections (Section C):

PLANNING HISTORY

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

CONSULTATIONS

- Llantwit Major Town Council** were consulted on 9 January 2026. No comments received to date.
- St. Athan Community Council** were consulted on 9 January 2026 and commented their concerns regarding unsafe access onto the fast-moving B4265, limited consideration of alternative sites, significant visual and environmental impacts on a prominent greenfield location near sensitive heritage assets, and unresolved safety risks associated with battery-related fires. The Community Council recommends that alternative locations be fully explored and these issues addressed before any planning approval is considered.

3. Highway Development, were consulted on 9 January 2026 and comments have been summarised as follows:

The Highway Authority has reviewed the proposed BESS at Gileston Farm and considers the access arrangements generally reasonable but in need of refinement. Key concerns include the need for swept-path analysis for articulated HGVs, increasing the access kerb radius to 15 to accommodate large vehicles safely, and providing visibility splays with a 4.5m x distance due to local speeding issues. The emergency access must be upgraded for reliable emergency vehicle use, accident date up to 2025 must be supplied, and all boundary treatments should be set back at least 6m to safeguard space for a future active travel route.

4. Public Rights of Way Officer were consulted on 9 January 2026 and commented: *Public Right of Way No.1 Gileston (status - Footpath) follows the lane that will provide access to the development. The paths must be available for safe use by the public at all times. No adverse effect should result to the path, the applicant should ensure that any damage to the surface as a result of the development is made good at their own expense. Please ensure your builders and delivery drivers are aware that members of the public might be walking in the area. Should the footpath require temporary closure to assist in facilitating works an order should be sought under the Road Traffic Regulation Act 1984. Temporary closure should not be sought in order to allow construction of permanent obstructions. A plan of the public rights of way network in the area can be provided.*

5. Chief Fire Officer were consulted on 9 January 2026 and commented:

Upon examination of the submitted site plan, the Authority provides the following standard advice to assist the planning authority and developer. It is important that these considerations are addressed early in the development:

- *The Fire Authority has no objection to the proposal and refers the Local Planning Authority to current standing advice issued by the Authority. The developer should also consider the need for the provision of: -*

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

6. Councils Drainage Section were consulted on 9 January 2026. Comments received note that as the Lead Local Flood Authority, the Council's Drainage Section has reviewed the Flood Consequences Assessment and Surface Water Management Plan for the Proposed Battery Energy Storage System at Gileston Farm and raises no objection on flood risk grounds, as the site lies within Flood Zone 1 and is considered at low risk of surface water flooding. The drainage strategy prioritises infiltration via an infiltration basin, although the assumed infiltration rate has yet to be confirmed through site testing. The development will require approval from the SuDs Approval Body prior to commencement, including submission of detailed drainage designs in accordance with the Flood and Water Management Act 2010.

7. Shared Regulatory Services (Pollution) were consulted on 9 January 2026. Comments were received and have been summarised below:

Having reviewed the submitted Noise Impact Assessment (NIA), several significant deficiencies have been identified. The assessment fails to consider a number of key Noise Sensitive Receptors (NSRs), particularly during the operational phase, with impacts on properties to the centre and south of the village neither assessed nor justified. There is also insufficient clarity regarding whether the sound power levels used are site-specific or indicative manufacturer data, raising uncertainty over the reliability of the predictions. Furthermore, the application of BS4142 is misrepresented, with exceedances above +5 dB incorrectly described as “low adverse impact,” despite this threshold indicating adverse effects, and higher exceedances approaching significant adverse impact. Proposed mitigation measures are acknowledged as insufficient to meet required limits and, if not effective in practice, could result in materially greater noise impacts with limited scope for further correction. In light of these concerns and the potential for harm to residential amenity, refusal of the application is recommended.

8. Councils Heritage Planning Officer were consulted on 9 January 2026 and have objected to the proposal, noting that there is a clear and harmful impact on this wider rural landscape that forms the setting to Gileston Conservation Area, Gileston Manor and Seaview cottage, this harm is noted in the heritage desk-based assessment. It is understood that screening from vegetation is not to be relied upon to make a development acceptable; this proposal appears to rely on this to mitigate its impact. Nonetheless even with the proposed mitigate a level of harm is identified and so the requirements of policy MD8 cannot be fulfilled. The impact is also considered harmful to the wider rural setting of these designations which has retained its unique character as an undulating open landscape with seaviews.

9. Royal Commission on Ancient & Historical Monuments were consulted on 9 January 2026. No comments received to date.

10. Heneb, The Trust for Welsh Archaeology (GGAT) were consulted on 9 January 2026. Comments received conclude that the site has potential archaeological significance, with evidence suggesting possible undiscovered remains. As a result, comments received recommend that the planning decision be deferred until a field evaluation (trial trenching) is completed and assessed, in line with National Planning Policy. Further archaeological mitigation may also be required depending on the findings.

11. Cadw, Ancient Monuments were consulted on 9 January 2026 and commented no objection to the proposed development in regards to the scheduled monuments.

13. Dwr Cymru Welsh Water, were consulted on 9 January 2026 and comments received have been summarised as follows:

Welsh Water advise that alternative foul drainage should be discussed with Natural Resources Wales and/or Building Control and that Welsh Water must be re-consulted if a public sewer connection is later proposed. They note the development may require SuDs approval for surface water drainage (depending on impermeable area) and raises concerns that the local water supply network lacks capacity, requiring a hydraulic modelling assessment and potentially reinforcement works. Welsh Water requests planning conditions to secure an approved potable water supply scheme and to prevent any surface water/land drainage from connecting to the public sewer, alongside advisory notes about sewer connection and adoption agreements, unrecorded sewer assets, water efficiency and trade effluent consent requirements.

Following further correspondence, Welsh Water has advised that it does not assess or guarantee water supply for fire-fighting purposes, as fire flows fall outside its remit. In relation to the proposed development, it is understood that the scheme is likely to require significant volumes of potable (clean) water for operational cooling processes. Welsh Water has indicated that there may be insufficient capacity within the local network to meet this demand. As such, it has requested the above mentioned planning condition requiring the submission of a detailed potable water supply scheme, which would enable further assessment of the proposal's water requirements or allow for the provision of an alternative, developer-supplied water source.

14. Network Rail were consulted on 9 January 2026 and commented no objection in principle to the proposed development. Comments received also noted: *Any works on this land will need to be undertaken following engagement with Asset Protection to determine the interface with Network Rail assets, buried or otherwise and by entering into a Basic Asset Protection Agreement, if required, with a minimum of 3months notice before works start. Initially the outside party should contact ASPRO Network Rail Implementation.*

15. Ecology Officer were consulted on 9 January 2026 and confirmed a holding objection because the submitted Preliminary Ecological Appraisal and Green Infrastructure Statement are considered inadequate. Key concerns include missing detail on reptile protection measures (no Precautionary Working Method Statement), a lack of proper assessment and mitigation for skylark and other nesting birds, insufficient consideration of potentially important arable plants due to survey timing, and unclear or unproven biodiversity enhancements (including uncertainty over whether the SuDs basin will hold water). The response recommends the applicant submit revised ecology and green infrastructure documents and that the planning officer re-consult ecology once the additional information is provided.

Additional details were received on 7th April 2026 and the Council's Ecology Officer has since confirmed that the applicants were informed of the above information and given the opportunity to amend the proposals, to include compensation measures for Skylark. The applicants consider that the Skylark on the site are not significant enough to require compensatory measures. However, there was no survey to establish the extent of use of the site by Skylark, with the ecological consultants assessment and subsequent recommendations being based entirely upon incidental sightings. The Council's Ecologist disagrees with the unsubstantiated conclusions and recommendations; and consider there to be insufficient data available to make such recommendations at the current time. The proposals as submitted are not congruent with legislation, national policy nor local policy. Therefore, it is their opinion that this application should be refused.

16. Estates (Strategic Property Estates) were consulted on 9 January 2026. No comments received to date.

17. Cadw, Historic Gardens, were consulted on 9 January 2026. No comments received to date.

19. Natural Resources Wales, were consulted on 9 January 2026 and comments received raise concerns about the proposed BESS development at Gileston Farm, but does not object in principle, subject to conditions and further information. Key issues relate to land contamination, drainage, lack of ecological information, and potential environmental risks associated with battery storage (particularly fire and pollution). NRW recommends conditions, additional assessments and consultations with relevant specialists to ensure environmental protection.

20. Western Power Distribution, were consulted on 9 January 2026. No comments received to date.

21. Contaminated Land, Air & Water Quality were consulted on 9 January 2026 and commented no objection in principle but recommends a series of conditions to manage risks associated with potential contamination. The response emphasises the need precautionary measures to protect human health, controlled waters and the wider environment.

22. South Wales Police were consulted on 9 January 2026. No comments received to date.

23. Llantwit Major Ward Members were consulted on 9 January 2026. No response received to date.

25. Open Spaces Society were consulted on 9 January 2026. No comments received to date.

26. Rhoose Ward Members were consulted on 9 January 2026. Cllr Hennessy requested the application called into Planning Committee and commented that there are better sites, e.g. Bro Tathan and that the proposal should not be in the current location as the site is on the Glamorgan Heritage Coast.

29. St Athan Ward Members were consulted on 9 January 2026 and a comment was received from Cllr Haines, noting concerns relating to inappropriate industrial development in the countryside; harm to landscape character and residential amenity; unresolved and significant concerns relating to fire safety, emergency response, flood risk and pollution; conflicts with Planning Policy Wales, Tan 15 and Vale of Glamorgan Local Development Plan Policies MD2 and MD7, and urges the Local Planning Authority to refuse planning permission.

REPRESENTATIONS

The neighbouring properties were consulted on 9 January 2026. A site notice was also displayed on 22/01/2026. The application was also advertised in the press on 22/01/2026. At the time of writing this report 34 comments have been received in total. 1 comment was received in support of the application. 33 comments were received in objection to the application. The comments received have been summarised below:

In support:

- Clear need for the development
- Located in a potentially sustainable area
- Includes significant biodiversity enhancements

- Similar developments may already exist
- Supports diversification away from intensive agriculture

In objection:

- Would introduce a large industrial development into a rural coastal landscape, harming visual amenity and character
- Conflicts with the protections for the Heritage Coast
- Loss of greenfield, agricultural land considered unjustified, especially in sensitive location.
- Poor site selection vs available brownfield alternatives
- Permanent, negative impact on views, tranquillity and enjoyment for residents and visitors
- Increased traffic in an already busy area
- Concerns over inadequate consultation and decision-making transparency
- Conflict with local planning policy (such as MD1 – harm to countryside and heritage coast)
- Concern regarding development scale and nature incompatible with rural/coastal setting
- Safety concerns (fire, explosions, toxic gases) with insufficient detailed risk planning
- Lack of assessment of alternative sites and local risks
- Negative impacts on tourism, particularly the Wales Coast Path
- Concerns about potential antisocial or criminal activity
- Detrimental first impressions of the area to visitors using the roads
- Concerns regarding noise impacts and light pollution
- Concerns relating to animal welfare and impacts on biodiversity and green infrastructure

REPORT

Planning Policies and Guidance

Local Development Plan:

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

Strategic Policies:

POLICY SP1 – Delivering the Strategy

POLICY SP9 – Minerals

POLICY SP10 – Built and Natural Environment

Managing Growth Policies:

POLICY MG22 – Development in Minerals Safeguarding Areas

POLICY MG27 – Glamorgan Heritage Coast

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 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 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 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 18 – Renewable and Low Carbon Energy Developments of National Significance

- Sets out the criteria for assessing such proposals and refers to the need to consider the cumulative impact of existing and consented renewable energy schemes.

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
- The Best and Most Versatile Agricultural Land

Chapter 5 - Productive and Enterprising Places

- Energy (reduce energy demand and use of energy efficiency, renewable and low carbon energy, energy 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 10 – Tree Preservation Orders (1997)
- Technical Advice Note 11 – Noise (1997)
- Technical Advice Note 12 – Design (2016)
- Technical Advice Note 14 – Coastal Planning (1998)
- Technical Advice Note 15 – Development, Flooding and Coastal Erosion (2025)
- Technical Advice Note 24 – The Historic Environment (2017)

Welsh National Marine Plan:

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

Supplementary Planning Guidance:

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

- Biodiversity and Development (2018)
- Design in the Landscape
- Minerals Safeguarding (2018)
- Parking Standards (2019)
- Renewable Energy (2019)

Other relevant evidence or policy guidance:

- 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.*

Equality Act 2010

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

Well-being of Future Generations (Wales) Act 2015

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

Issues

The main issues to consider in the assessment is the principle of development, its impact on the wider visual amenities of the countryside and Glamorgan Heritage Coast, impact on residential amenities, highway safety, ecology and biodiversity and green infrastructure.

Policy Context

The principal national-level planning policies relating to this development are Policy 18 of Future Wales, and its criteria are underpinned by Policy 17 which recognises the importance of low carbon electricity generation in meeting ambitious national targets for the generation of renewable energy. These targets are:

- *For 70% of electricity consumption to be generated from renewable energy by 2030.*
- *For one gigawatt of renewable energy capacity to be locally owned by 2030.*
- *For new renewable energy projects to have at least an element of local ownership from 2020.*

Policy 17 also states that *“The Welsh Government strongly supports the principle of developing renewable and low carbon energy from all technologies and at all scales... and all proposals should demonstrate that they will not have an unacceptable adverse impact on the environment.”* It also states that *“Proposals should describe the net benefits the scheme will bring in terms of social, economic, environmental and cultural improvements to local communities.”*

It is therefore evident that renewable energy proposals are favoured in principle, due to the recognised benefits in de-carbonising energy generation and wider benefits to tackling climate change. Sites in National Parks and Areas of Outstanding Natural Beauty are considered unsuitable for large-scale wind and solar. However, outside of these areas, a ‘positive policy framework’ exists (p.97, Future Wales).

“Large-scale renewable and low carbon energy schemes can generate direct social and economic benefit to local communities. Developers should explore how infrastructure improvements associated with a development (including transport infrastructure and communications systems) may be utilised by the host communities to bring additional, non-planning related benefits. Although not a planning consideration, local ownership of projects, in whole or part, can ensure these benefits are accrued over the long-term.”
(Page 97, Future Wales).

Page 171, Future Wales also notes: *“Local ownership and distribution is important for ensuring communities in proximity to renewable energy development benefit from it and that our future energy system better serves Wales.”*

As noted within the PAC, new job opportunities during the construction phase, and off-site support jobs through the wider supply chain once the project is complete are identified at one the key benefits resulting from the scheme. However, it is considered that the application is limited in detail of how the proposals would provide direct benefits to the local community nor that it would be community owned as envisaged by Future Wales. With the exception of wider benefits of such a proposal in terms of the storage of energy emanating from renewable sources, the direct, local benefits of the scheme are considered to be limited.

Planning Policy Wales is supportive of battery storage developments, in principle. Paragraph 5.7.12 states that:

“Energy storage has an important part to play in managing the transition to a low carbon economy. The growth in energy generation from renewable sources requires the management of the resultant intermittency in supply, and energy storage can help balance supply and demand. Proposals for new storage facilities should be supported wherever possible.”

Planning Policy Wales also states that energy storage should be optimised by the planning system (paragraph 5.7.7) and paragraph 5.7.8 also states that:

“An effective electricity grid network is required to fulfil the Welsh Government’s renewable and low carbon ambitions. An integrated approach should be adopted towards planning for energy developments and additional electricity grid network infrastructure. In certain circumstances, additional electricity grid network infrastructure will be needed to support the Pre Assessed Areas in Future Wales, but also new energy generating developments more generally.”

The principal Local Development Plan (LDP) policy applicable to renewable energy development is MD19 (Low Carbon and Renewable Energy Generation). Although battery storage is sometimes part of associated infrastructure it does not generate electricity, and the policy does not specifically refer to battery storage developments. Nevertheless, being associated development and part of supporting infrastructure, it is considered that the proposal falls within the ambit of Policy MD19, at least insofar that there is explicit support for the development in national policy, in principle, and material considerations specified by the policy, and design considerations, would be very similar.

The Renewable Energy SPG also does not specifically refer to battery storage developments and standalone battery storage does not comprise low carbon or renewable energy generation. However, this document is still considered of relevance and provides advice on designing proposals etc. and paragraph 3.3 states that the guidance *“seeks to ensure the benefits of renewable energy development are balanced against economic, social and amenity impacts on communities as well as the environmental impacts which include biodiversity and preserving the visual landscape”*.

At a national level, Future Wales: The National Plan (2021) (FW) and Planning Policy Wales Edition 12 (2024) (PPW) identify an emphasis in favour of development that promotes renewable energy generation and storage, in order to decarbonise energy production in Wales. Despite this strong positive policy emphasis, both documents also identify the harm that can be caused by such schemes and identifies that they would not be suitable in all locations.

Planning Policy Wales (Edition 12) paragraph 5.9.20 notes *“Planning authorities should also identify and require suitable ways to avoid, mitigate or compensate adverse impacts of renewable and low carbon energy development. The construction, operation, decommissioning, remediation and aftercare of proposals should take into account:*

- *the need to minimise impacts on local communities, such as from noise and air pollution, to safeguard quality of life for existing and future generations;*
- *the impact on the natural and historic environment;*

- *cumulative impact;*”

In conclusion, there is policy support for this development type and it is considered acceptable in principle, subject to consideration of its environmental effects and compliance with other relevant planning policies and guidance.

Landscape and Visual impact

As aforementioned, the site is located outside a defined settlement boundary and as such, policy MD1 (Location of New Development) is considered of relevance which states that new development should not unacceptably impact upon the countryside (criterion 1). Policy MD2 (Design of New Development) sets out the key principles that developers should consider in respect of design, amenity and access which together contribute to attractive, safe and accessible environments.

The proposal consists of 602 battery unit containers along with associated infrastructure. The proposal would fill the 7.7Ha site and each battery unit container would measure approximately 3.61m in height and would be set above ground level by approximately 0.5m by concrete footings. The units would also measure approximately 2.5m wide and 6.1m deep, appearing visually similar to a shipping container in terms of design and scale.

Notably, the site is located within the northern part of the Glamorgan Heritage Coast. Local Development Plan (2011-2026) Policy SP10 – Built and Natural Environment notes: Development proposals must preserve and where appropriate enhance the rich and diverse built and natural environment and heritage of the Vale of Glamorgan including:

4. The Glamorgan Heritage Coast;

The relevant supporting text of Policy SP10 is outlined below:

Policy SP10 (5.95) notes that the Policy emphasises the need to protect the Vale of Glamorgan’s natural and built environmental assets and reinforces that sensitive design and choice of location of new development can have a positive effect on the Vale of Glamorgan’s built and natural heritage. Similarly, new development will be required to minimise its impact on natural systems, landscapes, species and habitats and, where appropriate, provide opportunities for the creation of new habitats or the sensitive enhancement of existing habitats.

Moreover, Paragraph 5.96 notes: *The Vale of Glamorgan’s natural and built environmental qualities significantly contribute to its identity and also provide valuable local recreation and tourism opportunities. These assets include areas recognised as being of European, national and local importance, including the Vale of Glamorgan’s coastline which includes the Glamorgan Heritage Coast designation and the Severn Estuary Special Protection Area.*

Paragraph 5.97 notes: *Policy SP10 emphasises the need to protect the Vale of Glamorgan’s natural and built environmental assets and reinforces that sensitive design and choice of location of new development can have a positive effect on the Vale of Glamorgan’s built and natural heritage.*

Paragraph 5.98 notes: *The LDP provides a policy framework that seeks to preserve and enhance the Vale of Glamorgan's important historic built environment...In addition, it recognises the importance of preserving and enhancing the natural environment, principally the countryside and the coast, which have significant landscape and nature conservation value.*

In addition to Policy SP10, Policy MG27 of the Local Development Plan 2011-2026 – Glamorgan Heritage Coast, notes: *The special environmental qualities of the Glamorgan Heritage Coast will be conserved and enhanced. New development will be restricted to:*

- 1. Development that is necessary for coastal defence as identified within the Lavernock Point to St Ann's Head shoreline Management Plan 2;*
- 2. Development that is essential for agriculture, nature conservation, informal recreation, low impact tourism or coastal access;*
- 3. Development within settlement boundaries; or*
- 4. Other appropriate and sustainable development that accords with National Policy.*

Development that unacceptably affects the special environmental qualities of the Glamorgan Heritage Coast will not be permitted.

The supporting text of Policy MG27 notes:

6.1 54. Development Plans should normally only propose coastal locations for development which needs to be on the coast. The undeveloped coast will rarely be the most appropriate location for development.

6.1 55 The designation of the Glamorgan Heritage Coast recognises its national importance as an area of attractive undeveloped coastline. The objective of the designation is to ensure that the special character and natural beauty of the coastline are protected and improved while enabling and enhancing its enjoyment and facilitating its continued use for agriculture and other established and appropriate economic activities.

6.1 58 Major development proposals are unlikely to be acceptable within the Glamorgan Heritage Coast unless they are required for coastal defence works. Any proposals for major development will need to demonstrate that a coastal location is essential...

In respect of the Criteria listed above under Policy MG27, the development is not necessary for coastal defence and therefore does not fall under criterion 1; the development is also not essential for agriculture, nature conservation, informal recreation, low impact tourism or coastal access and therefore does not fall under criterion 2; the site is also outside of a Settlement Boundary and is therefore within the open countryside and would not fall under Criterion 3. As such, the proposal would need to be considered to fall under Criterion 4, *"Other appropriate and sustainable development that accords with National Policy"*. *Development that unacceptable affects the special environmental qualities of the Glamorgan Heritage Coast will not be permitted.*

As noted earlier within this report, it is acknowledged that there is a strong national policy support for renewable energy. However, whilst the proposed BESS would be considered under these wider policy objectives, whether the proposal is sited in an appropriate and sustainable location is also necessary to assess.

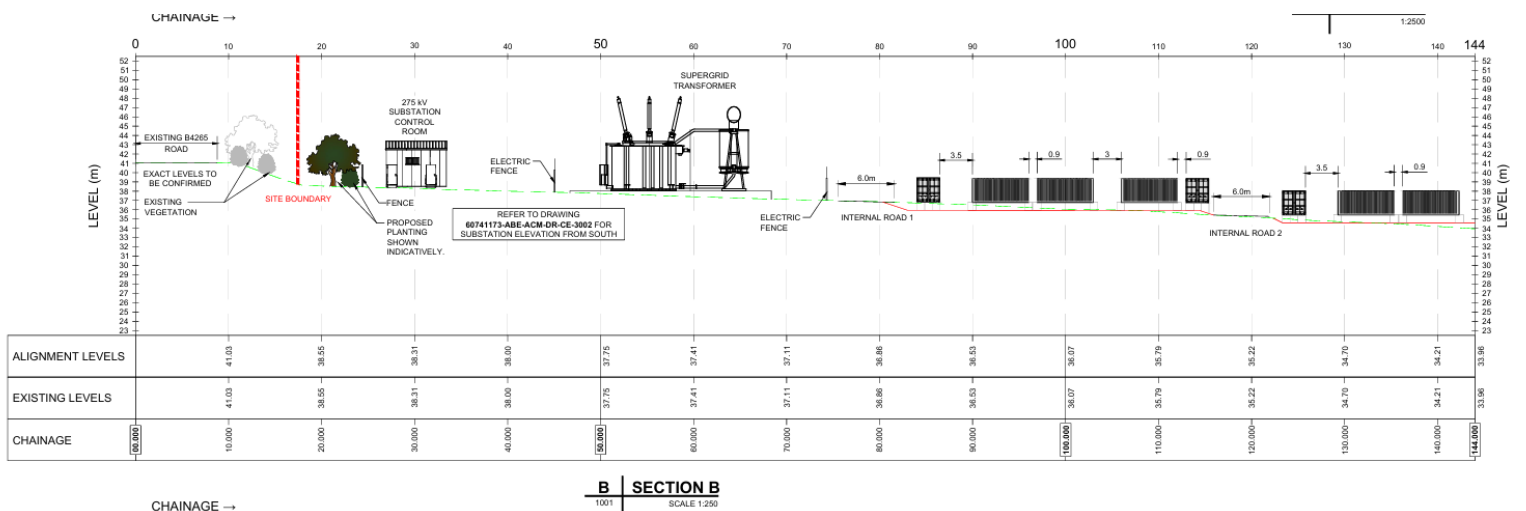
It is important to note that the GHC (Glamorgan Heritage Coast) was initially designated in the early 1970s and covers approximately 14 miles (22.5 kilometres) of coastline that stretches from Porthcawl in the west to Gileston in the east and spans the local authority areas of Bridgend County Borough Council and the Vale of Glamorgan Council respectively. It recognises the area's national importance as an area of attractive undeveloped coast and seeks to ensure that the special character and natural beauty of the coastline are protected and was one of 3 heritage coast pilot projects in the UK. Local Development Plans have endorsed the principal of the GHC and included policies which safeguard and protect the special characteristics and features for which it was originally designated. The adopted Local Development Plan continues this approach with Policy MG27 Glamorgan Heritage Coast, and the position will be maintained in the Vale of Glamorgan Replacement Local Development Plan 2021 - 2036 with policy DNP3 – Glamorgan Heritage Coast.

Notably, Heritage coasts have become established throughout the United Kingdom as nationally important coastlines that warrant special protection and the GHC is now one of 14 heritage coasts in Wales that cover approximately 42% of the Welsh coastline, and one of 43 heritage coasts located around the United Kingdom. While their status carries no legal protection, PPW is clear (paragraph 6.5.12 refers) that...*Development proposals should aim to protect or enhance the natural or historic character and landscape of undeveloped coastlines...and that the features which contributed to the designation* (officer note: in the case of the GHC, the natural and undeveloped character) *of such areas will be important considerations in development plans and in making development management decisions.*

More generally, PPW (paragraph 6.5.9) is clear that...*Development should not normally be proposed in coastal locations unless it needs to be on the coast. In particular, undeveloped coastal areas will rarely be the most appropriate location for development.*

Notably, Heritage Coasts are valued stretches of coastline, recognised for their natural beauty and wildlife. Therefore, it is essential that they are protected and considered to ensure the preservation of the Heritage Coast for future generations. As such, there is a strong presumption against development which would compromise the character, landscape quality or ecological value Heritage Coastline.

Regarding the above, it is considered that the proposed development is extensive in scale, covering an area of 7.7ha and comprising a range of substantial industrial style equipment and infrastructure ranging from approximately 3m to over 10m in height. It is acknowledged that there is a drop below road level between the B4265 and the proposal site, as can be seen for example, on the Proposed Section Plan (B) below:



The change in levels, and landscaping may offer some partial screening of the lower elements of the scheme from certain viewpoints, however, the development comprises a substantial concentration of built infrastructure with varying height ranges, with certain aspects reaching up to 10m high and indicated perimeter fencing. Therefore, the tallest elements would remain visible and clear from view, including from the well-trafficked B4265 to the site frontage. The visual perception of the site is not only influenced by domineering height, but also by industrial character, scale comprising approximately 7.7ha of undeveloped land and contrast with surrounding landscape. As such, whilst on balance the lowered site level may offset some visual impacts, it does not remove the presence of a substantial engineered development within an otherwise open coastal setting and would not eliminate, adverse visual impacts. As such, development of this scale and extent would be widely visible from a high number of sensitive vantage points and would introduce an alien industrial element into the otherwise natural and open character of the Glamorgan Heritage Coast, with resulting conflict with the provisions of aforementioned local and national policy.

In respect of the proposal, the application is supported by a Landscape and Visual Impact Assessment (LVIA), which identifies the likely effects of the proposal on the surrounding landscape character and visual amenity during construction, operation, and decommissioning. To summarise, the LVIA identifies the site is located within open agricultural landscape, characterised by fields, hedgerows and views towards the Bristol Channel. The surrounding area contains existing energy and industrial infrastructure which the LVIA suggests, reduces overall sensitivity to additional infrastructure. Construction activities would result in temporary localised landscape and visual effects, including presence of machinery, vehicles and construction compounds.

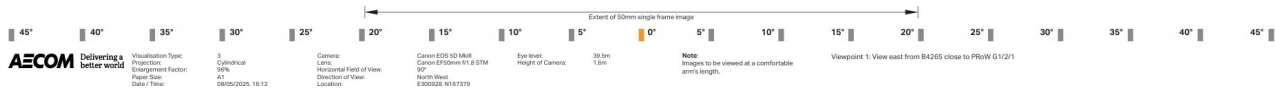
In terms of timescale, the LVIA identifies that during the early operational phase, the BESS infrastructure would be visible from nearby roads, Public Rights of Way, and residential receptors, resulting in moderate visual effects from a limited number of viewpoints. Proposed mitigation includes native woodland, hedgerow and shrub planting, retention and enhancement of existing boundaries and the use of recessive colours and materials.

As planting matures, the visibility of the development is predicted to reduce, with the LVIA indicating that most effects decreasing to minor or negligible by year 10. Overall, the LVIA concludes that the impact of the proposal will be minor given the presence of the existing structures of the Aberthaw Power Station and will be further reduced to negligible after 10 years of operation of the facility following the maturing of the proposed landscape features.

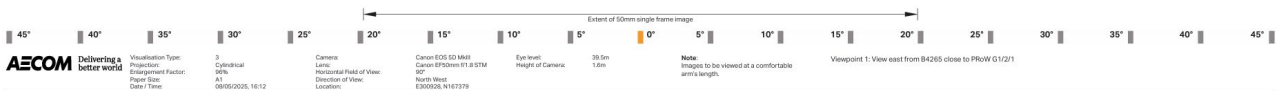
Notably, the LVIA assess visual effects during the early operational stages and year 10 of the development but does not appear to provide a detailed assessment of visual impacts during the intervening operational period. As a result, there is limited evidence within the appraisal regarding the magnitude of visual effects between commissioning and the assumed establishment of mitigation planting at year 10.

In addition, it is acknowledged that the reduction in visual effects identified within the LVIA is heavily dependent on the success, growth rate, and long-term maintenance of the proposed planting. The appraisal's conclusion that impacts would be minor or negligible by year 10 assumes the mitigation will establish as predicted and provide the intended level of screening.

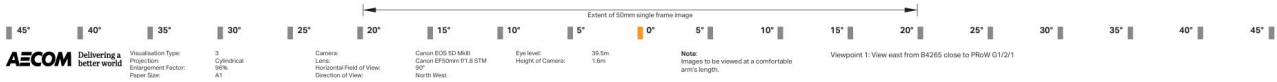
A Photomontage presenting six of the existing views and proposed views in year 1 and year 10, has been submitted and two of these photomontages are attached below:



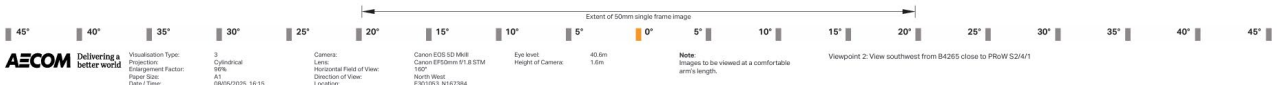
Existing, Viewpoint 1: View East from B4265 close to PRow G1/2/1:



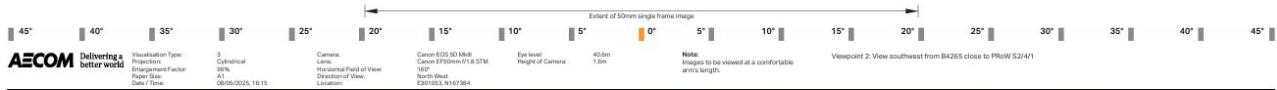
Proposed Year 1, Viewpoint 1: View East from B4265 close to PRow G1/2/1:



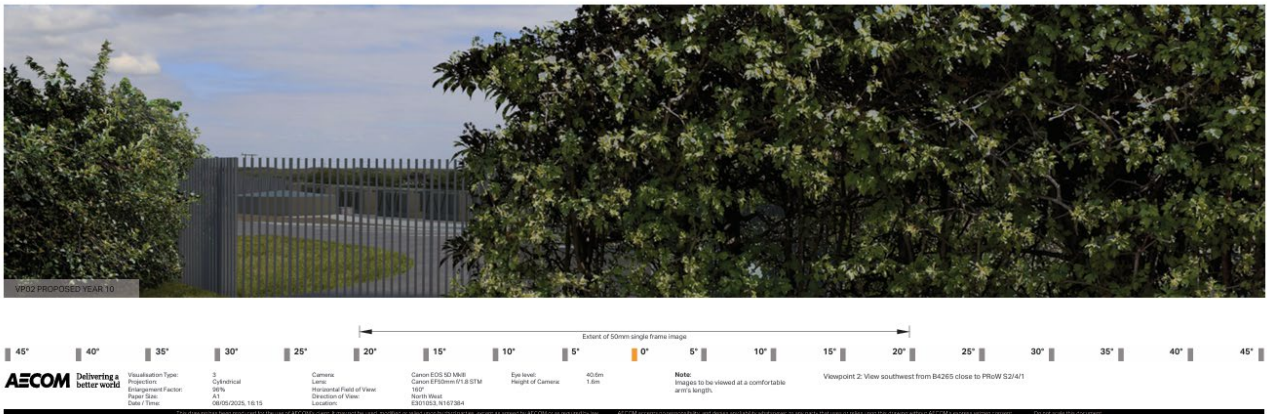
Proposed Year 10, Viewpoint 1: View East from B4265 close to PRow G1/2/1:



Existing, Viewpoint 2: View Southwest from B4265 close to PRow S2/4/1:



Proposed year 1, Viewpoint 2: View Southwest from B4265 close to PRow S2/4/1:



Proposed Year 10, Viewpoint 2: View Southwest from B4265 close to PRoW S2/4/1:

As existing, clear views are available across the site from the public highway with little in the way of meaningful existing vegetative cover that would serve to the screen the batteries or the associated infrastructure, particularly during the winter months when any vegetation would not be in leaf. Photographs from Google Street View of the existing, unobscured view from the B4265 is displayed below:





Notably, due to the mostly undisrupted terrain and open setting, the views across the site to the Heritage Coast are significant and unique, at what is considered to be the gateway to the GHC designation particularly when entering by road from the east. Notably, paragraph 6.155 of the supporting text of LDP policy MG27, notes: *“the designation of the Glamorgan Heritage Coast recognises its national importance as an area of attractive undeveloped coastline. The objective of the designation is to ensure that the special character and natural beauty of the coastline are protected and improved while enabling and enhancing its enjoyment and facilitating its continued use for agriculture and other established and appropriate economic activities.”*

It is considered that the proposal would be highly visible feature on landscape and has a distinct industrial character which would unavoidably conflict with its immediate surrounds, specifically the sensitive views of the Glamorgan Heritage Coast, which are currently open and unspoilt within this locality, providing pleasing views across generally open, verdant field parcels to the coast, estuary and England beyond, with the immediate environs within the Heritage Coast itself devoid of any significant development such as this. This view is reinforced by comments received from the Council’s Landscape Architect. In respect of the submitted Landscape Visual Impact Assessment (LIVA) they note:

“The majority of the views assessed in the LVA are considered in the context of the Aberthaw power station which is only one aspect of the site’s context. They have not included or assessed the most significant viewpoint which is the approach to the Heritage coast along the B4265 from the east. This is a highly significant viewpoint in that it gives the 1st and only uninterrupted expansive view across the Heritage coast landscape, over the Severn estuary and across to the English coast from this direction. It is a very significant feature along this section of coast road. As evidenced by the photo montages provided for other views from the B4265 the proposal will completely obscure this significant view and prevent exposure to the landscape characteristics that define the heritage coast to the significant number of road users on this section of the road.”

Whilst the power station is an appreciable presence in the context of the site, it is not considered to represent justification for further and significantly harmful development such as the proposed, and it is considered disingenuous to rely on the positioning of the Aberthaw Power Station to justify an intrusion into the Glamorgan Heritage Coast, particularly noting that it is currently being demolished. On this point, the Council’s Landscape Architect has further outlined that:

“Given that the power station is outside the Heritage Coast boundary, has been decommissioned and is likely not to remain a significant feature in the landscape once demolished it would seem inappropriate to rely on this as the context for the development and justification for the introduction of an industrial battery storage complex into the Heritage Coast landscape. The development is totally at odds with the character of the landscape that defines the Heritage coast which consists of rolling pasture, low managed hedgerows, low lying wooded valleys heading towards the coast and the occasional small shelterbelt of trees. “

Regarding the comments above, it is considered that the LVIA’s conclusions are significantly informed by the existing industrial infrastructure within the wider landscape and appears to treat the BESS as an addition to an already modified landscape rather than the introduction of development into a wholly undeveloped setting. The assessment appears to derive much justification from the notion that the site forms part of an established wider industrial area. However, once Aberthaw Power Station and associated structures are demolished, the BESS would not be perceived in its context, but its demolition would result in the proposals representing as a substantial standalone industrial development within an agricultural and coastal landscape. Resultantly, it is considered unreasonable to place significant justification for the location of the proposed scheme on the existing landscape setting created by the power station, which does not at present reflect the future landscape context in which the development would actually operate for the majority of its approximately 40-year intended lifespan.

Furthermore, this change to the landscape would also be very prominent when experienced from the adjacent public right of way, where the size and proximity of the development would dominate immediate views, as is shown within the submitted photomontages within the LVIA, examples of which are attached above (Viewpoints 1 and 2, presenting outlook from the B4265, close to PRow). As such, the development would undoubtedly harm the open and agrarian character of the site and heritage coast.

Additionally, photomontages, such as Viewpoint 6, Proposed Year 1 and Year 10: View East from PRoW S2/19/1 Footpath South of Penry House, have been prepared against a backdrop that still includes industrial structures (Aberthaw Power Station) which are to be demolished and therefore, these proposed viewpoints are not considered to accurately represent the landscape context that will exist at Year 1 and Year 10 of the development:

Consequently, it is considered that the visual integration of the proposed scheme shown in the photomontages appears dependent on features which are temporary and would not remain present in future years, in addition to a significance reliance on landscaping to obscure views, and associated issues relating to its effectiveness, including in terms of seasonality and establishment. The photomontages are also inherently limited, providing only selected viewpoints under fixed conditions and in this case, depicting a landscape context which would not exist once demolition has been completed. It is considered that the overall robustness of the visual integration and long-term landscape acceptability assessment is flawed, and these shortcomings are of particular importance given the sites location within the Glamorgan Heritage Coast.

Furthermore, the Council's Landscape Architect has confirmed that whilst landscaping may mitigate the view of the battery storage, in doing so, it would also block the significant view of the Glamorgan Heritage Coast, where this is the only place when travelling West where you get a wide expansive view over the Heritage Coast, as views are more restricted after this point, only matched by views from the B4524 at the far western end around Ogmore and Southerndown.

Whilst it is acknowledged that vegetation could be planted without permission and limit existing views, it is considered unlikely that significant planting would occur in the absence of the development proposal. Notwithstanding this and as noted earlier within this report, even with the proposed planting scheme, there are elements of the BESS and associated infrastructure which would be difficult to obscure given the substantial nature of the scheme, for instance the 10m tall transformer. Additionally, there is no guarantee that intended planting would establish effectively, ensure sufficient year-round screening or be maintained suitably throughout its lifetime. Ultimately, it is considered poor planning to rely on vegetative screening in perpetuity to obscure a proposal as extensive and contrary to the existing landscape such as this. Overall, owing to the reliance on vegetative screening and in the absence of such screening being effective in the short and long-term, it is considered resultantly that the proposal as an incongruous and highly harmful form of development in this location would not be suitably mitigated in this manner.

Furthermore, there are elements of the proposed scheme along the frontage of the site adjoining B4265, which following comments provided by the Highway Authority would require alterations such as visibility splays (with greater x distances than currently proposed), which are required to provide safe vehicular access to the site. These alterations and requirements are discussed in detail within the Highway Impacts section of this report, however, it is considered appropriate to note that such revisions to the current proposed scheme could result in greater visual impacts should the Highways requirements result in reduction or prevention of the intended vegetative screening methods entirely, through, amongst other things, limiting the location and potential height that such screening could reach.

In consideration of the above, it is noted that the submitted ASA (Alternative Site Assessment) received in support of the location states: “[Selected Site] *Expected impact to the character of the designated Glamorgan Heritage Coast, however impacts can be mitigated through screening and design.*” In this case, as demonstrated above, it is considered that the proposed screening methods are inadequate and therefore introduction of a development of the proposed scale would contribute to the erosion of the character of the Heritage Coast. As such, the proposed site is considered a wholly inappropriate location, within this area defined are of coastline identified by NRW as ‘*stretches of outstanding, unspoilt coastline*’.

The ASA continues to note: “*Moreover, due to the Selected Site being located on the periphery of the heritage coast and with an industrial backdrop (Aberthaw Power Station), impacts to the landscape character will be less harmful.*” It is noted that the Alternative site Assessment, similarly to the LVIA, continues to rely on presence of the Aberthaw Power Station to demonstrate location suitability and disregards the sensitivity of the wider Heritage Coast and rural area. A detailed review of the ASA is considered below, under report section titled “Site Selection”.

Therefore, the siting of the proposal within this location is objected to in principle as the development would fundamentally change the character of the site and the context of the Heritage Coast, with or without the proposed landscape screening and the mitigation methods proposed are therefore not considered to override the concerns outlined relating to the siting of the proposal within the Glamorgan Heritage Coast.

As such, it is considered that the proposal is contrary to Policies SP10 – Built and Natural Environment, MG27 – Glamorgan Heritage Coast; MD1 – Location of New Development and MD2 – Design of New Development of the Vale of Glamorgan Local Development Plan 2011-2026.

Site Selection

In order to justify site selection, the applicant has submitted an alternative site assessment which assesses the site against others that are within 1km and a further review of sites within 2km of the identified grid connection point Aberthaw Power Station. The purpose of the ASA is to demonstrate that there are no other reasonably available or suitable sites which would result in a lesser harm than the selected site. Within 1km, four alternative sites were identified but the report acknowledged that none met exclusionary requirements. Within the 2km search, 3 potential sites were identified – the “selected site”, Site 5 and Site 6.

The report outlines that Site 5 is unsuitable due to harm on Gileston Conservation Area; Site 6 was too close to a residential dwelling; therefore the “selected site” is preferred due to limited environmental constraints and optimal operational land size.

However, it is considered that the Alternative Site Assessment report does not represent a sufficiently justifiable evaluation or reasoning for the chosen “selected site” or consideration of reasonable alternatives. Notably, the use of a “grid-first” approach centred solely on the Aberthaw Power Station, combined with the restriction of the search area to an initial 1km and subsequent 2km search area, significantly constrains the scope of the assessment without the provision of robust evidence to justify the search area limits.

The ASA states that development beyond 2km would be unviable due to cost and efficiency considerations; however, this is not evidenced through analysis to demonstrate how viability thresholds have been determined, and is considered to effectively pre-determine the outcome, by limiting the geographical scope of the search to a relatively small area. It is therefore considered that the assessment has not meaningfully explored the full range of reasonable alternatives.

Furthermore, the provision of inclusionary and exclusionary criteria is considered to incorporate several developer-led preferences, such as requirement for the site to be within single land ownership, which effectively filter out potentially suitable site at early stages without clear and absolute justification.

In addition, the ASA does not provide a comprehensive or robust assessment of previously developed, brownfield, land, despite policy support for prioritising such sites, PPW 12: 3.55 "*Previously developed (also referred to as brownfield) land (see definition overleaf) should, wherever possible, be used in preference to greenfield sites where it is suitable for development,*". Nor does the ASA include sufficient quantitative comparison of environmental, operational or economic considerations, amongst other factors.

The overall approach, therefore, gives rise to degree of ambiguity surrounding the justifications and reasoning for the site selection, whereby the constraints applied effectively predetermine the outcome in favour of the selected site. In light of these limitations, the conclusion that there are no available or more suitable alternative sites is not considered sufficiently evidenced, and the ASA is therefore not considered to sufficiently evidence the basis for discounting potentially reasonable alternatives.

Historic Environment

MD8 - Historic Environment and SP10 – Built and Natural Environment are of particular relevance, which collectively ensure development proposals protect the qualities of the built and historic environment in the Vale of Glamorgan. Policy SP10 – Built and Natural Environment notes:

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;*
and
- 6. Important archaeological and geological features.*

The supporting text of Policy SP10 notes:

5.97 Policy SP10 emphasises the need to protect the Vale of Glamorgan’s natural and built environmental assets and reinforces that sensitive design and choice of location of new development can have a positive effect on the Vale of Glamorgan’s built and natural heritage. Similarly, new development will be required to minimise its impact on natural systems, landscapes, species and habitats and, where appropriate, provide opportunities for the creation of new habitats or the sensitive enhancement of existing habitats.

5.98...In addition, it recognises the importance of preserving and enhancing the natural environment, principally the countryside and the coast, which have significant landscape and nature conservation value.

The site is set approximately 426m from Gileston Conservation Area. It is considered that owing to the openness of the site, there may be glimpsed views of the proposed development from Gileston Conservation Area. While the submitted Cultural Heritage Desk Based Assessment concludes, *“no significant alteration to the historic landscape, including the Glamorgan Heritage Coast”*, it nevertheless acknowledges that there will be a degree of harm arising from the development. This is contrary to the policies outlined above, which require that proposals must preserve and where appropriate enhance the rich and diverse built and natural environment and heritage of the Vale of Glamorgan including 4) The Glamorgan Heritage Coast. In this case, the introduction of utilitarian infrastructure into a sensitive and distinctive landscape would fail to meet that requirement and is also considered to have an unacceptable adverse impact on the nearby Gileston Conservation Area, contrary to criterion 1 of policy SP10 and MD8 – Historic Environment which notes: 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;

Whilst not within the Gileston Conservation Area, the Council’s Heritage Officer has set out that *“there is a clear and harmful impact on this wider rural landscape that forms the setting to Gileston Conservation Area, Gileston Manor and Seaview cottage, this harm is noted in the heritage desk based assessment.”*

Moreover, the submitted Cultural and Heritage Desk Based Assessment refers to *“existing modern infrastructure has already partially eroded open agricultural landscape”*, this reference to Aberthaw Power Station, of which an assessment has been made above under the section titled Landscape and Visual Impact, including that any associated harm is currently being addressed through its removal.

Furthermore, the Council’s Heritage Officer has raised an objection, emphasising that proposed mitigation measures – particularly reliance on vegetation for screening – cannot be guaranteed to be effective in the long term. As such, the development would remain visually intrusive and erode the intrinsic qualities and unique character of the landscape, resulting in a harmful outcome on the historic environment and therefore contrary to policies MD8 (Historic Environment) and SP10 (Built and Natural Environment) of the Vale of Glamorgan Council Local Development Plan 2011-2026.

Archaeology

Policy SP10 – Built and Natural Environment requires 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, (amongst other things) 6. Important archaeological and geological features.

Policy MD8 – Historic Environment notes that development proposals must protect the qualities of the built and historic environment of the Vale of Glamorgan, specifically:

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

The supporting text of MD8, paragraph 7.49 notes:

“...Where archaeological remains are known or understood to be present, an archaeological field evaluation should be undertaken at the earliest opportunity and submitted as part of planning application. Where a development proposal affects an important archaeological site or its setting, there will be a presumption in favour of physical preservation of the remains, regardless of whether or not the site is a Scheduled Monument. Where development is permitted, remains should be preserved and sensitively incorporated into the development scheme or removed for preservation off site, where appropriate, in accordance with advice from Glamorgan-Gwent Archaeological Trust” (Heneb)

Notably, consultation comments received from Heneb (formerly Glamorgan-Gwent Archaeological Trust), identifies that the application site has clear potential to contain previously unrecorded archaeological remains. Having reviewed the supporting documents, including the Cultural Heritage desk-based assessment and geophysical survey, these documents indicate the presence of anomalies of uncertain origin and highlight that the apparent absence of known remains may reflect limited prior investigation rather than a true lack of archaeological activity.

Heneb advises that the site retains the potential for previously unrecorded archaeological remains of significance, which could be adversely impacted by the proposed development. It is essential that sufficient information is provided to fully understand the impact of development on archaeological resources before determination in line with PPW 12: *“6.1.23 The planning system recognises the need to conserve archaeological remains. The conservation of archaeological remains and their settings is a material consideration in determining planning applications, whether those remains are a scheduled monument or not”* and TAN24: *“4.8 The need for a desk-based assessment, and field evaluation where appropriate, should be discussed with the planning authority prior to submission of an application, and where required the results of these studies should be submitted as part of the planning application. **Failure to provide sufficient archaeological information of the appropriate standard may be a valid reason for the planning authority to refuse planning permission.**”*

In this case, it is considered that the information currently submitted is insufficient to properly assess the archaeological implications of the development. Heneb recommend that a programme of field evaluation, specifically trial trenching, is undertaken prior to any determination of a planning application to properly assess the significance of any remains and the extent of potential harm.

In the absence of this information in consideration of this planning application, given the scale and nature of the development, there is a potential for significant and irreversible harm to any archaeological resource present and as such the Local Planning Authority

cannot be satisfied that conflict with the relevant local and national policies noted above would not occur. As such, the impact on the archaeological remains a significant consideration in the determination of this application and to recommend this application for approval (subject to other relevant considerations) would be premature and contrary to the precautionary approach set out in national planning policy. Paragraph 6.1.26 (PPW) notes:

6.1.26. Where archaeological remains are known to exist or there is a potential for them to survive, an application should be accompanied by sufficient information, through desk-based assessment and/or field evaluation, to allow a full understanding of the impact of the proposal on the significance of the remains.

Further guidance is provided within Technical Advice Note 24: The Historic Environment that states:

4.8 The need for a desk-based assessment, and field evaluation where appropriate, should be discussed with the planning authority prior to submission of an application, and where required the results of these studies should be submitted as part of the planning application. Failure to provide sufficient archaeological information of the appropriate standard may be a valid reason for the planning authority to refuse planning permission.

In the absence of the provision of such information, it is considered that the proposals, at this time are considered contrary to Policy MD8 – Historic Environment of the adopted Local Development Plan, Planning Policy Wales (12th edition) and the advice contained within Technical Advice Note 24: The Historic Environment, as further investigation is necessary to ensure a full assessment of the archaeological impact of the proposal and any mitigation measures required.

Impact on Local Residential Amenity

Local policies MD2 and MD19 of the LDP both make reference to the requirement of development to safeguard residential amenity. This is supported by the criteria-based Policy MD7 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.*'

Although the proposed development is located within the open countryside, there are residential properties within proximity to the site, with the nearest being Gileston Farm. Owing to the distance between the proposed site, it is considered that the development is unlikely to cause significant detriment to residential amenity, in respect of overbearing, loss of privacy or loss of light.

A Noise Impact Assessment has been provided, which concludes that construction noise and related traffic noise are temporary and not significant, whilst vibration arising from the proposals is also predicted to not be significant. The assessment goes further in considering unmitigated operational noise would cause significant adverse effects at night, albeit with proposed mitigation such as the use of reduced-noise chiller units and optimised plant layout, operational noise is expected to result in low or no adverse impacts at nearby receptors.

Notably, no dedicated permanent noise barriers or bunds are proposed relating to operational noise mitigation measures. Reliance to mitigate operational noise as identified above, is primarily reduced sound power levels for chiller units, site layout arranged to maximise distance to the nearest homes, placing noisier equipment deeper inside the site and using other containers as physical screening where possible. The project also commits to selecting the “quietest available plant”, ensuring transformers and PCS units meet modern low-noise specifications and assumes “7.3. all plant running at full output continuously”, which is unlikely in practice and therefore a mitigation measure to ensure noise levels are lower in reality.

In regard to construction mitigation measures, detailed in Section 6.23–6.25 of the report, mitigation consists of restricted working hours (08:00-18:00 Monday-Friday; 08:00-13:00 Saturday and no Sunday hours); shrouding around noisy plant in fixed locations, for example Heras fencing and acoustic blankets around generators; site and traffic management measures such as HGVs only being permitted during certain hours and communication with local communities.

Noting the above, in terms of construction mitigation measures, it is acknowledged that proposed construction period is intended to consist of approximately two years. As such, the physical construction mitigation measures such as fencing and acoustic blankets is considered likely to further add to the extent and industrial nature of the scheme and would be further infrastructure necessary to screen in an attempt to mitigate the visual harm of the development.

Moreover, having considered the conclusions of the submitted assessment, the Council’s SRS (pollution) have raised a substantive objection to the proposal. Comments received from the SRS section identify that the submitted noise assessment identifies operational noise levels that exceed background sound levels, contrary to the expectation within relevant standards and guidance that such development should not give rise to unacceptable adverse impacts, as outlined within BS standards and TAN 11.

TAN 11 notes: *13. ...care should be taken to keep the noisiest activities away from the boundary or to take measures to reduce the impact of noise. Authorities should also take into account the fact that the background noise level in some suburban and rural areas is very low, and the introduction of noise generating activities into such areas may be especially disruptive.*

Notably, comments received from SRS identify with reference to BS 4142, the Noise Impact Assessment (NIA) classifies the predicted effects as ranging from low to significant adverse impact. Daytime rating level differences of +4 dB, +5 dB, and +8 dB are presented in the NIA, which states in Table 7-2 that these correspond to a ‘low adverse impact’. However, BS 4142 (Section 11) advises that:

“A difference of around +5 dB is likely to indicate an adverse impact, depending on the context.”

This guidance is not fully recognised or reflected within the Noise Impact Assessment (NIA), indicating that the NIA may be understating or misinterpreting the level of impact. As such, the NIA does not appear to fully align with BS 4142 guidance as impacts that could be reasonably considered as “adverse” (and possibly more significant) are only being misrepresented as “low adverse”, in terms of the relevant standard. Resultantly, concerns can be raised regarding the lack of transparency or justification for why the NIA appears to depart from the standards’ interpretation. It can be drawn that the assessment appears to downplay the significance of noise impacts and does not robustly reflect the intent of BS 4142.

Furthermore, SRS have advised that the assessment does not adequately consider all potentially affected sensitive receptors, resulting in uncertainty regarding full extent of noise impacts. The comments received from SRS outlined that the Noise Impact Assessment (NIA) shows that, during the evening—when people are more sensitive to noise—two Noise Sensitive Receptor (NSR) locations, and their neighbouring properties, are expected to experience significant adverse effects. Predicted noise levels range from +2 dB to +13 dB, with almost all exceeding +5 dB, which BS 4142 identifies as indicating an adverse impact. However, the NIA has classified these as only “low adverse impact,” which does not reflect the standard’s guidance.

At night, the NIA concludes, in the absence of mitigation, that all 12 NSR locations, along with neighbouring homes, would experience significant adverse impacts. BS 4142 indicates that significant adverse effects occur at around +10 dB, and the NIA predicts night-time levels between +10 dB and +16 dB, with four locations reaching +14 dB. These predicted levels may also be underestimated, as the NIA does not include potential additional penalties for noise characteristics such as tonal, impulsive, or intermittent sounds. In the worst case, these could increase noise levels by up to +18 dB. The NIA also suggests that the noise from the development will be general and blend into background sound. However, this cannot be guaranteed. Similar electrical equipment and cooling fans are known to sometimes produce noticeable low-frequency noise, which may impact residential properties.

Furthermore, SRs comments outline that the NIA acknowledges that the development fails to meet the SRS policy requirement (based on BS 4142) to achieve noise levels 10 dB below background at all nearby sensitive locations. Despite this, it concludes that there would be no significant residual effects and that all reasonable mitigation has been applied. The NIA also states that night-time noise would not be intrusive, based on an assumption that equipment will rarely operate at full capacity, particularly overnight.

However, this conclusion relies heavily on the effectiveness of extensive mitigation measures (such as silencers, attenuation kits, and enclosures). If these measures do not perform as predicted, noise levels could be significantly higher, and further mitigation may not be feasible. SRS note that with mitigation, even during the day the -10dB below background noise levels would not be achieved with adverse impacts of up to plus 8dB being identified. Furthermore, doubt is raised with regard to the effectiveness of the potential mitigation, including limited information in terms of temperature and the extent in terms of time that it would be required and if required in hotter temperatures what extent the impacts would be compounded, for instance by nearby residents with open windows when chillers/fans are running. The SRS comments therefore raise substantial concerns that this could leave nearby residents exposed to serious and potentially unresolved noise impacts, which would be contrary to MD19 – Low Carbon and Renewable Energy Generation, which notes: *Proposals for the generation of low carbon and renewable energy will be permitted where it can be demonstrated that there is no unacceptable impact on the interests of:*

- *Residential amenity;*

The supporting text of policy MD19, 7.91. notes: *“...in considering the impact on the interests of those features and constraints listed in policy MD19, renewable energy proposals will also need to have due regard to the requirements of policies MD7 (Environmental Protection).*

Policy MD7 – Environmental Protection notes: *Development proposals will be required to demonstrate they will not result in an unacceptable impact on people, residential amenity, property and / or the natural environment from either:*

4. Noise, vibration, odour nuisance and light pollution;

Where impacts are identified the Council will require applicants to demonstrate that appropriate measures can be taken to minimise the impact identified to an acceptable level. Planning conditions may be imposed or legal obligation entered into, to secure any necessary mitigation and monitoring processes.

Noting the policies and guidance above, it is considered that the proposals have failed to demonstrate that impacts on the occupiers of neighbouring residential properties have been adequately considered. For the reasons noted above and detailed in full within the SRS comments, notwithstanding the mitigation measures proposed, the development is still predicted to result in adverse noise effects. On the basis therefore of the information provided it has not been demonstrated that these impacts could be satisfactorily mitigated, nor in turn that any associated mitigation would not have other unacceptable consequences including in a visual sense, for instance if substantial acoustic barriers were required to mitigate associated harm.

Noting the above, it has not been adequately demonstrated that the proposals would not give rise to harmful noise impacts on neighbouring occupiers and as such, the development is considered contrary to Policy MD7 of the Vale of Glamorgan Local Development Plan, which seeks to ensure that development would not unacceptably affect the amenity of neighbouring land uses, as well as the principles of Planning Policy Wales (12th edition) and Technical Advice Note 11: Noise, both of which require authorities to prevent and mitigate unacceptable noise impacts and safeguard the health and amenity of sensitive receptors.

Highways Impacts

Criterion 6 of Policy MD2 (Design of New Development) requires proposals to '*have no unacceptable impact on highway safety nor cause or exacerbate existing traffic congestion to an unacceptable degree.*'

Notably, the Highway Authority has undertaken a review of the proposed development and considers the overall access strategy to be broadly acceptable in principle, subject to further refinement. In particular, several aspects require clarification and improvement to ensure safe and efficient operation, including the provision of swept-path analysis for articulated HGVs, enlargement of the access kerb radius to 15 metres to accommodate larger vehicles, and the implementation of appropriate visibility splays (4.5m x distance) in light of identified speeding concerns on the local highway network. Additional requirements include upgrading the emergency access to ensure suitability for emergency vehicles, submission of up-to-date accident data to 2025, and setting back all boundary treatments by a minimum of 6 metres to protect land for a potential future active travel route.

Noting the comments listed above, the Highway Authority has identified the proposed access as substandard and unsuitable to accommodate the anticipated volume and scale of HGV movements during the construction phase, particularly on a 50mph road where evidence indicates existing speeding issues and a history of accidents. Addressing these deficiencies necessitates design interventions, including improved visibility splays, widening of the access, and potential speed management measures such as a Temporary Traffic Regulation Order. Such works, including the widened access and the indicated requirement for more visibility splays than those shown on the submitted drawings (noting the 4.5m x distance) could undermine the effectiveness of any landscape mitigation strategy that such great emphasis has been placed upon within the applicant's submissions to assist in mitigating the visual harm, likely eroding established or proposed planting and placing greater pressure for future maintenance. Furthermore, the introduction of more engineered highway features, increased traffic activity, and the requirement for durable hardstanding (including for emergency access) would further urbanise the character of the site, detracting from the rural character of the area. In combination, these requirements highlight a tension between achieving highway safety and maintaining the visual quality and rural context of the site.

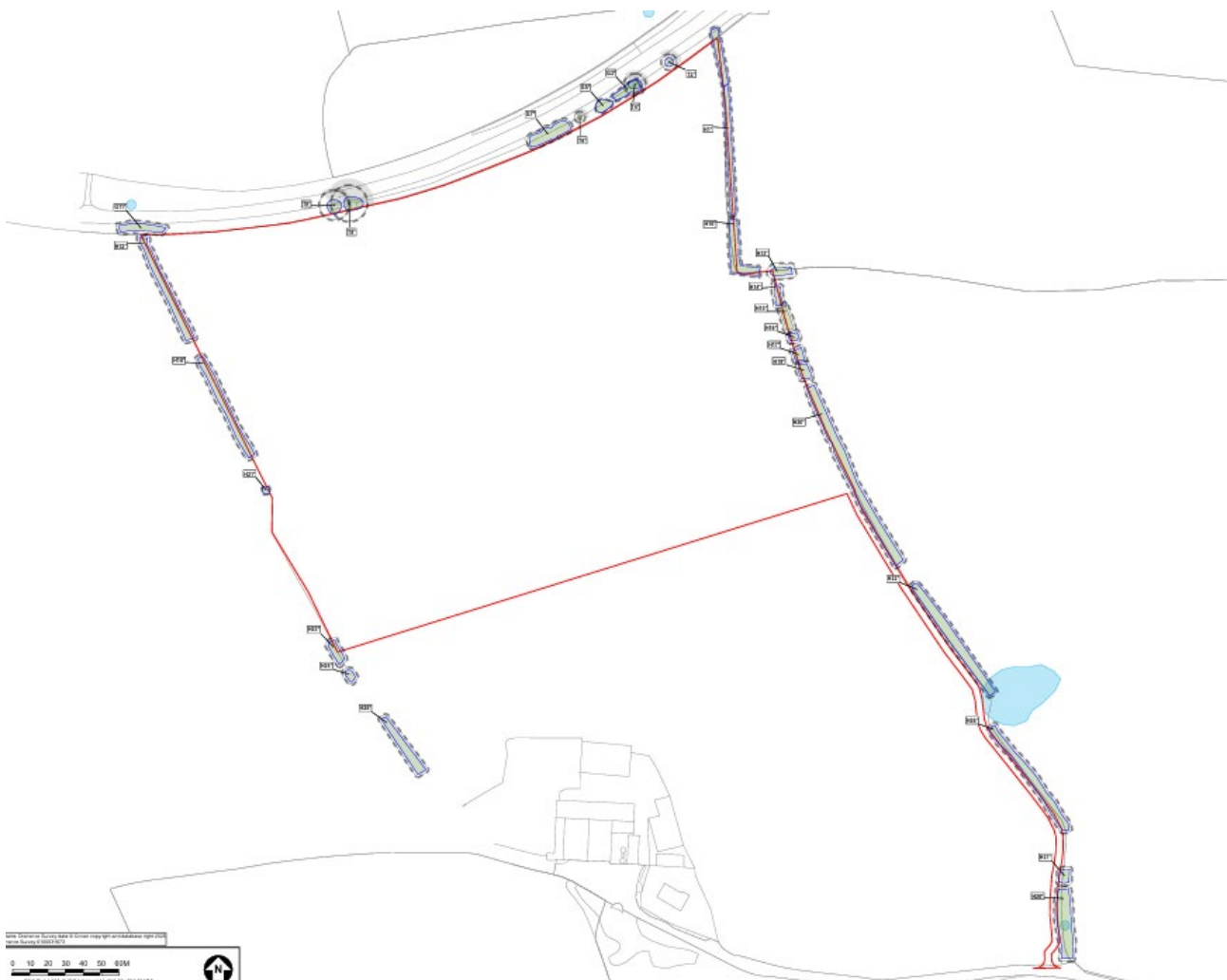
The highways concerns in isolation, could potentially be resolved through revisions to the proposed scheme prior to any determination and it not considered that they could be satisfactorily resolved in isolation by way of condition. However, whilst these comments have been relayed to the Agent, it is not considered necessary to delay the determination to await the provision of amended plans or additional information, due to the existence of further fundamental concerns regarding the suitability of the site and the acceptability of the proposed development in wider planning terms. As such, in the absence of this information and on the basis of the outstanding matters listed above, the proposal has failed to demonstrated compliance with Criterion 6 of Policy MD2 that the access serving the site would not give rise to unacceptable impacts upon highway safety.

Trees and hedgerows









Trees, Woodlands, Hedgerows and Development SPG (2018) states proposals which contain trees or hedges within the site and / or trees and hedges on land adjacent to the proposal could influence the development or might be important as part of the local landscape character. The SPG requires the submission of a Tree Survey, Tree Constraints Plan, and an Arboricultural Implications Assessment (AIA) as defined in BS5837 (2012) to support proposals which affect trees and hedges.

A Tree Survey Report has been submitted in support of the application. In total, 28 tree features were identified during the survey, formed of five individual trees, four tree groups and 19 sections of hedgerow. Of these identified tree features, no features are of high quality (category A); 26 are of moderate quality (category B); one is of low quality (category C) and one is identified as unsuitable for retention as living trees for more than ten years in the context of the current land use (category U). The survey also identifies two nationally rare trees, Black Poplar (*Populus nigra*), located to the Northern boundary of the site adjacent to the B4265. Furthermore, four TPOs are recorded as being adjacent the Site, two of which, a 1962 group TPO (020 - 1962 - G15) and an individual TPO (020 - 1962 - T049) would have directly abutted the red line boundary, however the trees the TPOs originally protected are no longer present and therefore the Site is not considered to be affected by any TPOs.

A Tree Constraints plan is attached below:



KEY

	RED LINE BOUNDARY
	A CATEGORY TREE, GROUP, HEDGE, OR WOODLAND
	B CATEGORY TREE, GROUP, HEDGE, OR WOODLAND
	C CATEGORY TREE, GROUP, HEDGE, OR WOODLAND
	U CATEGORY TREE, GROUP, HEDGE, OR WOODLAND
	RPA – ROOT PROTECTION AREAS (RPA)
	APPROXIMATE CURRENT SHADING ARC
	TREE PRESERVATION ORDER

Whilst it is acknowledged that the development, including the provision of the access and visibility splays to the frontage have the potential to result in the loss of a limited number of existing trees, these are not protected by a Tree Preservation Order. However, a number of identified trees within the site have been categorised as category B trees within the submitted tree survey, including those along the site frontage. Whilst the tree survey discusses in broad terms of potential impacts, it does not provide a fully qualified arboricultural impact assessment. The site layout indicates that much of the development would be set away from site boundaries, and the green infrastructure statement indicates that no trees or hedgerows would be removed. However, in the absence of a suitable impact assessment and noting requests from highways in terms of visibility splays it is unclear if this would result in increased impacts including to category B trees along the frontage. It is noted that concerns have been noted previously with regard to visual impacts of the proposals, including the effectiveness of the landscape led approach to mitigate harm. Any revised proposals to overcome highways concerns would need to consider associated impacts in terms of existing trees with an updated assessment. However, on balance, on the basis of the information provided, if the development was found to be acceptable in all other regards including the indication of substantial soft landscaping as part of the proposals (that would in event of approval be subject of further conditions), it is considered likely that the arboricultural issues would not likely represent a reason to refuse permission in their own regard.

Ecology Impacts

Policy MD9 – Promoting Biodiversity requires proposals to conserve and where appropriate enhance biodiversity interests unless it can be demonstrated that both of the following criteria apply:

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

In addition, 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.

Furthermore, Planning Policy Wales Edition 12 (PPW12) Chapter 6, places increased emphasis on the protection and enhancement of the natural environment. It states that all developments must achieve a biodiversity benefit and also that Green Infrastructure Statements should accompany all planning applications albeit that this will be proportionate to the scale and nature of the development proposal.

Furthermore Policy 9 of Future Wales 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.

Comments received from NRW have highlighted that insufficient ecological information has been provided in support of the application. Notably, the presence of bats on site and other protected species, including dormouse, great crested newt and otters are within proximity to the site. NRW recommend seeking the advice of the Authority's internal ecological adviser about the requirement for further information to be submitted in support of the application, the need for bespoke surveys and the scope of further information, where required.

Noting the above, comments received from the Council's Ecologist have advised that whilst outstanding matters such relating to reptiles have not been fully addressed within the submitted information, these could be adequately secured through the imposition of planning conditions and would not, in isolation, form an objection. The principle ecological concerns relate to the failure of the submitted Green Infrastructure Statement to demonstrate compliance with the step-wise approach to biodiversity conservation and enhancement, as required by National Planning Policy, following 18 October 2023, whereby Welsh Government announced changes to Planning Policy Wales (PPW) by way of a Dear CPO letter entitled 'Addressing the nature emergency through the planning system: update to Chapter 6 of Planning Policy Wales'. The main policy changes which are of relevance relate to green infrastructure, net benefit for biodiversity and the protection afforded to trees.

Noting the comments received above, it is acknowledged that compliance and demonstration of the step-wise approach is necessary to secure the maintenance and enhancement of biodiversity, ecosystems and green infrastructure by ensuring adverse impacts are first avoided, minimised, mitigated and as a last resort, compensated. The information submitted does not provide sufficient evidence too reasonably demonstrate how the step-wise approach has informed the proposed scheme, nor does it clearly justify why impacts on existing habitats, ecological features and green infrastructure cannot be avoided through alternative design or site layout proposals. Resultantly, it is considered that the extent of likely ecological impacts cannot be ascertained, nor can it be concluded that all reasonable measures have been taken to avoid harm. In the absence of such evidence, the proposal fails to provide necessary assurance that the scheme would appropriately maintain and enhance biodiversity and green infrastructure. Accordingly, the proposal is considered contrary to the requirements of national planning policy Wales (12th edition).

In particular, the proposal would result in the loss of habitat supporting active Skylarks, with at least two nesting sites identified within the application area. No species-specific mitigation or compensation measures have been proposed to address this loss.

Furthermore, the recorded nests were identified incidentally during a general walkover survey, rather than through a targeted bird survey. The Council Ecologist has advised that given these were found in a general and not more targeted survey, their presence gives rise to uncertainty regarding the true extent of Skylark usage of the site and suggests that the number of nesting territories affected may be substantially greater than currently reported. Skylarks are a species afforded legal protection under Section 7 of the Environment (Wales) Act 2016 and form a material planning consideration. Paragraph 6.4.35 of Planning Policy Wales; Edition 12 states that *“The presence of a species protected under European or UK legislation, or under Section 7 of the Environment (Wales) Act 2016 is a material consideration when a planning authority is considering a development proposal which, if carried out, would be likely to result in disturbance or harm to the species or its habitat and to ensure that the range and population of the species is sustained.”*

During the course of determination of the application, officers advised the applicant of the presence of these protected, ground nesting birds on the site. However, no further survey work nor an amended proposal has been forthcoming. Noting this, it is not possible to determine the extent of impact of the proposals including the number of birds and nesting sites that would be affected. Furthermore, skylark are ground nesting birds mitigation/compensation in such instances would often be the provision of dedicated nesting plots within cereal fields. Noting the proposals are evidently a fairly intensive form of development that would fundamentally alter the use of the site and develop the majority of the site within the red line boundary, it is considered highly unlikely to provide sufficient land to mitigate impacts within land within the applicant’s control, particularly in the absence of suitable survey work to demonstrate what impact would occur. To this end, in the absence of robust survey information to demonstrate the extent of impact and in turn appropriate avoidance, mitigation or compensation measures, the proposal is considered to fail to demonstrate that adverse impacts on biodiversity have been avoided or adequately addressed. Noting this it is considered that the proposals are clearly at odds with the provisions of the step wise approach within chapter 6 of Planning Policy Wales, failing to demonstrate the proposals would avoid, minimise, mitigate nor compensate on or off site related impacts and to this end, in compliance with the stepwise approach, planning permission should be refused.

The development is therefore considered to be contrary to policies MG20, MD2 and MD9 of the Vale of Glamorgan Local Development Plan 2011-2026, which seeks to protect and enhance biodiversity and ecological networks, together with the requirements of Planning Policy Wales (12th Edition), including the duty to maintain and enhance biodiversity and apply the Step-Wise approach, as well as Technical Advice Note 5: Nature Conservation and Planning, which requires that protected species and biodiversity interests are appropriately safeguarded through the planning process.

Drainage and Flooding

The application has been supported by a Flood Consequences Assessment that confirms that the application site is at low risk of flooding from all sources, including fluvial, coastal, surface water, reservoir and groundwater.

The site's elevated position (approximately 30–35 m above the nearby coastline) and distance from main watercourses support the conclusion that the development is not vulnerable to flooding, and a higher-level FCA is not required. The FCA states that the proposal accords with Planning Policy Wales and TAN 15 adopting a risk-based approach and demonstrating that the development will not increase flood risk elsewhere.

A Sustainable Drainage System (SuDS) strategy is also proposed, prioritising infiltration to ground via an attenuation basin, designed to accommodate the 1% AEP event plus 40% climate change allowance. Surface water runoff will be managed on-site, with treatment measures including filter drains and oil separators to ensure adequate water quality prior to discharge. Overall, the drainage strategy considers the proposal to be policy compliant and appropriate in principle, subject to detailed design, site investigation (including infiltration testing), and approval by the Lead Local Flood Authority. The document further concludes that no objection is raised in flood risk or drainage terms, subject to conditions requiring detailed SuDS design, maintenance arrangements, and construction phase surface water management.

The Council's Drainage Section has reviewed the submitted Flood Consequences Assessment and Surface Water Management Plan for the proposal and raises no objection on flood risk grounds. The site is located within Flood Zone 1 and is therefore considered to be at low risk of both fluvial and surface water flooding. The proposed drainage strategy prioritises infiltration, primarily through the use of an infiltration basin; however, the assumed infiltration rate has not yet been verified through site-specific testing.

In this regard, the drainage section indicate that there remains a degree of uncertainty as to whether ground conditions will support the proposed infiltration rates, which could affect the effectiveness of the drainage strategy and increase the potential risk of surface water ponding or exceedance during peak rainfall events if not appropriately addressed. Furthermore, without confirmed infiltration performance, there is a potential risk that additional or alternative drainage measures may be required, which could have implications for layout and long-term maintenance. However, the Council's Drainage section and Dwr Cymru Welsh Water are satisfied that the surface water drainage at the site could be suitably dealt with through the SuDS approval process.

In respect of water supply, Welsh Water (Dŵr Cymru) have advised that it does not assess or guarantee water supply for fire-fighting purposes, as this falls outside its statutory remit. In relation to the proposed development, it is understood that the scheme is likely to require significant volumes of potable (clean) water to support operational cooling processes. Consultation responses from Welsh Water indicate that the existing water supply network in the vicinity currently lacks sufficient capacity to accommodate this level of demand and that the development could, without appropriate mitigation, adversely affect supplies to existing customers. This introduces a potential risk that the scheme may not be able to secure a reliable and sufficient water supply and could place undue pressure on local infrastructure if unaddressed. Welsh Water has therefore advised that a hydraulic modelling assessment will be necessary to establish the extent of any required network reinforcement works. To ensure that the development can be adequately serviced without detriment to existing users, it is also recommended that a planning condition be imposed requiring the submission and approval of a detailed potable water supply scheme prior to the commencement of development. Such a scheme should demonstrate that sufficient network capacity exists or identify and secure any necessary upgrades, including appropriate trigger points for delivery, with all required works to be completed prior to occupation and retained thereafter. This approach would enable a full assessment of the development's water requirements and ensure that any infrastructure constraints are appropriately mitigated.

Noting the above, it is considered that whilst drainage proposals may be acceptable in principle, the development has not yet demonstrated that it can be sustainably serviced without adverse impacts on existing infrastructure. Should the application be considered acceptable in all other regards, it would be necessary and reasonable to attach conditions as requested by Welsh Water (Dwr Cymru).

Foul Drainage

Regarding foul drainage, Welsh Water advised that since the proposal intends utilising an alternative to mains drainage for foul water, the applicant should seek advice from Natural Resources Wales and/or the Building Regulations Authority as the regulatory body for this method of drainage. Should circumstances change and a connection to the public sewerage system is preferred, Welsh Water must be re-consulted on this application.

NRW note that waste from welfare facilities is proposed to be collected and removed from the site. Notably, wastewater from on-site welfare facilities, such as toilets, is proposed to be collected in storage tanks and removed by a licensed contractor rather than discharged directly into the environment. NRW advise that the Local Planning Authority must be satisfied that the proposed arrangements are adequate, including the provision of appropriately designed and maintained storage tanks with no discharge to the environment, in order to avoid risks of pollution. If deemed acceptable, the tanks must be adequately sized, properly installed, and well maintained to handle the expected waste. There must be no leaks or discharge into the ground or watercourses, as poorly managed tanks can pose a significant pollution risk. Any damage to the tanks must be repaired immediately, and they should include a system to indicate when emptying is required to ensure they do not overflow.

Noting the above, it is considered that the above proposed arrangements are appropriate and comply with Policy MD7 – Environmental Protection, subject to a Foul Drainage Strategy being secured by condition, should the application be considered acceptable in all other regards.

Pollution and Fire Safety

Policy MD7 (Environmental Protection) of the LDP states that development proposals will be required to demonstrate they will not result in an unacceptable impact on people, residential amenity, property and / or the natural environment from pollution of land, surface water, ground water and the air (1), land contamination (2), hazardous substances (3), among other criteria.

Land contamination

In respect of land contamination, Natural Resources Wales (NRW) concur with the findings of the Preliminary Risk Assessment submitted, which identifies a low risk to controlled waters. However, they recommend the inclusion of a planning condition, requiring that should previously unidentified contamination be encountered during development, a remediation strategy is submitted to and approved by the Local Planning Authority prior to further works being undertaken.

Furthermore, the Council's Shared Regulatory Services (SRS) Environment Team consider the proposal acceptable in principle from a land contamination perspective, provided robust planning conditions are imposed. These conditions would ensure that any unforeseen contamination was properly managed and that all imported materials are safe, thereby minimising risks to human health and environment.

Overall, the proposal would be considered acceptable from a contaminated land perspective.

Fire Safety

As noted within the Drainage and Flooding section above, it is noted that Welsh Water does not provide or guarantee water supply for fire-fighting purposes. The proposed development is expected to generate a substantial potable water demand for operational cooling, and Welsh Water has identified that the existing local network lacks sufficient capacity to meet this requirement. This raises potential concerns regarding the availability of an adequate and reliable water supply in the event of an emergency. A hydraulic modelling assessment and the submission of a detailed potable water supply scheme, secured by condition, would therefore be necessary to confirm how water demands, including any emergency provisions, can be met without adversely affecting or placing undue pressure on the network. Overall, these factors indicate a risk that sufficient water for fire-fighting may not be readily available from the mains.

As such, it must be demonstrated how fire water requirements will be met through alternative or supplementary measures. An Outline Battery Safety Management Plan has been submitted in support of the application which identifies that the BESS site shall incorporate appropriate and robust fire and gas detection and suppression systems validated through Design Risk Assessments (DRA) and proved by testing at competent level. Paragraph ES4 of the submitted Management Plan notes that it shall effectively contain the fire, off gassing and minimise the possibility of thermal runaway and reignition, explaining that exhaust and ventilation shall purge heat, gas and smoke during an emergency. The Fire Alarm Control Panel (FACP) located at each battery unit or group of units, will be connected to the Main/Central FACP within the control room and shall direct attending Fire Service personnel to the affected location should the Local Fire Service require this. Information and guidance would be provided to assist the Local Fire and Rescue Service response and minimise any potential damage.

Further, paragraph ES5 notes: *“Site access points, internal BESS site roads, water sources, onsite water storage for fire service use, and any other information that may assist the fire service to assess the BESS site fire risk shall be detailed in the pre-fire plan and passed onto the fire service during the detailed design stage of the project. The current BESS site design has 3 water storage tanks with a capacity of 120,000 l of water each, total of 360, 000 l (capable of supplying 1900l/m for 2 hours). The proposed tank will have an approximate diameter of 10m.”*

Paragraph ES6 outlines: *“Should water be used for firefighting, the firefighting water shall be collected by an appropriate drainage design under the units to prevent the release of polluted water.”*

Noting the above, the Outline Battery Safety Management Plan is considered sufficient at this stage to demonstrate that appropriate measures have been identified to manage and mitigate fire risk, however, detailed provisions would need to be secured through design and regulatory process if considered acceptable in all other regards.

Notwithstanding the above, NRW consultation comments note concerns regarding fire events in relation to release of pollutants and contaminated firewater. They advise the LPA should be satisfied that appropriate measures are in place to prevent, control and mitigate fire risk and associated pollution. This includes adequate spacing between units, fire detection and suppression systems and management of containment firewater. They further advise that any abstraction of water for fire-fighting purposes above specified thresholds would require licensing.

The Fire Authority has also reviewed the submitted site plan and raises no objection to the proposed development. However, it directs the Local Planning Authority and developer to its current standing advice, emphasising the importance of addressing fire safety considerations at an early stage. Specifically, the developer should ensure that adequate water supplies are available on-site for firefighting purposes and that suitable access arrangements are in place to allow emergency firefighting appliances to reach the development effectively.

Overall, the proposal is considered acceptable in principle from a fire safety perspective.

Noting the above considerations in respect to land contamination, pollution and fire safety, the proposal is considered to comply with Policy MD7 of the Local Development Plan 2011-2026 in respect of Environmental Protection.

Public Right of Way

There is a Public Right of Way near the site which also runs to the West of the site. The proposed development would not directly impact upon the footpath, however, the applicant would need to ensure this was maintained open during the construction phase, unless a diversion or temporary stopping up order was obtained.

Agricultural Land

Criterion 9 of LDP Policy MD1 (Location of New Development) states that development proposals should have no unacceptable impact on the 'best and most versatile' agricultural land. This is defined as Agricultural Land Classification (ALC) Grade 3a; and above, and the site is identified as Grade 3b under the predictive ALC map produced by Welsh Government, which is identified as moderate quality agricultural land.

The proposed development would result in the loss of grade 3b agricultural land. Whilst this represents a reduction in the availability of agricultural land, grade 3b falls outside of "best and most versatile". The loss of this lower-quality agricultural land is therefore not considered to constitute a reason for refusal of the planning application.

Mineral Safeguarding

Policy MG22 – Development in Mineral Safeguarding Areas, sets out the following criteria for new developments in mineral safeguarding areas by demonstrating that:

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

It is considered that owing to the location within the Glamorgan Heritage Coast, mineral extraction works may have unacceptable impact on the environment in relation to Criterion 2. Therefore, the proposal is not considered to have an adverse impact in regard to mineral safeguarding.

REASON FOR RECOMMENDATION

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

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

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

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

RECOMMENDATION

REFUSE (W.R.)

1. The proposals, owing to their form, scale/extent and location would represent a highly prominent, incongruous and visually intrusive form of development resulting in significant, detrimental harm to the character of the countryside and landscape of the Glamorgan Heritage Coast. The proposals would also be detrimental to the setting of nearby heritage assets, including Gileston Conservation Area. As such, it is considered that the proposal is contrary to Policies SP10 – Built and Natural Environment, MG27 – Glamorgan Heritage Coast; MD1 – Location of New Development, MD2 – Design of New Development and MD8 - Historic Environment of the Vale of Glamorgan Local Development Plan 2011-2026 and the provisions of Planning Policy Wales including paragraph 6.5.12.
2. The proposed Battery Energy Storage System (BESS), by virtue of its operational noise emissions, would result in unacceptable adverse impacts upon the amenity of nearby noise-sensitive receptors. Insufficient evidence has been provided to demonstrate that the identified adverse impacts could be satisfactorily mitigated to avoid unacceptable impacts and the submitted Noise Impact Assessment fails to adequately assess all relevant sensitive receptors. The proposal is therefore considered contrary to Policies MD2 - Design of New Development, MD7 - Environmental Protection and MD19 - Low Carbon and Renewable Energy Generation of the Vale of Glamorgan Local Development Plan 2011-2026, Planning Policy Wales 12th edition and the guidance contained within Technical Advice Note 11.
3. The proposed development would result in the loss of habitat supporting active Skylarks, including identified nesting sites, without suitable survey work being undertaken or adequate mitigation or species-specific compensation being identified. The submitted Green Infrastructure Statement fails to demonstrate that the Step-Wise approach to biodiversity conservation and enhancement has been applied, and insufficient ecological information has been provided to fully assess the extent of impacts on Skylarks. The proposal is therefore contrary to Policies MG20 'Nationally Protected Sites and Species', MD2 'Design of New Development' and MD9 'Promoting Biodiversity' of the Vale of Glamorgan Local Development Plan 2011-2026, Planning Policy Wales (Edition 12) and Technical Advice Note 5: Nature Conservation and Planning.

4. In the absence of a suitable archaeological field evaluation, to assess potential features or anomalies identified, it has not been demonstrated that the proposals would not have an unacceptable impact upon archaeological features at the site. As such the proposals are contrary to the provisions of Policies SP10 - Built and Natural Environment and MD8 - Historic Environment of the adopted Vale of Glamorgan Local Development Plan 2011-2026 and Planning Policy Wales (12th edition) including paragraph 6.1.26 and the advice contained within Technical Advice Note 24: The Historic Environment.
5. On the basis of the currently submitted details, the proposals have not adequately demonstrated that a safe and suitable access to serve the development can be provided. As such on the basis of the current submissions the proposals are contrary to criterion 6 of Policy MD2 'Design of New Development' of the adopted 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.

2024/01152/FUL Received on 20 December 2024

APPLICANT: Wates Construction Ltd Vision House , Oak Tree Court, Mulberry Drive, Cardiff, CF23 8RS

AGENT: Mr Liam Griffiths Unit 9, Oak Tree Court, Cardiff Gate Business Park, Cardiff, CF23 8RS

Land off Flemingston Road, St Athan

Residential development comprising 80 no. residential dwellings, highway and services infrastructure, landscaping and associated works

REASON FOR COMMITTEE DETERMINATION

The application is required to be determined by Planning Committee under the Council's approved scheme of delegation because the application is of a scale that is not covered by the scheme of delegation.

EXECUTIVE SUMMARY

The application site comprises a parcel of brownfield land, just over 2 hectares in size, located to the east of St Athan on a former sports ground. The site lies within the settlement boundary of St Athan and is allocated in the adopted Local Development Plan under Policy MG2 as 'Former Stadium Site / Land adjacent to Burley Place, St Athan'. The allocation is for residential development of up to 60 dwellings.

The application, submitted by Wates Construction Ltd, seeks full planning permission for 80 dwellings (50% open market and 50% affordable), highway and services infrastructure, landscaping and associated works. The proposed dwellings comprise a mix of 1, 2, 3 and 4 bed units, predominantly comprising two-storey with some three-storey units around the central green. The scheme proposes the widening of Flemingston road with a new footway/cycleway and site access on the frontage.

An objection has been received from Cllr Haines, who has raised concerns about pressure on local services and infrastructure, and comments that the Council must ensure sufficient funds are made available to mitigate its impacts with substantial s106 contributions imposed. Cllr Haines has also commented that the development should include retail units.

No public representations have been received.

Having regard to both local and national policy and guidance, it is considered that the main issues in the assessment of the application include the principle of the development, its layout, design and visual impact; parking, access and highway safety; the impact on ecology, trees and green infrastructure; impact on the historic environment; flood risk and drainage; land contamination; and planning obligations.

The application has been subject to extensive negotiation with the developer in relation to development viability, affordable housing provision, and ecological impacts. As a result, the developer has agreed for 35% affordable housing to be secured by S106 legal agreement (with the additional 15% to be delivered by Social Housing Grant) and have agreed to a financial contribution for off-site ecology mitigation on Council land. In respect of planning obligations, the layout incorporates some public open space and the developer has agreed to provide public art on the site as an 'in kind' contribution to be secured by condition.

Members should note that a separate planning application has been submitted by the developer (ref. 2024/01153/FUL) for the erection of golf netting on the adjacent golf course, to facilitate the proposed residential development. This separate application has been assessed by officers and is considered acceptable.

It is therefore recommended that the application be APPROVED subject to conditions and a S106 legal agreement to secure the following:

- Provision of 35% affordable housing (28 units);
- £38,060 financial contribution for ecological mitigation on Council land; and
- Implementation of associated planning application ref. 2024/01153/FUL for golf netting.

SITE AND CONTEXT

The site is a parcel of brownfield land measuring just over 2 hectares, located to the east of St Athan on a former sports ground. The site lies within the settlement boundary of St Athan and is allocated in the adopted Local Development Plan under Policy MG2 as 'Former Stadium Site / Land adjacent to Burley Place, St Athan' for residential development of up to 60 dwellings.

The site is situated immediately to the south of Flemingston Road. There are existing residential dwellings to the north and west, and a golf course to the east and south. The site is generally flat and predominately comprises grassland with some areas of hardstanding. The boundaries of the site are formed by hedgerow and vegetation. The site location is shown in Figure 1 below.



Fig 1: Site Location Plan

DESCRIPTION OF DEVELOPMENT

This is a full planning application for a residential development comprising 80 dwellings (40 open market and 40 affordable units), highway and services infrastructure, landscaping, and associated works.

The original submission included a battery storage facility adjacent to the access but this has been omitted from the latest scheme due to presenting issues for highway adoption. Updated information relating to ecology, highways and drainage has been submitted during the course of the application following requests and comments from consultees.

The proposed development includes a new access and frontage onto Flemingston Road with a circa 3m wide footway/cycleway along the front of site. This would involve the widening of the existing highway, and as part of the works the hedgerow along the northern boundary would be translocated to the eastern boundary of the site.

The hedgerow along the western boundary is shown to be retained on the proposed plans, other than the removal of a section for the creation of a pedestrian link to Scott Close. The southern hedgerow boundary is also indicated to be retained, although it is noted that this is subject to further investigation.

The site layout includes a 5.5m wide spine road, leading to driveways and shared surfaces with parking courts and private drives. A central green is shown broadly in the centre of the site, in addition to two small play areas (referred to as 'door step' play). The site layout is shown below.



Fig 2: Proposed Site Layout

Most of the dwellings would be two storey with three storey units fronting onto the central green on three sides. The dwellings would be predominately located in semi-detached pairs and terraces, with a single detached dwelling at the corner of the new access. Five small blocks of walk-up flats are indicated across the site.

The 40 open market dwellings would be made up of a mix of 3 and 4 bed units, and the 40 affordable dwellings would be made up of 1, 2 and 3 bed units, comprising 31 Social Rent units and 9 Low Cost Home Ownership units. The schedule of accommodation is shown below.

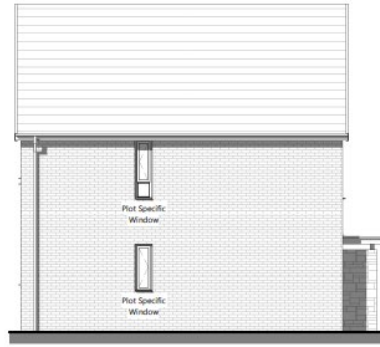
	No. of Beds	Unit Area (sqm)	No. of Units	Total Area (sqm)
Open Market				
HT.C	3	93.93	25	2,348.25
HT.D	3	97.64	1	97.64
HT.M	4	118.04	14	1,652.56
Open Market Total			40	4,098.45
Affordable Additionality Units				
Social Rent ●				
HT.A1	2	83.43	6	500.58
HT.A2	3	95.86	4	383.44
HT.W1 GF	1	55.81	1	55.81
HT.W1 FF	1	51.62	1	51.62
Affordable Additionality Units Total			12	991.45
Affordable S106 Units				
LCHO ●				
HT.A1	2	83.43	4	333.72
HT.A2	3	95.86	5	479.30
Social Rent ●				
HT.A1	2	83.43	8	667.44
HT.A2	3	95.86	3	287.58
HT.W1 GF	1	55.81	3	167.43
HT.W1 FF	1	51.62	3	154.86
HT.W2 GF	1	55.81	1	55.81
HT.W2 FF	1	51.62	1	51.62
Affordable S106 Units Total			28	2,197.76
Grand Total			80	7,287.66

Fig 3: Schedule of Accommodation

A number of different unit types are proposed and samples of these are shown in figures 4 to 9 below. Most have traditional pitched roofs with several gabled fronted units. The proposed materials palette includes red facing brick, cast stone facing masonry, off-white render, and slate grey cladding detail to the elevations, with brown and grey roof tiles. Solar panels are indicated to the roofs of all the dwellings on the site plan.



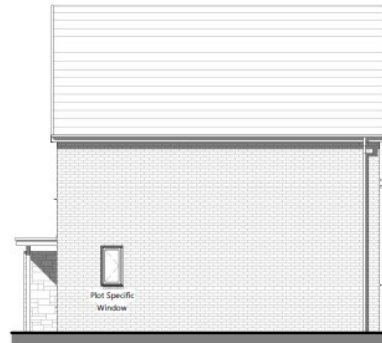
Front Elevation - Gable Fronted
1 : 100



Side Elevation - Gable Fronted
1 : 100



Rear Elevation - Gable Fronted
1 : 100

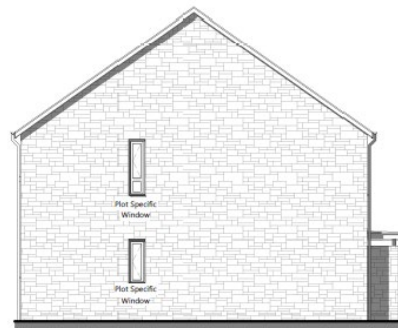


Side Elevation 2 - Gable Fronted
1 : 100

Fig 4: House Type A1 (gable front)



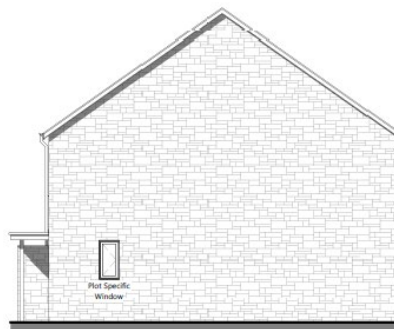
Front Elevation - Stone
1 : 100



Side Elevation - Stone
1 : 100



Rear Elevation - Stone
1 : 100



Side Elevation 2 - Stone
1 : 100

Fig 5: House Type A2 (stone)

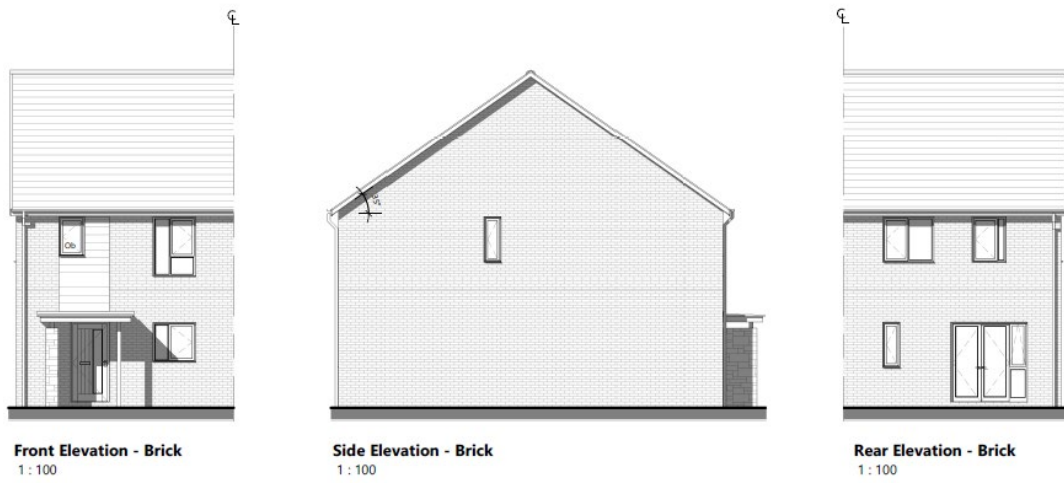


Fig 6: House Type C (brick)



Fig 7: House Type D



Fig 8: House Type M (stone and render)



Fig 9: House Type W2 (flats)

The application has been supported by a Planning Statement, Design and Access Statement, Pre-Application Consultation Report, Desk Study Ground Investigation Report, Geophysical Survey Report, Archaeology Desk Based Assessment, Tree Survey, Arboricultural Implications Assessment, Preliminary Ecological Appraisal, Grassland Assessment Report, Ecological Mitigation Strategy, Green Infrastructure Statement, and Transport Statement.

PLANNING HISTORY

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

CONSULTATIONS

A summary of the consultation responses is provided below.

St. Athan Community Council were consulted but no comments have been received to date.

St Athan Ward Members were consulted and an objection has been received from Cllr Stephen Haines. Concerns are raised in relation to pressure that the development will place on local services. It is commented that the development should include retail units and that the Council must ensure sufficient funds are made available to mitigate its impacts through S106 contributions.

Councils Highway Development Section were consulted and initially raised concerns in regard to the site access and layout, including issues with the highway layout at the southern part of the site. In addition, a request was made for a new 3.5 wide shared cycleway footway facility to be provided from the site access along Flemingston Road to connect with recently completed infrastructure along Cowbridge Road. It was also requested that the sub-station be set back to enable 5m width between the structure and the edge of the carriageway for any potential route to the future to continue east.

The applicant has submitted several rounds of amended plans. Highways have confirmed within their most recent consultation response that the latest amended layout is suitable. It is also confirmed that the widening of the carriageway on Flemingston Road will provide sufficient visibility for the access. It is noted that the provision of active travel routes and links along the site frontage and western boundary, which link with bus stops on Cowbridge Road.

Overall, Highways have stated no objection, subject to conditions for full engineering details, Construction Traffic Management Plan, and pre- and post- development road condition surveys. As an advisory it is noted that the developer will need to enter into a highway agreement under S278/38 of the Highways Act 1980 to facilitate the construction of the proposed site access and offsite improvement works, and also that a Traffic Regulation Order will be required to relocate the existing national signage on Flemington Road and associated works.

Council Transport and Road Safety Section were consulted but no response has been received to date.

Council Drainage Section were consulted and initially responded to advise that the site is located within Development Advice Map flood zone A, which is not considered to be at risk to fluvial and coastal / tidal flooding. In addition, it is commented that Natural Resources Wales flood maps indicate that the site is at a very low risk of surface water flooding. It is also noted that the application is subject to SAB approval, and Drainage officers subsequently advised that a SAB application had been submitted and refused resulting in a holding objection being raised.

Amended drainage details have since been submitted and following consultation with the Drainage team the holding objection is withdrawn. It is stated that the Lead Local Flood Authority is satisfied, based on the available information, that a viable infiltration-based drainage strategy can be achieved, however that the detailed drainage design needs to be assessed as part of the SAB process.

Council Ecologist were consulted and responded initially with a holding objection. The consultation response raises a number of concerns relating to insufficient / incomplete information, limitations of the Phase 1 Habitat Survey, the loss of priority habitat, implementation of the step-wise approach, and insufficient biodiversity enhancements.

Further to this, the applicant submitted a Grassland Assessment and Ecological Mitigation Strategy. The Council's Ecologist subsequently reviewed the information and confirmed a full objection. A number of concerns are outlined within the consultation responses and are summarised as follows:

- The update survey has identified that the site would meet the criteria for it to be a Site of Importance for Nature Conservation (SINC), however the Green Infrastructure Statement fails to recognise this and does not adequately address the step-wise approach. It is commented that the Ecological Mitigation Strategy suggests seed harvesting or utilising green hay from the application site, which would require a receptor site to be identified and secured or contributions via S106.
- The loss of the hedgerow on Flemingston Road which is proposed for translocation is a priority habitat, and it is recommended that this is retained in situ as far as possible.
- Boundary plans do not show access for hedgehogs.
- Lighting plan required to demonstrate this will not cause any adverse effect.

In response to the above, the applicant has submitted an updated Green Infrastructure Statement and has agreed to a financial contribution to go towards off-site mitigation for the translocation of the grassland seed on the site.

The Council Ecologist has confirmed that a financial contribution of £38,060 would be required, to go towards a suitable receptor site on Council land for the harvested seed and long term management of this land. They have provided updated comments to confirm that the previous objection is resolved, subject to the developer paying a financial contribution of £38,060 and conditions relating to means to secure receptor site for slow-worm; a method statement for grassland translocation; works to be undertaken in accordance with slow-worm method statement; contingency plan for site clearance if additional slow-worms; post-clearance reptile report; hedgerow translocation method statement; revised boundary enclosures plan to include details of hedgehog gaps and a lighting strategy. .

Council Landscape Section were consulted but no response has been received to date.

Council Housing Strategy (Affordable Housing) were consulted and a response was received on 30 January 2025. This outlines that there is a need for additional affordable housing in the Vale of Glamorgan, including in the ward of St Athan. It is stated that a 35% contribution to affordable housing is required to be provided by way of 28 units, comprising 19 units for social rent and 9 for low cost sale.

It is also stated that the mix of social rented units should be determined by the % need of each bedroom size as per the need in St Athan i.e. 10 x one-bed, 5 x two-bed, 3 x three-bed, and 1 x four-bed units. In addition, that the mix of low cost sale units should be provided in line with the Aspire 2Own register i.e. 4 x two-bed and 5 x three-bed units.

The response notes that a Social Landlord would need to be involved to manage the affordable units which would also need to meet WDQR21 standards.

Council Housing Strategy (Public Sector Housing) Section were consulted but no response has been received to date.

Council Education Section were consulted and have provided comments in respect of capacity in the relevant schools.

Shared Regulatory Services (Pollution Control) were consulted and responded to state no objection but recommend conditions relating to construction noise and requiring a dust management plan.

Shared Regulatory Services (Land Quality) were consulted and responded to comment that the submitted geo-environmental and geo-technical desk top study and ground investigation report indicates the need for further investigations relating to contamination and ground gas. Conditions are requested relating to ground gas protection; contaminated land assessment, and remediation and verification; unforeseen contamination; imported soil; imported aggregates; and use of site won materials.

Heneb, the Trust for Welsh Archaeology (Glamorgan-Gwent Archaeology) were consulted and responded to confirm that archaeological mitigation is required. It is noted that information in the Historic Environment Record shows that the application is located within an area of high archaeological potential and that previous work undertaken in the area has identified significant archaeological remains dating from the prehistoric through to the medieval period. A condition is required for a detailed written scheme of investigation for the programme of archaeological work, which it is envisaged would take the form of an archaeological watching brief during the groundworks.

Cadw have been consulted but no response has been received to date.

Natural Resource Wales were consulted and responded to state that there are concerns with the application as submitted, however that NRW are satisfied that these can be overcome by attaching conditions relating to contamination risk assessment, remediation and verification. It is also recommended that the advice of the Council's Ecologist is sought to determine whether any protected species surveys are required to support the application. Further comments received from NRW request conditions relating to piling and surface water infiltration drainage in order to protect groundwater.

Dwr Cymru Welsh Water were consulted and a response was received which details that the proposed development is located in the catchment of a public sewerage system which drains to West Aberthaw Wastewater Treatment Works (WwTW), and that it is unlikely that sufficient capacity exists to accommodate the foul flows generated by the development. DCWW therefore advise that the developer will need to undertake a development enabling analysis to identify a solution for mitigating the impact of the proposed development, and a condition is requested for a Development Enabling Assessment to be undertaken.

The response also outlines that the proposed development requires approval of SuDS features, and that there is no objection to the proposals for disposal of surface water flows into a soakaway in principle.

Finally, it is commented that the site is within close proximity to a public distribution watermain and foul and surface water sewers but that it appears the proposed development would be situated outside the protection zone of these assets, measured 3m either side of the centreline, and therefore is acceptable in principle. It is, however, noted that the depth of the asset would need to be verified on site.

Western Power Distribution were consulted and responded to advise that the applicant is made aware that if they require a new connection or a service alteration, a separate application will need to be made to National Grid Electricity Distribution.

Wales & West Utilities were consulted and responded enclosing a plan of assets in the area. It is advised that records show those pipes owned by WWU as a Licensed Gas Transporter (GT), as well as indications of pipes owned by other GTs, or otherwise privately owned which may be present, but that service pipes, valves, syphons, stub connections etc. may not be shown but their presence should be anticipated.

South Wales Fire and Rescue was consulted and a response has been received advising no objection to the proposed development, with no comment to make on access for fire appliances or water supplies. It is noted that the developer should consider the need for provision of adequate water supplies on the site for firefighting purposes and access for emergency firefighting appliances.

South Wales Police were consulted and a detailed response from the Designing Out Crime Officer has been received. This provides an overview of crime statistics for the area and provides a series of comments and recommendations, including in relation to perimeter security, footpaths, lighting, communal areas, parking, gable ends, boundary treatments, doors, and windows, bin storage, and communal mail and parcel delivery.

Cardiff and University Health Board were consulted and responded on 7 February 2025. The consultation responses comments on various aspects of the proposal relating to public health, including green and blue spaces, walking and cycling, and building design. Recommendations are made for adequate bicycle storage for different cycle users and confirmation of the inclusion of PV solar panels. Comments are also provided in respect of current healthcare provision across the area, which detail that there are pressures in the Western Vale Cluster, although no specific recommendations for the development are made.

REPRESENTATIONS

The neighbouring properties were consulted on 9 January 2025.

A site notice was also displayed on 13 January 2025.

The application was also advertised in the press on 23 January 2025.

No representations have been received to date.

REPORT

Planning Policies and Guidance

Local Development Plan:

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

Strategic Policies:

POLICY SP1 – Delivering the Strategy
POLICY SP3 – Residential Requirement
POLICY SP4 – Affordable Housing Provision
POLICY SP7 – Transportation
POLICY SP10 – Built and Natural Environment

Managing Growth Policies:

POLICY MG1 – Housing Supply in the Vale of Glamorgan
POLICY MG2 – Housing Allocations
POLICY MG4 – Affordable Housing
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 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. 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 7 – Delivering Affordable Homes

- Focus on increasing the supply of affordable homes

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 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.

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

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

Chapter 5 - Productive and Enterprising Places

- 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 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)
- Technical Advice Note 15 – Development and Flood Risk (2004), now superseded by Development, Flooding and Coastal Erosion (2025)
- Technical Advice Note 16 - Sport, Recreation and Open Space (2009)
- Technical Advice Note 18 – Transport (2007)

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:

- Affordable Housing (2024)
- Biodiversity and Development (2018)
- Design in the Landscape
- Parking Standards (2019)
- Planning Obligations (2018)

- Public Art in New Development (2018)
- Renewable Energy (2019)
- Residential and Householder Development (2018)
- Sustainable Development - A Developer's Guide
- Travel Plan (2018)
- Trees, Woodlands, Hedgerows and Development (2018)

Other relevant evidence or policy guidance:

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

Equality Act 2010

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

Well-being of Future Generations (Wales) Act 2015

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

Issues

The main issues to consider, having regard to the above policies and guidance, are as follows:

- Principle of the development;
- Density of the development;
- Affordable housing provision
- Layout, design and visual impact;
- Residential amenity;
- Parking, access and highway safety;
- Impact on ecology, hedgerow and green infrastructure;
- Impact on the historic environment;
- Flood risk and drainage;
- Land and groundwater contamination; and

- Planning obligations.

Principle of the Development

The application site is located within the settlement boundary of St Athan and is allocated for residential development in the Local Development Plan (LDP) under Policy MG2(4) as 'Former Stadium Site / Land adjacent to Burley Place, St Athan'. The principle of a residential development on the site is therefore acceptable in principle and there is no policy requirement for retail units to be provided on the site, in terms of the nature of the site allocation.

Density of the Development

The LDP allocates the site for 65 units while the proposed development comprises 80 units, equating to a density of circa 36 dwellings per hectare. LDP Policy MD6 (Housing Densities) sets out a target minimum density of 30 dwellings per hectare in the key, service centre and primary settlements, but states that higher densities will be permitted where they reflect the character of the surrounding areas and would not unacceptably impact upon local amenity.

A development of this density is therefore considered acceptable in principle and complies with the aims of Future Wales and Planning Policy Wales Edition 12, provided that other normal planning requirements are met and these issues are discussed within subsequent sections of this report.

Affordable Housing Provision

The scheme comprises 50% affordable housing (40 units), which exceeds the 35% requirement set out under LDP Policy MG4 (Affordable Housing). The affordable dwellings have been designed to meet Welsh Development Quality Requirements and will be taken on by Hafod Housing Association, who are one of the Council's Registered Social Landlord (RSL) partners.

The affordable dwellings are primarily located on the western side of the site with several units in the southeastern corner and are grouped together in terraces and semi-detached pairs. Generally, affordable units should be dispersed across the development site in order to facilitate greater social mix, however it is recognised that locating affordable units together can be practical from a management perspective and in light of the proportion of affordable units proposed, a degree of greater clustering is inevitable. There is considered to be a sufficient degree of dispersion across the site and therefore, noting that the RSL are in agreement with the proposals, the siting of the affordable units is considered acceptable.

The details of the affordable housing provision in terms of tenure, unit sizes, and mechanism for delivery, is discussed in further detail within the Planning Obligations section of this report.

Layout, Design and Visual Impact

The layout includes dwellings fronting onto Flemingston Road with a new footway/cycleway, which would result in an active frontage to the development (the impact on hedgerow is discussed further later on in this report). The internal site layout has a street hierarchy comprising a main access road transitioning to shared surfaces and private drives, which would provide a sense of place and good legibility, as well as promoting low traffic speeds. The main access road is designed as a green boulevard with dwellings set back from the road and space for planting and SuDS features between the footway and road. An illustrative view has been provided looking into the site from Flemingston Road, as shown below.



Fig 10: Visual looking in a south west direction from Flemingston Road

The central green would be a positive focal point of the development providing a fairly substantial area of public open space. The central green is framed by dwellings on all sides providing a good level of overlooking and some of these dwellings are three storey which would emphasise the space. Whilst it is recognised that these units are taller than the two storey dwellings at circa 11.4m high, they would provide a strong edge to the central green and create a focal point to the development. Nevertheless, it is considered appropriate to add a condition to restrict permitted development rights for roof alterations for the three storey units to enable the LPA to maintain control over the appearance of the roofs and ensure no unduly prominent additions (**condition 4 refers**). An illustrative view has been provided of the central green, which is shown in Figure 11 below.



Fig 11: Visual looking in a north west direction across central green

The proposed dwellings are generally laid out in a back-to-back block arrangement ensuring rear gardens are secure. This is not the case for the dwellings along the eastern and southern boundaries. However, these would respectively benefit from being enclosed by the translocated hedgerow and golf course. The southern part of the development site has a parking court to the rear of plots 60-65, however this is well overlooked by the row of dwellings along the southern boundary.

The Designing Out Crime Officer (DOCO) has recommended that garden gates should be as close to the front building line as possible. There are some instances where the enclosures are shown as being recessed (for example, plot 24), however where this is the case it is for practical reasons such as to enable rear access for the terraced properties or where there are driveway between units. The DOCO has also commented that Plots 1-6 on Flemingston Road do not have defensible space, however the submitted landscaping proposals show planting along the frontage which would delineate the properties from the public realm.

The layout includes a pedestrian access to Scott Close on the western boundary which would provide a physical link between the existing and proposed residential development. It is proposed to otherwise largely retain the hedgerow along this boundary, which is a positive feature of the site in visual and ecological terms. In addition to the proposed central green, there are areas of incidental planting indicated across the site which will soften the hard landscaped areas.

The dwelling design is fairly traditional but there are a number of different house types proposed, including some gable fronted units and three storey townhouses around the public open space, which will add variation and interest to the development. The proposed materials palette is also varied, comprising a mix of red facing brickwork, silver grey cast stone facing masonry and off white render to the elevations with timber cladding detailing, and grey and brown slate roofs.

Figures 12 and 13 below respectively show the finish of each unit and street scene elevations, which enable an appreciation of the design variation. The proposed design is considered appropriate when considering the surrounding area, which does not set a strong design precedent, however samples of materials would be required by condition (**condition 6 refers**).



Fig 12: External Materials Finishes Layout



Figure 13: Street scene elevations along Flemingston Road (top), main access road (middle) and Plots 16-24 (bottom)

The proposed dwellings are indicated as having solar panels on the roofs, which is acceptable in principle subject to details being required by condition (**condition 6 refers**). In terms of other proposed sustainability and low carbon measures, the submission details that the dwellings would have heat pumps and electric vehicle chargers. This would align with national and local planning policy aspirations for sustainable homes.

In regard to the wider landscape impact, the site is located adjacent to the Upper & Lower Thaw Valley Special Landscape Area (SLA) which encompasses the golf course to the south. LDP Policy MG17 (Special Landscape Areas) seeks to protect SLAs by ensuring that development proposals will only be permitted where it is demonstrated they would cause no unacceptable harm to the important landscape character of the area.

By virtue of the site allocation there is already an acceptance in principle, that the character of the site will change once it has been developed. The proposed dwellings are not significantly tall and the development would be viewed in the context of the existing settlement. There are existing trees and vegetation on the golf course which would provide a visual buffer and screen long distances from the public rights of way which traverse the fields further to the east. Members should also note that the developer proposes to undertake additional tree planting on the golf course under the associated application for golf netting (ref. 2024/01153/FUL), which would provide further screening once established. It is therefore considered that the proposal would not have an adverse impact on the wider landscape.

Overall and noting all of the above, it is considered that the proposal presents an acceptable layout and design, and that it would not result in any harm to the character and appearance of its wider setting or the Special Landscape Area. The submitted scheme is therefore considered to comply with LDP Policy MD2 (Design of New Development) criteria 1 and 2, MD5 (Development within Settlement Boundaries) criterion 3, and MG17.

Residential Amenity

Amenity of Prospective Future Occupants

In most instances there is at least 21m between the front and backs of the proposed dwellings, which complies with the guidance on separation distances set out in the Council's Residential and Householder Development SPG. Where there are opposing side elevations in close proximity, the relevant house types are shown only with first floor windows serving bathrooms/en-suites, which would be obscurely glazed, and circulation space i.e. a landing, not a habitable room, which is the basis for the suggested 21m separation set out in the Council's Residential and Householder Development SPG.

In regard to amenity space provision, the aforementioned SPG recommends 20sqm of amenity space per person is provided, where typically a 2 bed house would have 3 persons and a 3+ bedrooms would typically have 4 persons. Amenity space is essential and provides a number of important functions that contribute towards a residents enjoyment of a property.

All of the units, including the flats, are shown with an area of private amenity space. A number of the proposed plots, including those to the northern and eastern boundaries, achieve the recommended levels of amenity space provision, albeit there is a shortfall in some cases. This includes some of the plots to the southern and western part of the sites, which are shown with smaller gardens. For instance, the garden for plot 65, a four-bed dwelling, measures approximately 45sqm. This represents a shortfall of 35sqm when assessed against the guidance in the SPG. As a further example, the garden for plot 52, a three-bed dwelling, measures approximately 40sqm, representing a shortfall of 20 sqm when assessed against the guidance.

Nevertheless, the amenity space indicated would be of a suitable shape and form and of a size such that it would be useable to future residents and provide sufficient space for relaxation purposes as well as practical functions such clothes drying, with storage provision shown for each of the units. All the dwellings would also have access to the public open space on the site. The amenity space for the affordable dwellings has also been provided in accordance with the Welsh Government Development Quality Requirement standards, which requires homes to have adequate and convenient external storage, and for all family homes to have a private garden which is safe for small children to play in, convenient to use, of sufficient size, and is easy to maintain.

Noting the above and taking into account the benefits of the scheme in terms of making a significant contribution towards housing need, it is considered, on balance, that the amenity space provision is acceptable notwithstanding the shortfall on some of the plots when assessed against the guidance set out in the SPG.

Impact on Neighbouring Amenity

There are residential properties on Scott Close which back onto the development site and the dwellings along the western edge of the development would be within 21m of these existing properties. Plots 24, 25 and 40 are set around 8.8m from the existing properties (at the closest point), while plot 1 is around 13m away and plot 38/39 is around 17-19m away. The dwellings on plots 1, 25 and 40 would only have first floor windows on the side elevations serving circulation space, which, as noted above, the SPG guidance allows for, while the unit type on plot 24 does not have any windows on the first floor side elevation.

Plot 38/39 has two windows and a balcony on the west elevation facing Scott Close. The agent has argued that the separation is appropriate in the context and is required for overlooking of the pedestrian link, however the scheme would introduce a new close relationship where there is not one at present and the other windows and dwellings would provide overlooking of the public areas. The affected windows could potentially be obscurely glazed or balcony screen provided in order to protect the amenity of neighbours on Scott Close, and it is considered that this or an alternative means of mitigation could be appropriate secured by way of condition, noting that the flat benefits from an area of external amenity space and there are two other unaffected windows serving the open plan living space. The details of the mitigation are required by condition (**condition 8 refers**).

It is acknowledged that the proposed development would be visible from the properties on Scott Close, however the proposal would not result in any loss of privacy as detailed above with the condition noted for Plot 38/39. Furthermore, it is considered that sufficient separation is maintained such that the development would not result in any overbearing or unacceptable overshadowing impacts.

The proposed dwellings fronting Flemingston Road would be in excess of 21m from the opposing properties to the north side of the road and on Burley Place, and consequently, there are no concerns with this relationship.

Construction impacts can be mitigated through a Construction Environmental Management Plan and Construction Traffic Management Plan, to be secured by condition (**conditions 9 and 10 refer**).

With the recommended conditions, the proposal would comply with LDP Policy MD2 (Design of New Development) criterion 8, Policy MD7 (Environmental Protection), and guidance contained within the Residential and Householder Development SPG.

Parking, Access and Highway Safety

The application has been supported by a Transport Statement, which has appraised the proposed development site in terms of local traffic, active travel and public transport movements, provision and infrastructure, as well as for accessibility and parking. The majority of vehicular traffic associated with the development would likely be via St Athan and the forecast traffic impact has been undertaken on this basis. The report concludes that the traffic movements associated with the development proposals could be accommodated on the highway network and will not have a detrimental impact on the free flow of traffic due to the existing volumes of traffic using the local highway network.

The scheme proposes widening of Flemingston Road to circa 5.5m along the site frontage, as shown in Figure 14 below, which would result in the highway being wide enough for two way traffic movements. A 3m wide footway/cycleway is also proposed along the site frontage, which would link with the existing footway adjacent to the properties on Scott Close.

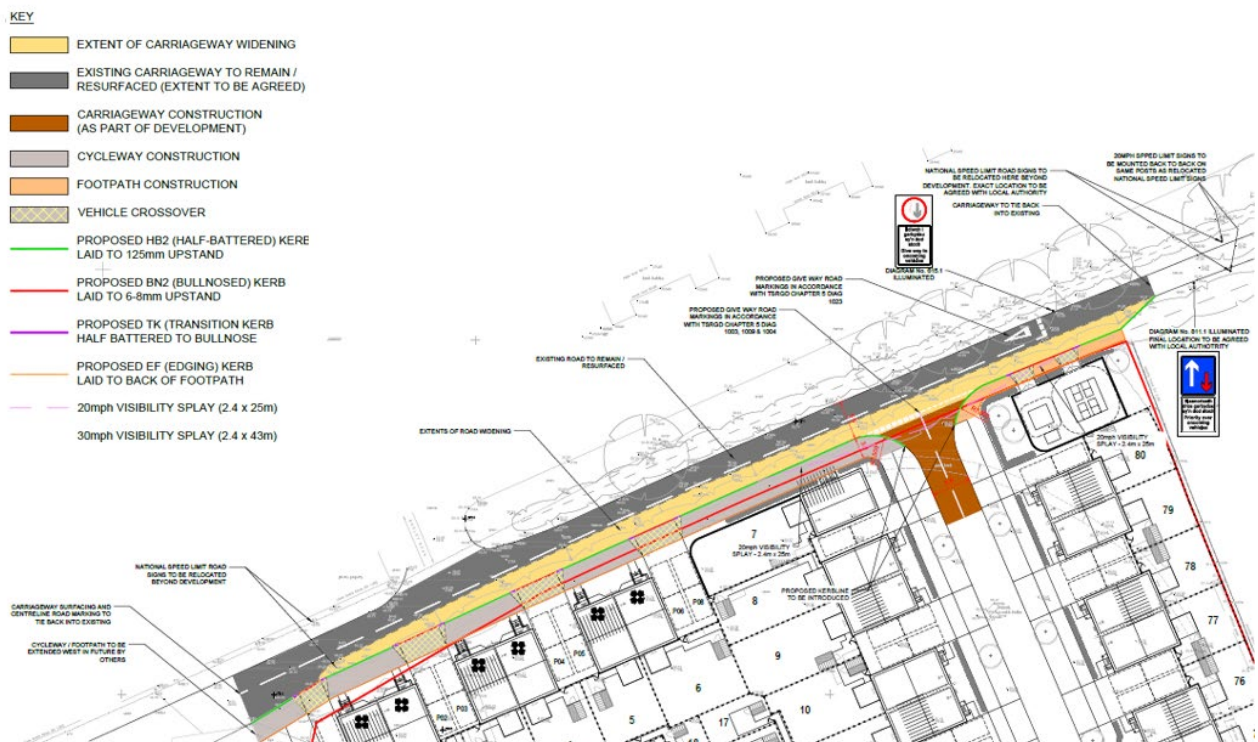


Fig 14: Widening of Flemingston Road

The Councils Highway Section have requested provision of a 3.5m wide shared cycleway footway facility from the site access extending along Flemingston Road to Cowbridge Road to the west. Whilst this request is noted and such a link may be desirable there are existing footways along Flemingston Road which are of adequate width and would provide a means of accessing the site on foot. It is therefore considered that provision of the requested shared cycleway footway facility is not required for the development to be acceptable in planning terms.

Additionally, the developer has submitted a viability case that demonstrates that the scheme could not provide any sustainable transport contributions which could otherwise contribute towards such a link (the issue of viability is discussed in detail later in this report). It is therefore considered that the development is acceptable in the absence of the requested shared cycleway and footway.

Highway officers have also requested that the substation to the east side of the new access is set back further within the site to enable space for any potential active travel route in the future to continue east. There is no existing or proposed development to the east of the site, nor are there any formal active proposals along this route or significant existing development that would justify such provision. As such this request is not considered to be reasonable or necessary in order for the development to be acceptable in planning terms.

The scheme will provide improvements along Flemingston Road, including highway widening and a new circa 3m wide cycle/footway, which is considered suitable to serve the site and ensure highway safety in the area. A condition is proposed for the Council to agree the details of the highway widening works, which would be required to be completed prior to occupation of the any of the dwellings (**condition 14 refers**).

The proposed new access from Flemingston Road is a T-junction and this has been confirmed by Highways officers to be suitable. In terms of the internal site layout, this includes a clearly defined street hierarchy, designed to reduce vehicle speeds, with different surfacing materials proposed to provide a visual distinction between the main access road, shared surfaces and private drives. Whilst initially having concerns with the road layout, this has been revised and Highway officers have confirmed that the latest amended plans are suitable and that they have no objection to the proposals. The site layout makes suitable provision for pedestrians through separate footways and the shared surfaces, and the pedestrian link to Scott Close includes a ramp and steps to ensure access for all.

In terms of parking provision, the Council's Parking Standards SPG requires, for residential development, 1 space per bedroom up to a maximum of 3 spaces, in addition to 1 space per 5 units. The SPG emphasises that these should be treated as maximum not minimum standards, and that planning authorities must support schemes which keep parking levels down. All of the dwellings have one or two parking spaces, which are provided on driveways or in shared parking court arrangements located near to the dwellings they serve, in addition to a total of 9 visitor spaces across the site. The plots which have one designated parking space are the one-bed units and some of the smaller affordable housing units, where car ownership would typically be lower. The level of parking provision is considered appropriate when considering the tenure mix and guidance set out within the SPG. The parking spaces are provided on driveways or in shared parking court arrangements located near to the relevant dwellings they serve.

Noting the above, it is considered that the proposed scheme is acceptable in respect of parking, access and highway safety, and therefore complies with criterion 8 and 9 of LDP Policy MD2.

Impact on Ecology, Hedgerow and Green Infrastructure

Policy MD9 (Promoting Biodiversity) states that *'new development proposals will be required to conserve and where appropriate enhance biodiversity interests unless it can be demonstrated that:*

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

Furthermore, Planning Policy Wales Edition 12 (PPW12) Chapter 6 places increased emphasis on the protection and enhancement of the natural environment. It states that all developments must achieve a biodiversity benefit and also that green infrastructure statements should accompany all planning applications to evidence how the 'step-wise' approach has been applied. This is a hierarchy which requires impacts on habitats and species to be (in order of priority) avoided, minimised, mitigated/restored, compensated on site, compensated off site, before finally planning permission is refused. A net benefit to biodiversity is required at each stage.

The application has been supported by an Ecological Appraisal, which has been supplemented by a Grassland Assessment requested by the Council's Ecologist. Survey work has identified that the site is predominately covered in semi-improved neutral grassland and is bordered by a species-rich and species-poor hedgerows to the north, west and south. Both the grassland and hedgerows are identified as Priority Habitats listed under Section 7 of the Environment act (Wales) 2016.

The habitats found at the site are considered suitable of supporting protected/priority listed species, including, foraging/commuting bats, nesting birds, common invertebrates, and mammals. Targeted survey work also confirms the presence of reptiles, with an 'exceptional' population of Slow Worm recorded.

Whilst the site is not covered by any statutory or non-statutory nature conservation designations, the Grassland Assessment undertaken confirms that the application site would meet the selection criteria as a Site of Importance for Nature Conservation (SINC), passing the relevant criteria for both neutral and calcareous grassland.

In regard to SINC's and priority habitats and species, LDP Policy MG21 (Sites of Importance for Nature Conservation, Regionally Important Geological and Geomorphological Sites and Priority Habitats and Species), states that:

"Development proposals likely to have an adverse impact on sites of importance for nature conservation or priority habitats and 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."*

The proposed Ecological Mitigation Strategy for the development includes a reptile mitigation strategy. This proposes the translocation of reptiles and any common amphibians on the site to suitable off-site receptor areas, which have been identified on scrubland at the golf course immediately to the south of the development site. A methodology for the translocation, which includes a requirement for post-translocating reporting and monitoring surveys, is detailed within the Ecological Mitigation Strategy document.

The report also highlights that any unavoidable loss of the grassland will need to be compensated for through the provision of new species rich-meadow grassland, which could be achieved through harvesting seeds from the application site and spreading those at an appropriate receptor seed. The Council's Ecologist initially raised an objection on the basis of the loss of the SINC quality grassland, however following discussion with the developer and Ecologist, an area of suitable land has been identified on Council land for the seed to be transferred to, as off-site compensation, and the developer has agreed to pay a financial contribution for the ongoing management of the land by the Council.

The Ecological Mitigation Strategy also recommends the retention and protection of the hedgerows at the site. Whilst the hedgerow along the western boundary is largely proposed to be retained, the hedgerow along the northern boundary is proposed to be removed and translocated to the eastern boundary of the site, to facilitate highway widening and the creation of a new site frontage. The hedgerow along the southern boundary is indicated as retained on the site layout, albeit the submitted Arboricultural Impact Assessment (AIA) indicates that further on-site assessment is required in order to confirm whether or not this can be realistically retained. The developer has indicated that should the translocation of this hedgerow be required that this could be achieved on land including potentially adjacent to golf netting to the east of the site and this would be considered through a further detailed soft landscaping scheme. The AIA details that one tree on the eastern boundary would need to be removed but that this is due to the condition of the tree (Category U) rather than the development itself.

In consideration of the step-wise approach and Policies MD9 and MG21 set out above, the proposed development would evidently impact on the SINC quality and priority habitats on the site. There are accepted viability constraints to the development (refer to Planning Obligations section of report for further discussion) which mean that the retention of the grassland and all hedgerows is not feasible in order to achieve the proposed density. However, with the measures identified above and within the Ecological Mitigation Strategy, including reptile translocation, hedgerow translocation, and seed harvesting, it is considered that the impacts can be satisfactorily mitigated. It must also be recognised that the site is allocated for residential development in the LDP and the development would provide much needed housing, which is considered to weigh in favour of the development.

In terms of biodiversity enhancements, indicative details of bird and box provision have been provided, and the Ecological Mitigation Strategy also recommends the provision of hibernacula and log/brush/stone piles for invertebrates, herpetofauna and other small mammals, as well as a hedgehog home. The submitted soft landscaping scheme and associated planting specification and schedule includes tree, shrub, and meadow grass planting across the site which will provide additional benefits.

The Council's Ecologist has provided updated comments which remove the previous objection, on the basis of the agreement to a contribution for the off-site compensation of the grassland, subject to conditions as detailed previously in full, including those relating to method statements for grassland and reptiles on the site and hedgerow translocation.

Noting all the above, it is considered that the proposed would comply with PPW12 and LDP Policies MD9 and MG21, subject to conditions to ensure the robust implementation of the ecological mitigation strategy and appropriate long-term management of both the on-site and off-site habitats.

This includes conditions to confirm details of any works to hedgerows, including translocation; a protection plan and method statement for the retained boundary hedgerows and trees; avoidance of bird nesting season for any vegetation clearance; compliance with the reptile mitigation strategy and submission of post-translocation survey and monitoring reports; a strategy for the transfer of the grassland from the site to the identified receptor site on Council land; sensitive lighting strategy for bats; a biodiversity enhancement strategy; and a Landscape and Ecological Management Plan to cover a period of 20 years (conditions **18-30** refer).

Impact on the Historic Environment

There are no listed buildings or County Treasures in close proximity to the site that would be impacted by the proposal. Flemingston is a Conservation Area, however this is sited some 500m north of the site and therefore it is considered that its character would be preserved.

There are several Scheduled Monuments within 2km of the site, the closest being 'Flemingston Deserted Village' which is a medieval deserted village approximately 680m to the east. In terms of the impact on the setting of the Scheduled Monuments, Cadw have been consulted but no response has been received to date. It is noted, however, that the scheme relates to an allocated site and does not propose any particularly tall structures. In addition, there is some intervening vegetation between the site and Scheduled Monument.

The Archaeological and Heritage Desk Based Assessment carried out concludes that there is potential for unrecorded archaeological remains on the site and recommends a geophysical survey to further inform the required works. The Council's archaeological advisors, Heneb, The Trust for Welsh Archaeology, have commented that information in the regional Historic Environment Record shows that the application is located within an area of high archaeological potential and that previous work undertaken in the area has identified significant archaeological remains dating from the prehistoric through to the medieval period. Consequently, it is confirmed that the proposal will require archaeological mitigation. It is envisaged would take the form of a watching brief during groundworks, which can be secured by condition (**conditions 31 and 32 refer**).

Subject to the above conditions securing appropriate mitigation, it is considered that the proposal would protect the qualities of the built and historic environment as required by LDP Policies SP10 (Built and Natural Environment) MD8 (Historic Environment).

Flood Risk and Drainage

The site is not located in an area of flood risk either on the previous or updated Natural Resources Wales Flood Maps (Technical Advice Note 15), and as such there are no concerns in respect of flood risk.

The application has been supported by proposed drainage plans. The proposed development would require SuDS Approval Body (SAB) approval prior to the commencement of construction. The submitted drainage plans show SuDS features (swale, raingardens, soakaways, permeable paving) as part of the surface water drainage strategy. A SAB application has been submitted and refused whilst the planning application has been under consideration, due to there being insufficient evidence to confirm a workable infiltration. This resulted in Drainage officers submitting a holding objection to the planning application as they were unable to confirm whether the layout can accommodate the proposed surface water strategy.

A new SAB application has since been submitted and amended drainage plans provided as part of the planning application. Following review of this information, Drainage officers have confirmed that they are satisfied that a viable infiltration based drainage strategy can be achieved and therefore the previous holding objection is withdrawn. Accordingly, the LPA is satisfied that the proposed drainage strategy can be achieved based on the submitted layout. Nevertheless, the detailed drainage design will need to be assessed in full as part of the SAB process.

Land and Water Contamination

The site comprises previously developed land and as such there is potential for contamination. The application has been supported by a Geophysical Survey Report, Phase 1 Combined Geo-environmental & Geo-technical Assessment Desk Top Study, and Interpretive Ground Investigation Report. The documents indicate the need for further investigations in relation to potential contaminants/infill within the bunker areas and areas of shallow made ground, and further ground gas monitoring and risk assessment.

Shared Regulatory Services (SRS) have been consulted and are satisfied that this can be dealt with by way of condition. They have recommended conditions in relation to ground gas protection, contaminated land assessment, remediation and verification plan, remediation and verification, unforeseen contamination, imported soil, imported aggregates, and use of site won materials.

Natural Resources Wales (NRW) have also commented that there are concerns about the potential for contamination, but that the concerns can be overcome by the addition of conditions. The requested conditions include further investigation via a preliminary risk assessment and verification report, in addition to a condition relating to unforeseen contamination.

The conditions relating to contamination with this recommendation are as per the wording recommended by SRS, which has been agreed with NRW (**conditions 35-42 refer**).

NRW have also requested conditions to require further details of the piling or other penetrative foundation design, and surface water infiltration, to ensure no unacceptable risk to controlled waters (**conditions 43 and 44 refer**).

With the recommended conditions, it is considered that the proposal would not result in an unacceptable impact on people or the natural environment from land contamination, as required by Policy MD7 (Environmental Protection).

Other Matters

In terms of healthcare provision, Cardiff and Vale Health Board note in their response that they are aware of significant pressures on GP practices in the Western Vale Cluster in terms of capacity and increased demand. Issues are also noted with regard to NHS dental practices not having capacity to accommodate NHS growth within their practices without a recurrent increase to their baseline contract values, even if they have structural capacity to accommodate extra patients. However, they do not object to the proposals on this basis and make no recommendations in this regard. The service-wide issues are acknowledged, however in the absence of an objection from the Health Board and noting that these are generally systemic issues across the whole of the NHS, it is considered that this does not represent a reason to delay or refuse planning permission in this instance.

The site is located adjacent to St Athan Golf Club and the applicant proposes the erection of golf netting under a separate planning application on this land (ref. 2024/01153/FUL) to prevent golf balls from entering the proposed residential development during tee shots. A full assessment of the golf netting has been made under the separate application, however the golf netting is considered acceptable in respect of relevant planning policies. A legal agreement is required to ensure that the golf netting is implemented prior to the first beneficial occupation of the proposed dwellings to ensure the safety of prospective future occupants.

Planning Obligations

LDP Policy MD4 (Community Infrastructure and Planning Obligations) and the Council's Planning Obligations Supplementary Planning Guidance (SPG) set out the basis for securing new and improved community infrastructure, facilities and services appropriate to the scale, type and location of proposed developments through the use of planning obligations. The proposal is of a scale and nature where planning obligations are sought by the Council, and these would be sought as either 'in kind' contributions on site or financial contributions towards off site provision.

In summary, the proposal would require the following contributions (calculated from the SPG):

- Affordable Housing – 28 units on site
- Sustainable Transport – £184,000
- Education – £474,693- based on there not being full capacity for ALN, Nursery and English medium primary (noting £966,770 would have been the max contribution of no school capacity)
- Public Open Space – 4,454.4 sqm on site provision made up of children's equipped play facilities and other play space, and a financial contribution of £142,300.45 towards off-site outdoor sport provision
- Community Facilities – £100,800
- Public Art – 1% of build costs

Affordable housing, public open space, and public art are discussed below. There are viability issues with the development that mean that the Council would not be able to secure any financial planning obligations relating to sustainable, transport, education, public open space (outdoor sport) and community facilities, and this is also discussed below.

Affordable Housing Provision

LDP Policy MG4 requires residential developments to contribute to meeting the affordable housing need. The adopted Affordable Housing SPG sets out how affordable housing is calculated. There is an evidenced need for additional affordable housing in the Vale of Glamorgan, as evidenced by the 2021 Local Housing Market Assessment which determined that 1075 additional affordable housing units were required each year to meet housing need in the area.

The need is further evidenced by the following figures from the Council's Homes4U waiting list in St Athan Ward:

ST ATHAN	
1 BED	109
2 BED	51
3 BED	32
4 BED	10
6 BED	1
TOTAL	203

The application is for 80 dwellings and therefore in line with the SPG, a 35% contribution to affordable housing is required to be provided by way of 28 units on the site. The Councils Housing Strategy Section have stated that 19 units would need to be social rented and 9 for low-cost sale.

The application proposes a total of 40 affordable dwelling, equating to 50% affordable housing, and therefore exceeds the 35% policy requirement. The affordable dwellings comprise 31 social rent units and 9 low-cost sale units, which meets (and exceeds in the case of the social rent units) the number of units requested by Housing officers.

In terms of the size of the units, Housing officers have advised that the size of the affordable units should be determined by the need of each bedroom size i.e.:

- Social rent units = 54% 1-beds, 25% 2-beds, 16% 3-beds and 5% 4-beds; and
- Low cost units = 46% 2-beds and 54% 3-beds.

The proposed mix of affordable dwellings equates to the following:

- Social rent units = 32.3% 1-beds, 45.1% 2-beds and 22.6% 3-beds; and
- Low cost sale units = 44.4% 2-beds and 55.6% 3-beds.

The proposed mix of the low cost sale units aligns with the identified need. The mix of the social rented units includes a great proportion of 2 and 3-bed units than the identified need, however, as noted, the scheme is providing an additional 12 units for social rent over what has been requested by the Council's Housing Section. Furthermore, Hafod Housing Association, who are the Registered Social Landlord for the development, have confirmed the proposed units are required and will be let from the housing waiting lists. On this basis the proposed mix of affordable dwellings is considered acceptable.

The Council aims to secure affordable housing by S106 legal agreement. The applicant has agreed that 28 units (35%) can be secured by legal agreement, however they have stated that the additional 12 units (15%) over and above the policy requirement cannot be secured by legal agreement in this instance as this would not enable Social Housing Grant to be claimed. Nevertheless, the proposal will deliver a policy compliant level of affordable housing in accordance with Policy MG4, subject to the developer entering into a legal agreement with the Council in relation to the 28 units.

Public Open Space

LDP Policy MD3 (Provision for Open Space) sets out that where there is an identified need for public open space that new residential development with a net gain of 5 dwellings or more will be required to provide public open space in accordance with the Council's standards. The SPG sets this out as a minimum standard of 2.4ha per 1000 population = 24 sqm per person = 55.69 sqm per dwelling (based on the average household size in the Vale of Glamorgan being 2.32 persons per dwelling). This is broken down as follows:

- Children's equipped play facilities – 5.80 sqm per dwelling
- Other children's play space – 12.76 sqm per dwelling
- Outdoor sport – 37.12 sqm per dwelling

This results in a requirement for the proposed development to provide a total of 4,455.2 sqm of public open space, provided by way of:

- Children's equipped play facilities – 464 sqm
- Other children's play space – 1,020.8 sqm
- Outdoor sport – 2,969.6 sqm

The proposed layout includes a large central green and two 'door stop' play areas. The central green measures approximately 1,280 sqm and the door stop play areas respectively measure approximately 67 and 89 sqm (total = 156 sqm). This results in a total provision of approximately 1,436 sqm, albeit it is noted that the useable area would be slightly reduced due to the SuDS features around the outer edge of the central green.

A play strategy has been submitted, as shown in Figure 14 below, which illustrates that a landscape based play approach to the POS would be adopted. This would include the provision of natural features across the three public open spaces, such as timber beams and logs, boulder stepping stone, timber play features and talk tubes, with an area of open space in the central green.



Fig 14: Play Strategy

Whilst relatively informal, the proposed natural play features are considered to provide suitable form of play space of children, subject to further details being required by condition (**condition 45 refers**). The public open space being provided is considered overall sufficient to meet the needs of future occupants when assessing against the requirements identified above for children’s equipped play facilities and other play space and considering wider constraints in regard to development viability (this is discussed in further detail below).

The proposed layout does not make provision for outdoor sport. Consultation with the Planning Policy team has identified that there is an overprovision of outdoor sport in St Athan, however there is an under provision when golf courses are excluded from the calculation and this is considered to give a better measure of public open space availability. Consequently, it is considered that the proposed development should make provision for a contribution to outdoor sport.

The preference is for public open space to be provided for on site, however the SPG does set out that off-site contribution payments can be considered, particularly in the case of constrained sites which satisfy other priorities in the LDP such as re-use of brownfield land or delivery of affordable housing, as is the case here. The scheme does not make any provision for outdoor sport on the site and therefore a financial contribution towards off-site provision would ordinarily be required, however it is not possible to secure this in this instance due to development viability constraints, as discussed further below.

In terms of the design of the on-site public open space, the central green and play areas would be well overlooked by residential dwellings. The SPG recommends a buffer zone of 5m for Local Areas of Play (LAPs), which tend to be smaller, more informal play space aimed at younger children, such as the door stop play areas proposed here. Whilst these are within 5m of the closest dwellings, it is noted that the updated Fields in Trust guidance removes the previously recommended buffer zones which the SPG is based upon. The use of these areas is unlikely to be very intense given the modest size, and as such the location of the door stop play areas in the layout is considered acceptable.

A scheme for the provision of and management and maintenance of the public open space is to be secured by condition (**condition 45 refers**).

Public Art

The Planning Obligations SPG requires developers to set aside a minimum of 1% of their project budget specifically for the commissioning of art and the public art should be provided on site integral to the development where possible. In this instance, owing to development viability constraints, the Council and developer have agreed that a scheme of public art can be secured by condition as opposed to legal agreement. The developer has indicated that the public art would be provided within the public open space on the site and therefore the details of this are required as part of the wider public space scheme (**condition 45 refers**).

Development Viability

Welsh Government advice contained in “Delivering Affordable Housing Using Section 106 Agreements: A Guidance Update” (2009) makes it clear that development viability is a material consideration in determining planning applications.

LDP Policy MD4 recognises that regard should be given to development viability in seeking planning obligations. Paragraphs 7.29-7.30 advise as follows:

“7.29 Where a developer contends that the Section 106 requirements are too onerous...and will potentially make the scheme unviable, they will be expected to submit a breakdown of the development costs and anticipated profits based on properly sourced evidence. Developers must take account of the necessary planning obligation requirements at an early stage to ensure these are reflected in the land value assumptions. The Council may seek independent verification of these details before considering whether to reduce the number and / or value of planning obligations sought.

The applicant has submitted a viability note and financial appraisal in support of their arguments that the development costs would undermine the commercial viability and ultimate delivery of the development, if any financial planning obligations were secured. As detailed above, obligations for affordable housing, public open space (in part), and public art are provided as ‘in kind’ contributions on the site, and therefore the maximum financial contribution that would be sought by the Council would be a maximum of £1,393,870.45.

By way of background, the scheme has secured a £1.6m grant from Cardiff Capital Region (CCR) Housing Viability Gap Fund, which is designed to support unviable schemes. The submitted financial appraisal shows that there is a Residual Land Value of circa -£2m (inclusive of an arbitrary amount of £549,106 for planning obligations). Once the CCR grant is accounted for the viability position remains as a loss of circa -£560k. The particular issues identified within the submitted viability information relate to the construction costs, with the amounts for substructures and superstructures noted to make up a significant proportion of the overall development costs. The appraisal is on the basis of the developer achieving a profit on cost of circa 14.5%, where a target profit range of between 15% and 20% is usually accepted by the LPA.

This evidence has been reviewed by officers and it is concluded that the project development costs and revenues included in the appraisal are representative. It is also noted that the financial appraisal has been reviewed by CBRE who are CCR's appointed advisors. Welsh Government (as landowner of the site) require the developer to deliver a scheme with 50% affordable housing. Nevertheless, as the Council is only able to secure 35% affordable housing by legal agreement, officers have requested that a financial appraisal be submitted based on a policy compliant scenario i.e. mix of 65 % market housing / 35% affordable housing.

This has been provided and shows that the scheme would result in a Residual Land Value (RLV) of circa -£1.6m. The RLV is based on the assumption that a scheme which delivers 35% affordable housing would not benefit from the CCR grant, but even if this figure was included in the appraisal this would not result in a positive Residential Land Value, and in turn demonstrates that securing policy compliant financial contributions as detailed earlier in this section would render the scheme unviable in a commercial sense.

It is therefore considered by officers that the viability appraisal presented by the applicant and reviewed by CCR's representatives, makes it evident that the scheme is fundamentally unviable in both the circumstance of a policy compliant affordable housing provision (35%) and in the scenario where 50% would be provided as required by Welsh Government over and above the policy requirement.

In light of the viability constraints, which would mean financial contributions for sustainable transport, education, public open space (outdoor sport only) and community facilities can not be accommodated, it must be considered whether there is sufficient planning merit weighing in favour of the proposal.

The site is allocated for development and therefore is essential in order to meet the housing land requirement over the development plan period (Policy MG1 refers). Moreover, the applicant has sought to prioritise the delivery of affordable housing, with the proposals indicating the provision of 50% affordable housing, in excess of the 35% policy requirement. There is an evidenced need in the Vale of Glamorgan and St Athan Ward, and Policy 7 of Future Wales emphasises the role of Local Planning Authorities in delivering affordable homes. The delivery of an allocated site and affordable housing is considered to weigh significantly in favour of the scheme. While it is regrettable that further contributions cannot be secured, there is a critical level of affordable housing need, and the viability position is evidenced. It is considered very positive that the gap funding has been secured, and without this mechanism it appears that the development of this site would be highly unlikely to materialise. Such a scenario would negatively impact upon the Council's ability to address affordable housing need and to deliver the strategy of the existing Local Development Plan. With regard to other contributions, as noted above there is capacity within the relevant local schools to meet a significant proportion of the likely need generated, and the remainder would be subject to further funding rounds and analysis of other capacity and catchment boundaries.

The developer has highlighted other benefits of the proposal in a submitted Scheme Benefits document, which include the creation of 17 employment opportunities, as well as 18 apprenticeships, 17 work experience weeks, training and education programmes to help build skills and inspire future career. The developer has stated that they aim to source 80% of labour locally to support the regional economy.

Given possible fluctuations in the figures attached to the assessment of viability, it is considered that the LPA would require the development to commence within a reasonable time frame. It is considered appropriate for the usual 5 year commencement period to be reduced to 2 years (**condition 1 refers**).

Having considered the above, and in light of the advice published by Welsh Government, LDP Policy MD4 and the SPG on Affordable Housing and Planning Obligations, the developer has demonstrated that the development would not be viable and able to provide any financial planning obligations. Nevertheless, the development proposes 50% affordable housing, public open space, as well as a scheme of public art.

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), SP4 (Affordable Housing Provision), SP7 (Transportation), SP10 (Built and Natural Environment), MG1 (Housing Supply in the Vale of Glamorgan), MG2 (Housing Allocations), MG4 (Affordable Housing), 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), MD3 (Provision for Open Space), MD4 (Community Infrastructure), MD5 (Development within Settlement Boundaries), MD6 (Housing Densities), MD7 (Environmental Protection), MD8 (Historic Environment), MD9 (Promoting Biodiversity) of the adopted Local Development Plan; Future Wales: The National Plan 2040; Planning Policy Wales Edition 12; Technical Advice Notes 2 – Planning and Affordable Housing, 5 – Nature Conservation and Planning, 11 – Noise, 12 – Design, 15 – Development, Flooding and Coastal Erosion; 16 – Sport, Recreation and Open Space, and 18 – Transport, as well as guidance contained within the Council’s Supplementary Guidance on Affordable Housing, Biodiversity and Development, Design in the Landscape, Parking Standards, Planning Obligations, Public Art in New Development, Renewable Energy, Residential and Householder Development, Sustainable Development – A Developer’s Guide, Travel Plan, and Trees, Woodlands, Hedgerows and Development; the proposal is considered acceptable in relation to the principle of the development; its layout, design and visual impact; residential amenity; parking, access and highway safety; impact on ecology, trees and green infrastructure; impact on the historic environment; flood risk and drainage; land and groundwater contamination; and planning obligations.

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 developer first entering into a legal agreement to secure the following:

- Provide 35% affordable housing (28 units) as per accommodation schedule;
- Pay £38,060 for ecology mitigation on Council land; and
- Implement planning permission ref. 2024/01153/FUL for golf netting.

and subject to the following conditions:

APPROVE subject to the following condition(s):

1. The development shall begin no later than two 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:

700416-PDA-XX-XX-SA-A-DP-9000-P1 Site Location Plan

700416-PDA-XX-XX-SA-A-DP-9002-P17 Site Development Plan

700416-PDA-XX-XX-SA-A-DP-9003-P9 External Material Finishes Layout

700416-PDA-XX-XX-SA-A-DP-9005-P4 Proposed Street Scenes

700416-PDA-XX-XX-SA-A-DP-9007-P1 Garden Shed Details

700416-PDA-XX-XX-SA-A-DP-9008-P9 Refuse Strategy Layout

700416-PDA-XX-XX-SA-A-DP-9009-P2 Substation Enclosure

700416-PDA-XX-XX-SA-A-VS-9100-P3 Illustrative Views

700416-PDA-XX-ZZ-HTA1-A-DE-2100 P2 HT A1 - Eaves Fronted Elevations

700416-PDA-XX-ZZ-HTA1-A-DE-2101 P2 HT A1 - Gable Fronted Elevations

700416-PDA-XX-ZZ-HTA1-A-DP-1300 P3 HT A1 - Ground & First Floor Plans

700416-PDA-XX-ZZ-HTA2-A-DE-2100 P2 HT A2 - Elevations - Brick

700416-PDA-XX-ZZ-HTA2-A-DE-2101 P2 HT A2 - Elevations - Stone

700416-PDA-XX-ZZ-HTA2-A-DE-2102 P2 HT A2 - Elevations – Stone/Render

700416-PDA-XX-ZZ-HTA2-A-DP-1300 P3 HT A2 - Ground & First Floor Plans

700416-PDA-XX-ZZ-HTC-A-DE-2100 P2 HT C - Elevations - Brick

700416-PDA-X-ZZ-HTC-A-DE-2101 P1 HT C - Elevations – Stone/Render

700416-PDA-XX-ZZ-HTC-A-DE-2102 P1 HT C - Elevations - Stone

700416-PDA-XX-ZZ-HTC-A-DP-1300 P2 HT C - Ground & First Floor Plans

700416 -PDA-XX-ZZ-HTD-A-DE-2100 P2 HT D - Elevations

700416-PDA-XX-ZZ-HTD-A-DP-1300 P3 HT D - Ground & First Floor Plans

700416-PDA-XX-ZZ-HTM-A-DE-2100 P2 HT M - Elevations - Stone

700416-PDA-XX-ZZ-HTM-A-DE-2101 P2 HT M - Elevations Stone/Render

700416-PDA-XX-ZZ-HTM-A-DP-1300 P3 HT M - Ground First & Second Floor Plans

700416-PDA-XX-ZZ-HTW1-A-DE-2100 P2 HT W1 - Elevations

700416-PDA-XX-ZZ-HTW1-A-DP-1300 P2 HT W1 - Ground & First Floor Plans

700416-PDA-XX-ZZ-HTW2-A-DE-2100 P2 HT W2 - Elevations

700416-PDA-XX-ZZ-HTW2-A-DP-1300 P2 HT W2 - Ground & First Floor Plans

Ecological Appraisal – Addendum Report (Soltys Brewster, October 2024)

Ecological Mitigation Strategy (Soltys Brewster, July 2025)

700416-LAN-XX-00-D-L-101 v11 Landscape Strategy

700416-LAN-XX-00-D-L-201 v11 Planting Plan 1 of 2

700416-LAN-XX-00-D-L-202 v11 Planting Plan 2 of 2

700416-LAN-XX-00-D-L-203 v10 Specification

700416-LAN-XX-00-D-L-204 v10 Plant Schedules

700416-LAN-XX-00-D-L-205 v11 Hard Landscape

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 provisions of Schedule 2, Part 1, Class A of the Town and Country Planning (General Permitted Development) Order 1995 (as amended for Wales) (or any order revoking and re-enacting that order with or without modification), the units on plots 50-55 identified on the approved plans shall not be extended in any way.

Reason:

To safeguard local visual amenities and to enable the Local Planning Authority to control the scale of development, to ensure compliance with Policies SP1 (Delivering the Strategy) and MD2 (Design of New Developments) of the Local Development Plan.

4. Notwithstanding the provisions of Schedule 2, Part 1, Class B of the Town and Country Planning (General Permitted Development) Order 1995 (as amended for Wales) (or any order revoking and re-enacting that order with or without modification), the roofs of the units on plots 12-15, 62-65, and 69-74 identified on the approved plans shall not be altered or extended in any way.

Reason:

To safeguard local visual amenities and to enable the Local Planning Authority to control the scale of development, to ensure compliance with Policies SP1 (Delivering the Strategy) and MD2 (Design of New Developments) of the Local Development Plan.

5. Notwithstanding the provisions of Schedule 2, Part 1, Class E of the Town and Country Planning (General Permitted Development) Order 1995 (as amended for Wales) (or any order revoking and re-enacting that order with or without modification), no ancillary buildings or structures shall be erected within the curtilage of the dwellings hereby approved other than those expressly authorised by this permission.

Reason:

To enable the Local Planning Authority to control the scale of development and to ensure compliance with Policies SP1 (Delivering the Strategy) and MD2 (Design of New Developments) of the Local Development Plan.

6. Notwithstanding the submitted details, further details of the solar panels (siting and design) and materials (schedule and samples) to be used in the construction of the development hereby approved shall be submitted to and approved in writing by the Local Planning Authority. The development shall be completed in accordance with the approved details prior to the first beneficial occupation of the relevant part of the development.

Reason:

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

7. Notwithstanding the submitted details, all means of enclosure associated with the development hereby approved shall be completed in accordance with a scheme to be submitted to and agreed in writing by the Local Planning Authority. The development shall be completed in accordance with the approved details prior to the first beneficial occupation of the relevant part of the development.

Reason:

To safeguard local visual amenities and in the interests of ecology, as required by Policies SP1 (Delivering the Strategy), MG21 (Sites of Importance for Nature Conservation, Regionally Important Geological and Geomorphological Sites and Priority Habitats and Species), MD2 (Design of New Development) and MD9 (Promoting Biodiversity) of the Local Development Plan.

8. Prior to its construction, notwithstanding the submitted details, amended plans of the upper floor flat on plot 38/39 shall be submitted to and approved in writing by the Local Planning Authority, which shall include amended details of the western elevation to ensure the amenity of neighbouring residential occupiers is safeguarded.

The plot shall thereafter be built in accordance with the approved details prior to its beneficial occupation and retained in accordance with the approved plans thereafter.

Reason:

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

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

- i) the parking of vehicles of site operatives and visitors;
- ii) loading and unloading of plant and materials;
- iii) storage of plant and materials used in constructing the development;
- iv) the erection and maintenance of security hoarding including decorative displays and facilities for public viewing, where appropriate;
- v) wheel washing facilities;
- vi) measures to control and mitigate the emission of dust, smoke, other airborne pollutants and dirt during construction;

- vii) a scheme for recycling/disposing of waste resulting from demolition and construction works.
- viii) hours of construction;
- ix) lighting;
- x) management, control and mitigation of noise and vibration;
- xi) odour management and mitigation;
- xii) diesel and oil tank storage areas and bunds;
- xiii) how the developer proposes to accord with the Considerate Constructors Scheme (www.considerateconstructorsscheme.org.uk) during the course of the construction of the development; and
- xiii) a system for the management of complaints from local residents which will incorporate a reporting system.

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

10. No development shall commence until a Construction Traffic Management Plan (CTMP) has been submitted to and approved in writing by the Local Planning Authority. The CTMP shall include, but not be limited to:

- Timings of construction traffic;
- Access/haulage route;
- Compound layout including parking for construction vehicles;
- Loading and unloading areas for plant and materials on site;
- Measures to control water, mud and debris entering the highway; and
- Any signage or traffic management required as part of the development.

Reason:

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

11. No development shall take place until a condition survey of the local highway network (the extent of which is to be agreed with the Local Highway Authority) has been carried out by an independent highway maintenance consultant and submitted to and approved in writing by the Local Planning Authority.

Reason:

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

12. Within 1 month following the completion of the development, a second condition survey along the route approved under condition 11, shall be submitted to and approved in writing by the Local Planning Authority. The second condition survey shall identify any remedial works to be carried out which are a direct result of the development and shall include the timings of the remedial works. Any agreed remedial works shall thereafter be carried out at the developer's expense in accordance with the agreed timescales.

Reason:

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

13. Notwithstanding the submitted details, no development shall commence until details of existing ground levels within and adjacent to the site and proposed finished ground and floor levels have been submitted to and approved in writing by the Local Planning Authority. The development shall thereafter be completed in accordance with the approved details.

Reason:

In the interests of neighbouring and visual amenity and to ensure the development accords with Policies SP1 (Delivering the Strategy) and MD2 (Design of New Development) of the Local Development Plan.

14. Notwithstanding the submitted details, no development shall commence until a scheme for the widening of Flemingston Road as shown on the approved plans, including details of the footway/cycleway, road markings, signage, street lighting, highway drainage and construction details has been submitted to and approved in writing by the Local Planning Authority. The off-site works shall thereafter be completed in accordance with the approved details prior to the first beneficial occupation of any dwelling.

Reason:

In the interest of highway safety and to ensure a satisfactory form of access 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.

15. No development shall commence until full engineering details of the site access and proposed internal roads (inclusive of turning facilities), footways, vision splays, street lighting, road markings, signage, highway drainage, onsite parking, construction details, and any associated highway retaining structures etc. required by the Local Highway / Planning Authority have been submitted and approved in writing by the Local Planning Authority. The works shall thereafter be carried out in accordance with the approved details prior to the first beneficial occupation of the relevant part of the development.

Reason:

In the interest of highway safety and to ensure a satisfactory form of access 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.

16. The parking spaces, access and turning facilities, and cycle parking provision shall be laid out in accordance with the approved plans prior to the first beneficial occupation of the dwelling that they relate to and shall be retained at all times thereafter to serve the development.

Reason:

To ensure that satisfactory parking, access and turning facilities are 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.

17. Prior to first beneficial occupation of any dwelling, a Travel Plan, which shall set out a package of measures tailored to the needs of the site and its future users, which aims to widen travel choices by all modes of transport, encourage sustainable transport and cut unnecessary car use, shall be submitted to and approved in writing by the Local Planning Authority. The Travel Plan shall thereafter be implemented in accordance with the approved details and timings therein.

Reason:

To ensure the development accords with sustainability principles and that the site is accessible by a range of modes of transport in accordance with Policies SP1 (Delivering the Strategy), MD1 (Location of New Development) and MD2 (Design of New Developments) of the Local Development Plan.

18. Notwithstanding the submitted details, no development shall commence, including any site preparation or clearance works, until a plan identifying those trees and hedgerows on and adjacent to the site to be retained and those to be removed and translocated has been submitted to and approved in writing by the Local Planning Authority. The development shall thereafter be carried out in accordance with the approved details.

Reason:

In order to avoid damage to trees and hedgerows on or adjoining the site which are of ecological and amenity value to the area, and 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.

19. No development shall commence, including site preparation or clearance works, until a Tree Protection Plan for the protection of trees and hedgerows to be retained on and adjacent to the site as agreed under condition 18, has been submitted to and approved in writing by the Local Planning Authority. The development shall thereafter be carried out in accordance with the approved details.

Reason:

In order to avoid damage to trees and hedgerows on or adjoining the site which are of ecological and amenity value to the area, and to ensure compliance with Policies SP1 (Delivering the Strategy), MD2 (Design of New Developments) and MD9 (Promoting Biodiversity) of the Local Development Plan.

20. No development, including site preparation or clearance works, shall commence until an Arboricultural Method Statement for any works within or in proximity to the Root Protection Areas of the trees and hedgerows to be retained as agreed under condition 18, has been submitted to and approved in writing by the Local Planning Authority. The development shall thereafter be carried out in accordance with the approved details.

Reason:

In order to avoid damage to trees and hedgerows on or adjoining the site which are of ecological and amenity value to the area, and to ensure compliance with Policies SP1 (Delivering the Strategy), MD2 (Design of New Developments) and MD9 (Promoting Biodiversity) of the Local Development Plan.

21. No development shall commence, including any works of site clearance, until a scheme for works to hedgerows on and adjacent to the site, including any required cutting back and translocation as agreed under condition 18, has been submitted to and approved in writing by the Local Planning Authority. The scheme shall include timings of works and a detailed methodology for the lifting, storing and replanting of hedgerow for translocation and associated bank, together with details to demonstrate how any hedgerow translocation to land not within the control of the applicant has been legally secured. The methodology for hedgerow translocation and clearance shall have regard to breeding birds, reptiles and hedgehog. The development shall thereafter be carried out in accordance with the approved details.

Reason:

In the interests of ecology and visual amenity and 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.

22. Any vegetation clearance must be undertaken outside the bird nesting season, which is generally recognised to be from March to August inclusive.

Reason:

In order to ensure that no protected species are adversely affected by the development, and to ensure compliance with Policies SP1 (Delivering the Strategy), MG21 (Sites of Importance for Nature, Regionally Important Geological and Geomorphological Sites and Priority Habitats and Species), and MD9 (Promoting Biodiversity) of the Local Development Plan.

23. The methodology for the capture and translocation, including enhancement measures for the receptor site, as detailed in sections 4.1-4.16 of the Ecology Mitigation Strategy shall be strictly adhered to.

Reason:

In the interests of ecology and to ensure compliance with Policies SP1 (Delivering the Strategy), MG21 (Sites of Importance for Nature Conservation, Regionally Important Geological and Geomorphological Sites and Priority Habitats and Species) and MD9 (Promoting Biodiversity) of the Local Development Plan.

24. The reptile mitigation strategy set out in Section 4.0 of the approved Ecological Mitigation Strategy (Soltys Brewster, July 2025) shall be strictly adhered to. No development shall commence, including any works or site clearance, until a report which shall document the translocation process and number of species and reptiles translocated, and details of the post-translocation monitoring to be carried out, together with details to demonstrate how the receptor sites have been legally secured, shall be submitted to and approved in writing by the Local Planning Authority.

Reason:

In order to ensure that no protected species are adversely affected by the development, and to ensure compliance with Policies SP1 (Delivering the Strategy), MG 21 (Sites of Importance for Nature, Regionally Important Geological and Geomorphological Sites and Priority Habitats and Species), and MD9 (Promoting Biodiversity) of the Local Development Plan.

25. A reptile post-translocation Report, detailing numbers, species, age-category and sex, must be submitted to the Local Planning Authority upon completion of the reptile translocation works and prior to commencement of construction works, this report must be submitted to the LPA within 4 weeks of the completion of the translocation exercise.

Reason:

In order to ensure that no protected species are adversely affected by the development, and to ensure compliance with Policies SP1 (Delivering the Strategy), MG21 (Sites of Importance for Nature, Regionally Important Geological and Geomorphological Sites and Priority Habitats and Species), and MD9 (Promoting Biodiversity) of the Local Development Plan.

26. Notwithstanding the submitted details, no development shall commence, including any site preparation or clearance works, until there has been submitted to and approved in writing by the Council, a scheme for the translocation of grassland (including patches of orchids) from the site to a suitable receptor site. The scheme shall thereafter be implemented in accordance with the approved details.

Reason:

In the interests of preservation of priority habitat and to ensure compliance with Policies SP1 (Delivering the Strategy), MG21 (Sites of Importance for Nature Conservation, Regionally Important Geological and Geomorphological Sites and Priority Habitats and Species) and MD9 (Promoting Biodiversity) of the Local Development Plan.

27. Prior to installation of any lighting or associated infrastructure, a sensitive lighting strategy, which shall include measures to reduce light spillage onto the retained and translocated vegetation to the boundaries of the site has been submitted to and approved in writing by the Local Planning Authority. The development shall be completed in accordance with the approved details prior to first beneficial occupation of the development and thereafter retained in accordance with the approved details.

Reason:

In the interests of ecology and to ensure compliance with Policies SP1 (Delivering the Strategy), MG21 (Sites of Importance for Nature, Regionally Important Geological and Geomorphological Sites and Priority Habitats and Species), and MD9 (Promoting Biodiversity) of the Local Development Plan.

28. 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 first beneficial occupation of the development or the completion of the development, whichever is the sooner.

The landscaping shall thereafter be maintained in accordance with the Landscape and Ecological Management Plan to be agreed under condition 30.

Reason:

To safeguard local visual amenities and to ensure satisfactory maintenance of the landscaped area, and to ensure compliance with the terms of Policies SP1 (Delivering the Strategy), MD1 (Location of New Development), MD2 (Design of New Developments) and MD9 (Promoting Biodiversity) of the Local Development Plan.

29. Notwithstanding the submitted details, prior to the commencement of development, a Biodiversity Enhancement Strategy addressing enhancement measures shall be submitted to and approved in writing by the Local Planning Authority. The Strategy shall include details of bird/bat box provision, any additional ecological enhancements, and timescales for provision of the biodiversity enhancements.

The development shall be carried out in accordance with the approved strategy and timings within and thereafter retained in accordance with the approved details and Landscape and Ecological Management Plan to be agreed under condition 30.

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.

30. A Landscape and Ecological Management Plan (LEMP) shall be submitted to and be approved in writing by the Local Planning Authority prior to first beneficial occupation of any dwelling. The LEMP shall cover all retained habitats, translocated hedgerow, new landscaped areas and biodiversity enhancements on the site (where these are to be retained by the developer), and offsite reptile mitigation zone to the south identified within the approved Ecological Mitigation Strategy (Soltys Brewster, July 2025), and shall set out details for the long term management and maintenance of these features, including responsible parties, covering a minimum period of 20 years from the commencement of the development hereby approved.

The development shall thereafter be maintained in accordance with the approved LEMP.

Reason:

To ensure satisfactory maintenance and management of the existing habitats, new landscaping features, ecological enhancements and reptile mitigation areas, and to ensure compliance with the terms of Policies SP1 (Delivering the Strategy), MD1 (Location of New Development), MD2 (Design of New Developments) and MD9 (Promoting Biodiversity) of the Local Development Plan.

31. Prior to the commencement of any site clearance, a contingency plan for additional reptiles shall be submitted to, and approved in writing by the Local Planning Authority, should the number of slow worms captured exceed 200. The works shall thereafter be carried out in accordance with the approved details.

Reason:

To secure biodiversity conservation and enhancement in accordance with Part 1 Section 6 of the Environment (Wales) Act 2016, Planning Policy Wales (12th edition) and Tan 5 Nature Conservation and Planning (2009) and policy MD9 (Promoting Biodiversity) of the adopted Vale of Glamorgan Local Development Plan 2011-2026.

32. 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. The programme of work shall thereafter 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.

33. The archaeological report, as specified and required by condition 32, 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

34. Notwithstanding the submitted details, no development shall commence until details of a scheme of foul, land and surface water drainage has been submitted to and agreed in writing by the Local Planning Authority. The scheme shall be completed in accordance with the approved details prior to the first beneficial occupation of any dwelling.

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.

35. No development shall take place until a foul water drainage scheme to satisfactorily accommodate the foul water discharge from the site has been submitted to and approved in writing by the Local Planning Authority. The scheme shall be informed by a Development Enabling Assessment and shall identify:
- A) A point of connection on the public sewerage system, and
 - B) Where necessary, removal of surface water to offset the introduction of the new foul water generated by the development, and
 - C) Where necessary, the extent of reinforcement works required to accommodate the development.

No dwelling shall be occupied until the foul water drainage scheme has been completed in accordance with the approved details.

Reason:

To prevent hydraulic overload of the public sewerage system and pollution of the environment and to ensure compliance with Policy MD7 (Environmental Protection) of the Local Development Plan.

36. Prior to the commencement of any development works, and following completion of a further gas monitoring scheme (to supplement that detailed within the Interpretive Ground Investigation report (WYG, July 2020, ref A093950-21-7)), the proposed details of appropriate gas* protection measures to ensure the safe and inoffensive dispersal or management of gases and to prevent lateral migration of gases into or from land surrounding the application site, shall be submitted to and approved in writing to the Local Planning Authority. If no protection measures are required than no further actions will be required.

All required gas protection measures shall be installed and a verification report that demonstrates the effectiveness of the measures carried out must be submitted to and approved in writing by the Local Planning Authority before occupation of any part of the development. The approved protection measures shall be retained and maintained until such time as the Local Planning Authority agrees in writing that the measures are no longer required.

*'Gases' include landfill gases, vapours from contaminated land sites, and naturally occurring methane and carbon dioxide, but does not include radon gas. Gas Monitoring programmes should be designed in line with current best practice as detailed in CIRIA 665 and BS 8485:2015+A 1:2019 Code of practice for the design of protective measures for methane and carbon dioxide ground gases for new buildings.

Reason:

To ensure that the safety of future occupiers is not prejudiced in accordance with Policy MD7 (Environmental Protection) of the Local Development Plan.

37. No development shall commence until an assessment of the nature and extent of contamination has been submitted to and approved in writing by the Local Planning Authority. This assessment must be carried out by or under the direction of a suitably qualified competent person* in accordance with BS10175 (2011) Investigation of Potentially Contaminated Sites Code of Practice and shall assess any contamination on the site, whether or not it originates on the site.

The report of the findings shall include:

(i) a supplementary intrusive investigation to further assess the extent, scale and nature of contamination which may be present;

(ii) an assessment of the potential risks to:

- human health,
- groundwater and surface waters
- adjoining land,
- property (existing or proposed) including buildings, crops, livestock, pets, woodland and service lines and pipes,
- ecological systems,
- archaeological sites and ancient monuments; and
- any other receptors identified by the Interpretive Ground Investigation report (WYG, July 2020, ref A093950-21-7)

(iii) an appraisal of remedial options, and justification for the preferred remedial option(s).

All work and submissions carried out for the purposes of this condition must be conducted in accordance with Welsh Local Government Association and the Environment Agency Wales' 'Development of Land Affected by Contamination: A guide for Developers' (2012) unless the Local Planning Authority agrees to any variation.

* A 'suitably qualified competent person' would normally be expected to be a chartered member of an appropriate professional body (such as the Institution of Civil Engineers, Geological Society of London, Royal Institution of Chartered Surveyors, Institution of Environmental Management) and also have relevant experience of investigating contaminated sites.

Reason:

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

38. No development shall commence until a detailed remediation scheme and verification plan to bring the site to a condition suitable for the intended use by removing any unacceptable risks to human health, controlled waters, buildings, other property and the natural and historical environment, shall be submitted to and approved in writing by the Local Planning Authority. The scheme shall include all works to be undertaken, proposed remediation objectives and remediation criteria, a timetable of works and site management procedures. The scheme must ensure that the site will not qualify as contaminated land under Part 2A of the Environmental Protection Act 1990 in relation to the intended use of the land after remediation.

All work and submissions carried out for the purposes of this condition must be conducted in accordance with the Environment Agency's 'Land contamination: risk management (LCRM)' (October 2020) and the WLGA / WG / NRW guidance document 'Land Contamination: A guide for Developers' (2023) unless the Local Planning Authority agrees to any variation.

Reason:

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

39. The remediation scheme to be approved by condition 38 must be fully undertaken in accordance with its terms prior to the occupation of any part of the development. The Local Planning Authority must be given two weeks written notification of commencement of the remediation scheme works.

On completion of the measures identified in the approved remediation scheme and prior to the occupation of any part of the development unless otherwise agreed in writing by the Local Planning Authority, a verification report that demonstrates the effectiveness of the remediation carried out must be submitted to and approved in writing by the Local Planning Authority.

All work and submissions carried out for the purposes of this condition must be conducted in accordance with the Environment Agency's 'Land contamination: risk management (LCRM)' (October 2020) and the WLGA / WG / NRW guidance document 'Land Contamination: A guide for Developers' (2023) unless the Local Planning Authority agrees to any variation.

Reason:

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

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

Reason:

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

41. Any topsoil [natural or manufactured], or subsoil, to be imported shall be assessed for chemical or other potential contaminants in accordance with a scheme of investigation which shall be submitted to and approved in writing by the Local Planning Authority in advance of its importation. Only material approved by the Local Planning Authority shall be imported. All measures specified in the approved scheme shall be undertaken in accordance with Pollution Control's Imported Materials Guidance Notes. Subject to approval of the above, sampling of the material received at the development site to verify that the imported soil is free from contamination shall be undertaken in accordance with a scheme and timescale to be agreed in writing by the LPA.

Reason:

To ensure that the safety of future occupiers is not prejudiced in accordance with Policy MD7 (Environmental Protection) of the Local Development Plan.

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

Reason:

To ensure that the safety of future occupiers is not prejudiced in accordance with Policy MD7 (Environmental Protection) of the Local Development Plan.

43. 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 Policy MD7 (Environmental Protection) of the Local Development Plan.

44. Details of the foundation design, where this comprises piling or other penetrative methods, shall be submitted to and approved in writing by the Local Planning Authority prior to implementation. The details shall be accompanied by a risk assessment, which should be undertaken in line with the following guidance: Piling and Penetrative Ground Improvement Methods on Land Affected by Contamination: Guidance on Pollution Prevention (CL:AIRE, March 2025), to demonstrate that there would be no unacceptable risk to groundwater. The development shall thereafter be carried out in accordance with the approved details.

Reason:

To ensure there is no unacceptable risk to groundwater during construction, in order to comply with Policy MD7 (Environmental Protection) of the adopted Local Development Plan.

45. No development shall commence until details to demonstrate that the proposed surface water drainage scheme would not result in unacceptable risk to controlled waters have been submitted to and approved in writing by the Local Planning Authority. The development shall thereafter be carried out in accordance with the approved details.

Reason:

To ensure there is no risk to human health or the environment from water pollution, in order to comply with Policy MD7 (Environmental Protection) of the adopted Local Development Plan.

46. Prior to the first beneficial occupation of any of the dwellings hereby approved, a scheme for the provision and maintenance of the Public Open Space (POS) shown on the approved plans shall be submitted to and approved in writing by the Local Planning Authority. The scheme shall include full details of play equipment and any seating, bins, signage and other features, as well as details of a scheme of public art, together with an implementation and management plan which shall identify maintenance responsibilities. The POS shall thereafter be completed and retained in accordance with the approved details.

Reason:

To ensure adequate public open space and play provision, in line with Policies SP1 (Delivering the Strategy), MD3 (Provision for Open Space, and MD4 (Community Infrastructure and Planning Obligations) of the Local Development Plan.

NOTE:

- 1. The archaeological work must be undertaken to the appropriate Standard and Guidance set by Chartered Institute for Archaeologists (CIfA), (www.archaeologists.net/codes/ifa) and it is recommended that it is carried out either by a CIfA Registered Organisation (www.archaeologists.net/ro) or an accredited Member.**
- 2. New developments of more than one dwelling or where the area covered by construction work equals or exceeds 100 square metres as defined by The Flood and Water Management Act 2010 (Schedule 3), will require SuDS Approval Body (SAB) approval prior to the commencement of construction.**

Further information of the SAB process can be found at our website or by contacting our SAB team: sab@valeofglamorgan.gov.uk

- 3. 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 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 may need to apply to Dwr Cymru / Welsh Water for any connection to the public sewer under S106 of the Water Industry Act 1991. If the connection to the public sewer network is either via a lateral drain (i.e. a drain which extends beyond the connecting property boundary) or via a new sewer (i.e. serves more than one property), it is now a mandatory requirement to first enter into a Section 104 Adoption Agreement (Water Industry Act 1991). The design of the sewers and lateral drains must also conform to the Welsh Ministers Standards for Gravity Foul Sewers and Lateral Drains and conform with the publication "Sewers for Adoption"- 7th Edition. Further information can be obtained via the Developer Services pages of www.dwrcymru.com.

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

In accordance with Planning Policy Wales (Edition 12) and Technical Advice Note 12 (Design), the applicant is advised to take a sustainable approach in considering water supply in new development proposals, including utilising approaches that improve water efficiency and reduce water consumption. We would recommend that the applicant liaises with the relevant Local Authority Building Control department to discuss their water efficiency requirements.

4. The contamination assessments and the effects of unstable land are considered on the basis of the best information available to the Planning Authority and are not necessarily exhaustive. The Authority takes due diligence when assessing these impacts, however you are reminded that the responsibilities below rest with the developer:-

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

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

5. **Appropriate pollution prevention measures must be employed to protect surface water drains during construction. Guidance for Pollution Prevention (GPP) documents are available on the NetRegs website.**

Natural Resources Wales refer in particular to Guidance for Pollution Prevention 5: Works and maintenance in or near water, and Pollution Prevention Guidelines 6: Working at construction and demolition sites.

6. **If a new electric connection or service alteration is required then an application will need to be made National Grid Electricity Distribution.**

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.

2026/00299/FUL Received on 23 April 2026

APPLICANT: Mr Ryan Pike 17 Rutland Close , Barry , CF62 8AR

AGENT: Mr Trystan Foote 4 Hawthorn Close, Dinas Powys, CF64 4TD

17 Rutland Close, Barry

Retrospective application for single storey side & rear extension for garage, utility, Enlarged Kitchen & Living area

REASON FOR COMMITTEE DETERMINATION

The application has been called in By Councillor Goodjohn.

EXECUTIVE SUMMARY

In September 2021, full planning permission was approved (application 2021/00177/FUL) for a rear and side extension. In October 2025, full planning permission was approved under application 2025/01028/FUL in for the variation of condition 2 (Plan Specification). This application proposed an additional metre in depth, as recommended by Welsh Water due to the presence of a pipe, and the alteration of the rear wall material to a concrete render.

In 2021/00177/FUL the extension was considered to be acceptable, and it was noted that the dimensions were not dissimilar to works that could be carried out under permitted development. The additional depth proposed in 2025/01028/FUL was similarly deemed acceptable as any potential overbearing or overshadowing impacts were sufficiently limited.

Subsequent to the previous grants of planning permission, an extension has been constructed, however, it does not comply with the approved plans, principally the roof is steeper, resulting in a highest point where the roof adjoins the house, of 20cm higher.

Objections have subsequently been received from neighbouring properties and Councillors due to the extension being considered to impact neighbouring amenity. The concerns raised are noted, however, it is considered that the scheme now proposed, while larger, would not appreciably alter the neighbour impacts. It is considered that the proposal remains acceptable and compliant with the LDP policies and SPG, and consequently a recommendation for approval is made.

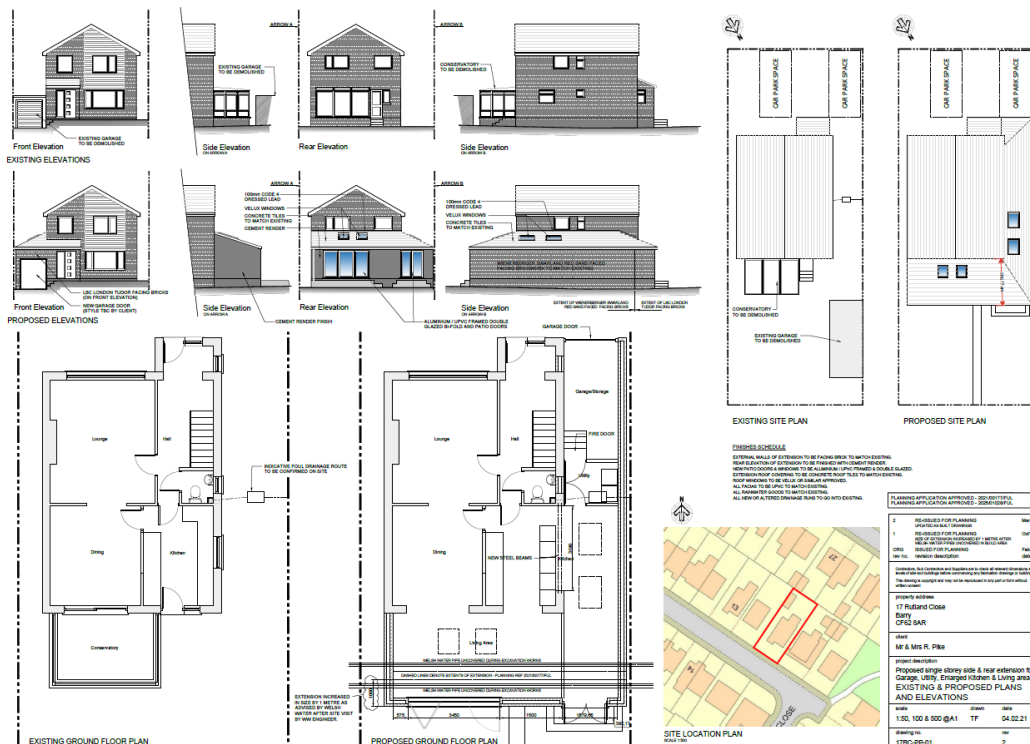
SITE AND CONTEXT

The site the application relates to is 17 Rutland Close, a detached two-storey property which is located within the Barry Settlement Boundary as identified by the Local Development Plan 2011-2026.



DESCRIPTION OF DEVELOPMENT

The application seeks permission for a retrospective alteration of the previous planning permission 2025/01028/FUL. This application relates to the retrospective increase in height of the extension, as shown on the plans below. The pitch/angle of the roof is steeper, as constructed, than the approved extension. Consequently, the roof meets of the extension meets the original dwelling house approximately 20cm higher than as approved. The rear windows have also been amended, and this is shown on approved/proposed plans in the body of the report below.



PLANNING HISTORY

2025/01028/FUL, Address: 17 Rutland Close, Barry, Proposal: Variation of Condition 2 (Plan Specification) for planning ref 2021/00177/FUL- Proposed single storey side and rear extension for garage, utility, enlarged kitchen and living area, Decision: Approved

2021/00177/FUL, Address: 17, Rutland Close, Barry, Proposal: Proposed single storey side and rear extension for garage, utility, enlarged kitchen and living area, Decision: Approved

2021/00177/1/NMA, Address: 17 Rutland Close, Barry, Proposal: Non Material Amendment - An amendment to extend building works by 1 metre. for planning ref 2021/00177/FUL - Proposed single storey side & rear extension for garage, utility, enlarged kitchen and living area, Decision: Withdrawn

1978/01205/RES, Address: Highlight Park Development, Barry - Phase 4 (substitution of house types), Proposal: Regrouping of approved house types and introduction of two new types, Decision: Approved

1976/01097/RES, Address: Highlight Park Development, Barry, Proposal: Extension of development. Phases 2B, 3 and 4 (plots 219-435 incl), Decision: Approved

1974/00075/RES, Address: Highlight Lane, Barry, Proposal: Residential Development of 136 dwellings with associated garages roads and sewers etc, Decision: Approved

CONSULTATIONS

1. Barry Town Council- commented with no objection.
2. Highway Development- commented with no objection but requested conditions.
3. Dyfan Ward Members (Cllr E Goodjohn)- commented with the following concerns: overlooking issues, structure is on higher ground, built out of character, non-matching materials, overbearing, drainage issues.

REPRESENTATIONS

The neighbouring properties were consulted on 24 April 2026.

Neighbouring comments were received detailing the following concerns:

- Loss of privacy
- Patio doors 1m away from fence line
- 1m higher in elevation looking directly into rear garden
- Loss of light
- Flood risk
- Incorrect materials, no building control inspections

All comments will be addressed within the report.

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

Managing Development Policies:

POLICY MD1 - Location of New Development

POLICY MD2 - Design of New Development

POLICY MD5 - Development within Settlement Boundaries

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.

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 3 - Strategic and Spatial Choices

- Good Design Making Better Places

Technical Advice Notes:

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

- Technical Advice Note 12 – Design (2016)

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:

- Residential and Householder Development (2018)

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 permission for the retrospective alteration in the height of the extension, from previously approved plans. The primary issues to consider are the impacts on visual and neighbouring amenity. Consideration will also be given to the impact on green infrastructure and biodiversity.

Visual amenity

Policy MD2 (Design of New Development) of the adopted Local Development Plan 2011 – 2026 states that in order to create high quality, healthy, sustainable and locally distinct places development proposals should:

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.

Policy MD5 – Development within settlement boundaries. This states that new development within these settlements will be permitted where the proposed development:

3) is of scale, form, layout and character that is sympathetic to and respects its immediate setting and the wider surroundings and does not unacceptable impact upon the character and appearance of the locality.

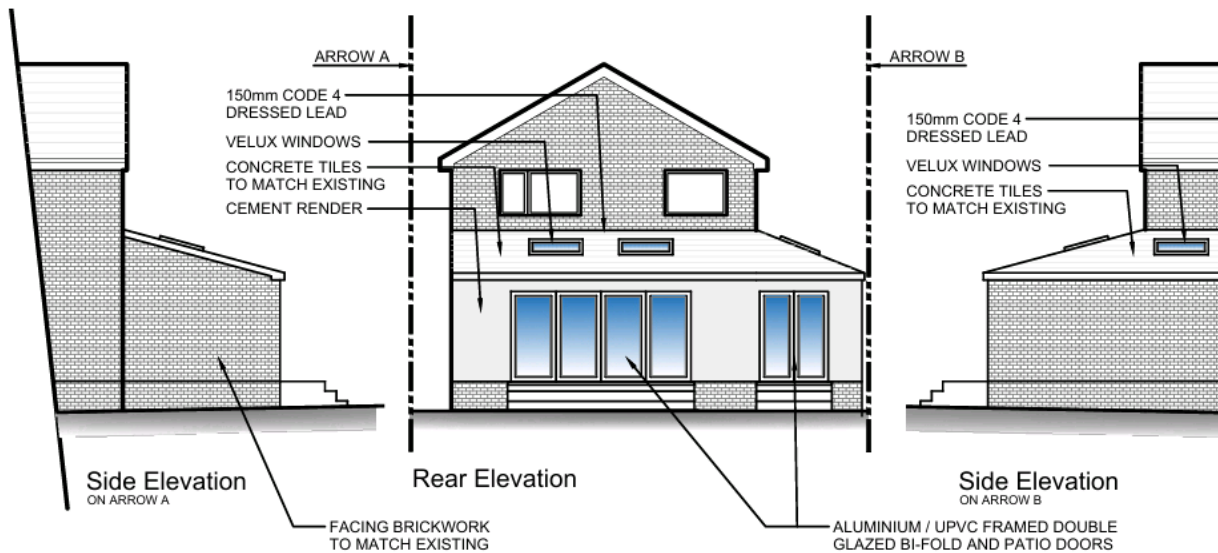
The principle of the development has been established as acceptable in previous planning permissions. The principal alteration to be assessed within this application is the increase in height as a consequence of a change to the roof pitch. Initially, permission was granted for a lean-to roof, with a hipped corner, with a height of approximately 4m (to the highest point) and 3.2m to the eaves. The retrospective alteration increases the height at the top of the roof to approximately 4.2m, siting it just below the windows of the first floor. The eaves remain at a height of approximately 3.2m. The design and general form of the extension is extremely similar to the approved scheme, and it is considered to also be compatible with the character of the dwelling and the wider street scene. The roof has been constructed in the previously permitted materials and so its character is not considered to be impacted. The nominal change to the rear doors has not materially impacted upon the appearance of the development. The application is therefore considered to comply with policies MD2 and MD5.

Neighbouring amenity

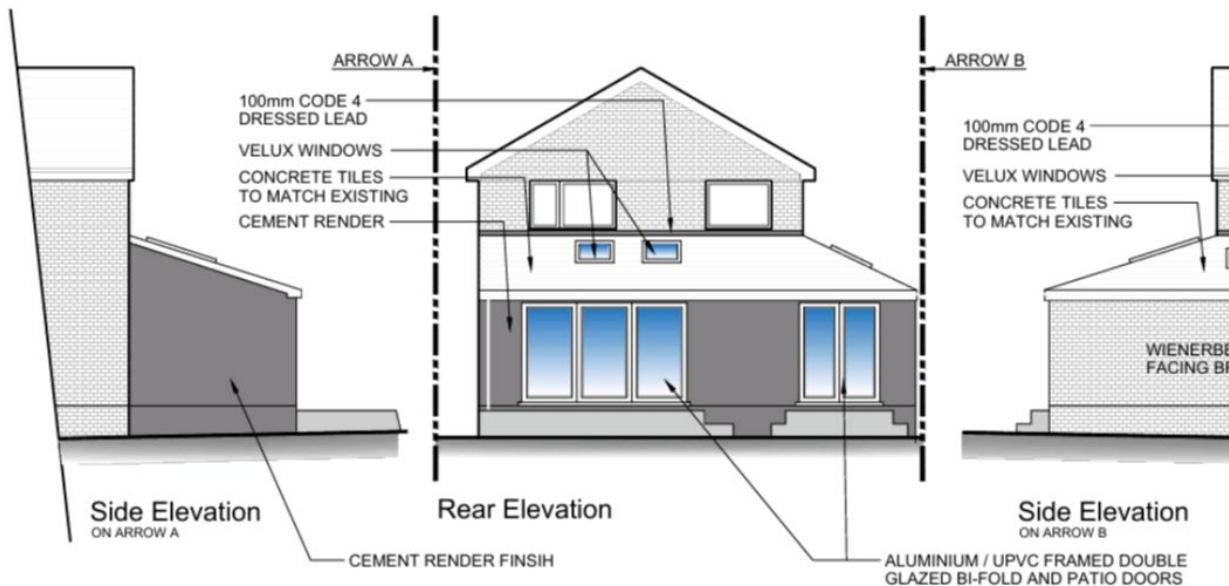
Criterion 8 of policy MD2 states that in order to create high quality, healthy, sustainable and locally distinct places, development proposals should:

8. Safeguard existing public and residential amenity, particularly with regard to privacy, overlooking, security, noise and disturbance;

The retrospective permission seeks an additional height of 20cm in the height of the lean-to roof. Noting that it is a lean-to roof, which slopes away from the neighbouring property, the impact of the additional height is considered to be minimal. It is not considered that this change would result in an overbearing form of development, or overshadowing impacts. It is considered that this change would have a very modest impact on the outlook from number 15, and the proposed extension would not have appreciably different impacts from the previously approved scheme (or from one that could be built under permitted development regulations). It should be noted that the eaves height near the boundary with 15 remains as per the approval, and it is only the increase in roof pitch that has materially changed. This is reflected in the plan comparison below.



Approved plans under 2025/01028/FUL



Plans seeking permission under 2026/00299/FUL

It is noted that, of the three windows facing the new extension, one is an obscured window serving a bathroom and another serves a hallway which would not be considered a habitable space. The remaining window does serve the kitchen of the neighbouring property; however, this room is also served by a rear facing window that also allows light into the property. Based on these considerations, it is considered that the proposal would not have a materially different impact on the amenity of the neighbouring dwelling (inside the house. While visible, it is also considered that the change would not result in appreciably different impacts when viewed from the neighbouring garden spaces (numbers 15 and 19 to the other side). The extension would not have an appreciably different shadowing impact, given the location of the existing two storey houses, relative to those windows and amenity space.

The increase in height has not introduced any overlooking relationships and while there has been a nominal alteration to the windows on the rear (compared to the approved plans) there is no demonstrably greater or different overlooking impact from the current proposal. The application is therefore considered to comply with criterion 8 of policy MD2.

The neighbouring resident's objections have been fully considered in this assessment, however, for the reasons above, it is considered that the development as constructed continues to comply with the above stated policies and would not result in materially different impacts from the approved scheme.

Green infrastructure and biodiversity

Chapter 6 of Planning Policy Wales Ed.12 states that *Green infrastructure is the network of natural and semi-natural features, green spaces, rivers and lakes that intersperse and connect places* and that the planning system must maximum its contribution to the protection and provision of green infrastructure assets and networks by adopting a strategic and proactive approach to green infrastructure, which is an important way for local authorities to deliver their Section 6 Duty. Consequently, a green infrastructure statement is necessary for all planning applications to describe how green infrastructure has been appropriately incorporated into the proposal and wider application site, and how the quality of the built environment has been enhanced by integrating green infrastructure through the application of the stepwise approach within the statement.

The statement submitted details that the existing green infrastructure and biodiversity on site is of low value. The increase in the height of the roof pitch is therefore not considered to harm green infrastructure or biodiversity. The statement proposes the installation of 2 nesting boxes and additional planting of pollinator friendly plants. The proposed enhancements are considered to be acceptable in relation to the level of development taking place on the site. The application is therefore considered to comply with policy MD9 and PPW.

Other matters

Whilst the extension is built on higher ground, this is due to a slight levels difference within the street and the implications of this have been deemed unimpactful in previous permissions granted. The additional height that this application seeks permission for is not considered to harm neighbouring amenity space, noting the minimal increase in height and the nature of that impact, at the point where the extension adjoins the original house.

Drainage concerns are addressed where necessary by the Building Regulations process and it is noted that Building control has been involved with permissions previously granted on site.

Highway standards

The site currently has two parking spaces at the front of the property which will be retained by the proposed development. The Parking Standards (2019) SPG has a maximum requirement of three parking spaces for properties with three or more bedrooms, so in addition to the on-street parking that can supplement the two existing spaces provided the proposed development is deemed to have adequate parking provision acceptable with regards to parking.

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 MD2 (Design of Development), MD5 (Development within Settlement Boundaries) and MD9 (Promoting Biodiversity), the application is considered acceptable.

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:

Existing & Proposed Plans and Elevations 17RC-PP-01 2

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 biodiversity enhancement measures set out in Green Infrastructure Statement & Biodiversity enhancement 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. Where the enhancement relates to any planting, 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.

Within 4 weeks of their installation / planting photographic evidence showing the enhancements in place shall be submitted to the local planning authority via planning@valeofglamorgan.gov.uk quoting the planning application reference.

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.

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.