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Welsh Government
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Your ref:
Our ref: AMAD/CHR200/1
Please ask for: [REDACTED]
Date: 22 January 2025
Direct Line: [REDACTED] 5
Email: [REDACTED]

Via email only: [REDACTED]

Dear Sirs

Application No: 2022/00907/FUL

Location: Land at Bridge House Farm, Llanmaes Road, Llanmaes, Llantwit Major ("the Application Site")

Proposal: Erection of a Class A1 foodstore with access, surface level parking, landscaping and all associated development ("the Application")

Local Planning Authority: Vale of Glamorgan Council

Our client: Countryside Matters

We confirm that we represent the residents 'group, Countryside Matters, comprising local residents from Llanmaes, Llantwit Major, directly affected by the aforementioned proposal.

As you are aware, under section 77 of the Town and Country Planning Act 1990 ("the 1990 Act") empowers the Welsh Ministers to direct LPAs to refer applications to the Welsh Ministers for their own determination- otherwise known as 'calling in 'an application.

The purpose of this letter is to formally request that you exercise your powers under s77 of the 1990 Act to call in the Application. To that end, we set out below our further submissions for your consideration and have numbered the following paragraphs for ease of future reference.

1. BACKGROUND

- 1.1 The Application relates to the development of the Application Site for the erection of a Class A1 foodstore with access, surface level parking, landscaping and all associated development. It is understood that the proposed foodstore would have a floorspace of circa 2000 square metres with an indicated retail floor space of 1250 square metres. The proposed store would have a maximum width of circa 78 metres and a depth of approximately 32 metres (inclusive of the canopy area to the front).
- 1.2 The buildings would have a monopitch roof design with a maximum height of circa 8 metres (owing to levels). The site layout would accommodate access from Llanmaes Road to the east and a 117-bay parking area to the front of the store with a servicing area for delivery vehicles to the north.
- 1.3 The Application Site lies adjacent to the junction of Llanmaes Road and the Llantwit Major Bypass (B4265), **outside of a settlement boundary** as identified by the adopted Vale of Glamorgan Local Development Plan 2011-2026, and as such falls within the countryside (our emphasis). It is however, noted that the Llantwit Major settlement boundary runs along the southern edge of the adjacent bypass whilst the outskirts of Llanmaes is circa 150 metres from the site at its nearest point to the north. Further, the community boundary of Llanmaes is noted to run along the B4265 road.
- 1.4 It is understood that the neighbouring properties were consulted on 24 August 2022, a site notice was also displayed on 2 September 2022 and the application was also advertised in the press on 8 September 2022. It is further understood from the Officer's Report to Committee ("OR") - a copy of which is attached at Appendix A - that circa 700 letters of representation had been received. Of these there was a mix of support and circa 25% raising objection to the proposals. We are instructed that there appeared to have been targeted lobbying directed specifically at the residents of Llantwit Major, while notably excluding the residents of Llanmaes. The significant difference in population size between Llantwit Major and Llanmaes is of course a relevant factor to this concern.
- 1.5 The OR further sets out that (whilst not intended as an exhaustive list), the following principal reasons for support are lack of availability of existing low-price retailers/supermarkets in the area; would assist with living costs; expense of existing retailers in Llantwit Major town centre; job provision and environmental benefits of less car travel to supermarkets.

- 1.6 The OR then goes on to state that the principal reasons for objection (again not intended as an exhaustive list) are the Application Site not being allocated for such purposes within the LDP; greenfield land; highways issues including junction capacity, lack of suitable pedestrian and cycle access; visual impact including loss of gap between Llanmaes & Llantwit Major; impacts on Llanmaes Conservation Area and suggested inadequacies of the retail assessment submitted.
- 1.7 The OR then went on to consider the main issues, namely, the principle of development (including retail capacity), visual impact, historic environment, agricultural land classification, drainage & flooding; impact upon neighbouring residential properties; ecology & green infrastructure; highways impacts and planning obligations. Following consideration of all these matters, when weighed in the planning balance, the officer considered that the visual impacts of the proposals would be significantly harmful to a degree that they would outweigh any suggested benefits. As such the Application was recommended for refusal.
- 1.8 However, at the Committee hearing on 12 December 2024, a Member put forward a motion to approve the Application which was duly seconded. Subsequently, a request was made by another Member for a recorded vote on the motion, with the vote having taken place as follows (9 in favour, 6 against and 1 abstention) it was resolved to approve the Application subject to the relevant conditions being set. The reason for the decision being *“having regard to the content of the report and discussions at the meeting.”* It is further understood that the Application will be remitted to Committee for approval once the conditions have been set. It follows that the Application has not, at the time of writing, been determined.

2. THE REQUEST

- 2.1 As you will be aware, there are certain circumstances where the Welsh Ministers may consider using powers to ‘call in’ an application. Either:
- (a) Following receipt of a request to ‘call in’ from an individual or organisation;
 - (b) If it is a type of development or works which must be notified to the Welsh Ministers before a LPA may approve an application in relation to it (known as “notification development”); or
 - (c) Of the Welsh Ministers’ own will (i.e. without being preceded by a call-in request or being notification development).

2.2 Powers for the Welsh Ministers to 'call in' an application can only be exercised before the application in question has been determined by the LPA. As aforementioned the Application has not yet been determined.

2.3 It is further noted from the Government's Guidance that where there is a strength of feeling within a community in respect of a proposal (as is the case here), the Welsh Government strongly encourages the co-ordination of individuals to submit a single 'call-in' request which addresses the collective reasoning why a proposal should be 'called in'. It is in that context that this request is being made.

3. CALL-IN POLICY

3.1 It is understood that the Welsh Government will acknowledge this 'call-in' request within 15 working days and will then consider whether the Application meets 'call-in' policy. It is further noted that the key evidence in consideration of a 'call-in' request is the LPA OR and a copy of the same has therefore been attached.

3.2 We are also aware that, on occasion following the receipt of a 'call-in' request, the Welsh Ministers may issue a holding direction in relation to the planning application in question. We understand that a holding direction here will enable the Welsh Ministers to restrict the grant of planning permission by the LPA in respect of the Application which is subject to a 'call-in' request. In practice, this is to provide the Welsh Ministers more time to consider the 'call-in' request. We submit that this may be a prudent step given that the Application is due back at Committee on 13 February 2025.

3.3 We note that Paragraph 1.35 of Planning Policy Wales ("PPW") sets out the Welsh Government's 'call-in' policy and provides that calling in applications is generally only considered appropriate where a proposal raises planning issues of more than local importance. It could be considered appropriate, for example, in the case of proposals which:

- are in conflict with national planning policies;
- could have wide effects beyond their immediate locality;
- may give rise to substantial controversy beyond the immediate locality;
- are likely significantly to affect sites of scientific, nature conservation or historic interest or areas of landscape importance;
- raise issues of national security; or
- raise novel planning issues.

- 3.4 We further note from the guidance that in most 'call-in' cases, the Welsh Ministers will identify the planning issues raised by the application and assess whether the LPA has identified and considered the relevant issues in its officer's report and given them due weight.

4. REASONS FOR A CALL-IN

A. Conflict with national planning policies

A.1 Recognising the Special Characteristics of Places - The Historic Environment (PPW 6.1.15)

- 4.1 It is noted in the OR that *"as part of the preparation of the Replacement Local Development Plan (RLDP) a candidate site was submitted for a green wedge on the land between Llantwit Major and Llanmaes where the proposed development is sited. As the RLDP is progressed the green wedges will be reviewed, and this would involve assessing the land between Llantwit Major and Llanmaes. Notwithstanding this, the Application Site is not currently located within a Green Wedge and therefore policy 'pertaining to them would not apply.'"*
- 4.2 However, in our view, importance of the candidate site for a green wedge cannot be underestimated and forms a material consideration in the determination of the Application to be afforded significant weight since a positive determination of the Application would scupper the proper consideration of the candidate site and undermine the RDLP process.
- 4.3 Moreover, it is noted that the village of Llanmaes is designated as a Conservation Area. To that end, the associated Conservation Area Appraisal and Management Plan ("CAAMP") details the defining characteristics of the Conservation Area, including it being a small village in a rural setting of open fields; views of Llanmaes from the southern approach road; rural views to surrounding countryside through breaks in the buildings and from the public footpaths. The OR goes on to note *"the importance of the surrounding rural land and setting of the conservation area is reflected in the boundary of the conservation area extending to the southern edge of the Llanmaes Brook only circa 75 metres from the north-east of the development site.*

The contribution of surrounding fields, inclusive of the application site, reinforces the rural nature and agrarian origins of the village, and is therefore important to its setting.”

- 4.4 Page 8 of the CAAMP states the following: *“There is a close relationship between buildings and surrounding countryside, with open fields providing a foil to the built environment. The village is visible in its landscape setting from the by-pass. Intervening fields to the north of the by-pass form an important element of separation from modern housing estates located on the edge of Llantwit Major.”*
- 4.5 Further, page 21 of the CAAMP states: *“The Council will seek to ensure that all development respects the important views within, into and from the conservation area”*. These ‘important views’ are identified on the Appraisal map in the character appraisal within the CAAMP which includes the view south from the village directly into the development site.
- 4.6 As recognised by the officer (but perhaps not the Committee) it is evident that “the introduction of a building of the proposed scale in an elevated position relative to the village would **significantly dilute the established importance of the setting of the conservation area and represent an urbanising and a significant coalescing presence, detrimental to landscape and identified historic character (our emphasis.**
- 4.7 The CAAMP also includes a number of recommendations including, that *‘development which impacts in a detrimental way upon the immediate setting of the Conservation Area will be resisted. The Council will resist applications for change on the edges of the Conservation Area which would have a detrimental effect on the area’s setting.’*
- 4.8 Moreover, PPW 6.1.15 is, as alluded to in the OR, considered to be of relevance here which states that *“there is a strong presumption against granting of planning permission which damage the character or appearance of a conservation area or its setting to an unacceptable level. In exceptional circumstances, the presumption may be overridden in favour of development considered desirable in public interest grounds.”*
- 4.9 The OR then went on to state that “Noting all of the above, it is considered that the proposals would likely have significant detrimental impacts upon the character of the countryside, the Llanmaes Conservation Area and result in the coalescence of Llantwit Major and Llanmaes. To this end the proposals are considered to be at odds

with the provisions of Policies MD1, MD2 and MD8 of the Local Development Plan. From the above, it is also clear that there is a strong conflict with national policy as set out in PPW 6.1.15.

A.2 Activities in a Place - Retail and Commercial Development (PPW 4.3.29)

4.10 As alluded to in in the OR, *“the LDP Inspector’s Report identifies that a scheme could be progressed through the plan period in accordance with the sequential test set out in national policy and the provisions of Policy MG13 ‘Edge and Out of Town Retailing Areas’.*” It goes on to state that “Llantwit Major itself is identified as a District Centre within the retail hierarchy established under Policy MG12 of the LDP, although the site is evidently **outside of this area and any other allocation within the extant development plan**, and thus Policy MG13 is considered to be of particular relevance.

4.11 This policy states that:

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

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

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

- 4.13 It is then noted in the OR that in order to address the apparent tension with this Policy the applicant has submitted a Retail and Planning Statement. In response the Council's appointed advisors Nexus were instructed to undertake a retail audit of the proposals put forward under the Application. In reviewing the submissions, whilst they concur with the findings of the applicant in respect of the fact that there is no purpose-built main food shopping destination in Llantwit Major and as such indicate there exists both a qualitative and quantitative capacity for a new foodstore in the primary catchment area; they did, however, disagree with the findings of the convenience good trading impacts arising from the development.
- 4.14 In particular, the OR notes the comments of Nexus *"Our view is that this level of impact is **significant**. Clearly, a loss of trade to the two small foodstores in the town centre will be harmful and will have knock-on implications for other traders and footfall in general. However, such impacts need to be weighed against the baseline position for the town centre in question. In this case, CS has established, and we agree, that Llantwit Major Town Centre is healthy, with very low vacancy rates, good footfall and high environmental quality. Whilst the loss of any main food trade from the Co-op and Filco stores would be regrettable, and **despite CS having considerably under-estimated that impact in our opinion, we do not go as far as to conclude that the proposals would result in 'unacceptable impact'** (Policy MG13 of the Vale of Glamorgan Local Development Plan). We consider that those stores will continue to attract a small amount of main food shopping, but that their primary purpose as top-up shopping destinations related to a pass-by and walk-in trade would enable them to remain viable."*
- 4.15 In our view, compliance with this policy was finely poised with the officer stating *"noting the comments of Nexus, whilst it is acknowledged that there would be an impact upon Llantwit Major Town Centre and the identified retailers, this level of impact is not considered to be sufficient to represent an unacceptable impact upon trade or turnover....As prescribed within paragraph 4.3.29 of PPW and the supporting text of Policy MG13, if the proposals were considered acceptable in all other regards a condition could be utilised to control the nature of the retail offer at the site and limit any ancillary or changes of use/functions to ensure that this could not be changed to a use more likely to compete/conflict with the above assessment, without consent. Overall, however, on the basis of the information available and the conclusions of the Council's appointed consultants, it is considered that the proposals would broadly comply with the provisions of Policy MG13 and that of PPW in terms of demonstrating capacity and the sequential test."*

- 4.16 It is submitted that this Application requires a further assessment against this policy given the conflicting findings of the respective experts and for this reason alone the Application ought be “called-in.”

B. Are likely significantly to affect sites of scientific, nature conservation or historic interest or areas of landscape importance;

- 4.17 It is noted within the OR that Historic Environment Policy SP10 (Built and Natural Environment) seeks to preserve and enhance the rich and diverse built and natural environment and heritage of the Vale of Glamorgan. Furthermore, Policy MD8 (Historic Environment) states:

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

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

- 4.18 The proposal as originally submitted was supported by a Heritage Assessment prepared by Cotswold Archaeology dated April 2022. This concludes that the proposals in terms of physical effects have potential to encounter archaeological features within the site and recommended further investigation. In terms of non-physical effects, the statement details that the proposed development ‘would not alter the setting of any historic assets such that it would have no effect on an asset’s significance. ’As noted previously there is concern with regard to the visual impacts of the development and the resulting coalescence between the settlements of Llanmaes and Llantwit Major and the resulting impacts of the proposals on the setting of Llanmaes Conservation Area. The Llanmaes Conservation Area boundary is only circa 75 metres to the north of the site at its closest point.

- 4.19 It is noted within the OR that *“PPW 12 advocates a step-wise approach for local planning authorities to ensure biodiversity enhancement (within paragraph 6.4.14). The site is not allocated for retail purposes although if the suggestions of retail capacity are accepted and this was considered to be the only suitable site for such development (noting significant concerns detailed previously with regard to the development of the site) it would not be possible to avoid the harm associated. That said, it is considered that subject to potential conditions that the proposals could suitably **minimise, mitigate and compensate** for green infrastructure and ecological interests within the site.”*
- 4.20 However, as this does not remove the harm caused, it is our view that the Application is likely to significantly affect the historic interest and the Conservation Area (being an area of landscape importance) and for this reason it ought to be called-in.
- 4.21 It is also worth noting from within the OR that the planning departments own Conservation and Design Officer was *“of the view that the proposal will have a harmful effect on the setting of the Llanmaes Conservation Area”*, a view which was supported following a change in Conservation officer.

C. May give rise to substantial controversy beyond the immediate locality

- 4.22 It is clear that the Application has attracted a substantial amount of interest with over 700 representations being received and circa 25% of those being objections. It is also clear from the vote at Committee that the proposed development has resulted in mixed feelings in terms of its acceptability in policy terms.
- 4.23 In the circumstances, it is submitted that the proposed development may give rise to substantial controversy beyond the immediate locality.

5. SUMMARY AND CONCLUSION

- 5.1 As you aware, 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 Development Plan for the area comprises the Vale of Glamorgan Adopted Local Development Plan 2011-2026 and Future Wales – the National Plan 2040
- 5.2 In considering the OR and also the conclusion on planning balance, it is clear that when weighed against other planning considerations, there are grave concerns around the likely substantial visual impacts of the proposal and the likely significant

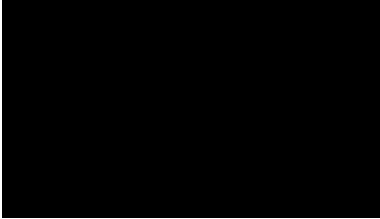
detriment to the character of the countryside and confluence of the settlements of Llantwit Major and Llanmaes that would result. The officer is clear that, having regard to all of these matters, the visual impacts associated with the development are substantial and would outweigh the benefits of the provision of such a facility in this location.

- 5.3 Moreover, the Council is currently undergoing work on a replacement LDP inclusive of consideration of the retail needs of Llantwit Major and other settlements within the Vale of Glamorgan. It is important to note that the site has been put forward as a candidate site and it is considered that the examination of the plan represents the most suitable means to holistically consider the retail needs of the Vale of Glamorgan, including whether there are alternative sites that may be available. It is suggested that the holistic, structured approach of retail need in response to residential development would be a far more appropriate decision-making process than a single moment in time consideration.
- 5.4 To this end and noting the significant detriment that would likely occur as a result of the development, it is considered on balance that the proposals should be refused. In particular, we note from the OR that by reason of its location, design, form, and scale, the proposals would unacceptably impact upon the appearance and character of the countryside and would be incongruous with the surrounding area.
- 5.5 The proposals, inclusive of the impacts of ancillary elements including lighting and parking, would result an unacceptable urbanising form of development that would result in the confluence of the settlements of Llanmaes and Llantwit Major and be detrimental to the setting of the Llanmaes Conservation Area. As such the proposals would be at odds with Policies MD1, MD2 and MD8 of the Vale of Glamorgan Adopted Local Development Plan 2011-2026, the council's SPG on Residential and Householder Development, Planning Policy Wales (12th Edition) and Technical Advice Note 12 (Design).
- 5.6 In the circumstances, the proposed development engages, in our view, the following criteria which satisfy the test for a call-in:
1. conflict with national planning policies;
 2. are likely significantly to affect sites of scientific, nature conservation or historic interest or areas of landscape importance; and
 3. may give rise to substantial controversy beyond the immediate locality.

We therefore respectfully request that the Application be called-in as a matter of urgency.

Kindly acknowledge safe receipt.

Yours faithfully



APPENDIX 1

OFFICER'S REPORT TO COMMITTEE ("OR")

APPLICANT: Lidl GB Ltd C/O Agent

AGENT: [REDACTED]

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

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

REASON FOR COMMITTEE DETERMINATION

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

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

EXECUTIVE SUMMARY

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

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

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

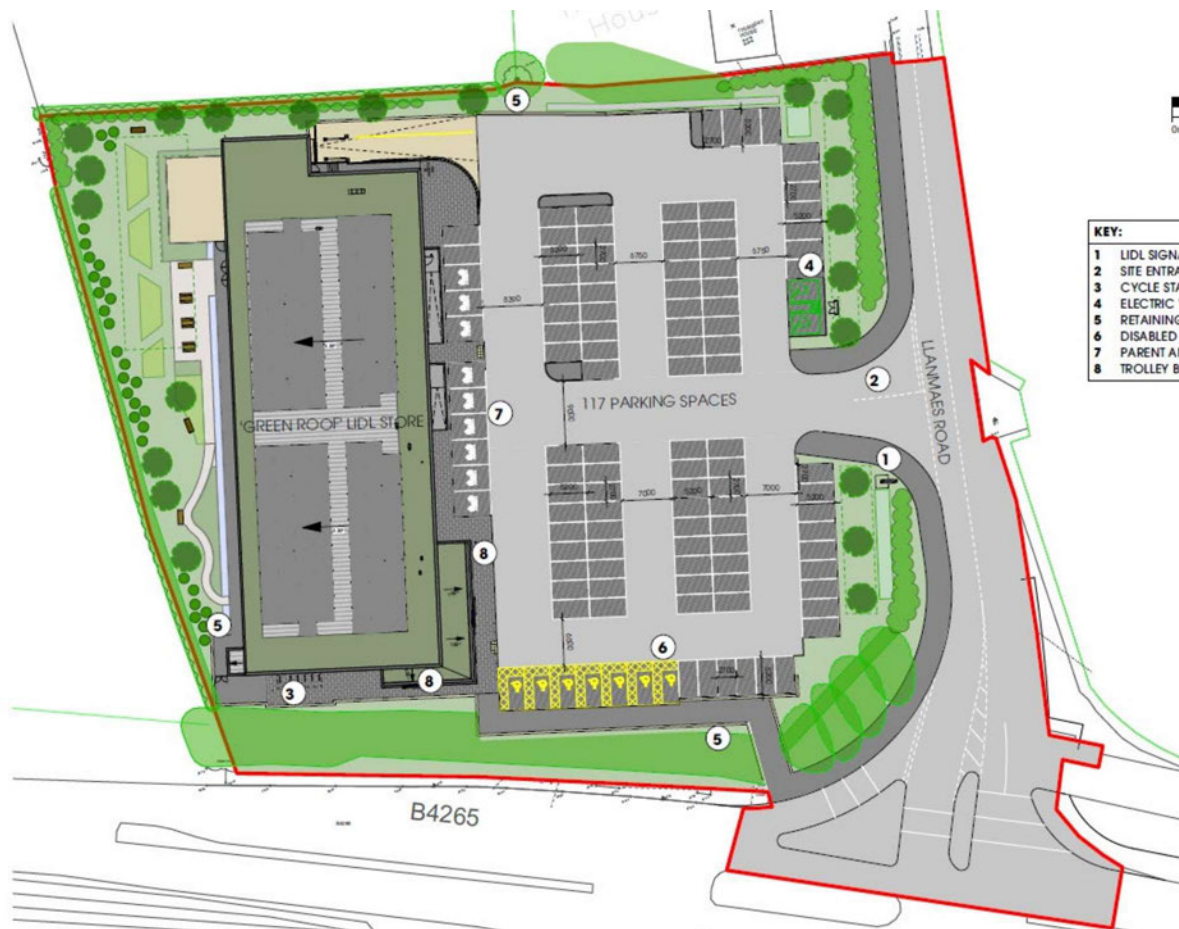
Whilst not intended as an exhaustive list, the following principal reasons for support are lack of availability of existing low price retailers/supermarkets in the area; would assist with living costs; expense of existing retailers in Llantwit Major town centre; job provision and environmental benefits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

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

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

SITE AND CONTEXT

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



Site layout plan



Southern side elevation fronting onto B4265



Eastern elevation fronting Llanmaes Road



Northern elevation fronting Thursday House/Bridge House Farm



Western elevation

PLANNING HISTORY

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

CONSULTATIONS

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

REPRESENTATIONS

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

Support

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

Objection

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

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

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

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

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

REPORT

Planning Policies and Guidance

Local Development Plan:

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

Strategic Policies:

POLICY SP1 – Delivering the Strategy
POLICY SP6 – Retail
POLICY SP7– Transportation
POLICY SP9 – Minerals
POLICY SP10 – Built and Natural Environment

Managing Growth Policies:

POLICY MG12 – Retail Hierarchy
POLICY MG13 – Edge and out of Town Retailing Areas
POLICY MG20 – Nationally Protected Sites and Species
POLICY MG21 – Sites of Importance for Nature Conservation, Regionally Important Geological and Geomorphological Sites and Priority Habitats and Species
POLICY MG22 – Development in Minerals Safeguarding Areas

Managing Development Policies:

POLICY MD1 - Location of New Development
POLICY MD2 - Design of New Development
POLICY MD4 - Community Infrastructure and Planning Obligations
POLICY MD7 - Environmental Protection
POLICY MD8 - Historic Environment
POLICY MD9 - Promoting Biodiversity
POLICY MD14 - New Employment Proposals

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

Future Wales: The National Plan 2040:

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

Chapter 3: Setting and achieving our ambitions

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

Policy 1 – Where Wales will grow

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

Policy 4 – Supporting Rural Communities

- Supports sustainable and vibrant rural communities.

Policy 5 – Supporting the Rural Economy

- Supports sustainable, appropriate and proportionate economic growth in rural towns.
- Supports development of innovative and emerging technology businesses and sectors to help rural areas unlock their full potential, broadening the economic base and creating higher paid jobs.

Policy 6 – Town Centre First

This Policy states:

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

Planning Policy Wales:

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

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

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

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

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

Chapter 3 - Strategic and Spatial Choices

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

Chapter 4 - Active and Social Places

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

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

Retail Needs Test

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

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

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

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

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

Sequential Test

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

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

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

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

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

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

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

Retail Impact Assessments

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

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

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

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

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

Chapter 6 - Distinctive and Natural Places

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

Technical Advice Notes:

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

- Technical Advice Note 4 – Retailing and Town Centres (1996)
- Technical Advice Note 5 – Nature Conservation and Planning (2009)
- Technical Advice Note 12 – Design (2016)
- Technical Advice Note 23 – Economic Development (2014)
- Technical Advice Note 24 – The Historic Environment (2017)

Welsh National Marine Plan:

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

Supplementary Planning Guidance:

In addition to the adopted Local Development Plan, the Council has approved Supplementary Planning Guidance (SPG). The following SPG are of relevance:

- Biodiversity and Development (2018)
- Design in the Landscape
- Minerals Safeguarding (2018)
- Parking Standards (2019)
- Planning Obligations (2018)
- Public Art in New Development (2018)
- Travel Plan (2018)
- Trees, Woodlands, Hedgerows and Development (2018)

In addition, the following background evidence to the Local Development Plan is considered relevant to the consideration of this application insofar as it provides a factual analysis and information that is material to the issues addressed in this report:

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

Other relevant evidence or policy guidance:

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

Well-being of Future Generations (Wales) Act 2015

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

Issues

Principle of Development

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

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

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

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

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

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

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

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

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

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

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

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

Initial concerns included the methodology and sample size of the qualitative assessment that underpinned the household survey and that the main thrust of responses received (low prices/value for money, convenience and a range of food goods) to justify a new foodstore weren't considered to provide justification when other supermarkets exist in Llantwit Major. The retail study also stated that Lidl's existing store in Bridgend attracts users from Llantwit Major and that therefore there was latent demand for a Limited Assortment Discounter (LAD) on these grounds. The retail study submitted by the applicant provides a definition of a LAD from the Competition Commission that broadly means they *"carry a limited range of grocery products and base their retail offer on selling those products at very competitive prices. The three major LADs in the UK are Aldi, Lidl and Netto. Each ... carries in the region of 1,000 to 1,400 product lines in stores ranging from 500m² to 1,400m²."*

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

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

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

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

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

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

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

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

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

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

Visual impact

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

Policy MD2 'Design of New Development' is a criteria-based policy that is of significant relevance to the determination of the application, including criteria 1, that requires development to be of a high standard of design that positively contributes to the context and character of the surrounding natural and built environment and protects existing features of townscape and landscape interest.

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

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

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

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

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



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

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



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



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



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

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

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

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

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

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

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

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

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

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

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

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

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

Historic Environment

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

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

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

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

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

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

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

Agricultural Land Classification

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

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

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

Drainage and Flooding

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

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

Impact upon neighbouring residential properties

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

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

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

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

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

Ecology & Green Infrastructure

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

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

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

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

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

Highways impacts

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

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

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

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

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

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

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

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

Planning Obligations

Sustainable Transport

Increasing importance is enshrined in local and national planning policies emphasising the need for developments to be accessible by alternative modes of transport than the private car.

Chapter 4 in Planning Policy Wales (PPW) (Ed 12) requires proposals to seek to maximise accessibility by walking, cycling and public transport to key locations, by prioritising the provision of appropriate on-site infrastructure and, where necessary, mitigating transport impacts through the provision of off-site measures, such as the development of active travel routes, bus priority infrastructure and financial support for public transport services.

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

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

The applicant has agreed to this contribution.

Public Open Space

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

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

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

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

Training and development

The development of skills and education in an economy are essential to maximise employment opportunities, in order to achieve 'A Prosperous Wales' (Planning Policy Wales, Edition 12, Section 5), and to ensure that people secure decent work and enjoy a better quality of life.

Part of the justification for permitting new commercial developments is the employment opportunities they present. Training local residents to be able to apply for some of the new job opportunities helps to create sustainable communities. Therefore on major developments the Council looks for opportunities to maximise training and development for the Vale of Glamorgan's resident population. This training may be provided by the developer on site, or provided in the form of a financial contribution to the Council to facilitate skills training to boost local economic development.

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

Public Art

Technical Advice Note (TAN) 12 'Design' (March 2016) Section 5.15 recognises the importance role of public art, in creating and enhancing "individuality and distinctiveness" within a development, town, village and cities.

Public Art can bring distinctiveness and material and craft quality to developments, enable local people to participate in the process of change and foster a sense of ownership. It is therefore an important part of achieving design quality.

The Council introduced a 'percent for art' policy in July 2003, which is supported by the Council's adopted SPG on Public Art. It states that on major developments, developers should set aside a minimum of 1% of their project budget specifically for the commissioning of art and, as a rule, public art should be provided on site integral to the development proposal. The public art scheme must incorporate sufficient measures for the appropriate future maintenance of the works.

Public art should be considered early in the design process and be integral to the overall design of a building, public space or place. The choice of artists and the nature of subsequent work should be the subject of full collaboration from the outset between the artist, the local community and professionals involved in the design process. This is in accordance with TAN 12, paragraph 5.15.4.

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

Planning obligations administration fee:

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

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

The applicant has agreed to the obligations administration fee.

Conclusion/balance

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

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

RECOMMENDATION

REFUSE (W.R.)

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

REASON FOR RECOMMENDATION

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

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

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