

APPLICANT: Mr Louis Norris Glyndwr House , LLanblethian, Cowbridge , CF71 7SF

AGENT: Mr Louis Norris Glyndwr House , LLanblethian, Cowbridge , CF71 7SF

Glyndwr Vineyard, Llanblethian, Cowbridge

Non Material Amendment - An amendemnt to remove the archaeology condition.
Planning permission ref 2023/01296/FUL - Proposed 1 no. tourist accommodation lodge constructed in accordance with the Caravan Act

SITE AND CONTEXT

The application site is Glyndwr Vineyard, an agricultural holding, including a vineyard and bed and breakfast accommodation, located outside of the Cowbridge settlement boundary and Cowbridge.

The site is located within the Upper & Lower Thaw Valley Special Landscape Area and within a Category 1 and 2 Mineral Safeguarding Zone for Limestone (including dolomite).



DESCRIPTION OF PROPOSED NMA

The Non Material Amendment application is to remove Condition 5 (Programme of Archaeological Work), in respect of Planning Permission ref. 2023/01296/FUL of the development for the construction of a tourist accommodation lodge.

Condition 5 is worded as follows:

No development shall take place until the applicant, or their agents or successors in title, has secured agreement for a written scheme of historic environment mitigation which has been submitted by the applicant and approved by the local planning authority. Thereafter, the programme of work will be fully carried out in accordance with the requirements and standards of the written scheme.

Reason:

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

PLANNING HISTORY

1984/00180/OUT, Address: Vineyard adjoining Pentwyn, Crossways, near Cowbridge, Proposal: Agricultural dwelling, Decision: Refused, Decision Date: 17/05/1984;

1988/00672/OUT, Address: Pentwyn, Church Road, Llanblethian, Cowbridge., Proposal: Single agricultural dwelling for worker in vineyard., Decision: Withdrawn, Decision Date: 21/03/1989;

1992/00406/FUL, Address: Glyndwr Vineyard, Marlborough Field, Crossways, Llanblethian, Proposal: Proposed vineyard house and associated buildings, Decision: Refused, Decision Date: 17/11/1992;

1994/00034/FUL, Address: Glyndwr Vineyard, Marlborough Field, Crossways, Llanblethian, Proposal: Proposed vineyard and associated buildings, Decision: Refused, Decision Date: 12/04/1994;

1994/00662/FUL, Address: Glyndwr Vineyard Marlborough Field, Crossways, Llanblethian., Proposal: Proposed vineyard and associated buildings, Decision: Withdrawn, Decision Date: 05/09/1994;

1995/00974/FUL, Address: Glyndwr Vineyard, Marlborough Field, Crossways, Llanblethian, Proposal: New Manager's house and associated building for existing vineyard, Decision: Refused, Decision Date: 27/02/1996;

1997/00047/FUL, Address: Glyndwr Vineyard, Nr. The Cross Inn, Llanblethian, Proposal: Construction of a dwelling and workshop in connection with associated vineyard, Decision: Approved, Decision Date: 21/03/1997;

2003/00908/FUL, Address: Garden of Pentwyn, Llanblethian, Proposal: Proposed bungalow, Decision: Withdrawn, Decision Date: 19/11/2003;

2003/01791/FUL, Address: Garden of Pentwyn, Llanblethian, Cowbridge, Proposal: Proposed new garage and staff/granny accommodation and conversion of existing garage into lounge extension with new pitched roof bedroom extension. (Re-submission 03/00908/FUL), Decision: Refused, Decision Date: 26/02/2004;

2004/01302/FUL, Address: Pentwyn, Church Road, Llanblethian, Proposal: Conversion of existing garage into lounge. Extension with new pitched roof with attached garage and 'granny' accommodation including improvement to existing access, Decision: Approved, Decision Date: 22/12/2004;

2006/00285/FUL, Address: Pentwyn, Llanblethian, Proposal: Conservatory to Granny accommodation, Decision: Approved, Decision Date: 21/04/2006;

2008/00231/PNA, Address: Glyndwr Vineyard, Llanblethian, Cowbridge, Proposal: Proposed agricultural building to provide tractor & implement store, fruit grate & general store, Decision: Refused, Decision Date: 14/03/2008;

2008/00509/FUL, Address: Glyndwr Vineyard, Llanblethian, Proposal: Proposed tractor and implement shed, fruit crate and general store with shower room, kitchen and rest area, Decision: Refused, Decision Date: 16/07/2008;

2008/00985/FUL, Address: Glyndwr Vineyard, Llanblethian, Cowbridge, Proposal: Proposed tractor and implement shed, fruit crate and general store with shower room, kitchen and rest area, Decision: Approved, Decision Date: 28/08/2008;

2009/00015/FUL, Address: Glyndwr Vineyard, Llanblethian, Proposal: Conversion of old workshop into bed and breakfast unit and conversion of farm shop into bed and breakfast unit (but retaining use as seasonal shop). And window and door alterations to recently approved tractor and implement shed (08/000985/FUL). , Decision: Approved, Decision Date: 25/02/2009;

2012/00348/FUL, Address: Glyndwr House Vineyard, Llanblethian, Proposal: Proposed retractable awning to provide shelter at vineyard store building, Decision: Approved, Decision Date: 30/05/2012;

2014/00332/FUL, Address: Pentwyn House, Church Road, Llanblethian, Proposal: Proposed separation of Pentwyn House and self-contained granny annexe into two separate dwellings, Pentwyn House and Pentwyn Cottage, Decision: Withdrawn, Decision Date: 04/06/2014;

2014/01373/LEG, Address: Pentwyn House, Church Road, Llanblethian , Proposal: Removal of unilateral undertaking to allow for change (subject to planning) to two dwellings, Decision: Refused, Decision Date: 19/01/2015;

2015/01106/FUL, Address: Pentwyn House, Church Road, Llanblethian, Proposal: Proposed separation of Pentwyn House and self contained granny annexe into two separate dwellings, Pentwyn House and Pentwyn Lodge, Decision: Appeal Allowed, Decision Date: 26/05/2016;

2016/00339/LAW, Address: Pentwyn, Church Road, Llanblethian, Proposal: Construction of second bedroom to replace second garage. , Decision: Withdrawn, Decision Date: 03/06/2016;

2019/00456/FUL, Address: Glyndwr Vineyard, Llanblethian, Proposal: Proposed reception/ office unit, Decision: Approved, Decision Date: 27/06/2019;

2020/00440/FUL, Address: Glyndwr Vineyard, Llanblethian, Cowbridge, Proposal: Proposed extension to existing vineyard building with continued use for ancillary events and new on site parking area. , Decision: Approved, Decision Date: 20/11/2020;

2023/01296/FUL, Address: Glyndwr Vineyard, Llanblethian, Cowbridge, Proposal: Proposed 1 no. tourist accommodation lodge constructed in accordance with the Caravan Act, Decision: Approved, Decision Date: 15/05/2024

CONSULTATIONS and REPRESENTATIONS

It should be noted that the Welsh Government document *Planning Guidance: Approving Non-material Amendments to an Existing Planning Permission* states:-

“As an application made under Section 96A of the TCPA 1990 is not an application for planning permission, the existing DMPWO provisions that relate to statutory consultation and publicity do not apply. Therefore local planning authorities have discretion in whether and how they choose to inform other interested parties or seek their views.

Given that the changes sought will be non-material in nature, it is not expected that consultation or publicity will be necessary in the majority of cases.”

REPORT

Planning Policies and Guidance

Local Development Plan:

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

Strategic Policies:

POLICY SP1 – Delivering the Strategy

POLICY SP9 – Minerals

POLICY SP10 – Built and Natural Environment

POLICY SP11 – Tourism and Leisure

Managing Growth Policies:

POLICY MG17 – Special Landscape Areas

POLICY MG22 – Development in Minerals Safeguarding Areas

POLICY MG29 – Tourism and Leisure Facilities

Managing Development Policies:

POLICY MD1 - Location of New Development

POLICY MD2 - Design of New Development

POLICY MD7 - Environmental Protection

POLICY MD9 - Promoting Biodiversity

POLICY MD13 - Tourism and Leisure

POLICY MD17 - Rural Enterprise

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

Future Wales: The National Plan 2040:

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

Chapter 3: Setting and achieving our ambitions

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

Chapter 4: Strategic and Spatial Choices: Future Wales' Spatial Strategy

- Guiding framework for where large-scale change and nationally important developments will be focussed over the next 20 years.
- Strategy builds on existing strengths and advantages and encourages sustainable and efficient patterns of development.

Chapter 5 – The Regions

- The Vale of Glamorgan falls within the South East region.
- Regional policies provide a framework for national growth, for regional growth, for managing growth and supporting growth.
- In the absence of SDPs, development management process needs to demonstrate how Future Wales' regional policies have been taken into account.

Policy 1 – Where Wales will grow

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

Policy 4 – Supporting Rural Communities

- Supports sustainable and vibrant rural communities.

Policy 5 – Supporting the Rural Economy

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

Policy 9 – Resilient Ecological Networks and Green Infrastructure

- Action towards securing the maintenance and enhancement of biodiversity (to provide a net benefit), the resilience of ecosystems and green infrastructure assets must be demonstrated as part of development proposals through innovative, nature-based approaches to site planning and the design of the built environment.

Planning Policy Wales:

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

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

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

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

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

Chapter 3 - Strategic and Spatial Choices

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

Chapter 4 - Active and Social Places

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

Chapter 5 - Productive and Enterprising Places

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

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

Chapter 6 - Distinctive and Natural Places

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

Technical Advice Notes:

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

- Technical Advice Note 12 – Design (2016)
- Technical Advice Note 13 – Tourism (1997)

Welsh National Marine Plan:

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

Supplementary Planning Guidance:

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

- Biodiversity and Development (2018)
- Design in the Landscape
- Minerals Safeguarding (2018)
- Parking Standards (2019)
- Tourism and Leisure Development (2019)
- Trees, Woodlands, Hedgerows and Development (2018)

Other relevant evidence or policy guidance:

- Welsh Government Circular 016/2014: The Use of Planning Conditions for Development Management

Equality Act 2010

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

Well-being of Future Generations (Wales) Act 2015

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

Issues

The principal issue to consider is whether the removal of Condition 5 can be considered as a non-material amendment to Planning permission ref. 2023/01296/FUL.

Henneb were consulted within the original application ref: 2023/01296/FUL and following the Officer reviewing the submitted documents, it was requested that a condition was placed for a Programme of Archaeological Work to be submitted prior to development commencing. Following the application being determined the applicant has been in discussion with Henneb and has provided further information in regards to the proposed groundworks. The Henneb Archaeological Officer has now stated this condition is no longer necessary and the applicant is now requesting to remove the condition.

In deciding whether or not a proposed change is non-material, consideration should be given to the effect of the change, together with any previous changes made to the original planning permission. When assessing and determining whether or not a proposed change would qualify as a non-material amendment, local planning authorities may wish to consider the following tests (in italics). An assessment is provided below each one:

(a) (i) is the scale of the proposed change great enough to cause an impact different to that caused by the original approved development scheme; and,

The proposed removal of Condition 5 would not change the scale of the development approved. Moreover, the information now provided demonstrates that the development would result in minimal ground works.

(a) (ii) would the proposed change result in a detrimental impact either visually or in terms of local amenity?

Henneb have verbally advised that they would have no objection to the removal of the condition on the basis that the development would result in minimal ground works. As such the construction phase of the development would not have a significant impact on archaeology.

(b) Would the interests of any third party or body be disadvantaged in planning terms; or,

As stated above, Henneb have no objection and removal of the condition would not disadvantage the interests of any third party or body in planning terms.

(c) Would the proposed change conflict with national or development plan policies?

The development complies with the above listed policies, in the same way the initially approved scheme did.

REASON FOR RECOMMENDATION

The decision to recommend approval of the non-material amendment has been taken in accordance with Section 38 of The Planning and Compulsory Purchase Act 2004 and Section 96A of the Town and Country Planning Act 1990 (as amended), and the Town and Country Planning (Development Management Procedure) (Wales) Order 2012.

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.

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

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

RECOMMENDATION

Approval of the proposal submitted on 11 June 2024 as a Non Material Amendment to the application **2023/01296/FUL** approved on **15 May 2024** , subject to the conditions and details of the original permission, save where they have been hereby amended, deleted or added to as follows:

Condition 5 Deleted

~~No development shall take place until the applicant, or their agents or successors in title, has secured agreement for a written scheme of historic environment mitigation which has been submitted by the applicant and approved by the local planning authority. Thereafter, the programme of work will be fully carried out in accordance with the requirements and standards of the written scheme.~~

~~Reason:~~

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

Reason for Granting Non Material Amendment(s)

1. (a) The proposed amendments would not cause an impact different to that caused by the original approved development scheme.
- (b) The proposed amendments would not result in a detrimental impact, visually or in terms of local amenity.
- (c) The interests of any third party or body would not be disadvantaged in planning terms; and
- (d) The proposed amendments would not conflict with national or development plan policies.

5. No development shall take place until the applicant, or their agents or successors in title, has secured agreement for a written scheme of historic environment mitigation which has been submitted by the applicant and approved by the local planning authority. Thereafter, the programme of work will be fully carried out in accordance with the requirements and standards of the written scheme.

Reason:

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

2023/01296/1/NMA

Condition Deleted 19/06/2024

NOTE:

Please note that this consent is specific to the plans and particulars approved as part of the application. Any departure from the approved plans will constitute unauthorised development and may be liable to enforcement action. You (or any subsequent developer) should advise the Council of any actual or proposed variations from the approved plans immediately so that you can be advised how to best resolve the matter.

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

The commencement of development without firstly meeting in full the terms of any conditions that require the submission of details prior to the commencement of development will constitute unauthorised development. This will necessitate the submission of a further application to retain the unauthorised development and may render you liable to formal enforcement action.

Failure on the part of the developer to observe the requirements of any other conditions could result in the Council pursuing formal enforcement action in the form of a Breach of Condition Notice.