

August 2012

Planning Statement

Land at Trem Echni, Rhoose Point

Prepared for:

Taylor Wimpey Plc

Prepared by:

Savills Planning
12 Windsor Place
Cardiff
CF10 3BY



Contents

1.	Introduction	3
2.	Site, Surroundings and Planning History	4
3.	Public Consultation	7
4.	Proposed Development	9
5.	Planning Policy Framework	11
6.	Planning Considerations and Justification	17
7.	Conclusions	29

Appendix A: Public Consultation Documentation

Appendix B: Planning Committee Report (dated 13 March 2008)

Appendix C: Deposit LDP Representations

1. Introduction

1.1. Introduction

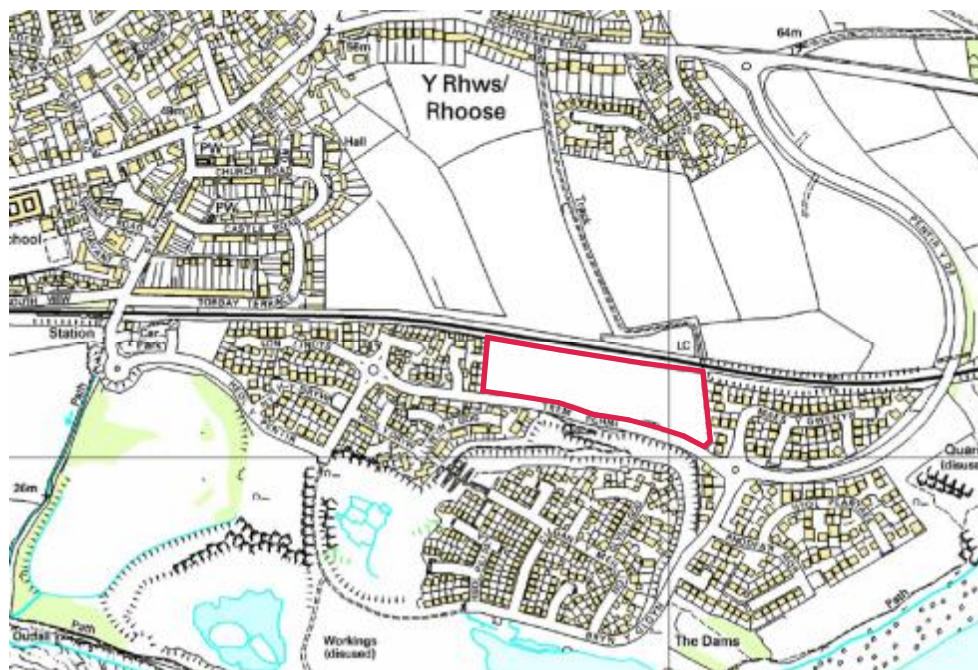
- 1.1.1. This Planning Statement has been prepared in support of a full planning application by Taylor Wimpey Plc for the proposed development of 90 no. new dwellings at land Trem Echni, Rhoose Point in the Vale of Glamorgan.
- 1.1.2. The statement describes the application, and includes background information such as relevant planning history, and a review of national and local planning policy pertinent to the application. Furthermore, the statement identifies and considers the principal planning considerations, and evaluates the proposal against the identified planning policy context.
- 1.1.3. This report should be read in conjunction with the accompanying architectural drawings and Design and Access Statement and which have been prepared by Focus on Design.
- 1.1.4. The application has been submitted following the negotiation of a contract to acquire the land from the administrators of Cofton. Cofton were responsible for developing the infrastructure for Rhoose Point from the early 2000s. Cofton went into administration in 2009 without having first secured the adoption of the drainage and highways within the Rhoose Point site. Attempts by Cofton prior to their administration to secure planning permission on the application site did not succeed and this site remains as the final piece of undeveloped land within the Rhoose Point site.
- 1.1.5. The site has remained vacant since the redevelopment of the former quarry. This application represents an opportunity to complete the development of Rhoose Point and provide the benefit of greatly improving the appearance of the site within its local context, providing new market and affordable housing and, assisting in delivering off site community facilities through commensurate S106 contributions.
- 1.1.6. This statement is structured as follows:
- **Section 2** provides a description of the characteristics of the site and surrounding area and provides details regarding the planning history associated with the application site;
 - **Section 3** provides an overview of the public consultation
 - **Section 4** provides full details of the development proposed;
 - **Section 5** outlines the relevant planning policy framework;
 - **Section 6** analyses the key planning considerations arising from the proposed development; and
 - **Section 7** sets out our conclusions.

2. Site, Surroundings and Planning History

2.1. Site Location

- 2.1.1. The application site is located within the settlement of Rhoose.
- 2.1.2. The application site is located to the north of the existing Rhoose Point housing development. The site is situated to the south east of Rhoose Village and to the south of Cardiff International Airport. The Vale of Glamorgan railway line that links Rhoose to Cardiff Central lies directly to the north of the site.

Figure 2.1: Site Location (not to scale)



2.2. Site Description

- 2.2.1. The site area is 2.7ha. The site is rectangular in shape and the current condition of the land is vacant with some parts overgrown by scrub.
- 2.2.2. The site forms part of the wider 'Rhoose Point' development area. This wider area was previously used as a quarry and as indicated by the existing development to the west, south and east of the site, has been subject to major redevelopment over the past 10-15 years.
- 2.2.3. The former use of the site was an asbestos cement works, and therefore the site is considered to be brownfield land (previously developed land) as defined in Figure 4.1 of Planning Policy Wales (PPW), as discussed in greater detail in Section 4.

- 2.2.4. Access to the site is via Trem Echni Road. Trem Echni links with Pentir Y De, which provides access to Rhoose Point from the east.
- 2.2.5. A Public Right of Way (P7/2/1) runs along the eastern boundary of the site which connects Porthkerry Road to the north with Rhoose Point and the Wales Coastal Path to the south.
- 2.2.6. According to the TAN15 Development Advice Maps, the site is located in Zone A and therefore considered to be at little or no risk of fluvial or coastal / tidal flooding.

2.3. Surroundings

- 2.3.1. The application site is located within the redevelopment area of Rhoose Point, which has been the subject of significant residential development. The longer sides to the north and south of the site bound the railway line and Trem Echni Road respectively. Beyond the railway line to the north is an area of agricultural land (known as 'land to the north of the railway line') which is allocated for residential development in the Unitary Development Plan and subject to a Development Brief prepared by the Council (dated August 2007). The site is bound directly by existing residential development to the west and east of the site, and further south beyond Trem Echni Road.

2.4. Accessibility

- 2.4.1. The site is approximately 1km from Rhoose Village. The site is therefore located within walking distance of numerous services and facilities – including Stewart Road Community Centre, shops, a doctors surgery, dentist, post office, restaurants, hairdresser, estate agent and optician. Rhoose Primary School is less than 800m from the site.
- 2.4.2. Heol y Pentir provides the most direct route between the site and the services and facilities available within Rhoose's village centre. A broader range of services are available in Barry, some 5km to the east of the site.
- 2.4.3. The site is in close proximity to multiple modes of public transport, including the train services provided by Rhoose (Cardiff International Airport) railway station (which is 700m from the site) and local bus services. The Transport Assessment which is submitted with this application outlines the public transport network, including the frequency and destination of numerous bus and rail services.
- 2.4.4. There are also high quality footways and cycle routes throughout the Rhoose Point development – as described in further detail in the Transport Statement.

2.5. Planning History

- 2.5.1. This section considers the planning history for the site in terms of previous planning applications for the site.
- 2.5.2. As shown in figure 2.2 below, the application site has been subject to previous applications for residential development. Most recently, application reference 06/01897/OUT was submitted for a mixed use development comprising of 54 dwellings located on the western side of the site and community uses (offices, a health centre, a public house and a children's

nursery) on the eastern portion of the site. Following the administration of Cofton, the application was treated as withdrawn.

- 2.5.3. This application followed an earlier application for residential development on the whole of the site under application 02/01518/OUT. The appeal was made against the non-determination of the application on 7 July 2003. Planning Committee resolved on 30 July 2003 that the application would have been refused had the application been determined prior to the appeal. The appeal was then withdrawn on 21 April 2006.

Figure 2.2 Planning Application History

Proposed Development	Application Reference	Date of Decision	Decision
Outline application for 500 dwellings, employment (B1/B2/B*), shop(s), pub/hotel/restaurant, environmental centre, 9 hole golf course and club house, open space, playing fields, new access road etc	93/01186/OUT	20/3/96	Approved
Full planning permission for a new district centre including a mixed retail unit, car parking, bus stop and shelters and a public car park	02/01515/FUL	23/10/03	Approved
Outline application for residential development	02/02518/ FUL	7/7/03	Undetermined; Appeal withdrawn on 21/4/06
Outline application for employment development	03/01380/OUT	22/8/05	Approved
Outline application for residential development and community uses with associated infrastructure	06/01897/OUT	19/12/06	Treated as withdrawn

- 2.5.4. The significance of the planning history and the principles that it has established are discussed in detail within section 5.3 of this Statement.

3. Public Consultation

- 3.1.1. Taylor Wimpey recognises that community engagement is an important part of the planning process. As such, public consultation on the development proposals has been undertaken by means of a public exhibition. The aim of the public exhibition was to present the proposed development scheme to the local community and to gain their comments and feedback on the proposals. This was particularly important at Rhoose Point given the known community sensitivities in connection to drainage and community facilities.

Exhibition Arrangements

- 3.1.2. The public exhibition was publicised by the following means:
- Public notices in local newspapers
 - Leaflets posted through the doors of the local residents (as appended within **Appendix A**)
 - Posters were placed in local community venues
- 3.1.3. The exhibition was held at Rhoose Community Centre, Stewart Road, Rhoose on August 16th 2012 (11am-7pm).

Exhibition Details

- 3.1.4. The exhibition consisted of six boards arranged in an appropriate and accessible way in the hall in order to tell the story on the planning process and the proposal. Staff from Taylor Wimpey, Savills and Focus on Design were at hand to explain the boards and answer any questions raised.
- 3.1.5. The exhibition boards were designed to be as visual as possible, aiming to give the public the important information in a condensed form without using jargon and technical language. A copy of the boards are enclosed within **Appendix A**. The six boards were constructed as follows:
- **Information about the site we need to take into account** – displays a reader friendly version of the assessment of constraints and opportunities. Ensures the public that considerations of the local area have been noted.
 - **How we approached the design of the site** – ensures the public that the character of the area has been taken into consideration when designing the development. Outlines six key things which need to be taken into account.
 - **Our designs for Trem Echni, Rhoose Point** – shows how site considerations have been taken into account and have followed a logical and rigorous urban design process – in order to create a draft masterplan for discussion.
 - **Transport and Drainage** – demonstrates the knowledge of two key issues and outlines how they will be dealt with as part of the application.
 - **What are the benefits of the scheme?** – Gives information about the benefits which will be generated as a result of the proposed development.

- **Some questions you may have** – used to address some of the concerns that the community may have and to pre-empt some of their questions.

Attendance and Received Questionnaires

- 3.1.6. In total, approximately 120 members of the public visited the exhibition throughout the day.
- 3.1.7. A scheme overview leaflet outlining the proposal for the site was prepared and distributed at the exhibition – as appended within **Appendix A**. It also contained contact information if the public had further questions.
- 3.1.8. Attendees were encouraged to fill out a comment form in order to provide their thoughts on the development and if they had an ideas for how the community contributions could be spent.
- 3.1.9. The comments received indicated that:
- There is local support for the development of the site as its existing condition is perceived as an eyesore.
 - Some respondents were of view that if commercial / retail development was developed on the site then there may be negative impacts on local businesses and therefore a residential scheme was favoured.
 - There are some concerns as to the increase in traffic in the area and that certain traffic calming measures should be put into place.
 - There were some concerns as to whether the local school could cope with the number of new pupils generated by the development
 - It was suggested that financial contributions should be spent on open space which can be used for older children (i.e. to play football).
- 3.1.10. The response from the public consultation was positive in that the majority of comments received at the day supported principle of development. Some of the issues raised in respect of provision of off site facilities have been considered as part of the S106 discussion in the following section.
- 3.1.11. The general view from the consultation was that local people wish to see the site developed, for new housing.

4. Proposed Development

- 4.1.1. The proposed development has evolved over time and is based on the constraints and opportunities (as detailed in the Design and Access Statement).
- 4.1.2. The proposed development comprises of:
- 63 market residential units
 - 27 affordable units (no. 13 social rent units and no. 14 intermediate units)
 - 0.28 ha of public open space
 - the creation of two new access points from Trem Echni to serve the site
 - the diversion of the Public Right of Way (P7/2/1) via the new estate roads to join the existing and new public footpath.
- 4.1.3. The market housing will comprise of a mix of 3, 4 and 5-bed units. These units will comprise of a mix of detached, semi detached and terrace units.
- 4.1.4. The affordable housing is to be located two separate parts of the site. 14 of the affordable units are designated for social rent and 15 of the units for shared equity (Low Cost Home Ownership) units.
- 4.1.5. The units will range from two to two and a half storeys in height. The design and appearance of the dwellings is in keeping with that of the wider Rhoose Point residential development, using architectural detailing and materials which match and compliment existing development. This is described in greater detail in the Design and Access Statement.
- 4.1.6. A total of 204 parking spaces are proposed as part of the development – 159 bays and 45 within garages.
- 4.1.7. The development will be serviced by a looped internal street linking the two proposed points of access onto Trem Echni. The existing eastern access to the development site will be utilised and reconfigured to suit the dimensions of a residential road. A new access point will be created on the western side of the development. The existing centrally located access bell mouth that serves the site will be stopped-up.
- 4.1.8. A foot / cycle will be created along the northern side of Trem Echni across the site's frontage, linking the existing foot / cycle ways that currently terminate at the western and eastern ends of the application site. This will provide safe access to the development for both existing and new residents.
- 4.1.9. It is proposed that the Public Right of Way which currently runs along the eastern boundary of the site will be diverted through the proposed development. A number of options have been considered in this respect, with the most advantageous being chosen to allow the

original route to be followed as closely as possible and, to provide a secure, overlooked footpath.

5. Planning Policy Framework

5.1. Introduction

- 5.1.1. This section of the statement considers the relevant planning policy framework for the site and surrounding area, having regard to the development proposed and Section 38(6) of the Planning and Compulsory Purchase Act 2004. As noted by Section 38(6), determination must be made in accordance with the development plan unless material considerations indicate otherwise.
- 5.1.2. The statutory development plan for the area currently comprises the Vale of Glamorgan Unitary Development Plan (UDP) (2005). The development plan is supported at a local level by Supplementary Planning Guidance (SPG) documents.
- 5.1.3. There are several national policy documents which form material considerations in any determination. National planning policy documents of relevance to this application include:
- Planning Policy Wales (PPW) (Edition 4, 2011);
 - Technical Advice Note (TAN) 2: Planning and Affordable Housing (2006);
 - Technical Advice Note (TAN) 12: Design (2009);
 - Technical Advice Note (TAN) 18: Transport (2007) and
 - Technical Advice Note (TAN) 22: Sustainable Buildings (2010).
- 5.1.4. The following section briefly summarises the relevant development plan documents, SPGS and national policy in turn.

5.2. Planning Policy Wales

- 5.2.1. Planning Policy Wales (PPW) is the overarching national planning policy document within Wales. The document sets out the key objectives of the planning system across Wales and provides guidance to Local Planning Authorities.
- 5.2.2. The principle objectives contained within PPW which are relevant to this application include:
- The promotion of **resource-efficient and climate change resilient settlement patterns** that minimise land-take and urban sprawl, especially through preference for the re-use of suitable previously developed land and buildings, wherever possible avoiding development on greenfield sites. Importantly, PPW provides the definition of **previously developed land** as land 'which is or was occupied by a permanent structure (excluding agricultural or forestry buildings) and associated fixed surface infrastructure' (Figure 4.1);
 - The identification of a **strong preference towards the use of previously developed land** over greenfield sites (Section 4.8). Previously developed land should, wherever

possible, be used in preference to greenfield sites, particularly those of high agricultural or ecological value (Paragraph 4.8.1);

- Locating developments so as to **minimise the demand for travel**, especially by private car (Chapter 8);
- Supporting the need to **tackle the causes of climate change** by moving towards a low carbon economy (Chapter 4);
- Securing the provision of **infrastructure** to form the physical basis for sustainable communities (including water supplies, sewerage and associated waste water treatment facilities, waste management facilities, energy supplies and distribution networks and telecommunications), while ensuring proper assessment of their sustainability impacts (Chapter 12); and
- Ensuring that all local communities have sufficient **good quality housing** for their needs, including affordable housing and special needs where appropriate, in safe neighbourhoods (4.10.11 and Chapter 9).

5.3. Technical Advice Notes

5.3.1. TANs supplement the policy principles of PPW by adding more detailed (technical) content on how a range of issues might affect the development potential of the site.

TAN 2: Planning and Affordable Housing (June 2006)

5.3.2. This TAN provides guidance to LPAs on matters relating to the provision of affordable housing. Amongst the principles contained within the document is the need for LPAs to address the need for affordable housing through the preparation of their LDPs and the need for appropriate levels of affordable housing to be delivered by individual development proposals (in the first instance on site) in order to deliver socially mixed communities.

TAN 12: Design (June 2009)

5.3.3. TAN 12 seeks to encourage high quality design, built environments and public realm from all new development. The document contains guidance on important built environment issues such as access, character, delivering community safety, environmental sustainability and movement.

TAN 18: Transport (March 2007)

5.3.4. This document seeks to promote an efficient, sustainable and accessible transport system across Wales. Amongst its objectives is a requirement to promote travel efficient settlement patterns, ensure new development is located where it would be accessible by public transport, provide an appropriate level of parking provision, promote cycling and walking and creating a safe public realm

TAN 22: Planning for Sustainable Buildings (2010)

5.3.5. TAN 22 provides guidance on sustainable buildings and the standards of assessment, design solutions that may be used to meet these standards and guidance on delivering low carbon buildings. Fundamentally, and as updated by the Letter of Chief Planners on 16

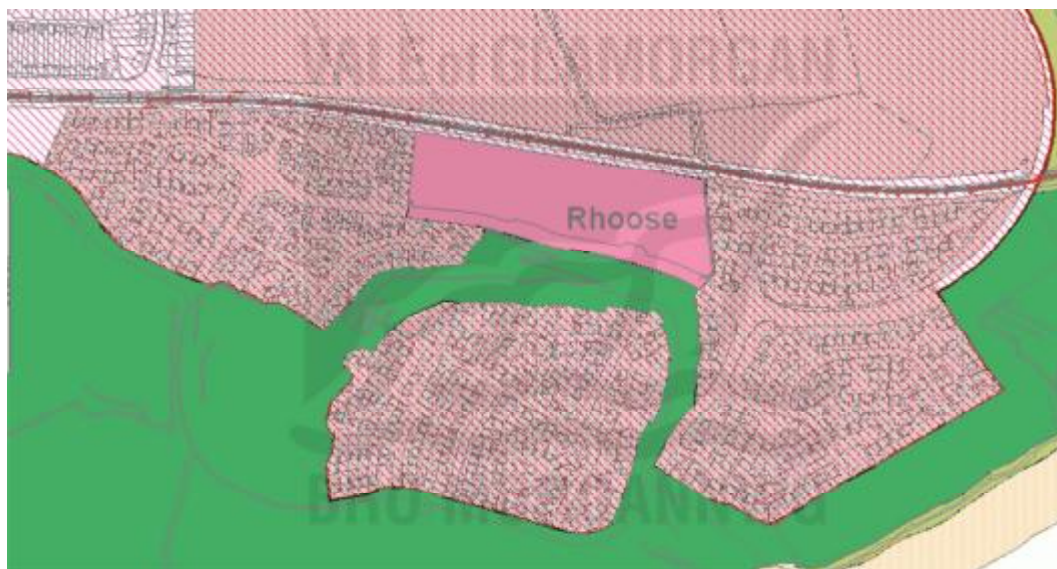
November 2010, all new dwellings are expected to meet Code for Sustainable Homes Level 3 and obtain 1 credit under issue *Ene1 – Dwelling Emission Rate* (under Version 3 of the Code for Sustainable Homes).

5.4. Vale of Glamorgan UDP

5.4.1. The adopted UDP Proposals Map is shown at figure 4.1 This indicates that:

- The site is located within settlement limits; and
- The site is allocated for employment uses under Policy EMP1.

Figure 4.1: UDP Proposals Map Extract



5.4.2. Paragraph 5.4.18 supplements **Policy EMP1** of the Plan and confirms that the Rhoose Quarry Employment Site is allocated for B1, B2 and B8 uses. The UDP describes the site as follows:

Site 12: Rhoose Quarry: 'The designation of 2.9 hectares of land at Rhoose for employment purposes was granted outline planning consent in March 1996. The land for employment uses is adjacent to the main railway line in the north east corner of the site. Surface water run-off must not exceed greenfield site flows'.

5.4.3. **Policy EMP4** seeks to protect land for employment uses (existing employment sites and sites allocated for employment uses), stating that development of uses that are not contained in Classes B1, B2 and B8 will not be permitted on these sites.

5.4.4. **Policy HOUS2** considers additional residential development on sites which are not currently allocated. This policy identifies criteria against which residential development proposals will be assessment within defined settlements such as Rhoose (which is defined in the UDP as a 'Rural Settlement'. Policy HOUS2 states that housing infill, small scale development and redevelopment which meet the criteria listed in policy HOUS8 will be permitted within the

settlement boundaries of certain settlements. Rhoose is identified as one such settlement and it is stated that in these locations:

'Favourable consideration will be given, other than within areas identified as green wedges, to small-scale development which constitutes the 'rounding off' of the edge of settlement boundaries where it can be shown to be consistent with the provision of policy HOUS8'.

5.4.5. **Policy HOUS8**, 'Residential Development Criteria of Policy HOUS2 Settlements' identifies detailed development criteria which residential development proposals will need to satisfy. These criteria include consideration of:

- Scale, form and character of the proposed development
- Effects on amenity and character of existing or neighbouring environments
- Impact on agricultural land, areas of attractive landscape or high quality townscape or on areas of historical, archaeological or ecological importance
- When appropriate and feasible, the provisions of policy REC3 are met
- The provision of car parking and amenity space is in accordance with the Council's guidelines
- Adequate community and utility services exist, are reasonably accessible or can be readily and economically provided

5.4.6. Under **Policy ENV27**, proposals for new development must have full regard to the context of the local natural and built environment and its special features. New development will be permitted where it:

- Compliments or enhances the local character of buildings and open spaces
- Meets the standards of amenity and open space, access, car parking and servicing
- Ensures adequacy or availability of utility services and adequate provision for waste management
- Minimises any detrimental impact on adjacent areas
- Ensure existing soft and hard landscaping features are protected and complemented by new planting, surface and boundary features
- Ensures clear distinction between public and private spaces
- Provides a high accessibility, particularly for public transport, cyclists, pedestrians and people with impaired mobility
- Has regard to energy efficiency in design, layout, materials and technology

5.4.7. **Policy HOUS12** states that where there is demonstrable need, the Council will seek to negotiate with developers for the inclusion of a reasonable element of affordable housing.

Further guidance on affordable housing requirements is set out in the Planning Obligations SPG.

- 5.4.8. **Policy REC3** requires new residential development to deliver open space at a standard of 2.43 hectares per 1000 projected population. This requirement is clarified in Planning Obligations SPG (see below).

5.5. Supplementary Planning Guidance

Planning Obligations SPG (Updated Version, 2012)

- 5.5.1. This SPG sets out the planning obligations which may be sought for a wide range of facilities and / or services, in association with new development. For residential development, the following obligations may be required towards:

- Affordable housing
- Community facilities
- Education
- Public art
- Public open space
- Sustainable transport

- 5.5.2. The SPG provides guidance on how potential developer contributions (both off site and on site) should be calculated. Section 5 sets out the planning obligations which are triggered by the proposed development.

5.6. Vale of Glamorgan Deposit Local Development Plan (2012)

- 5.6.1. The Council are in the process of preparing their LDP which will, once adopted, provide the development plan for the Vale of Glamorgan between 2011 and 2026. Consultation on the deposit LDP was carried out from February – April 2012. Draft Policy MG2, housing allocations, indicates that the application site is proposed to be allocated for housing development.

- 5.6.2. Supporting text set out within the description of the site, at page 139 of the plan, indicates that the site is allocated for mixed use, with 60% residential and 40% community uses. The text also suggests that community uses and open spaces should be provided within the development and that improved pedestrian links with land to the north of the railway line should be included.

- 5.6.3. Savills made representations on the LDP. In summary, the representations welcomed and supported the principle of the allocation for housing. However, concern was raised about the number of dwellings proposed to be provided and the mix of development proposed.

- 5.6.4. It is important to note that PPW provides guidance on the weight which should be attached by LPA's on emerging LDP's. PPW states in paragraph 2.6.2 that the weight to be attached

to an emerging draft LDP will in general depend on the stage it has reached, but does not simply increase as the plan progresses towards adoption. Certainty regarding the content of the plan will only be achieved when the Inspector publishes the binding report. Thus, in considering what weighting to give to the specific policies in an emerging LDP that apply to a particular proposals, LPA's will need to consider carefully the underlying evidence and background to the policies.

- 5.6.5. It is known that a number of objections to various draft policies and allocations were made during consultation on the deposit LDP. Whilst the background papers (i.e. the Employment Land Study – see below) prepared as the evidence base in support the emerging LDP provide relevant and factual information to this application, the deposit LDP (and therefore the proposed allocation) carries limited weight.

Employment Land Study (BE Group, 2007)

- 5.6.6. The Employment Land Study, has informed the emerging LDP. It is significant that the study recognises that the UDP employment allocation on the application site is likely to be developed for non-employment uses. It is acknowledged in paragraph 9.36 that the site is not suitable for employment uses as it suffers from poor access, situation, prominence and is divorced from other employment areas. As such, it is recommended that the employment site is de-allocated (paragraph 1.17).
- 5.6.7. The overall conclusion of the report is that, with the deletion of the application site as an employment site, there is sufficient land allocated for employment use to meet identified employment land needs.

6. Planning Considerations and Justification

6.1. Introduction

6.1.1. This section of the statement assesses the planning issues arising from the proposal. The proposals' performance against the relevant planning policies and other material considerations are also examined in this section.

6.2. Key Issues

6.2.1. Having assessed the background to the site, including the planning history, the planning policy framework, the site characteristics and the constraints it is considered that the key issues that effect the determination of this application are as follows:

- The site's recent planning history (section 5.3) and events since the administration of Cofton (section 5.4);
- The principle of the development for residential use;
- The mix of uses within the site;
- Planning obligations;
- Design and layout of the site, taking into account factors such as the land drain and PROW;
- Accessibility and highways matters;
- Residential amenity;
- Wider issues including drainage; and
- Other material considerations.

6.2.2. Each of these issues is considered in turn below.

6.3. Planning History

6.3.1. The site has been subject to a number of applications over time since the original grant of outline planning permission in 1993.

6.3.2. The application site was subject to a grant of planning permission in 2005 which subsequently expired as no reserved matters application was submitted by the August 2008 deadline. An attempt to secure outline permission for residential development on the site in 2002 did not proceed to determination given that an appeal against the non determination of the application by the Authority was withdrawn in 2006.

6.3.3. The 2006 application for mixed use development across the site did not reach determination. It did however get reported to Planning Committee on three occasions, each time with a recommendation for approval subject to S106 obligations. This application established a number of key conclusions in relation to material considerations relevant to the determination of this current application.

- 6.3.4. It is considered helpful to set out the principles established before considering the key issues in respect of the determination of this current application. A copy of the Committee report dated 13 March 2008 is reproduced at **Appendix B**.
- 6.3.5. Planning application 2006/01807/OUT sought an outline consent for residential development with community uses and associated infrastructure. The application was submitted with an indicative layout. This showed the site broadly split 2/3 residential and 1/3 for commercial uses. These uses included a public house (A3) a B1 office unit, a D1 nursery / crèche and a health centre (D1).
- 6.3.6. The consultation exercise established the following:
- The Health and Safety Executive had no objections.
 - The Environment Agency had no objections, subject to conditions.
 - Network Rail and the HM Railway Inspectorate were consulted. Network Rail raised an issue over the ability to utilise the level crossing within Rhoose as a secondary access to the Rhoose Point Development. The Council sought Counsel's advice on the matter with the conclusion that provision for emergency procedures would be retained even if Network Rail were to close off the level crossing and, there would be no grounds for a refusal on the absence of an unrestricted second access to the wider Rhoose Point site.
 - The PROW officer noted the presence of public footpath number 2 – Penmarc and supported the retention of the path along its existing route, but required more details in respect of the treatment of the path.
 - The Operational Manager for Engineering Design noted the presence of a land drain across the northern boundary of the site. Conditions were requested in respect of ensuring the maintenance of flows within the pipe, an easement of any buildings within 6m of the pipe and that the developer should confirm responsibility for the maintenance / repair of the carrier pipe and advise each individual plot owner of the presence of the pipe during conveyancing.
 - GGAT were consulted and confirmed that it was unlikely that any archaeological material would be disturbed within the site.
- 6.3.7. Planning officers considered that there were four key issues to be considered in the determination of the application. The consideration of the secondary access was one of them, but as noted above, this was resolved through Counsel's advice. The other three issues included:
- i. Whether the loss of the employment allocation at Rhoose Point would prejudice the plan provision of a sustainable mixed use redevelopment at Rhoose Point
 - ii. The appropriateness of the introduction of residential development on some 2/3 of the site under the employment allocation
 - iii. Other site specific matters such as drainage, mix of uses and S106 contributions

i) Employment Allocation

- 6.3.8. Information was provided to the LPA in respect of the marketing of the site for employment uses. The marketing took place between 2001 and 2007 by Hutchings Property Consultants of Newport. The site was advertised regionally and nationally. Throughout the period, there were no meaningful enquiries from developers wishing to undertake employment

development. The majority of enquiries were made out of curiosity or by house builders interested in developing the site for housing.

- 6.3.9. It was acknowledged that the employment land study report (October 2007) undertaken for the evidence base of the LDP concluded that the site need not be retained as an employment allocation in the emerging plan. The report concluded that there was a sufficient area of land allocated for employment use within the Vale and recognised the difficulties in attracting occupiers to this site. The employment land study recommended de-allocating the site from employment use and replacing it with an allocation for mixed use purposes. This was material in the consideration of the proposals at the time.
- 6.3.10. On this point, the purpose of the employment land study was to determine the need and supply for employment land uses. The recommendation within the report for a mixed use on the site does not appear to have been based upon any evidence that any mix of uses should include employment generating uses in order to contribute toward employment land in the Borough. Logically it could not have done so given that the overall conclusion of the report was that there is sufficient employment land in the Borough, and that this site was not required for employment use.
- 6.3.11. Officers support in recommending approval of the mixed use application was also given on the basis that the provision of a wider range of uses other than B Class used would provide some local employment and contribute towards mixed use development within the wider Rhoose Point Area.

ii) Residential Use

- 6.3.12. The committee report went on to consider the principle of acceptability of residential use. It acknowledged the Employment Land Study Report October 2007 and the documentation provided by the applicant, concluding that some degree of flexibility in applying the employment land policies should be given and, recognised that the site is within the settlement boundary of Rhoose and the principle of residential development would be acceptable (notwithstanding the employment land considerations).

iii) Other Matters

- 6.3.13. In terms of the other material considerations, discussions were held over the provision of a multi use games area and, the necessity to provide facilities that remained outstanding from the original S106 agreement on the wider estate. The applicants (Cofton) sought to rectify the outstanding matters by offering the provision of a playing pitch and changing room facilities, alongside a multi use games area (MUGA) off site on land to the south west of the existing railway station to the west of Rhoose Point.
- 6.3.14. It is important to note that these facilities were offered as “compensation” for the under provision of the facilities by Cofton as part of the wider development. In this case, the current applicants cannot be responsible for the failure of Cofton to provide / deliver on the obligations that it was under as part of the original client permission. Cofton went into administration in 2008 without providing such facilities. The relevance of this is discussed within the obligations section further below.

- 6.3.15. Drainage was one of the key areas of objection from local residents in relation to the carrier drain and the failure to adopt the foul and surface water drainage. Officers were justified in recommending approval subject to conditions safeguarding the carrier drain (discussed above) and for details of the foul and surface water drainage to be provided.

Key Points Established

- 6.3.16. Given the above, the 2006 application established the following important points in relation to this current application:
- The employment allocation on the site could be relaxed in favour of a predominantly residential scheme due to the marketing exercise undertaken and the conclusions of the employment land study to inform the LDP.
 - Conditions could be attached in respect of the carrier drain and foul / surface water drainage
 - The development of the site was acceptable in principle in terms of the highways network
- 6.3.17. The application was deferred each time by the Planning Committee members on the basis that they wished to see a resolution to the foul and surface water drainage across the Rhoose Point site and in turn, the adoption of the highways.
- 6.3.18. The application was eventually treated as withdrawn by the Authority following Cofton entering into administration.
- 6.3.19. This was also the case for the parallel application on the land adjacent to the railway station which sought permission for a mixed use building providing retail and flats.

6.4. Events since Cofton's administration and the exploration of alternative uses

- 6.4.1. Whilst the Cofton application included proposals for a pub, crèche, health centre and office, there were no named operators for the commercial uses.
- 6.4.2. Therefore, had the above planning permission been granted, it is unlikely that the commercial / community uses would have been occupied to any beneficial use to the local area. Restrictive phasing conditions suggested for the S106 would have prevented the predominantly residential element of the scheme progressing until the commercial uses were completed, therefore had the permission been granted as recommended the site would most likely not have been developed in any event.
- 6.4.3. Savills engaged with the Local Authority on behalf of Henry Davidson Developments Ltd (HDD) during 2007 and 2008. Layouts were discussed on the basis that commercial operators for the A3, D1 and B1 uses were not available, but that there may be scope for a care home operator to take a proportion of the site alongside residential units. This did not materialise on the basis that care home operators were approached but were not willing to proceed given the lack of viability of an operation of this nature based upon the demographics of the local area.
- 6.4.4. Savills have also met with the LPA since HDD's interest ceased in the site on behalf of Redrow Homes and Persimmon Homes.

- 6.4.5. At the request of officers, Redrow had made contact with the Local Authority with a view to establishing a publicly funded care home operation on site, but owing to commitments elsewhere within the Borough, there was a lack of interest in Rhoose Point.
- 6.4.6. Pre-application discussions were held on behalf of Persimmon Homes in respect of the site in September 2011. Feedback from the Council indicated that given the historic issues with finding community/commercial uses for the site, a residential development would most likely be acceptable subject to some form of community provision on site. The community provision envisaged was some form of recreation / open space facility within the site. This is discussed further within the S106 section of this report, but it is an important point to note that officers were willing to accept a residential led scheme across the site.

Summary of background and events leading up to the application

- 6.4.7. The demonstrable lack of interest in the site from employment and other commercial users clearly indicates the limited potential of the site for other uses. The 2005 permission for employment uses has expired, the 2006 application for mixed use across the site was unsuccessful in attracting operators for the commercial / community uses, but it is material in that it established officer's support for a residential led scheme (albeit with some commercial / community uses). Finally, attempts to attract some form of employment use on the site, in the form of a care home, have not yielded any results.
- 6.4.8. The position at the present time is that the site is allocated for employment use but the Council recognise through its employment land study that it is not attractive to the market and should be de-allocated for such purposes.
- 6.4.9. The draft LDP proposes to allocate the site for residential use, but with some community / recreation uses within it. It has been established that the officers view the community / recreation use envisaged for the site (as part of the supporting text to policies within the draft LDP) is for a multi use game area (MUGA) or a substantial area of open space. This is considered within the assessment of the principle of development in the following paragraphs.

6.5. The Principle of Residential Development on the Site

- 6.5.1. Whilst allocated in the UDP for employment use, the site has been marketed extensively for employment uses with no interest over time. The employment land study underpinning the Deposit LDP recommends de-allocation of the site for employment purposes and is considered sufficiently material to allow consideration of alternative uses on the site to the employment allocation.
- 6.5.2. The site lies within a sustainable location, and within the settlement boundaries of Rhoose / Rhoose Point as set out within the adopted UDP. Policy HOUS2 supports the principle of housing in such locations subject to the criteria listed in Policy HOUS8 being met. These criteria are analysed further below, but there are no in principle issues within the criteria which would prevent the principle of residential development being acceptable in this location.
- 6.5.3. This is supported by the draft allocation set out within the deposit LDP which *prima facie* supports residential use of the site. This is discussed further below.

6.6. The mix of development on the site

- 6.6.1. Having established that the employment policies in the plan can be reasonably relaxed and that residential uses are supported in principle in this location, consideration can be given to the planning policy requirements in terms of the mix of development on the site.
- 6.6.2. There is no requirement for new community uses on this site within the UDP or other commercial uses within this site (such as retail or food and drink). Likewise, there is no requirement for any specific recreational uses which would suggest that specific uses or facilities should be included within the development.
- 6.6.3. Whilst it is acknowledged that the original planning permission for the Rhoose Point site included a mix of uses, it must be recognised that there was no requirement under that application to deliver community or commercial uses across the site. There is no obligation in the original permission to delivery any other form of development within Rhoose Point other than the provision of a playing field. Given the failure of Cofon to do so, and the fact that they are now in administration, it does not follow that the requirement that this should be retrospectively imposed on any new developer.
- 6.6.4. It is understood that the area of land identified for the playing field has recently been transferred in ownership from the administrators to the LPA. Delivery of this is not the responsibility of any new developer for a windfall planning application such as this.
- 6.6.5. The public house envisaged by the original outline permission was rejected under 03/01311/OUT in October 2004 due to local opposition. Similarly, attempts have been made to secure planning permission on the land adjacent to the railway station for commercial uses (02/01515/FUL and other applications). This has not been taken up and subsequent applications have been deferred and eventually withdrawn.
- 6.6.6. Given the advantageous position of the land next to railway station in terms of being able to serve both Rhoose and Rhoose Point, it is considered to remain the most appropriate location for new forms of commercial development, be that for A1, A2, A3 or other uses. To direct such uses to the current application site would not be considered appropriate given that it would dilute the opportunity to strengthen the village centre afforded by the other site. The opportunity to deliver commercial development on that site remains unaffected by proposals on the Trem Echni site.
- 6.6.7. Alternative uses to residential have been explored at length over a considerable period of time without success.
- 6.6.8. It has been established that there is no policy basis for the provision of uses other than residential use on this site (again, taking into account the position on the employment policies).
- 6.6.9. The draft LDP carries only limited weight at this stage. Whilst the allocation of the site for residential uses has been supported by the applicants through duly made consultation responses, an objection has been made to the supporting text within the plan which seeks to guide development towards a 60% residential / 40% community use split. A copy of the representations made is reproduced at **Appendix C**.
- 6.6.10. An objection was made on the basis that community uses are better provided in more suitable locations in Rhoose or Rhoose Point to serve this development and the surrounding

residential areas. As indicated previously, officers have suggested that the community use should be provided in the form of some form of play space within the site.

- 6.6.11. The alternative proposed as part of this application is that areas of children's play and informal areas of open space are provided for within the site (breakdowns discussed further below) and that the more formal place space is provided off site in a more accessible location for the majority of residents in Rhoose and Rhoose Point. The provision of funding through the S106 obligation can be used by the Council to provide such a facility.
- 6.6.12. The planning obligations SPG indicates that development of 90 houses would generate a provision of £88,000 towards community facilities and, based upon the open space provided on site, the cumulative sum for an off site payment would be £86,000. The combined payment of £174,000 could therefore be used comfortably to provide a MUGA or other similar facility off site within Rhoose.
- 6.6.13. Providing 90 homes on site as opposed to the 50 or so envisaged within the deposit plan allows a greater contribution to be made towards such community facilities than if an area of the site were to be reserved / developed for a substantial area of open space.
- 6.6.14. A number of the comments received at the public consultation exercise supported off site provision in this regard.
- 6.6.15. To summarise on the mix of uses appropriate with the site, it is evident that there is no policy support within the adopted development plan for community uses or a larger area of open space than is required to serve the houses proposed within this site.
- 6.6.16. The deposit LDP proposes to allocate the site for residential use under Policy MG2. It does not propose a mixed use within the site and that policy has been supported by the applicants. The deposit plan supporting text has been objected to by the applicants and therefore, in accordance with advice within PPW, carries very limited weight due to the combination of objection and the early stage of the plan process.
- 6.6.17. Consequently, there is no planning policy requirement for community uses or additional open space provision within this site. As such, an entirely residential use, with an element of public open space to serve the development is appropriate. Off site contributions towards additional facilities and community uses are discussed below.

6.7. Planning Obligations

- 6.7.1. The Supplementary Planning Guidance on Planning Obligations published by the Council has been analysed in order to determine the likely obligations required resulting from the development of this size and nature.
- 6.7.2. Each of the key headings set out within the SPG are examined below.

Sustainable Transport

- 6.7.3. The SPG sets out a sustainable transport formula, effectively requiring £2,000 per residential unit in order to provide enhanced off site sustainable transport facilities serving new development.

- 6.7.4. The development of 90 dwellings would generate a contribution requirement of £180,000 according to the SPG. This contribution could be used to provide off site sustainable transport improvements such as contributions towards bus services, the provision of bus stop facilities, cycle lane improvements etc. Subject to the LPA justifying the need for this contribution as part of this development, a maximum of **£180,000** contribution towards sustainable transport can be agreed.

Affordable Housing

- 6.7.5. The latest position from the Council is that they will seek 30% affordable housing provision on major development sites of 10 dwellings or more in order to meet local housing need.
- 6.7.6. The proposed development includes 30% affordable housing, split as follows split as a mix of 2, 3 and 4 bedroom houses.

Open Space Provision

- 6.7.7. The SPG suggests a requirement of 0.4986ha on site provision for the 90 dwellings proposed.
- 6.7.8. For the reasons outlined above in the mix of development discussion, the provision of children's play space and informal recreation areas is best provided for within the site.
- 6.7.9. The provision of more formal play space is considered to be more appropriate in a location accessible by Rhoose and Rhoose Point residents. Consequently it is proposed that 0.28ha of open space is provided on site, with the remainder being provided off site.
- 6.7.10. The shortfall of circa 0.21ha would result in a deficit equalling that of 86 people. Using the calculation method within the SPG this would require a contribution of **£86,000** towards off site open space.
- 6.7.11. As discussed below, this could be combined with a community facility contribution to provide more formal play space off site.

Community Facilities

- 6.7.12. The SPG sets out a formula effectively requiring £988.50 per dwelling in lieu of on site provision. The SPG states that in schemes of above 25 units and below 200 units contributions will be sought as opposed to on site provision.
- 6.7.13. A development of 90 dwellings will generate a requirement for **£88,965** contribution towards community facilities.
- 6.7.14. This could be combined with the open space provision to provide community / recreation facilities within Rhoose Point at a suitable location. Feedback from the public consultation exercise indicates this is supported at a local level.
- 6.7.15. Had the development proposed 50 dwellings, as suggested within the Deposit LDP supporting text, a lower contribution of £49,425 would be justified, some £40,000 lower than the requirement for 90 units. This is considered a significant difference and an incentive to allow a higher proportion of the site to be developed for housing purposes, thereby, bringing about a better provision of facilities within Rhoose and Rhoose Point as a result of the development.

Education

- 6.7.16. The SPG states at page 22 that when new pupils generated by a development cannot be met by available spare capacity within existing schools, obligations will be required to enable additional places to be provided. It states that it should be noted that existing spare capacity will not automatically be credited to developers, particularly where there it is likely to be taken up by other development (permitted or identified in the adopted or emerging development plan).
- 6.7.17. In this case the adopted development plan includes Land to the North of the Railway line, allocated for 600 units. This was to be split through the provision of 400 units up to 2011 and 200 units between 2011 and 2026.
- 6.7.18. There has been a significant delay in the delivery of the allocation, with the site being split between two different applications. One of which is currently subject to a non-determination planning appeal, with a two week Inquiry due late September/early October 2012. This is a Ministerial decision and there is strong likelihood that the application for this site (land at Trem Echni) will be determined in advance of the appeal on land to the North of the Railway Line.
- 6.7.19. The Trem Echni application site is identified within the draft LDP for residential development which is significant in that the SPG also refers to capacity in local schools potentially being reserved for land within *emerging* development plans.
- 6.7.20. As a consequence, the likelihood is that the development of the application site will come forward in advance of the land north of the Railway Line if granted. Any spare capacity within the local schools should therefore be prioritised to the development of land at Trem Echni.
- 6.7.21. Subject to spare capacity being available, the calculations set out within the SPG will be used to provide for any shortfall. It is noted that the SPG has been updated via a Cabinet report, however, it is evident that this has not been put out to any public consultation and therefore carries very limited weight. The correct figures to be used are considered to be those set out within the original SPG (dated 2009).
- 6.7.22. The Council have confirmed that there is no requirement for a contribution to accommodate 23 secondary pupils generated by the proposed development. This is based on there being existing capacity within local secondary schools and taking into account residential allocations and other committed developments.
- 6.7.23. A calculation for the primary school and nursery places will need to be undertaken and agreed as part of the application process.

Public Art

- 6.7.24. The SPG requires 1% of bill costs or on site of provision for public art. Details of this are to be provided during the application process.
- 6.7.25. It is important to note that these obligations are substantial and represent significant community benefit which can be triggered only by the scheme and on the housing numbers proposed. A smaller scheme would deliver much less benefit either in terms of affordable housing, public transport or open space.

6.8. Design and Layout of the Site

- 6.8.1. The Design and Access Statement describes in detail the design process undertaken and the ultimate design and layout of the proposals submitted.
- 6.8.2. To the northern edge of the site, where the land abuts the railway, runs a surface water carrier drain. The carrier drain receives surface water run off from the land to the north of the railway line. In the event that land is developed, that scheme will have its own positive drainage solution so water will no longer travel under the railway line, and hence the carrier drain will become redundant. In the meantime, the land drain will be protected and preserved within our scheme, predominantly within an easement within rear gardens, to safeguard both new and existing residents.
- 6.8.3. The design and layout justification of the site is considered in detail within the Design and Access Statement.
- 6.8.4. The layout of the site has been devised in order to retain appropriate separation distances between existing and proposed dwellings in order to maintain privacy and amenity and, to address the frontage of the site.
- 6.8.5. The appearance is also discussed in detail within the Design and Access Statement. Design leads have been taken from Rhoose and Rhoose Point in order to inform the development.

6.9. Accessibility and Highways Matters

- 6.9.1. The site benefits from good public transport links by virtue of its location within the 'Waterfront Strip' of the Vale of Glamorgan. The site is located within close proximity to all modes of transport, including Rhoose Train Station which is located within walking distance of the site and regular bus services provide good public transport links to employment opportunities at Cardiff Airport and St Athan. Rhoose village centre is walk able from the site and contains a variety of services including shops and community facilities. The application site is located in a sustainable location.
- 6.9.2. Other opportunities may be available to improve accessibility in and around Rhoose and the surrounding areas – this will include enabling the Trem Echni pedestrian / cycleway that currently terminates at the eastern and western boundary of the site to be linked and completed.
- 6.9.3. A Transport Assessment has been submitted to support this application. This concludes that the development is estimated to generate approximately 472 daily vehicle movements. This is significantly less than the resulting traffic movements previously permitted for the employment use (which would create approximately 1,035 daily vehicle movements). The resulting level of traffic generation is considered to be acceptable and can be accommodated by the existing highway infrastructure.
- 6.9.4. As described in the TS and the Design and Access Statement, two new access points are to be created onto Trem Echni. In accordance with Manual for Streets 2, the internal road layout and the new junctions will ensure that the site can be safely access – to, from and within the proposed development.

6.10. Residential Amenity

- 6.10.1. The proposed development is adjoined by residential development to the west, south and east. Land to the south is positioned within the Quarry, at a significantly lower gradient and is intersected by Trem Echni so there will be no impact on privacy or overlooking to the south.
- 6.10.2. As shown on the proposed layout, the proposed dwellings on the western and eastern boundaries have been designed to ensure that all new and existing dwellings benefit from an appropriate degree of privacy and receive appropriate levels of natural light and have an appropriate outlook. As shown on the layout, minimum back to back distances appropriate for 2 storey buildings are applied to avoid the creation of overlooking and overbearing relationships between new and existing dwellings.
- 6.10.3. All new dwellings will be provided with an appropriate amount of amenity space in order to meet the recreation and domestic needs of the occupants.

6.11. Wider issues

Drainage and Highways Adoption

- 6.11.1. The adoption of the drainage and highways in Rhoose Point has been raised as an issue in the past. The lengthy delay in adoption has been due to the previous owners, Cofton, going into administration. It is understood that all matters have now been resolved. The foul drainage network has been adopted and the Council have applied to have the surface water drainage adopted. Once all drainage has been adopted the highways networks can then be adopted. The adoption of the highways/surface water drainage is not material in the determination of this current application.

Pumping Station

- 6.11.2. The pumping station, complete with its recent upgrades, is being managed by the Vale of Glamorgan and Welsh Water. There will however be a requirement for further upgrades to the pumping station and these will take place following the appropriate technical assessments during the course of the planning application. These studies will inform the extent of any upgrades required.

6.12. Other Material Considerations

Employment and Job Creation

- 6.12.1. The construction phase of the development will generate approximately 135 FTE new, direct local jobs (figures based on 1.5 on-site jobs per dwelling built per annum, taken from research by the University of Reading and the Home Builders Federation).
- 6.12.2. It is important to note that whilst employment generating uses are not proposed on the site, housing development is an important source of employment in terms of the number of construction and supply chain jobs created. It is an especially important source in current market conditions.

Ecology

- 6.12.3. During pre-application dialogue with the Council, it was recommended that a phase 1 extended habitat survey is undertaken on the site. This is being undertaken and will be submitted during the course of the application.

Landscaping

- 6.12.4. A detailed landscaping scheme is submitted as part of this application. The proposed soft and hard landscaping is in accordance with and sympathetic to the existing residential development at Rhoose Point.

7. Conclusions

- 7.1.1. This planning statement supports an application by Taylor Wimpey Plc for the development of a vacant brownfield site within Rhoose Point.
- 7.1.2. The statement has reviewed the history to the site, its planning background and analysed the proposals against this context.
- 7.1.3. The site has remained vacant since the redevelopment of the former quarry site commenced in the early 2000s. The site has been allocated for employment use within the Vale of Glamorgan UDP and several attempts have been made to secure a planning permission to allow the site to be developed. It is evident from the history that the site is not attractive to employment users and is not considered to be an appropriate location for such uses, given the surrounding residential uses.
- 7.1.4. Evidence submitted in previous applications has demonstrated that the site had been marketed for employment uses without success. The principle of a non employment use on the site had been previously supported through the recommendations to Planning Committee in 2007 and 2008 for a mixed use scheme. Furthermore, the Council's Employment Land Study does not support the retention of the allocation within the UDP for employment use.
- 7.1.5. This statement has set out justification for developing the majority of the site for residential uses, with an appropriate area of land provided for open space to serve the informal and children's play needs of the development.
- 7.1.6. The proposal includes contributions through a S106 obligation which would allow for off site formal play facilities to be funded within Rhoose Point or Rhoose.
- 7.1.7. This is considered to be the most appropriate way to deal with the formal play needs of the development as an off site provision will also assist in meeting the wider needs within Rhoose Point / Rhoose.
- 7.1.8. As a consequence, the development of 90 dwellings within the site, as opposed to the 50 set out within the Deposit Plan supporting text is justified. The development of the site also drew substantial public support at an exhibition, with the majority clearly wishing to see the area used positively for new housing.
- 7.1.9. The site layout and design takes into account the characteristics of the site and its physical constraints. The proposal is to divert the existing footpath which runs along the eastern boundary of the site into a more secure and overlooked street. This will also improve the usability of the footpath as it will provide a tarmac surface where non exists at present. The small diversion to the footpath will remove the need to retain the path between the back garden fences of existing and proposed dwellings, thereby improving security of users and neighbouring residents.
- 7.1.10. The drainage has been considered within this report. Within the site the existing land drain has been taken into account through a 3m easement. Previously, conditions have been recommended to ensure that the land drain is fully advertised to future occupiers of the proposed dwellings and is retained and maintained in the long term.

- 7.1.11. A unilateral undertaking will be provided during the course of the application once the S106 contributions have been agreed and finalised. This statement has fully considered the need to provide obligations and sets out what is considered to be appropriate sums / requirements as per the Council's adopted supplementary planning guidance.
- 7.1.12. In conclusion, the application represents the opportunity to complete the development of Rhoose Point by utilising a long term vacant site, which has become redundant in terms of the need for the employment use for which it was first allocated.
- 7.1.13. Policy EMP1 and EMP4 of the Adopted UDP have been addressed and it has been demonstrated that there are material considerations which support the grant of permission, particularly as the proposal accords with policies HOUS2 and HOUS8.
- 7.1.14. The scheme therefore represents a viable and appropriate use for the site and can be supported in planning terms.

Appendix A

Public Consultation Documentation



Come and meet us to find out more about our proposal for land at Trem Echni, Rhoose Point



We always try to keep local communities informed as we prepare and then make our planning applications and really welcome any comments that you may have at this stage.

Taylor Wimpey is intending to apply for permission for around 90 family homes, ranging from two to four bedrooms.

The proposed development includes areas of open space and comes with a package of proposed community benefits.

Come and meet us
Rhoose Community Centre, Steward Road,
Rhoose, CF62 3EZ
11.00am-7.00pm
Thursday 16th August 2012

For more information call Adam on 02920 534700 or
Laura on 02920 368905

Taylor Wimpey

Information about the site we need to take into account

Before we start designing a new scheme, we complete an assessment of the site and the surrounding area as they are at the moment. We record those features we need to take into account in our design. The relevant considerations, whether they fix the way our scheme has been designed or give us a real opportunity to make the most of a particular feature, are shown here.

KEY

- DISTINGUISHMENT
- GAS CONDUIT
- SW CARBON DIOXIDE EMISSION OF BOUNDARY
- TOWN WATER MAIN
- WPD ELECTRIC CABLES
- ADJUSTED MAIN DRAINAGE CHANNEL
- CONFINED HEAD OF TOWN WITH CONTINUOUSITY OF AIR OUTLET PROTECTION
- DISTINGUISHMENT



ASSESSMENT

We look at the environmental features on and around the site, to determine what needs to be protected and incorporated into our design. Due to the nature of the site at present, it is clear that we will need to address these features via a scheme of landscaping and tree-planting. Our research also identifies potential problems such as flooding or noise through the existing structure and other site-specific issues, and our team finds that these risks, including from the railway line, are within acceptable limits.

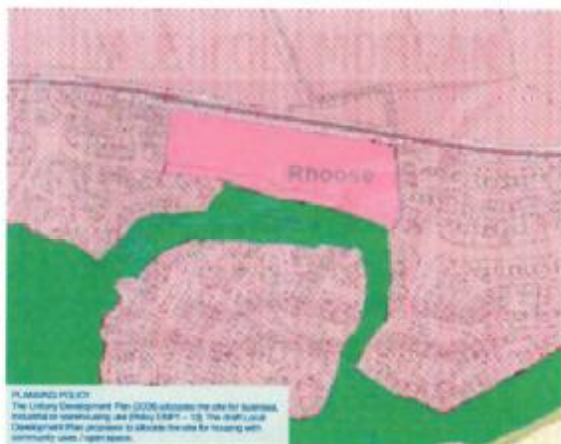
BUILD FORM

We have looked at the mass and shape of features of buildings and other structures in the surrounding area. These should now be used to inform the design of our proposed development, as well as allowing us to account for features such as water courses, topography, and tree lines.



ACCESSIBILITY REQUIREMENTS

We have looked at the pattern of roads around the site, the best places to get in and out and connections to the surrounding area for cars, cycles and pedestrians, and have also looked at the provision of public transport around the site. We will use this information to design the site's access routes, crossings and paths for the development and look at how public transport can be integrated with the scheme.



PLANNING POLICY

The Local Development Plan (2020) identifies the site for business, industrial or warehousing use (B1/B2) - (B). The Local Development Plan provides to allocate benefits for housing with community uses (open spaces).

Things to talk about:

Drainage

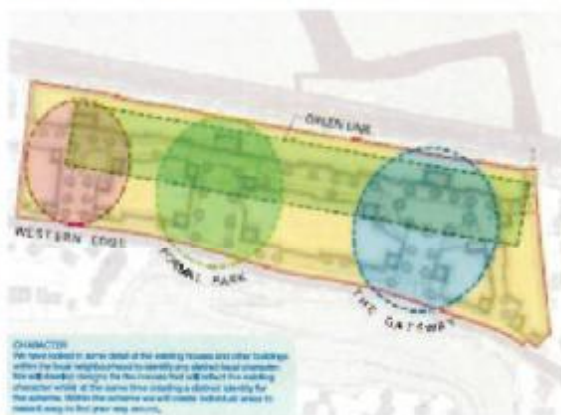
The Railway line to the north

Public Right of Way

Planning Policy

How we approached the design of the site

We use the site considerations to help us produce design proposals. It is important that the design process takes full account of the physical features of the site, its setting and connections to its surroundings. Our new development must also take into account the existing character of the local area.



Things we took into account:

A distinctive sense of character

Well located, well managed open space

Access to existing facilities

Making the most of land and existing features

Safe, convenient and direct paths and cycle routes

Easement for carrier drain

Our designs for Trem Echni, Rhoose Point

You may recall that various different proposals have been put forward for development on the site before. This includes a proposal for employment development on the site which was approved by the Vale of Glamorgan Council in 2005. The site forms part of the wider Rhoose Point development.

Taylor Wimpey is intending to apply for permission for 90 family homes – ranging from two to four bedrooms.



The above streetscene is an example of how the homes may look



Key Facts:

Regeneration of derelict brownfield land

27 affordable units, including Low Cost Home Ownership units to assist first time buyers

Predominantly two storey traditional family housing, with a small number of 2.5 storey units.

Potential for local employment during the construction phase

On site open space

Contributions toward community facilities

Transport and drainage

What about transport?

The site benefits from good public transport links by virtue of its location within the 'Waterfront Strip' of the Vale of Glamorgan. The site is located within close proximity to all modes of transport, including Rhoose Train Station which is located within walking distance of the site. Rhoose village centre is walkable from the site and contains a variety of services including shops and community facilities. In planning terms, this can therefore be classed as a sustainable location, and with the sustainable transport contributions generated by this scheme, the situation can be improved further. Other opportunities may be available to improve accessibility in and around Rhoose and the surrounding areas. Further, we understand that there are already plans for the train service to be increased to a half hourly service.

What about drainage?

The adoption of the drainage and highways has taken a long time principally due to the previous owners, Cofon, going into administration. All matters have now been resolved and the Council are planning to adopt the surface water drainage and highways networks in the coming months. Welsh Water have already adopted the foul drainage. The pumping station, complete with its recent upgrades, is being looked after by the Vale of Glamorgan and Welsh Water. There will however be a requirement for further upgrades to the pumping station and these will take place following the appropriate technical assessments when our planning application is formally made. Any upgrades will need to be carried out by us before the occupation of any more new homes. The development of this site will therefore deliver the final elements of the overall drainage strategy for Rhoose Point.



To the northern edge of the site, where the land abuts the railway, runs a surface water carrier drain. The carrier drain receives surface water run off from the land to the north of the railway line. In the event that land is developed, that scheme will have its own positive drainage solution so water will no longer travel under the railway line, and hence the carrier drain will become redundant. But in the meantime, it will be protected and preserved within our scheme, predominantly within an easement within rear gardens, to safeguard both new and existing residents.

Issues to address:

Priority for pedestrians and cyclists

Right of Way across the site to be maintained

Drainage

What are the benefits of our scheme?

Our proposal is for a residential development of 90 new homes in Rhoose. The development will include a range of property styles and sizes. 30% will be affordable homes, including Low Cost Home Ownership. The site has remained vacant and undeveloped and is arguably the last piece in the jigsaw for development at Rhoose Point.

Difficulties with the previous owners going into administration (Cofton) are well known. Taylor Wimpey has secured the site from Cofton's administrators in order to allow it to be finally developed.

We are aware of the history of this scheme and the feelings of many local people in respect of the 'finishing off' of this project. This final phase could provide or fund many of the things expected from the outset.

Planning permission is required in order to complete the development of Rhoose Point, many years after its commencement. If granted, planning permission will be subject to a planning agreement to deliver local services and facilities that are necessary to facilitate the development. Taylor Wimpey are content for these to be delivered simultaneous to the proposed housing.

Taylor Wimpey is proposing the following package of benefits, generated by the 90 units proposed:

- **Education** – up to £400,000 towards provision of extra school places locally, dependent on the final need determined by the Vale Council.
- **Sustainable transport** – £180,000 towards sustainable transport measures in the local area such as improving cycle lanes, improving bus links and providing bus stops and potentially assisting the Green Links Rural Community Transport initiative
- **Community facilities** – £88,000 towards the improvement or provision of community facilities within Rhoose
- **Open space** – in addition to the on site provision of circa three quarters of an acre open space (c.12% of the site), a contribution of £86,000 will be made to the provision/ improvement of other local open spaces and facilities.
- **Public Art** – a figure equal to 1% of our build costs (c.£40,000) will be made available to provide features in and around the site, in line with Vale policy.

As house price affordability becomes more of a national issue, there is an increasing need to provide housing for different sectors of our society. The planning policies of the Council require that 30% of any new housing development be provided as "affordable housing". As such, 27 of the houses will need to be of this type. These will be in the form of a mix of tenures including intermediate forms of affordable housing such as low cost home ownership and intermediate rent.

Summary of benefits

Community Benefits

The planning contributions identified will amount to approximately £800,000 for the Local Authority to spend in the local area. We feel that these contributions will be of great value to the local community compared with providing small scale community uses on site as suggested by the draft LDP policy. The proposed development of 90 houses, compared with the draft LDP figure of 50 houses, will provide additional funding in the order of £350,000 in community contributions.

Employment generation during construction

The construction phase of the development will generate approximately 60 new, direct local jobs and a further 180 jobs in our supply chain (figures based on 1.5 on-site jobs per dwelling built per annum plus 4.5 per dwelling per annum off site, taken from research by the University of Reading and the Home Builders Federation).

Support for existing facilities

Additional residential population will not only pay for new facilities within the local area, it will also help to support existing public transport and shopping facilities.

Visual improvements

The site has laid vacant from some time and we feel that this well designed scheme will greatly improve the appearance of this overgrown and derelict site and finally complete the redevelopment of Rhoose Point.



Economic benefits overview:

Improvements to local infrastructure

Contributions to local facilities

Construction jobs

Some questions you may have

The site is well located in a sustainable location, benefiting from excellent public transport access, close proximity to a range of local amenities, such as local schools, leisure facilities and health care provision. The site is able to delivered, accords with National and Local planning policy, and Taylor Wimpey will seek to build the site out if planning permission is received.

Will there be any affordable housing?

Yes. 30% of homes on the site will be affordable.

Previous plans for the site included commercial uses, why are they no longer proposed?

The introduction of commercial uses has been explored extensively with the Council and a number developers over a period of at least 5 years. As you may be aware, the original owners of the site, Cofon, promoted a mixed use scheme including residential, offices, a public house, a crèche etc. The market demand for such uses was unfortunately non existent and, therefore, such a scheme was unviable. Further schemes were explored by substituting the commercial uses with a care home to provide some employment generating use. Likewise, the ability to deliver a care home in isolation or as part of this current proposal has been explored and found to be unattractive to care providers. There is also unfortunately no interest from the breweries to develop the land, or part of it, for a pub or restaurant.

What about the Planning Policy for the Site?

The site is allocated for employment uses in the UDP. The draft LDP allocates the site for residential uses (up to 50 dwellings) along with open space and community uses. It is our view that additional community facilities are best provided off site, supported by financial contributions from our proposal in order to allow the Council to find the most appropriate location and cost effective solution for the new facilities. The development of the site for 90 houses instead of 50 allows for a greater contribution to be made in order to provide better facilities off site.

If planning permission is granted, when would development start?

We aim to start within 6 months of the grant of planning permission and we would hope to have the first house completed within 12 months of planning permission being granted. We would then build in line with projected house sales.

How can I comment on this proposal?

We hope this event has been a useful exercise in explaining our proposals with the existing community, and would welcome you providing your views on the feedback sheet provided. The Council will undertake a formal consultation once the planning application has been registered. This will involve contacting neighbours by letter and posting a notice on site. You will be able to provide your comments to the Council in due course.

Will Taylor Wimpey deliver a sustainable development?

Taylor Wimpey understands the importance of sustainability, providing strong, vibrant and healthy communities while also protecting and improving the natural, built and historic environment. We aim to make our homes environmentally sustainable to build and to live in, and build new environmental methods and technologies into our schemes. This improves the sustainability performance of new homes, providing residents the opportunity to live in a more environmentally-friendly way.

I've got a question, who do I ask? Please do ask us at the event here today, or if you'd prefer...

Write to us

Taylor Wimpey,
Ground Floor,
Eastern Business Park,
Wern Fawr Lane,
Cardiff CF3 5EA

E-mail

Adam.Ryan@taylorwimpey.com

Telephone

Adam on 02920 534700



Scheme Overview

The site is well located in a sustainable location, benefiting from excellent public transport access, close proximity to a range of local amenities, such as local schools, leisure facilities and health care provision. Taylor Wimpey will seek to build the site out once planning permission is granted for the proposed scheme.

Our proposal is for a residential development of 90 new family homes in Rhoose. The development will include a range of property styles and sizes to suit market demand. 30% will be affordable homes in accordance with Local Planning Policy, including Low Cost Home Ownership to assist first time buyers.

The proposed development will be required to deliver a package of benefits to the community, worth a total of £800,000. This will include:

- Education** - in the order of **£400,000** towards the provision of extra school places locally, dependent on the final need determined by the Council;
- Sustainable Transport** - **£180,000** towards sustainable transport measures in the local area such as improving cycle lanes, improving bus links and providing bus stops and potentially assisting the Green Links Rural Community Transport initiative;
- Community Facilities** - **£88,000** towards the improvement or provision of community facilities within Rhoose;
- Open Space** - in addition to the on site provision of open space, a contribution of **£86,000** will be made to the provision / improvement of other local open spaces and facilities;
- Public Art** - 1% of the build cost, around **£40,000** will be contributed towards public art.



The Indicative Masterplan for the site

The construction phase of the development will generate approximately 60 new, direct jobs and a further 180 jobs in our supply chain.



The above streetscene is an example of how the homes may look

I've got a question, who do I ask? Please do ask us at the event here today, or if you'd prefer...

Write to us

Taylor Wimpey,
Ground Floor,
Eastern Business Park,
Wern Fawr Lane,
Cardiff CF3 5EA

E-mail

Adam.Ryan@taylorwimpey.com

Telephone

Adam on 02920 534700



Appendix B

Planning Committee Report (dated 13 March 2008)

2006/01807/OUT Received on 19 December 2006

Savills 12 Windsor Place, Cardiff, CF10 3BY.
Cofton Ltd, C/o Agent

Land to the south side of the railway line Rhoose Point, Rhoose

Residential Development and community uses with associated infrastructure

SITE DESCRIPTION

The application site relates to a vacant rectangular shaped area of land measuring 2.95 hectares, located within the Rhoose Point housing estate.

To the north the site abuts the Vale of Glamorgan railway line and beyond that lies the site which is allocated for housing under Policy HOUS1(22) of the Vale of Glamorgan Adopted Unitary Development Plan 1996-2011. To the south, the site adjoins Trem Echni, the main highway through the Rhoose Point development. To the west and east the application site adjoins modern residential dwellings built as part of the Rhoose Point development.

DESCRIPTION OF DEVELOPMENT

The application is for outline planning permission with all matters reserved for residential development and community uses with associated infrastructure.

Whilst all matters are reserved the site layout plan as now submitted and subsequently amended indicates that the community uses will comprise of offices, a health centre, a public house and a children's nursery.

The residential element of the application which comprise of approximately two thirds of the site and indicates in illustrative form the provision of 54 dwellings located on the western side of the site, with the community uses provided in the eastern portion of the site. The revised scheme now includes the provision of a double length bus lay-by and an area of land reserved to facilitate the possible provision of an improved means of pedestrian crossing to the railway at its point over the railway to the land to the north.

PLANNING HISTORY

Application Site

03/01380/OUT - Outline application for employment development. Approved 22 August 2005, subject to conditions.

02/01518/OUT - Outline application for residential development. An appeal was made against non-determination to the Welsh Assembly on 7 July 2003. Planning Committee resolved on 30 July 2003 that the application would have been refused had the application been determined prior to the appeal. The appeal was withdrawn on 21 April 2006.

Rhoose Point (General)

04/01809/FUL - 2 storey commercial and residential mixed use development, with retail at ground floor with flats at first floor at land adjacent to interchange. Application not yet determined, but being reported to this Committee.

03/01311/OUT - Outline application for pub/restaurant. Refused 18 October 2004.

02/01515/FUL – Full planning permission was granted for a new district centre including a mixed retail unit, car parking, bus stop and shelters and a public car park on 23 October, 2003.

98/01065/FUL - Determination of updated conditions for mineral site at Rhoose Quarry. Outstanding to date.

93/01186/OUT - 500 dwellings, employment (B1/B2/B8), shop(s), pub/hotel/restaurant, environmental centre, nine hole golf course & club house, open space, playing fields, new access road etc. Approved 20 March 1996 with a Section 106 Legal Agreement.

CONSULTATIONS

Environment Agency Wales were consulted and their response of 26 January 2007 does not raise an objection to the development in principle but suggests conditions relating to contaminated land, infill materials and drainage / flood defence.

The Health and Safety Executive advised to check the PADHI+ system. On consultation with PADHI+ system the response states that the HSE do not advise against the proposed development.

HM Railway Inspectorate were consulted on 31 January and their response received on 22 February 2007 stated that the development must not interfere with the level crossing or cause traffic queues to form in the vicinity of the level crossing. Following re-consultation on 7 January they have responded by stating that they note the contents of the letter and that Network Rail should be consulted on the application.

Network Rail were consulted and their response received on 23 January 2007 stated no objection in principle. They provide advice in relation to safety, construction and impact upon the railway that will need to be taken into account at the reserved matters stage. Following being advised on 7 January of the intention to report the matter to Planning Committee on 27 January they have responded, in which they re-emphasise that there should be no additional discharge into the existing railway culverts and that the developers were ask to demonstrate that the site can be adequately drained without overloading the existing drainage system.

Public Rights of Way Officer was consulted and has confirmed that the site is crossed by Public Footpath No.2 Penmark. The proposed development shown in the outline planning application does not directly affect the line of the path which remains in its current location along the easternmost boundary of the site.

Consequently a diversion order does not appear to be necessary, and I would have no objections in principle to consent being granted for outline planning consent on this basis. However I would require more detailed proposals for the treatment of the path, including in this case sections showing finished levels across that part of the site affected by the path, to be considered as part of an application for full planning consent.

British Gas were consulted on 8 January 2007, no response received to date.

Civil Aviation Authority were consulted on 8 January 2007, no response received to date.

The Operational Manager for Engineering Design (drainage) commented on 24 January 2007 in respect of land drainage and coastal protection matters as follows:

“A carrier drain passes near the northern boundary of the proposed development and may be affected by the proposals. The developer will be required to maintain flows within the pipe, during and after the works, and should be requested to submit appropriate details showing proposals to maintain the same to the Local Planning Authority prior to the commencement of any works.

It is noted that some of the proposed buildings are over or near the carrier drain. This will severely restrict any future maintenance and repair work to the pipe. It is therefore recommended that no buildings are constructed within a minimum of 6 metres of the pipe.

It is noted that the development consists of a number of plots and I assume that these are to be sold individually. The developer should therefore be requested to confirm the future responsibility for the maintenance/repair of the carrier pipe to ensure that this is clearly defined.

The developer should also advise each individual plot owner of the presence of the carrier pipe where it passes through their land and confirm that he has done so.

It is noted that land drainage ditches cross the site. The developer should therefore identify all land drainage ditches and ensure that they are still utilised for their intended use or alternative provisions made. The developer should be requested to submit appropriate details showing proposals to maintain the same to the Local Planning Authority for approval prior to the commencement of any works.

Land drainage pipes also pass under the railway and onto the proposed development. The developer should therefore be requested to identify and provide details of these pipes, including the method of connection to the carrier drain and hydraulic flow calculations, to ensure that flows within these pipes are maintained. It is also recommended that you seek the comments of Network Rail as the pipes under the railway are considered to be in their ownership.

The submitted details indicate that surface water run-off from the proposed development is to discharge to existing mains. The applicant should therefore be requested to submit full details of the proposals for the disposal of surface water run-off for further comment.

It is also recommended that you seek the views of Dwr Cymru/Welsh Water regarding the adequacy of the public and potentially adoptable sewerage systems to accept the drainage flows from proposed development.”

The Head of Visible Services (Highway Development) was consulted and made the following comments.

“Further to receipt of the amended site layout plan produced by RPS Design, reference number ACA4941/101/C in relation to the submitted planning application, the Highway Authority are aware of the site's designated use for employment previously Identified within the Vale of Glamorgan Council's Unitary Development Plan 1996 - 2011, Deposit Draft 1998, reference EMP 1(14) and now within the Vale of Glamorgan Council's Adopted Unitary Development Plan 1996 - 2011, reference EMP 1(12) and the previous planning permission reference 93/01186/OUT for the site.

The Highway Authority would advise the Local Planning Authority that the matter of the provision of a safe “ **Secondary** “ access to the Western corner of the Rhoose Point development via the existing level crossing to cater for all modes of transport whether by public transport, car, cycling or walking which would provide access to the public all year round (365 days of the year) to the surrounding areas i.e. Rhoose Village as an alternative in addition to the “ **Primary** “ vehicular access provided via Pentir y De which connects directly to the roundabout on Porthkerry Road.

The issue of a secondary access to Rhoose Point forms an integral part of the overall development to provide alternative / permeable networks within the site and existing street networks outside the site which was initially identified within the Traffic Impact Assessment (TIA) produced by Ove Arup for Blue Circle Properties Limited which has been subsequently included in the TIA produced by Mason Richards Engineering on behalf of the applicant Cofton Land & Property Projects Ltd for the previous application relating to the ' Proposed Reallocation of Employment Land for Housing Development, Vale of Glamorgan Council (Planning Application reference, 03 / 1380 / OUT ' and again within the Transport Assessment (Item 2.8) produced by FMW Consultancy submitted as part of this planning application.

The Highway Authority would inform the Local Planning Authority that we are not aware to date that the Office of Rail Regulation (ORR) has given written consent for the change in use of the level crossing status for use by all highway users.

In the absence of the above, the Highway Authority would raise an objection to the residential use of the site without the above being satisfied. However, there would be no objection raised to a suitable designed layout for an employment development.”

The Director of Legal, Public Protection and Housing Services (Environmental Health) was consulted and the response of 19 January 2007 stated that part of the site previously formed part of the Rhoose Cement Works. They recommend attaching a contaminated land condition and an imported materials condition. They advise that any residential development adjacent to the railway must be subject of a noise assessment in accordance with TAN 11, identifying appropriate noise attenuation measures. They also note potential impacts from the commercial uses e.g. noise, disturbance, fume extraction etc.

Dwr Cymru/Welsh Water were consulted and their response of 16 February 2007 stated that although the current public system is unable to accept any increase, further works will be necessary to improve the private sewerage pumping station to increase its capacity. It is understood that this could be done by planning condition.

Cardiff International Airport commented on 20 January 2007 that they cannot comment at this stage and should be re-consulted at detailed planning stage.

Glamorgan Gwent Archaeological Trust were consulted and their response of 14 February 2007 stated it is unlikely that archaeological material would be disturbed.

Subsequent to the reporting of the matter to Planning Committee on 17 January the following additional responses have been received:

- The Office of Rail Regulation (Mr. J. Tilley – H.M. Principal Inspector of Railways, Level Crossing National Expertise Team) has stated in a letter dated 22 January 2008 as follows:

“Thank you for your letter dated 7 January 2008 regarding the above planning application. H.M. Railway Inspectorate notes the contents of your letter and Network Rail should be consulted on this application.”

REPRESENTATIONS

The application has been advertised in the press and on site. Adjacent and nearby occupiers were notified on the original layout on 19 January 2007 and the amended layout on 30 August 2007.

In respect of the original scheme a total of 13 letters of representation have been received. The principle concerns relate to the fact that representors wish to see that all outstanding infrastructure issues are resolved prior to the granting of any further planning permission, particularly in respect of the adoption of the sewers and roads. Reference is also made to the drainage infrastructure which crosses the application site (carrier drain) and through the gardens of dwellings on the adjacent residential development. Further concerns relate to issues of flooding, access over the railway line, additional traffic generation and noise and disturbance. A copy of a sample letter is attached as Appendix A.

Councillor Jeffery James has commented on the application that there are a number of outstanding issues in relation to the original Rhoose Point development such as non adoption of drainage by Welsh Water, non adoption of highways by the Vale Council, outstanding planning obligations from the Section 106 Agreement, and ongoing dialogue about the Level Crossing. He notes that the health centre and pub may meet the needs of some residents. However, he seeks reassurance that proper marketing of the site for employment purposes has been undertaken to justify the departure from the allocated use to residential.

On the amended indicative site layout plan (which amended the illustrative location of the public house with the health centre) at the time of reporting of the application to Planning Committee in January there were a further 9 letters of objection which continued to raise the same issues. A copy of one of these letters is attached as Appendix B being indicative of the responses received.

All late representations received subsequent to the presenting of the Committee report in readiness for the Planning Committee are reported separately at the end of the report, given that Planning Committee deferred consideration of the proposal for a site visit to be undertaken and for officers to report back on the late representations.

REPORT

Planning Policies

Relevant National and Local Planning Policy Documents

Planning Policy Wales March 2002 contains policy objectives and principles which together with TANS and circulars should be taken into account by Local Planning Authorities in Wales in the preparation of Unitary Development Plans and is material to decisions made on individual planning applications.*

The relevant Technical Advice Notes which should be read in conjunction with Planning Policy Wales March 2002 are set out below:

TAN2 – PLANNING AND AFFORDABLE HOUSING

TAN12 – DESIGN

TAN18 - TRANSPORT

Local Planning Policies

For the purposes of assessing this application, the Vale of Glamorgan Adopted Unitary Development Plan 1996 - 2011 constitutes the development plan for the area for the purposes of Section 38 of The Planning and Compulsory Purchase Act 2004. However considerations should also be given to other material historical allocations, in relation to the site.

The application site lies within the settlement boundary of Rhoose and is specifically allocated under Policy EMP 1 (12) 'Land for Employment Uses' (12) for employment uses falling within B1, B2 and B8. Moreover it should be noted that there is an extant outline planning permission (03/01380/OUT) for employment use.

The proposal seeks to retain an element of employment related uses along side community and related uses, with the addition of residential development on the site. The following policies are relevant and contained within the Vale of Glamorgan Adopted Unitary Development Plan 1996–2011:

POLICY EMP4 - Protection Of Land For Employment Uses states that on existing employment sites and sites identified in Policy EMP1 development of uses that are not contained in classes B1, B2 and B8* of the town and country planning (Use Classes) order 1987 (as amended) will not be permitted.

Policy HOUS2 supports the principle of housing infill, small-scale development and redevelopment within the rural settlement boundary of Rhoose, subject to the criteria listed in Policy HOUS8 being met.

Policy HOUS8, states that subject to the provisions of Policy HOUS2, development will be permitted which is within or closely related to the defined settlement boundaries provided that it meets all the following criteria:

- (i) The scale, form and character of the proposed development is sympathetic to the environs of the site.
- (ii) The proposal has no unacceptable effect on the amenity and character of existing or neighbouring environments of noise, traffic congestion, exacerbation of parking problems or visual intrusion.
- (iii) The proposal does not have an unacceptable impact on good quality agricultural land (Grades 1, 2 and 3a), on areas of attractive landscape or high quality townscape or on areas of historical, archaeological or ecological importance.
- (iv) When appropriate and feasible the provisions of Policy REC3 are met.
- (v) The provision of car parking and amenity space is in accordance with the Council's approved guidelines; and
- (vi) Adequate community and utility services exist, are reasonably accessible or can be readily and economically provided.

ENV6 (East Vale Coast) states that outside the Glamorgan Heritage Coast development within the undeveloped coastal zone will be permitted if:

- (i) a coastal location is necessary for the development; and
- (ii) the proposal would not cause unacceptable environmental effects by way of:
 - visual or noise intrusion;
 - impact on areas of landscape importance;
 - air, land or water pollution;
 - exacerbation of flooding or erosion risk;
 - hazardous operations; or
 - impact on ecology or features of geological or geomorphological importance.

In areas of existing or allocated development within the coastal zone, any new proposal should be designed with respect to its local context and sensitive to its coastal setting.

ENV27 (Design of New Developments) states that proposals for new development must have full regard to the context of the local natural and built environment and its special features.

TRAN10 (Parking) states that the provision of parking facilities will be in accordance with the approved parking guidelines, and will be related to the type of land use, its density and location; accessibility to existing and potential public transport facilities; and the capacity of the highway network.

The following Supplementary Planning Guidance is also of relevance:

- Sustainable Development.
- Amenity Standards.
- Public Art.

Also considered relevant are the following national planning policy documents:

Planning Policy Wales (March 2002)

TAN12 - Design

TAN18 – Transport

Issues

The principle of development at the site has already been considered acceptable, albeit for employment uses (Use classes B1, B2 and B8). Accordingly in light of the above relevant policies and guidance, the following issues are considered central to the consideration of this outline application:

- i. Whether the loss of part of the employment allocation at Rhoose Point would prejudice the planned provision of a sustainable mixed use redevelopment at Rhoose Point.
- ii. The appropriateness of the introduction of residential development on some two thirds of the site which is specifically allocated under EMP 1 (12) 'Land for Employment Uses'.
- iii. The consideration of the highway issues with regard to the provision of the secondary access.
- iv. Other material considerations, which include the planning history of Rhoose Point, and site specific matters relating to the proposed development.

Loss of Part of the Employment Allocation

As part of the Local Development Plan the Council has undertaken a study, (Employment Land Study Report (October 2007) in order to assess the supply, need and demand for employment land and premises (use Class B) in the Vale of Glamorgan. Whilst the study was undertaken for the Vale of Glamorgan Council to provide robust evidence to underpin the information the Local Development Plan, 2011-2026, the report has weight in assessing applications. The report concludes that there is sufficient land allocated for employment use in the Vale and recommends the de-allocation of Rhoose Point as an employment allocation, although it states that the site should be utilised for mixed-use purposes.

The proposed uses comprise of offices, a health centre, a public house and a children's nursery, which comprise a mix of uses classes, namely A3, B1 and D1 uses. Whilst two of these uses fall outside of what is considered as employment uses (B1, B2 and B8) these uses nevertheless still result in employment opportunities at the site which would assist in achieving the objectives of the Employment Chapter of the Vale of Glamorgan Adopted Unitary Development Plan 1996 – 2011.

Moreover it should be noted that if the site was developed, as approved for B1, B2 and B8 uses such commercial uses may not have necessarily result in local employment opportunities or any significant levels of employment, or provide any benefits by way of community uses. Whilst such employment uses would have provided a mix use development in respect of Rhoose Point, in reality, such uses may not have necessary provided direct benefit to residents of Rhoose Point or the village of Rhoose as a whole.

In this regard the provision of a broader range of uses at the site with a higher proportion of community related uses such as the public house, nursery and health centre, would provide local facilities for the nearby residents and still satisfy the Councils objectives in providing a mixed use form of development at Rhoose Point. It is particularly relevant that the original master plan for Rhoose Point envisaged the provision of a public house. A previous planning application for a public house (ref: 03/01311/OUT refers) was refused given its inappropriate location vis a vis existing residential properties. This current proposed location is considered far more appropriate being closer to the existing centre of Rhoose and more accessible to residents of both Rhoose Point and Rhoose itself.

Principle of Acceptability of Residential Use

Prior to planning permission being granted to renew the outline application for employment development ref: 03/01380/OUT, a previous application was submitted for residential development on the whole of the site under application ref: 02/01518/OUT. Whilst the application was not determined, an appeal was made against non-determination to the Welsh Assembly on 7 July 2003. Planning Committee resolved on 30 July 2003 that the application would have been refused had the application been determined prior to the appeal. The appeal was withdrawn on 21 April 2006.

This application now proposes the development of some two thirds of the site for residential use. The loss of employment land to residential would normally be considered contrary to Policy EMP4 (which seeks to retain allocated employment sites), however for the reasons given above and based on the supporting documentation produced by the applicant and the Employment Land Study Report (October 2007), there is considered to be some degree of flexibility in permitting non employment uses on part of the site.

In policy terms, the principle of residential development at the site (notwithstanding the employment land considerations,) would nevertheless be considered acceptable given that the site falls within the settlement boundary of Rhoose.

Siting

Whilst the application is in outline with siting reserved some weight is given to the indicative site layout plan, which provides a broad indication to the general layout of the site and the location of the uses proposed. In this regard the original plan indicated the location of the public house adjacent to the existing residential dwellings located on Maes y Gwenyn and Bryn Y Gloyn to south east corner of the site. Following representations received and consideration of the scheme, concerns were raised with regards to the proximity of the public house to existing dwellings and the likely impact in respect of noise and disturbance. Amended plans were therefore sought, and whilst illustrative the amended scheme now proposes to site the public house in place of the health centre and visa versa. It is considered that the public house is now more appropriately located towards the centre of the site and given that it does not directly adjoin any existing residential development its general siting is now considered acceptable. However the actual impact in relation to existing and future occupiers of dwellings will be a matter which will be fully considered in subsequent reserved matters applications. Therefore the general location of the residential elements and that of the community and commercial uses is considered acceptable and should be conditioned to ensure that future reserved matters applications are in general accordance with the illustrative layout plan.

In considering the acceptability of the proposed level of residential accommodation at the site, discussions took place with the applicant and agent, where initial concerns were raised with the balance between residential and community uses. It was the Council's view that the proposed mixed use of the site may be considered acceptable although the residential element should be reduced. It was suggested that the site could include a form of recreational use to help achieve the mixed use development at the site in the form of a Multi Use Games Area (MUGA). In response the agent offered to provide this facility off site (on the western part of the site on land to the south of the interchange, which land has previously been identified to be used for accommodating, in part a playing field. Furthermore it has also been agreed that the MUGA and a playing pitch will be served by a fully serviced changing facility. Members should also be aware that whilst not part of this application the landowner has also agreed to provide a full-sized football / rugby pitch, which is an outstanding matter which should have been provided under the original Section 106 Legal Agreement attached to planning permission ref: 93/01186/OUT. It has also been agreed that the recreational facilities will be adopted by the Council and the developer pay a 20 year maintenance contribution to the Council to maintain these.

In this regard subject to the MUGA being provide off site (secured by a Section 106 Legal Agreement) it is considered that the balance of uses on the application site would be considered appropriate. However in accepting this balance the Council will seek to ensure that the non residential elements (community and employment uses) are delivered at the site in a phased manner. Therefore the Section 106 Legal Agreement will include a clause regarding phasing to ensure that the commercial uses are provided before or alongside the residential development in a staged manner.

Highway and Related Considerations

The proposed development is to be served by two separate access points, from Trem Echni with dedicated access serving the residential element and the community uses. No objection has been raised to a suitable designed layout for the employment (community) element however an objection is raised on the residential use of the site on the grounds of the provision of a safe secondary access into Rhoose Point. The Head of Visible Services (Highway Development) requires an additional (secondary) safe means of vehicular/pedestrian access open to the public 365 days of the year to ensure that an alternative means of access is available, as recommended on pages 21 and 22 of "Design Bulletin 32, Second Edition" published by the Department of the Environment and Transport.

Members of the Planning Committee will be aware that there was a large degree of legal uncertainty as to the precise status of the level crossing and the necessary procedural route whereby full public use of the crossing could be achieved.

An application was made in June 2005 by Network Rail (the line operator) for an Order under the Level Crossings Act 1983 with regard to the dedication of the roadway over the level crossing to reflect the current position, that is for the barriers to be kept in the raised position, except when the train needs to pass. In response the Railway Inspector (HMRI) were of the view that the changes proposed at the level crossing would ultimately lead to it being used by the general public with vehicles as of right rather than invitation. In this regard HMRI has sought to amend the draft, proposing that the barriers be kept in a closed position. If granted in the terms sought by HMRI, the Order would provide for manually controlled barriers at the crossing, where every person, whether on foot or in a car would have to telephone the signalman for permission to cross. Such restrictions of normal access rights over the crossing, (which currently provide unfettered access), would strictly limit the convenience of the level crossing as a general second access into Rhoose Point, impacting both on the viability of the interchange and Rhoose Station, the sustainability of the site in providing a direct vehicular link between the village and Rhoose Point and access to community facilities.

The draft Order was referred by HMRI to the Department for Transport (DfT) to decide the legal issues. The Council through Counsel advice have sought an indication from DfT as to likely timescale for a decision, but no clear answer has been received and to date the legal position remains unconfirmed.

Counsel's advice has been sought in order to achieve a way forward in light of the Council aims of providing a mixed use development at the site and having regard to the previous planning permissions and current undetermined applications.

In relation the planning history at the site outline planning permission Ref 93/01186/OUT was granted for a mixed use development (see planning history). The only condition relating to highways was the requirement to submit highway details as part of the reserved matters, and there was no S.106 obligation in respect of the provision of the second access to serve the development. It should be noted that in the outline application for employment development ref: 03/01380/OUT, the Highway Authority continued to raise no objection subject to (inter alia) the requirement for *"an additional (secondary) safe means of vehicular/pedestrian access open to the public 365 days of the year to ensure that an alternative means of access is available"*. However this application was subsequently approved on 22 August 2005, subject to conditions and the outline consent is still extant for the submission of a reserved matters application.

In terms of the current position it should be noted that Network Rail have, for over 2 years been allowing full public access to both pedestrians and vehicles without incident over the level crossing. One of the principal requirements for a secondary access to serve Rhoose Point is to provide a secondary means of access in case of emergency or in the case of any obstruction or loss of the use of the primary access. Counsel advice states that following consultation with the emergency services, they have advised that in case of an emergency, the level crossing could be opened for use, even if DfT restricted user rights in line with HMRI's request for an amended Order. In this regard the emergency services would have a right and ability to cross irrespective of the status of the crossing.

Further to the above, the Highway comments refer to policy document DB32 which is no longer Government guidance. Technical Advice Note (TAN)18 – Transport published March 2007, has recently been adopted and takes a more flexible approach to highway and related matters.

In conclusion Counsel Advice states that in light of provision for emergency procedures, the planning history of the site and the fact that DB32 is no longer Government guidance, the refusal on the grounds of the absence of an unrestricted second access is unlikely to be upheld at appeal. Furthermore the uncertainty over user rights of the second access may last indefinitely, and Members are therefore respectfully asked to consider the above given the Council's desire to resolve this matter, provide certainty and to ensure the final phases of this mixed use development site are delivered.

More specifically, given that the application site falls centrally within the Rhoose Point Development, and given its proposed community uses, it is likely to provide a community focus. In this regard there is also an opportunity to provide an enhanced pedestrian link to the land to the north. The developer has agreed to provide a PROW Contribution of £10,500 towards the feasibility works for the transfer of the land necessary to undertake these work free of charge to the Council.

In support of the enhancement of the Public Right of Way and to promote and enhance more sustainable means of transport the Council has also sought to secure a double length bus lay which will form part of the application site to provide a suitable and centrally located bus lay by for use by school buses and other future dedicated services through Rhoose Point. A bus stop maintenance contribution will also be sought through Section 106 contributions in addition to a contribution to improve public transport services and public transport information for future users of the site. Contributions are also sought to provide or enhance facilities for cyclists in the vicinity of the site.

Other Related Considerations

Drainage

Members of the Planning Committee will be aware of the outstanding matters within Rhoose Point and the concerns raised by local residents is in respect of the adoption of the sewers, the carrier drain which passes through the site and concerns with flooding.

In this regard whilst the application is in outline, if planning permission is granted conditions attached to the outline consent will ensure that any reserved matters application provide full details for foul and surface water drainage and identify all existing land drainage ditches, pipes and drains through the site and details of how the existing flows will be maintained. Furthermore a condition will also ensure that subsequent applications have full regard to the location of the carrier drain to ensure that future development will not impact on the existing system either directly or indirectly.

The application was deferred at 17th January Committee for a site visit and to provide an updated report. In light of the late representations received, the following points are clarified.

Consideration of Late representations

As stated earlier in this report, the application was deferred at 17 January Committee for a site visit and to provide an updated report, in light of the late representations received. In this regard the previous late representations received are attached as Appendix C and for completeness these are as follows:

- Letter dated 17 January 2008 from a K. Gallimore c/o 9, Nyth-yr-Eos (a bundle of papers attached to this letter is not appended but has been placed in the Members' room).
- Letter dated 14 January 2008 from Network Rail (this is addressed in the consultation section of the report).
- Letter dated 15 January from Eluned Parrott (Glyn-y-Gog).
- Letter dated 13 January (by e-mail) from a Mr. A. Bailey and the Head of Planning and Transportation's response of 17 January.

The following points are made in response to these late representations:

Letters of Representation

The first point made is that the letter attached as Appendix A in the report does not constitute the representations to the proposed development. However Members will note that the letter in question refers to the application reference 2006/01807/OUT. Given this fact it is understandably assumed that the letter was a letter of representation and was therefore highlighted as a sample letter of those received.

Use of the Site and Departure from the Plan

In relation to the suggestion that the application relates to a 'change of use' from the original Rhoose Point Design Guidance Document, whilst the proposal does relate to a departure to the design guide, the reasoning is clearly set out in the report. The representation states that a change of use requires a full application, this is incorrect and the application has been submitted in outline which is procedurally correct to assess the principle of the development proposed. Irrespective of the above facts, the site is a vacant, undeveloped site which in effect does not have an existing use. The application therefore cannot and should not be a change of use as one cannot change the use of something that does not exist. I am therefore satisfied that the appropriate application description has been put forward and the correct procedure followed.

It is agreed that as the site is allocated and accordingly it does represent a departure from the Vale of Glamorgan Adopted Unitary Development Plan 1996 – 2011, although the representation adds that the application should be 'called in' and that there is no indication on the consultation file that WAG were contacted. It should be noted that whilst Planning Policy Wales does state (in paragraph 4.12.2) that Local Planning Authorities should refer to the Assembly all departure applications for development, this is only where such a departure would *significantly prejudice* the implementation of the UDP in order to allow the Assembly to decide whether it wishes to call in the application for its own determination. It should be noted that The Town and Country Planning (Development Plans and Consultation) Directions 1992 Annex 2 Part 6 states that "it is for authorities to take a responsible view on whether departure applications which they do not propose to refuse fall within paragraph 3 of the Direction". It should be noted that the size of the development does not exceed the thresholds given (150 houses or flats or more than 10,000 sq. metres of retail floor space). In this regard the departure from the allocated employment site would not undermine the policies and proposal of the Vale of Glamorgan Adopted Unitary Development Plan 1996 - 2011 as the Employment Land Study Report (October 2007) undertaken to improve the production of the Local Development Plan concludes that there is sufficient land allocated for employment use in the Vale and has recommended the de-allocation of Rhoose Point as an employment allocation through the Local Development Plan. It should also be noted that the application has been advertised as a departure.

Carrier Drain

The plan of the carrier drain was sought for information purposes and in order to undertake the necessary internal consultations and was forwarded to the Council's Engineering and Design (Drainage) Group to assist in the provision of appropriate and informed comments. In addition the carrier drain exists on the site, it does not form part of the proposal and is not therefore a proposal in its own right. As a consequence there was no requirement to consult on the receipt of a plan for information purposes.

Employment Study

The employment study was submitted with the application and whilst it was not placed on the Part 1 file for public viewing it nevertheless formed part of the consideration of the application, by your officers and has subsequently been available for inspection under the Access to Information Regulations.

Consultees

The Environment Agency were consulted as a statutory consultee and their response is based on their own records, and no doubt the experience and expertise of their professional officers.

It is correct the Health and Safety Executive advised that their advice is provided through the PADH+ system. However as this system only usually relates to consultations on applications located near major hazard installations or pipelines, a consultation was not initially undertaken. However the consultation through the PADH+ system has now been undertaken and the response states that the Health and Safety Executive does not advise against the proposed development. This consultation response is held on file and this response is recorded under the consultations section of this report.

In respect of land drains and the carrier drain it is considered that the report fully and accurately sets out the comments of the Operational Manger for Engineering and Design (Drainage). Any reference on the file to the re-direction of the land drain represents part of the ongoing working file and negotiations and discussions which are typical of the vast majority of applications. In any event it was concluded that the Local Planning Authority would not seek the redirection of the land drain, and the application does not propose the relocation of the drain.

It is maintained that the highway issues are fully set out in the report, and it is not necessary to comment further on these issues as they relate to the level crossing and access issues generally.

The Public Rights of Way Officer has now responded to the original consultation and the report has been updated accordingly, where no objection has been raised in principle.

Dwr Cymru/Welsh Water have stated in their response that the public sewerage system is unable to cope with any further increase in discharge, however they add that the only alternative is to impose a planning condition which is suggested at Condition No. 11.

Network Rail have been consulted twice on the application with their most recent response dated 14 January 2008 in which they re-emphasise that there should be no additional discharge into the existing railway culverts and that the developers be asked to demonstrate that the site can be adequately drained without overloading the existing drainage system. It should be noted that Conditions attached to any permission given will fully address the concerns of Network Rail and will require details of all existing site drainage including the carrier drain and land drains and details of proposed foul and surface water drainage.

It should be noted that the Office of Rail regulation (ORR) was advised of the intention to report to Committee in January and they have subsequently responded advising that they note the content of the letter and that Network Rail should be consulted on the application. (This is referred to in the consultations section of the report)

Countryside Council for Wales (CCW) were not consulted on the application and the comments made in 1994 relate to the original outline application, prior to the granting of permission for Rhoose Point. It is not considered necessary to consult CCW on this current proposal.

In respect of determining applications in relation to the investigation of Rhoose Point Issues, whilst a further report is to be presented to Scrutiny Committee in due course, it is nevertheless considered that the Local Planning Authority have sufficient information to consider this application. The role of Planning Committee and the role of the Council as Local Planning Authority in progressing and determining applications for planning permission is distinctly separate to the role of Scrutiny Committee

Multi Use Games Area

In relation to the location of the Multi Use Games Area (MUGA) and its location on the Waste Management Area, this is not disputed. However in considering the suitability of the site, the Section 106 officer has undertaken internal consultations including consultations with the Pollution Control Officer. In response he acknowledges that the proposed pitches are situated on an area of landfill although states that the site would nevertheless be suitable for such a use. He adds that the design, construction and operation/use of the sports pitch must ensure that the integrity of the cap is not damaged or compromised. Moreover he requests that the design of the pitches must be submitted with a full risk assessment to show that the presence of the landfill will not pose a risk to the end users of the sports facilities from ground contamination.

It should be noted that the development of the MUGA will be subject to a separate planning application which will include full consultations both internally and externally with relevant departments and consultees. In addition, and in negotiating possible Section 106 obligations with the applicant, regard has been paid to the intention to locate a playing field in this location under the terms of the original Section 106 Agreement relating to the development of Rhoose Point. As a consequence it is considered entirely appropriate to seek to upgrade and expand this area to include facilities over and beyond that intended as part of the original Section 106 Legal Agreement relating to Rhoose Point.

EIA Development

The application site covers an area of some 2.7 hectares, which could normally require an EIA under Schedule 2 of The Town and Country Planning (Environmental Impact Assessment) (England and Wales) Regulations 1999. However the whole of the site was previously subject to an EIA as part of the original outline consent and it should also be noted that the capping of Waste Management Licensing Area has been completed to the satisfaction of the Environment Agency.

It should be noted that the letter of representation states that the EIA regulations did not come into force until March 1999, this is incorrect and the regulations have been in force since July 1988.

The application does not include any proposals to divert the carrier drain and therefore there is no requirement to screen these works for an EIA.

Legal Disputes

Legal dispute(s) between the applicant and third parties are matters for the parties involved – these are civil matters and are not planning matters. Accordingly there is no reason whatsoever why the Local Planning Authority cannot proceed to determine this application.

Highway and Drainage Adoption

With reference to sewer and highway adoption the Council now has, as constructed, drawings for the drainage system on all land in the control of Cofton. The receipt of plans from Cofton as to the extent of the agreed areas for highway adoption is also imminent. The Council continues to discuss the adoption of both the drainage infrastructure and the public highways with Cofton and Dwr Cymru/Welsh Water, alongside, and following the conclusion of these matters it is anticipated that the Nature Reserve land (including the lagoon) will transfer to the Council.

Section 106 Issues

With reference to the Comments received from Mr. Andrew Bailey of the Rhoose Community Group in respect of Section 106 contributions, Mr. Bailey's letter of 13 January and the Head of Planning and Transportation's response of 17 January are attached as Appendix C.

The Committee report outlines broadly the obligations that the Council are seeking the applicant and any subsequent developer to enter into in order to realise benefits over and above the specific development of the sites relating not only to this current planning application but also that considered under reference 2004/01809/FUL, in both cases for non-residential, community orientated facilities. The obligations themselves, as they will appear in the final Section 106 Agreement will be detailed and will include clauses on phasing of the requirements as well as default mechanisms.

With regard to changing facilities, a sum of £55,000 (index linked) was to be provided under the original Section 106 (1996 S106), and this alone is not sufficient to provide adequate changing facilities at the site. Accordingly the suggested Section 106 clause to be imposed under this application seeks to supersede the need for a contribution with direct provision. There will be a cost to providing new serviced changing facilities, in a purpose built building on site, and this cost will be included in the Section 106, as if Cofton or any subsequent developer fails to provide the changing rooms a sum of money will be sought in lieu of provision to enable the provision to be implemented in default. The same applies for all other facilities (the playing pitch and the multi use games area).

With regard to the facilities, the Section 106 will require full specifications, full construction details and all other necessary details of the construction of the field (the same applies to the changing facilities and the multi use games area, by a certain time, and their subsequent transfer with commuted maintenance sums to the Council, again by a certain time). The Council has been seeking advice from the Sports Turf Research Institute to obtain cost estimates for the provision of the recreational facilities, for inclusion in the S106 Agreement as appropriate back-up clauses.

The precise phasing will be negotiated with the developer, but current proposals are to require development of the various community facilities alongside the residential development and certainly, prior to the final occupancy of all the proposed dwellings. In the same way it is considered appropriate to have a clause requiring at least two of the commercial units to be built to a standard suitable for occupation before the beneficial occupation of the 25th residential dwelling. Thereafter, current thinking is that the remaining commercial units be built to a standard suitable for occupation before the beneficial occupation of the remainder of the residential development. The S106 Agreement will also include planning to ensure that the affordable homes are provided alongside the open market housing and that off-site facilities are provided at the same time as residential units.

Concerns have been expressed that the Nature Reserve money has not been claimed (as a consequence of the original S106 Agreement). In this regard, the Nature Reserve money will be recouped, and the transfer of the open space land to the Council is still required and being sought. However, it is clear that £20,000 (index linked), as reported under the original S106 Agreement relating to Rhoose Point, will not provide a nature reserve centre, but I envisage that it can be used for related purposes. This is currently being considered by officers from within the Council, and any alternative but related proposals for future use of the £20,000 index linked will be assessed and will need to be agreed by Cofton.

Further to the consideration of the above matters, further exchange of correspondence between Mr. Bailey and the Head of Planning and Transportation is attached as Appendix D. For clarity and completeness these relate to a letter from Mr. Bailey dated 20 January 2007, a response from the Head of Planning and Transportation dated 30 January and a further letter from Mr. Bailey dated 12 February, as well as further e-mailed correspondence dated 4 March 2008 which again makes reference to the benefits of a permanent beach facility when compared to the proposals for a Multi Use Game Area. This e-mail has been acknowledged.

In terms of the letter dated 20 January, concerns are raised with regard to the scale of contributions for cycling (£18,000) and community facilities contribution (£25,000). The sums are proportionate to the development planned. In addition and of relevance, sums can be retained and used alongside other funds claimed or to be claimed for other development sites and other planning obligations. Finally, the terminology used in the S106 obligations is deliberately “open”, to allow flexibility. For example the £25,000 community facilities contribution could be used to enhance existing facilities (e.g. Rhoose Library, the School, the Community Hall, proposed or existing open space areas). The £18,000 cycling contribution will be used to assist the Council in delivering the proposed Rhoose section of the national Cycle Network (Route 88).

In summary, the original Section 106 (relating to Rhoose Point) included costings and clauses which have proven to be unworkable. The current proposals seek the provision of facilities by others for the transfer to the Council. If they are not provided there will be default powers written into the S106.

In addition, and in order to fully advise Members of the current position a member of the public has submitted an enforcement complaint to the Council, requesting that the Council investigate the alleged unauthorised construction of a carrier drain that runs across the site subject to the application. Members are advised that this complaint of unauthorised works will be progressed by officers, notwithstanding the fact that an earlier similar complaint has been progressed by the Council and also subject to investigation by the Local Government Ombudsman, when the Ombudsman found no evidence of maladministration in the manner in which the Council had progressed the case, and resolved not to progress formal enforcement action. Members may well be copied into this more recent complaint, although I refrain from providing further details due to the anonymity afforded. In addition, Mrs. K. Gallimore has submitted an e-mail dated 3 March to Councillors (not officers) entitled ‘Report to Cabinet’, in which she deals with various Rhoose Point issues. Again this has not been submitted under the consultation undertaken on this application and accordingly it is not appended to this report.

CONCLUSION

The decision to recommend planning permission has been taken in accordance with Section 38 of The Planning and Compulsory Purchase Act 2004, which requires that, in determining a planning application the determination must be in accordance with the Development Plan unless material considerations indicate otherwise. The Development Plan comprises the Vale of Glamorgan Adopted Unitary Development Plan 1996-2011.

Having regard to Policies ENV6 (East Vale Coast), ENV27 (Design of New Developments), EMP1 (Land for Employment Uses), EMP4 (Protection of land from Employment Uses), HOUS8 (Residential Development Criteria) and TRAN10 (Parking), the proposal is considered acceptable with regard the principle of the use at the site and highway considerations and would not impact on the existing character of Rhoose Point or the wider character of the developed East Vale Coast.

RECOMMENDATION

Subject to the interested person(s) first entering into a Section 106 Legal Agreement to include the following necessary planning obligations:

- A minimum of 20% of the residential units shall be affordable housing and this shall be phased to be developed alongside the market housing units.
- A bus stop and lay-by shall be provided on Trem Echni and a bus stop maintenance contribution shall be paid to the Council to maintain the bus stop.
- The Developer shall pay a Public Transport Contribution of fifty thousand pounds (£50,000) to the Council to improve public transport services and public transport information for future users of the site.
- The Developer shall pay a Cycling Contribution of eighteen thousand pounds (£18,000) to the Council to provide or enhance facilities for cyclists in the vicinity of the site.
- The Developer shall pay a PROW Contribution of ten thousand five hundred pounds (£10,500) to the Council towards the feasibility works for the provision of an enhanced pedestrian link north over / under the railway line and transfer the land necessary to undertake these work free of charge to the Council.
- The Developer will provide public art on site to a value of at least 1% of the build costs of the development or provide a financial contribution to the same value in lieu of on site provision for the Council's public art fund.
- The Developer shall pay a Community Facilities Contribution of twenty five thousand pounds (£25,000) to be paid to the Council to provide or enhance Community Facilities in the vicinity of the site.
- The Developer shall pay an Education Contribution to be calculated upon submission of full details to provide or enhance educational facilities within the catchment area required as a consequence of the development.
- The Developer shall provide Recreational Facilities in the form of a Multi Use Games Area, a fully serviced changing facility and full-sized football / rugby pitch with vehicular access for maintenance vehicles to be provided off site (land to the south of the transport interchange). In the event that the developer fails to provide these facilities a financial contribution shall be paid to the Council to construct the facilities themselves.
- The recreational facilities shall be adopted by the Council and the developer shall pay a 20 year maintenance contribution to the Council to maintain these.
- The Development shall be phased to ensure that the commercial uses are provided before or alongside the residential development in a staged approach.

- The Legal Agreement will include the standard clause requiring the payment of a fee set at 20% of the value of the planning application fee (£1,520 in this case).

APPROVE subject to the following condition(s):

1. Approval of siting, design, external appearance, means of access and landscaping (hereinafter called `the reserved matters`) shall be submitted to and approved by the Local Planning Authority before any development is commenced.

Reason:

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

2. Application for approval of the reserved matters hereinbefore referred to must be made not later than the expiration of three years beginning with the date of this permission.

Reason:

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

3. The development to which this permission relates must be begun not later than whichever is the later of the following dates:

(a) The expiration of five years from the date of this permission.

(b) The expiration of two years from the date of the final approval of the reserved matters or, in the case of approval on different dates the final approval of the last such matters to be approved.

Reason:

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

4. The submission of all reserved matters applications shall be in accordance with the amended indicative site layout submitted to the Local Planning Authority on 9 November 2007, in relation to the areas allocated for residential use and community/commercial uses.

Reason:

To ensure a satisfactory form of development and for the avoidance of doubt as to the approved indicative plan.

5. The development of the site shall be limited to the uses set out and specified on the amended indicative site layout submitted to the Local Planning Authority on 9 November 2007.

Reason:

For the avoidance of doubt.

6. A landscaping scheme shall be submitted to and approved in writing by the Local Planning Authority which shall include indications of all existing trees and hedgerows on the land and details of any to be retained, together with measures for their protection in the course of development.

Reason:

To safeguard local visual amenities, and to ensure compliance with the terms of Policy ENV27 of the Unitary Development Plan.

7. All planting, seeding or turfing comprised in the approved details of landscaping shall be carried out in the first planting and seeding seasons following the occupation of the buildings or the completion of the development, whichever is the sooner; and any trees or plants which within a period of five years from the completion of the development die, are removed or become seriously damaged or diseased shall be replaced in the next planting season with others of similar size and species, unless the Local Planning Authority gives written consent to any variation.

Reason:

To ensure satisfactory maintenance of the landscaped area to ensure compliance with Policies ENV11 and ENV27 of the Unitary Development Plan.

8. No development shall take place on any part of the site until an investigation has been carried out to determine whether the land is contaminated and any associated remedial works have been carried which shall be fully detailed in a report which shall have first been submitted to and approved in writing by the Local Planning Authority. The investigation shall include a desktop study, intrusive site investigation, remedial statement and a remediation validation report.

Reason:

In the interests of health and public safety in accord with Policies ENV26 - Contaminated Land and Unstable Land and ENV27 - Design of New Development of the Unitary Development Plan.

9. Any soils or similar material to be imported shall be assessed for potential contaminants in accordance with a scheme of investigation to be submitted to and approved in writing by the Local Planning Authority in advance of its importation, on any of the development areas.

Reason:

In the interests of health and public safety in accord with Policies ENV26 - Contaminated Land and Unstable Land and ENV27 - Design of New Development of the Unitary Development Plan.

10. Any subsequent reserved matters application with specific regard to the siting of any building, shall have full regard the location of the carrier drain and its depth.

Reason :

In order to facilitate future maintenance of the carrier drain to ensure accordance with Policy ENV27 - Design of New Development of the Unitary Development Plan.

11. Before the commencement of the development on any part of the site, a scheme showing the means by which foul sewage and surface water run-off are to be catered for (which shall include the identification of all existing land drainage ditches, pipes and drains within the site and a scheme to maintain the existing flows within the ditches and pipes) shall be submitted to and approved in writing by the Local Planning Authority. No part of the development hereby permitted shall be put to beneficial use until the drainage works have been completed in full accordance with the approved details.

Reason:

To ensure a satisfactory means of drainage of the site and to ensure compliance with the terms of Policy ENV27 of the Unitary Development Plan.

12. All means of enclosure associated with the development hereby approved shall be in accordance with a scheme to be submitted to and agreed in writing by the Local Planning Authority prior to the commencement of development, and the means of enclosure shall be implemented in accordance with the approved details prior to the development being put into beneficial use.

Reason:

To safeguard local visual amenities, and to ensure compliance with the terms of Policy ENV27 of the Unitary Development Plan.

13. Any reserved matters application(s) relating to residential development adjacent to the railway line shall be supported by a noise assessment of daytime and nighttime railway noise in accordance with the guidance set out in Technical Advice Note 11 : Noise, which shall identify the appropriate noise category and the requirement for any noise mitigation measures.

Reason:

To safeguard the amenities of residential occupiers and to ensure compliance with the terms of Policy ENV27 of the Unitary Development Plan.

14. The detailed plans shall provide for parking facilities to meet the standards of the Local Planning Authority.

Reason:

To ensure adequate on-site parking in accordance with Policy TRAN10 'Parking' of the Unitary Development Plan.

15. The proposed residential development shall be designed to meet the Council's minimum standards of amenity space and privacy as outlined in the approved Supplementary Planning Guidance on Amenity Standards.

Reason:

To ensure adequate provision of private amenity space and privacy in accord with Policy ENV27 'Design of New Developments' and Supplementary Planning Guidance on Amenity Standards.

NOTE:

1. **Please note that a legal agreement/planning obligation has been entered into in respect of the site referred to in this planning consent. Should you require clarification of any particular aspect of the legal agreement/planning obligation please do not hesitate to contact the Local Planning Authority.**
2. **Where the work involves the creation of, or alteration to, an access to a highway the applicant must ensure that all works comply with the appropriate standards of the Council as Highway Authority. For details of the relevant standards contact the Visible Services Division, The Vale of Glamorgan Council, The Alps, Wenvoe, Nr. Cardiff. CF5 6AA. Telephone 02920 673051.**

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

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

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

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

Appendix C

Deposit LDP Representations

2 April 2012



The Vale of Glamorgan Council
LDP Team
Dock Office
Barry
CF63 4RT

Paul Williams
E: pjwilliams@savills.com
DL: +44 (0) 2920 368906
F: +44 (0) 2920 368999

12 Windsor Place
Cardiff CF10 3BY
T: +44 (0) 2920 368 920
savills.com

Dear Sir/Madam

**On behalf of Taylor Wimpey
Representations to the Vale of Glamorgan Deposit Local Development Plan
Land south of the Railway Line, Rhoose Point**

We write, on behalf of Taylor Wimpey, in response to the Vale of Glamorgan's deposit Local Development Plan (LDP), which is out for public consultation until the 2nd April 2012.

Whilst we generally support the housing strategy set out in the deposit LDP, including the proposed level of growth and distribution of this growth across the Vale, we must raise an objection to the plan on the basis that it does not meet the soundness tests under CE2 and CE4. Our objections are raised specifically in relation to Land South of the Railway Line at Rhoose Point and the allocation made under Policy MG 2 (housing allocations) of the plan. We provide more detailed comments below.

Summary of objections

Land south of the Railway Line at Rhoose Point, which totals 2.65 hectares, is allocated under Policy MG 2 (24) with a capacity of 50 dwellings.

Supporting text set out within the description of the site, at page 139 of the plan, indicates that the site is allocated for mixed use, with 60% residential and 40% community uses. The text also suggests that community uses and open spaces should be provided within the development and that improved pedestrian links with land to the north of the railway line should be included.

The objection to the plan is based upon the supporting text and the unnecessarily low target number of dwellings for the site within the policy text. This is explained further below, following a review of the key housing land supply policies within the plan.

Housing supply (Policy MG 1)

The deposit LDP indicates that land is required to be made available for the provision of 9,950 new residential units in the plan period (2011-2026). In order to meet this supply, Policy MG 1 makes provision for 10,945 new dwellings, including a 10% margin for flexibility. The 'Population and Housing Projections Background Paper' identifies that the most recent Welsh Government (2008) population figures indicate there will be need for 10,034 new dwellings during the plan period – a 17% increase in households in the Vale of Glamorgan. These projections are calculated collaboratively by the Wales sub-national household projection working group, the local authority and key users.

Offices and associates throughout the Americas, Europe, Asia Pacific, Africa and the Middle East.

Savills (L&P) Limited. Chartered Surveyors. Regulated by RICS. A subsidiary of Savills plc. Registered in England No. 2605138.
Registered office: 20 Grosvenor Hill, London W1K 3HQ



The Council's proposed population figures have been adjusted slightly to reflect revised (2011) and the latest mid-year estimates issued by the Office of National Statistics (i.e. Option 1 outlined in the 'Population and Housing Projections Background Paper'). Whilst experiences of other local authorities may indicate the unadjusted Welsh Government projections ought to be applied in the plan preparation, unless robust evidence suggests otherwise, the proposed level of growth is broadly supported.

Distribution of housing growth (Policy MG 1)

The deposit plan refers to a supply of 10,945 dwellings required, which are proposed to be provided by a) sites with planning permission; b) LDP provision from allocations within the plan; and c) from small and large windfall sites.

It is estimated that 3,049 new dwellings will be generated by both small and large windfall sites – this figure, however, is considered over ambitious given the settlement characteristics of the Vale. There are considered to be relatively few sites within settlement limits, which are previously developed and available for infill development in the Vale and, as such, the stated potential for windfall sites is overly optimistic and skewed by past build rates.

Whilst a 25% discount has been applied to the figures to reflect the current economic climate, it is considered that this discount does not reflect the true amount of windfall land likely to be available to absorb this contribution. Whilst past build rates for units on unallocated windfall sites may have slowed since 2007, the Vale continues to be a popular and desirable location to reside. As far as we are aware, there are no published urban capacity studies, which provide evidence for the proposed level of windfall sites available within the Vale. Without such justification, we question the availability of such sites and consider whether there is sufficient urban capacity across the Vale to meet this level of provision. As a consequence, the LDP should seek to maximise the potential of allocated housing sites, such as the land south of the railway line at Rhoose Point.

The LDP settlement hierarchy (Policy MG 6)

It is evident that the Council has considered the relative sustainability benefits of each settlement in order to define the proposed 'Sustainable Settlement Hierarchy'. In principle, the categorisation of the 'Settlement Hierarchy' and the definition of settlements within the hierarchy appear appropriate and sensible. Rhoose is considered a primary settlement in the deposit LDP. In terms of housing, an overall objective for such settlements include the provision of an appropriate level, range and choice of housing.

Rhoose benefits from a wide range of services and facilities to support its population. It is also located in close proximity to Barry, a key settlement, and has excellent wider transport links to Cardiff, Bridgend and further afield. The 'Sustainable Settlements Appraisal Review' (2011) identifies Rhoose as the 6th most sustainable settlement within the Vale.

Housing allocations (Policy MG 2)

Land to the south of the railway line at Rhoose has been allocated for housing under Policy MG 2. We welcome and support the principle of the allocation for housing. We do, however, contend the number of dwellings proposed to be provided and the mix of development that is inferred by the supporting text.

The subject site is located within Rhoose settlement boundary, in an accessible location in close proximity to Barry, an identified key settlement. We contend that the best and most effective use of the site should be promoted. It has potential to deliver a greater number of dwellings and, therefore, the numbers provided at Policy MG 2 should not be considered as limits to possible provision. This is further justified by our concerns regarding the availability of windfall sites in the Vale and their potential to deliver 3,049 of the 10,945 dwellings required across the plan period and the resulting need to maximise the potential of allocations.

Indicative layouts have been discussed with the Council by various parties, which show that the site is capable of delivering a higher number of dwellings than that set out within the deposit plan. The site is

capable of delivering circa 90 dwellings, alongside open space to serve the needs of the future occupiers of the site.

The introduction of community uses has been explored extensively with the Council and developers over a period of at least 5 years. In the first instance, the original owners of the site, Cofton, promoted a mixed use scheme including residential, offices, a public house, a crèche etc. The market demand for such uses was unfortunately non-existent and, therefore, such a scheme would have been unviable. Further schemes were explored by substituting the commercial / community uses with a care home to provide some employment generating use. Likewise, the ability to deliver a care home, in the current and recent market, has been fully explored and found to be unattractive.

The 2007 Employment Land Study, prepared to inform the LDP, evaluated the potential of the site for employment purposes, with the conclusion that the site was not attractive to the employment market and, therefore, it should be de-allocated for employment uses. It is suggested that a mixed use should be promoted, however, there was no justification for this approach.

The introduction for a requirement for community uses, in particular, on site is equally unjustified. It is recognised that there was a failure on the part of the previous landowners to deliver community benefits as part of the original development, however, the site would not have delivered community facilities (other than providing B Class floorspace) as an employment allocation. Consequently, there is no justification for the delivery of community uses over and above those originally envisaged in relation to this site.

The requirements for affordable housing and other standard Section 106 contributions will deliver community benefits and, indeed, the requirement for community facility contributions generated by each house, as set out within the Council's planning obligations SPG, would generate a significant contribution towards community facilities in the Rhoose area.

The position of the site is not best located to benefit residents of the original settlement and Rhoose Point. The provision of community facilities is best made off site to benefit the community as a whole. As such, off site contributions would be more appropriate than delivering on site community development.

The Council have recently secured the land transfer of the nature reserve and other areas of open space within the Rhoose Point site. It is understood that there is a shortage of playing fields in the area and the contribution, in lieu, of on site open space provision, combined with the community facility contributions, could contribute significantly towards the provision of a community facility in the form of either a Mixed Use Games Area (MUGA) or playing pitch elsewhere within Rhoose. The land south of the railway line is not appropriately positioned or suitable in terms of size for the delivery of such facilities on site. As a consequence, the allocated site would be best used for residential use only, with a proportionate area of open space, on site, to serve the localised needs of the development only.

Furthermore, there is a clear advantage in increasing the proportion of housing on the site, both through reducing the reliance on windfall sites over the plans period and adding certainty to the numbers that can be delivered and, by increasing the contributions that can be made to community uses through an SPG led S106.

A development of 90 dwellings would result in considerably higher contributions towards community facilities compared with the draft allocation for 50 units, for which there would be a commitment to work with the Council and the Local Community to deliver.

The supporting text also includes a requirement to upgrade pedestrian links to the land north of the railway line. The original desire to improve these links was based upon the allocation of the site for employment uses. Employment uses on land south of the railway line would have generated greater demand to cross the existing level crossing, thereby increasing risk. The fact that the site is no longer allocated for employment uses and community uses and other commercial uses have been shown not to be viable within the site means that the demand for crossing the railway line will not increase as a result of the development of the site for housing.

Feasibility studies had previously been undertaken in respect of the planning applications on land to the north of the railway line. The proposed development north of the railway line is likely to create a greater demand for increased pedestrian activity on the railway crossing, given the public open space that is available on land to the south. The desire for people on land to the south of the railway line to cross to the north is unlikely to be present and, therefore, this requirement should be deleted from the supporting text.

Conclusion

In light of the above, we generally support the housing strategy set out in the deposit LDP. We welcome and support the allocation of the subject site for residential development, in principle; however for reasons identified above, the numbers provided at Policy MG 2 should be revised, and not viewed as upper limits and; the mix of uses proposed should be restricted to residential only.

The following changes are, therefore, requested to the plan:

- MG 2 (24) land south of the railway line, Rhoose Point – delete reference to 50 units and replace with reference to 90 units.
- Delete references to provision of community uses and open spaces and improved pedestrian links with land to the north of the railway line, Rhoose from the supporting text at page 139.
- Remove reference to mixed use development and the 60/40% residential / community uses split within the supporting text.
- Remove reference to the expectation to deliver up to 50 dwellings with appropriate community uses from the supporting text at page 140 and replace with text that the site can be developed for circa 90 dwellings.

The site is capable and suitable for delivering a higher number of units than that specified in the deposit LDP. Feasibility studies have demonstrated that the site can accommodate circa 90 dwellings. The community uses are best positioned off site and contributed towards as part of the general requirements under the planning obligation SPG, particularly given the recent acquisition of land in and around Rhoose Point by the Vale of Glamorgan Council. As such, the policies should afford greater flexibility to the development of the site and references to on site community uses should be removed from the supporting text. The reference to mixed uses should also be removed from the supporting text and the number of dwellings to be delivered, on the site, increased to 90 units.

We trust our representations will be considered as part of the deposit LDP consultation process. However, should you require any further information or wish to discuss the above in greater detail, please do not hesitate to contact either myself or Meryl Lewis.

Yours sincerely



Paul Williams
Associate Director

Cc Gareth Hawke - Taylor Wimpey