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Your ref.: 2015/00249/FUL/SR2

3 October 2016

Ms V L Robinson
Operational Manager - Development Management
The Vale of Glamorgan Council
Dock Office
Barry
CF63 4RT

Dear Ms Robinson

Planning Application by Redrow Homes (South Wales) Limited - Land to the East of St Nicholas ("the Application")

I refer to your letter dated 12 September 2016 and the Report on the above proposed development submitted to the Planning Committee ("the Committee") for consideration at the meeting of the Committee to be held on 6 October 2016 ("the Report").

The letter dated 12 September 2016 gave 21 days for representations, thus allowing such representations to be made up to 3 October 2016. The issue of the Report in advance of that date implies that any representations, however pertinent, would be ignored in making recommendations to the Committee.

The Report presents the case in support of the recommendation of the Planning Department ("the Department") for approval of the Application. It is a one-sided Report which makes no realistic attempt to describe the numerous strong objections, many with detailed arguments, submitted by local residents objecting to the Application. It is noteworthy that there were over 190 objections (page 36), most from residents of the 141 existing properties in the village. This demonstrates the strength of the local opposition to the Application.

I have submitted seven letters at various stages in the consideration of the Application by the Department as new and changed proposals emerged. Each letter set out detailed arguments against the Application but most of these issues have been ignored or brushed aside in the Report. No attempt has been made to justify the apparent view of the Department that the issues described were incorrect or irrelevant. The failure to deal properly in the Report with the objections made by me and many other local residents clearly demonstrates that the Department had determined by the time of issue of the Deposit Local Development Plan ("the LDP") in November 2013 that 100 houses would be built in St Nicholas and from that point onwards the Department had no intention of being confused by the facts.

Out of over 190 objections received by the Department, only three letters have been reproduced in Appendix C of the Report. These letters do not demonstrate to the Committee the extent and nature of the many powerful objections to the Application. The first and third letters clearly indicated that they were supplementary to earlier more detailed objections which have not been reproduced in the Report. The second letter merely summarises a few issues from an enclosed detailed report by a planning consultant which has not been reproduced.

The following is a brief summary of some of the issues raised by me in my seven letters and not dealt with adequately in the Report:

1. Prematurity. The consideration of the LDP by the Inspector appointed by the Welsh Government is at an advanced stage. The Inspector is expected to report in early 2017 (page 44). The proposed development at St Nicholas featured prominently in the Public Hearing Sessions in early 2016. Many detailed objections were raised to the inclusion of the St Nicholas development in the LDP and some of the contents and conclusions of the supporting documents issued by the Council were challenged in written representations and at the Public Hearings. As a result, the Inspector issued a number of Action Points specifically related to St Nicholas. The Council has responded to these Action Points but the six weeks Consultation Period on Matters Arising Changes did not commence until 26 September 2016. There are strong grounds for believing that the Inspector will not approve the inclusion in the Adopted LDP of a development of 117 houses at St Nicholas. Consequently, consideration of the Application by the Committee should not be based on a presumption that the proposed development at St Nicholas will be included in the Adopted LDP. Any approval of the Application at this late stage in the LDP process in the light of the many powerful objections is premature, undemocratic and makes the LDP process a very expensive and time consuming farce.
2. Disproportionate. The proposed development of 117 houses (including 17 by Waterstone Homes Limited) in a village of 141 houses (most of which are in a Conservation Area) represents an increase of 83%. When the LDP allocated 100 houses to St Nicholas, the Welsh Government in its representation on the LDP stated "Allocations in some minor rural settlements, for example 100 units in St Nicholas and 120 units at Bonvilston, appear disproportionate to current services and facilities." While apparently ignoring this representation, the Department has subsequently increased the allocation at St Nicholas to 117 houses. The proposed development is wholly disproportionate to the size of the existing village.
3. Out of character with the existing minor rural settlement. St Nicholas has grown organically over many centuries. The village is spread out with most houses in substantial plots on both sides of the A48 which runs through the centre of the village. Residents have chosen to live in a rural environment away from urban development. The Report (page 49) claims that the overall density of St Nicholas is approximately 10 dwellings per hectare. This figure is disputed. Evidence with a supporting map was submitted to the Department on 10 December 2013 in a representation on the LDP demonstrating that the density is approximately 4.4 houses per hectare. The density of Ger-y-Llan is approximately 9.3 houses per hectare.

The Report cites higher densities in Church Row and Smiths Row as justification for a density of over 25 houses per hectare in the proposed development. Church Row comprises 4 dwellings and Smiths Row comprises 5 dwellings. These small groups of houses cannot be compared with or used to justify a relatively huge development of 100 houses (or 117 houses including the proposed Waterstone development). Furthermore, Smiths Row comprises mainly old thatched cottages, very different in character from the proposed development. A development on the scale proposed would irreversibly destroy the nature and character of the ancient rural village.

4. Services and facilities. St Nicholas has no shop, public house, restaurant, post office, doctor's surgery, leisure centre or library. There are only minimal employment opportunities in the village. Thus, the residents of the proposed development would be obliged to make short car journeys or expensive bus trips for almost all of their daily needs. The nearest shops are at Culverhouse Cross which is 1.6 miles from the entrance to the site and significantly further from the northern part. It is unrealistic to expect residents to walk or cycle to the shops and other facilities with the return journey up the long steep hill known as The Tumble. The need for short car trips conflicts with Objective 3 and paragraph 7.12 of the LDP.
5. Affordable housing. The need for affordable housing in the Vale of Glamorgan is not disputed. However, statistics produced by the Council have demonstrated that there is either no net need or, at most, minimal need in St Nicholas. The main areas of need for affordable housing are in the primary settlements of Barry, Llantwit Major and Penarth. The Application provides for 35 affordable or intermediate dwellings. Most if not all of these dwellings would inevitably be allocated to persons or families currently living outside St Nicholas and having no family connection with existing residents of St Nicholas. The new residents would be isolated from their current communities and families. They would need to make frequent car or bus journeys to maintain their links with those communities and families. There is no direct bus service to the primary settlements so bus journeys would be long and difficult.

The Department has sought to justify the allocation of affordable houses to St Nicholas by reference to an alleged demand in Wenvoe and Peterston-super-Ely. Wenvoe is in the same political Ward as St Nicholas but has no connection with St Nicholas, is over three miles away by road and has adequate provision for affordable houses in developments currently under construction at the ITV site and to the immediate south of Wenvoe. Peterston-super-Ely is over three miles away by road, most of which is through narrow country lanes which already have more traffic than can be reasonably accommodated. To the extent that there is any demand for affordable houses in Peterston-super-Ely, it would be more than adequately provided by the proposed development at Bonvilston which is closer by road.

6. Village road capacity. The centre of the village (north of the A48) is often heavily congested with parked vehicles, particularly in the roads around the church immediately before the weekday opening and closure of the school. Similar congestion occurs when there is a wedding or funeral at the church. The roads on the north side of St Nicholas are wholly unsuitable for any of the additional traffic which would be generated by the proposed development. There is no pavement on the roads around the church. It is particularly unsuitable and dangerous for young children and any disabled person on School Lane to the north and east of the church. There is no room for a wheelchair on the road to the north where vehicles are usually parked leaving barely enough room for other vehicles to squeeze through.

Any vehicle travelling in either direction along School Lane has to negotiate a blind bend at the junction with Well Lane in the north east corner of School Lane. This is particularly dangerous when vehicles are parked on the bend as is frequently the case. The exit from Ger-y-Llan is also blind and dangerous as vehicles travelling south on School Lane pick up speed.

7. Main access to site. The proposal to have two new access roads from the A48 within about 72 metres of each other is, to say the least, ludicrous. A single access would cause significant problems and dangers but two access roads would exacerbate those problems and dangers. While the proposal provides for a filter lane for traffic from Culverhouse Cross turning right into the site, the main problem and dangers arise from traffic leaving the site to turn right towards Cowbridge. Long experience of turning right out of School Lane onto the A48 demonstrates that it is very difficult at peak morning and afternoon periods to find gaps in traffic travelling in both directions along the A48. It is frequently necessary to wait for a motorist to give way in order to exit School Lane.

Traffic turning right when exiting the site will have to cross two lanes of traffic, the eastbound lane and the filter lane before joining through westbound traffic on the A48. The proposed access road is almost opposite the Old Police Station which is now used for business purposes and generates additional traffic movements.

The proposal also envisages the removal of an existing lay-by on the eastbound side of the A48. This lay-by is frequently used by service vehicles and visitors to nearby properties. Its removal will necessitate parking on the busy A48, causing additional hazards and dangers for traffic.

8. Pedestrian and cycle access. The status of the private drive which connects the site to Ger-y-Llan is described on page 54 of the Report. Although the private drive is outside the site which is the subject of the Application, the Application includes a gateway or bollards (the plan is unclear) at the entry to the site from the private drive and envisages the use of the private drive for pedestrian and cycle access to the site. Such use of the private drive by residents (including children) of 100 houses (117 including the proposed Waterstone development) will cause immense disturbance to the amenity of the occupiers of the three properties along the private drive as well as other residents of Ger-y-Llan.

9. Highways and traffic congestion. The Report describes highway issues related to site access and internal lay-out (pages 60 to 62). It does not appear to address the critical issue of congestion on the A48 and at Culverhouse Cross, particularly during the peak morning period when there are long tail-backs of stationary or slow-moving vehicles often stretching to the west of Bonvilston. The A48 and the Culverhouse Cross roundabout are already operating over capacity.

In formulating the LDP and determining the site allocation at St Nicholas, the Council very seriously misinformed itself concerning the capacity of the A48. This capacity was calculated at three points between Cowbridge and Culverhouse Cross, all of which are in the national 60 mph speed limit. No account was taken of the 40 mph speed limit from west Bonvilston to west St Nicholas; the 30 mph speed limit through St Nicholas; and the inevitable delays at the traffic lights at Sycamore Cross and Duffryn Lane as well as at other uncontrolled junctions.

The Transport Statements submitted in support of the Application refer only to the extra vehicle movements resulting from the proposed development. Even taken in isolation, these additional vehicles will cause greater congestion. When taken together with other started and proposed developments at Cowbridge, Colwinston, Ystradowen, Bonvilston and the Waterstone site along with traffic increases arising from other projects such as the widening of Five Mile Lane, the congestion on the A48 and at Culverhouse Cross will become unsustainable. The congestion at Culverhouse Cross will be further exacerbated by the current housing construction at ITV and Wenvoe. The Council and, as appropriate, Cardiff City Council and the Welsh Government have no plans to alleviate this unsustainable congestion.

10. Open space. The original proposal by the Applicant was for 79 houses and provided significant areas of open space which, together with the Waterstone application, amounted in total to 0.48 hectares. In the latest proposal now presented for approval by the Committee, most of the open space has been removed in order to cram 100 houses into a densely crowded site. Only a small LEAP area and a tiny LAP area have been provided. The exact size of the LEAP area is not clear from the latest site plan but it appears to be no larger than a garden in some of the existing properties adjacent to the site. It is certainly not large enough for the many children who would reside in the 100 houses to play football or other ball games. There appears to be no explanation in the Report on where the children will find necessary open space for ball games. The availability of the field at St Nicholas School does not appear to have been established and, even if it were available, it would involve the children having to walk or cycle through the narrow and dangerous roads in the centre of the village (item 6 above) to reach the field.

11. Education facilities. The arrangements for education facilities are described on pages 68 & 69 of the Report. The projected demands for 9 nursery, 25 primary and 23 secondary places appear to be substantial under-estimates for a development of 100 houses. There is no nursery in St Nicholas. The Report confirms that there are no available places for primary pupils at St Nicholas School. The Report appears to suggest that most nursery and primary pupils would travel to Peterston-super-Ely or Pendoylan Schools. Both villages are over three miles away by road, most of which is through narrow country lanes which already have more traffic than can be reasonably accommodated. Two double journeys by car would be required each school day for those parents with cars. There is no direct bus service for parents without a car.
12. Principle of development. The conclusion on the principle of development at St Nicholas (pages 47 & 48) relies heavily on background papers produced by the Council in support of the LDP, including the Sustainable Settlements Appraisal, the Stage 2 Detailed Site Assessment and the Stage 3 Sustainability Appraisal. Some of the key assumptions, statistics and conclusions contained in these reports so far as they related to St Nicholas have been strongly challenged in written representations and in the Public Hearings in the LDP process. Until a conclusion has been reached by the Inspector on these issues, no reliance should be placed on the contents of these background papers to the extent that they have been challenged.
13. Inconsistency. Attention is drawn to the attached extract dated 9 January 2016 from the Minutes of the meeting of the Committee held on 17 December 2015 concerning planning application number 2015/00689/OUT by Trehill Homes Limited ("the Trehill Application") relating to land south of the A48 at St Nicholas. The Minute sets out six reasons why the Trehill Application would have been refused. I submit that each of those reasons applies with equal force to the Application. As the Committee has confirmed that the Trehill Application would have been refused, these reasons alone should be sufficient to refuse the Application. The recommendation of the Department for approval of the Application is inconsistent with its recommendation (endorsed by the Committee) on the Trehill Application.

Before any consideration of determination in favour of the Application, I urge the Committee to arrange a site visit. The Committee should consider how the proposed development on green fields would irreversibly destroy the character of this ancient village. The members should also view the narrow roads around the church, if possible around 3.30 pm on a normal school day, and the proposed two access points onto the A48.

The Department argues in the Report that various identified individual issues do not provide adequate grounds for refusal of the Application. However, I have summarised above some of the many strong objections to the Application. Taken together, I submit that they constitute very powerful grounds for refusal of the Application and I request that the Application be refused.

Please circulate copies of this letter as a late representation to all members of the Committee in advance of the meeting on 6 October 2016.

Yours sincerely

A solid black rectangular box used to redact the signature of the sender.

Tim Knowles

9 January 2016

Vale of Glamorgan Council

Minutes - Planning Committee - 17 December 2015
Extract

2015/00689/OUT Received on 18 June 2015

(p82)

Trehill Homes Limited, C/o Agent

Asbri Planning Limited, Unit 9, Oak Tree Court,, Cardiff Gate Business Park,,
Cardiff., CF23 8RS

Land south of A48 and west of Old Rectory Drive, St. Nicholas

Outline application for residential development and associated works

RESOLVED -

(1) T H A T Members of the Planning Committee noted the conclusions within the report and agreed that these form the basis of the Council's case in the current non-determination appeal and that the application would have been refused for the reasons set out below:

1. The proposed residential development is outside the defined settlement boundary of St. Nicholas and there is no overriding justification or material consideration to outweigh the in principle policy presumption against such development. As such the development would be contrary to Policies ENV1 - Development in the Open Countryside and HOUS2 - Additional Residential Development of the adopted Vale of Glamorgan Development Plan 1996, as well as Planning Policy Wales (Edition 7) July 2014.
2. The residential development would have an unacceptable visual impact on the character and amenity of this undeveloped rural landscape and would be harmful to the special qualities of the Duffryn Basin and Ridge Slopes Special Landscape Area in this location. As such the development of this sensitive rural area and landscape would be contrary to Policies ENV4 Special Landscape Areas, ENV27 - Design of New Developments and ENV10 Protection of the Countryside of the adopted Vale of Glamorgan Development Plan 1996 - 2011, as well as Planning Policy Wales (Edition 7) July 2014.
3. The residential development would result in the loss of an area of open countryside that plays an important role in providing a strong rural character and setting to the St Nicholas Conservation Area in this location, over which there are currently significant views from the Conservation Area towards the Severn Estuary. Accordingly, the development is considered to neither preserve nor enhance the setting of the Conservation Area, in conflict with the Council's Adopted Conservation Area Appraisal and Management Plan, policies ENV17 - Protection of the Built and Historic Environment and ENV20 - Development in Conservation Areas of the adopted Vale of Glamorgan Development Plan 1996 - 2011, as well as Planning Policy Wales (Edition 7) July 2014 and W/O Circular 61/96. The development will also conflict with the duty imposed by Section 72(1) of the Town and Country Planning (Listed Buildings and Conservation Areas) Act 1990.

4. The development would overload the public waste water treatment works for which no improvements are planned at present and the developer has failed to provide any information that indicates that the development will not adversely affect or overload the public sewerage system and as a consequence the development is contrary to Policies ENV27 Design of new developments and ENV29 Protection of Environmental Quality of the Vale of Glamorgan Adopted Unitary development Plan 1996-2011.
5. In the event that the evidence establishes that the grade of the agricultural land is grade 2 or 3a, the development would result in the unnecessary loss of the best and most versatile agricultural land, contrary to policy ENV2 – Agricultural Land of the Vale of Glamorgan Adopted Unitary development Plan 1996-2011, Planning Policy Wales (Edition 7) July 2014 and Technical Advice Note 6 on Planning for Sustainable Rural Communities.
6. The proposed housing development would generate the need for additional school places which cannot be met by existing spare capacity and the development cannot make appropriate provision for education facilities to serve the development through Planning Obligations, without undermining the Council's ability to deliver strategically important development sites within the area. Accordingly, the application is contrary to criterion (vi) of Policy HOUS8 of the Vale of Glamorgan Adopted Unitary development Plan 1996-2011, the Council's approved Planning Obligations SPG and the advice in paragraph 12.1.1 of Planning Policy Wales (7th Edition) July 2014.

(2) T H A T, in the event that the appeal decision for the residential development site on land to the south west of Weycock Cross is received prior to the consideration of the appeal subject of this report, Members agreed that the Council's evidence when prepared takes account of that appeal decision and that officers be given delegated authority to amend the Council's stance in respect of the above listed reputed reasons for refusal.

Reason for decision

(2) To ensure the Council's officers take account of all material considerations relevant to the appeal at the time of preparing and giving evidence, that are relevant to the appeal.