

Mrs Janice Webber.

1 Manor Cottages

St. Nicholas

Cardiff CF5 6SL

1st April 2015

Mr. S. Rennie
Development Control
Vale of Glamorgan Council
Dock Office
Barry Docks
Barry
CF63 4RT

Dear Mr. Rennie

Ref: 2015/00249/FUL - Land to East of St Nicholas

I am objecting to the above planning application. My objections are consistent with my objections to new building in St. Nicholas under the Draft 2011-2026 LDP which I submitted to you on 18 December 2013.

However, specifically for this proposal, I firmly believe that neither the site of the planning application, nor the proposals for this site relate sound spatial planning practices, the Wales Spatial Plan or Planning Policy Wales (PPW) and relevant Technical Advice Notes (TAN). Further, the plan does not appear to deliver the intentions of the emerging LDP 2011-2026.

My concerns include:

1. The application being contrary to the Welsh Government's presumption against unsustainable development;
2. The application not satisfying key requirements of The existing Local Development Plan;
3. The application not satisfying key requirements of the emerging Planning Policy;
4. The application being contrary to key objectives of spatial planning and PPW generally (including sustainable accessibility to places of employment, services, and facilities);
5. The lack of supporting community infrastructure; and
6. The impact of the proposed development on the St Nicholas Conversation Area the Ely Valley and Ridge Slopes Special Landscape Area;

I have listed my detailed concerns for each issue in turn below..

1. Presumption against unsustainable development

Section 38(6) of the Planning and Compulsory Purchase Act 2004 requires that applications for planning permission must be determined in accordance with the Development Plan unless material considerations indicate otherwise. Para 4.2.4 of PPW indicates that: where there is no adopted development plan; or where relevant development plan policies are considered outdated or superseded; or where there are no relevant policies, then there is a presumption in favour of proposals in accordance with the key principles and key policy objectives of sustainable development in the planning system. In doing so, proposals should seek to balance and integrate these objectives to maximise sustainable development outcomes.

It follows therefore that PPW does not support unsustainable or inappropriate development that fails to accord with the key principles and objectives it sets out.

For the reasons outlined in this letter of objection, I argue that the proposed development cannot be considered as being sustainable development and therefore the presumption in favour of the proposal should not apply.

2. Existing Development Plan

Within the Vale of Glamorgan, the Unitary Development Plan (1996-2011) forms the Development Plan. Accordingly, I understand, applications should be considered against this planning framework in the first instance, unless material considerations indicate otherwise.

As indicated in the applicants Planning Statement, the application site lies outside the settlement boundary for St Nicholas as defined by the Vale of Glamorgan UDP and is therefore wholly within the countryside. Other planning policy constraints associated with the site include its location within:

- The St. Nicholas Conservation Area (partly); and
- The Ely Valley and Ridge Slopes Special Landscape Area.

There is a need to ensure that the proposed development accords with the key principles and policy objectives of sustainable development, as set out in PPW. I believe the proposed development does not meet the criteria required to be considered as being sustainable development and therefore the presumption in favour of the proposal should not apply in this instance.

The LDP Strategy

Whilst we acknowledge that the site is a proposed allocation within the Deposit Plan, it itself has not been subject to Examination in Public. Therefore there can be no certainty that a development of this scale in such a small village will be considered as being sustainable development. Guidance is clear that the weight to be given to the emerging plan is limited until the Inspectors Report is published.

Planning Policy Wales is clear that:

“Certainty regarding the content of the plan will only be achieved when the Inspector publishes the binding report. Thus in considering what weight to give to the specific policies in an emerging LDP that apply to a particular proposal, local planning authorities will need to consider carefully the underlying evidence and background to the policies. National planning policy can also be a material consideration in these circumstances (see section 4.2).”

I have significant concerns over the translation of key objectives into practice within the emerging plan. Indeed, key objectives and supportive text indicates:

- **Objective 1:** To sustain and further the development of sustainable communities within the Vale of Glamorgan, providing opportunities for living, learning, working and socialising for all.

In achieving Objective 1, it is indicated that the LDP will seek to ensure that the role and function of the towns and villages identified in the sustainable settlement hierarchy is maintained and enhanced by ensuring that **new development is of a scale appropriate to its location**, supports the local economy and sustains and wherever possible improves local services and facilities.

- **Objective 2:** To ensure that development within the Vale of Glamorgan makes a positive contribution towards reducing the impact of and mitigating the adverse effects of climate change.

In order to achieve this, it is indicated that new development will be **located in sustainable locations that minimise the need to travel**.

- **Objective 4:** To protect and enhance the Vale of Glamorgan’s historic, built, and natural environment.

The LDP will ensure that these built environmental assets are protected, conserved and where appropriate enhanced.

- **Objective 7:** To provide the opportunity for people in the Vale of Glamorgan to meet their housing needs.

The LDP will provide a range and choice of housing, including affordable housing, in sustainable locations that support the needs of the local community.

However, I do not consider that these objectives have been translated into policies within the Plan and cannot form a sound basis for decision making.

This is most obviously noted when assessing the existing population of St Nicholas. The Council's Sustainable Settlements Background Paper (2013) estimates the population of the village to be 339 residents (Appendix 1 refers). On the basis of an average household size of 2.21 (the figure quoted in 2016 within Table 5 of the Council's Population and Housing Background Paper, 2013) the entire development could lead to a new population of 221 residents. This would increase the size of the village to 560 residents, which equates to an increase of 65%.

This is a very significant increase for a village with such a poor accessibility to services and facilities. There is only a Primary School (minus a nursery) and 2 bus stops within an acceptable walking distance of the site.

Similarly, the Sustainable Settlements Background Paper also identifies that the services and facilities within St Nicholas, helps to meet "*local needs within rural areas*" (para. 6.6 refers).

Given that, by the applicants own assessment, there is poor accessibility by sustainable modes of transport (i.e. walking, cycling and public transport) that the level of development proposed on the wider site (i.e. the proposed allocation to the east of St Nicholas) may be considered at Examination to be a too great a quantum of development for the village.

Moreover, we note that Table 8 of the Council's Local Housing Strategy (2015-20) identifies that there is no affordable housing need within the East Vale area.

These concerns were also raised in correspondence by the Welsh Government in their response to the Revised Deposit LDP, dated 20th December 2013. The correspondence, which also argues that the proposed Plan is potentially in conflict with some of its Key Objectives, states that:

"It is unclear how the role and function of settlements has been reflected with regard to the scale of housing proposed. While the scoring matrix focuses on 'functional links' (Sustainable Settlements Appraisal 2013) the services and facilities in many of the minor rural villages themselves appear poor. Allocation in some minor rural settlement, for example, 100 units at St Nicholas and 120 units at Bonvilston appear disproportionate to current services and facilities."

Furthermore:

"While it is acknowledged that one of the aims of the plan is to support facilities in minor rural villages, it is not clear that the rationale for allocating over 940 units in such areas has been fully evidenced."

In considering meeting demand for housing as close to where that need arises the Welsh Government state that:

"...It is unclear as to what extent the LHMA has informed the spatial distribution of housing in this Deposit Plan or how the need for affordable housing has influenced the number and location of sites in this plan."

Issues relating to the spatial strategy of the emerging LDP must be considered to go to the very heart of the plan making process. This view has also been articulated in the Welsh Government response to the Revised Deposit Plan. Accordingly, without having been subject of an Examination in Public, these proposals must be

considered as being premature, particularly when they will undoubtedly lead to such an irreversible change to the character the village.

3. The emerging Allocation

Notwithstanding our fundamental concerns regarding the LDP strategy. As indicated above, the site and an adjacent land parcel is allocated within the Deposit Vale of Glamorgan LDP to provide 100 dwellings and 0.41ha of Public Open Space on 4.4ha of land (Policy MG2 refers). The provision of open space was intended to remedy deficiencies in the existing public open space offer in St Nicholas, particularly children's play space, although it is also noted that there is no outdoor sports provision within the Village.

Whilst the explanatory text is silent on the matter, given the pre-application response provided by the Vale of Glamorgan Council which states that access "**would be most appropriate directly off the A48**" and the way in which the allocation is drawn on the Deposit Draft LDP Proposals Map, that site access was envisaged to be provided to the east of the settlement boundary.

The submitted scheme identifies an access through 'Emmaville'. This parcel of land was not identified as forming part of the wider allocation and therefore its use to form an access must be considered to be contrary to the emerging planning policy framework provided by the Deposit LDP. No justification has been provided by the applicant through either the pre-application process (please refer to Page 3 of the Officer's pre-application response) or through the submitted application material as to why an alternative access strategy has been proposed.

No information has been provided within the application material that quantifies the amount of public open space provided.

Whilst the Planning Statement outlines that "**the remainder of the allocated land will be able provide the shortfall in the LDP allocation**" (para. 8.1 refers), this has not been evidenced in any of the application material. Absent a comprehensive master plan for the site, it cannot be categorically proven that the policy aspirations for the site will be delivered in their entirety. This conclusion has been formed for the following reason:

- The additional land has not been included within this application and therefore there can be no certainty that the allocation will deliver in its entirety; and

Moreover, the public open space offer is meant to render the existing deficiencies, which are associated with children's play space and outdoor sports provision, as evidenced within the Council's Open Space Background Paper (2013).

Whilst no information has been provided about the quantity of public open space provided, it is noted that the Landscape Plan includes a number of swathes of land, including to the east and west of the proposed access and to the rear of the site, which can only be considered as being amenity green space and therefore will not assist in meeting existing shortfalls.

It would appear that once these areas of green space are discounted, the provision of a single LEAP and LAP would only yield approximately 0.05ha, against a policy requirement of 0.48ha. Even including the areas of land surrounding the LEAP and LAP, a total of around 0.27ha is provided, which is somewhat short of the policy aspiration.

Given that a significant aspect of the justification for the allocation of the wider site for housing was to render the deficiency of children's play space in St. Nicholas, there is a need to ensure that this scheme delivers the right quantum and form of public open space. For the reasons outlined above, and absent any information provided by the applicant, I believe that this is not the case. Only the delivery of a comprehensive scheme on the site, which properly articulates the policy aims of the emerging Plan can provide this certainty.

Accordingly, for the reasons outlined above, the submitted application conflicts with the emerging LDP.

4. The objectives of spatial planning and PPW generally

Within the accompanying Planning Statement, the applicant contends that the Unitary Development Plan is out-of-date and therefore in accordance with TAN 1, the Local Authority will be unable to demonstrate a 5 year housing land supply from January 2016. Accordingly the applicant considers that the development benefits from the presumption in favour of sustainable development and therefore should be approved.

However, it is clear that the presumption in favour of the development would only apply if the proposals accorded with national planning policies and the key principles and policy objectives of sustainable development.

In any event we note that a shortfall of land supply does not lead to unacceptable development being made acceptable. I note that similar conclusions were presented in a number of recent Appeal decisions within Wales, including:

Land at Rockfield Road, Monmouth

In this case the land supply stood at 4.4 years (2012) and common ground between the parties that it would fall to 3.6 years in the 2013 study. The site was also located outside of the settlement boundary. Whilst the Inspector considered there were no technical or landscape constraints, the stage of the LDP (awaiting the Inspectors Report), it was considered premature in relation to the imminent (at that time) LDP which would deal with matters related to the scale of growth at Monmouth.

Land at Red Barn Farm, Abergavenny

The land supply stood at 4.4 years, however, the Inspector considered that the impact of the development on the nearby listed building and landscape would outweigh the shortfall and dismissed the appeal.

Began Road, Cardiff

Despite a significant shortfall in housing land (and recent appeal decisions granting permission) the Inspector considered that the adverse impacts on landscape, highways safety and ecology outweighed the housing shortfall and dismissed the appeal on the small site.

In the case of this application, it is considered that the development would not accord with the key principles and policy objectives of sustainable development as defined by PPW. To demonstrate this harm, the scheme is assessed against relevant sustainability objectives provided in Section 4.4 of PPW below:

- ***Promote resource-efficient and climate change resilient settlement patterns*** - the proposed development will increase the size of St Nicholas by around 65%. Given the lack of services and facilities within the village there is a real possibility that the proposed development will increase dependency on the car, promoting unsustainable travel patterns. As there is no identified affordable housing need within the East Vale area most, if not all of this development should be re-distributed to the areas where the need is greatest, which is also where there are the greatest number of services and facilities. This should result in a more sustainable pattern of development. The prematurity of this scheme does not allow for this consideration in the most appropriate forum;
- ***Locate developments so as to minimise the demand for travel, especially by private car*** – the lack of services and facilities within St Nicholas will mean that residents of the proposed development will have to access services and facilities in other areas. The majority of these trips will be made by the private car;
- ***Support the need to tackle the causes of climate change by moving towards a low carbon economy*** – the proposed development is adjacent to a village with limited services and facilities. Residents of the proposed development will therefore have to access services and facilities within higher tier

settlements. The majority of these trips will be made by the private car and therefore the development will not assist in tackling the causes of climate change.

- ***Help to ensure the conservation of the historic environment and cultural heritage, acknowledging and fostering local diversity*** – the proposed development will have a significant harmful effect on the St Nicholas Conservation Area and locally important and listed buildings. A robust assessment of this harm has not been undertaken by the applicant.
- ***Ensure that all local communities – both urban and rural – have sufficient good quality housing for their needs*** – there is currently no affordable housing need within the Eastern Vale area. The majority of need is within Barry, Penarth and the Coastal areas, where there exists a greater number of services and facilities.
- ***Promote access to employment, shopping, education, health, community, leisure and sport facilities and open and green space, maximising opportunities for community development and social welfare*** – the application does not provide access to any employment, education, shopping, community, leisure or sports facilities. Whilst it does provide an element of public open space, there is no certainty provided by the application as to whether the public open space provided will meet the deficit of specific types of public open spaces in St Nicholas, which was a major consideration in the site's allocation in the Deposit LDP.
- ***Foster improvements to transport facilities and services which maintain or improve accessibility to services and facilities, secure employment, economic and environmental objectives, and improve safety and amenity*** – the proposed development does not provide any improvements to accessing services and facilities, both for the existing and proposed resident population. Conversely, it could create an unsustainable pattern of development and a greater dependency on the private car. Moreover, whilst the proposed junction may work in isolation, it would clearly reduce the safety of my Clients existing access from his property and of other properties in the surrounding environs.
- ***Foster social inclusion by ensuring that full advantage is taken of the opportunities to secure a more accessible environment for everyone that the development of land and buildings provides*** – as indicated above, the proposed development would lead to a greater dependency on the private car.

It is clear from the assessment above that the proposed development would not constitute sustainable development and therefore the presumption in favour of sustainable development that applies as a result of the time lapsed nature of the Adopted UDP and the housing land supply situation from 2016, does not apply.

5. The Impact on Community Infrastructure

St Nicholas Church of Wales Primary School has 126 places within the school and currently 125 pupils on roll. Whilst there is reference to a S106 contribution being provided to mitigate the impact of the proposed development on existing education facilities, the development will clearly lead to the need to expand and extend the existing school, or to alter the school's admissions policy. No information has been provided by the applicant which demonstrates whether this is achievable, or whether capacity will need to be created in an alternative location, which could, given the frequency of the bus service and the need to safeguard children of a primary age, lead to a dependency on the car for pupils to attend school.

6. The Impact on the St Nicholas Conservation Area

Part of the application site is located within the boundary of the St Nicholas Conservation Area. The Conservation Area was first designated in 1970 in recognition of the Villages special architectural and historic interest.

Whilst the application site is not identified as being of key importance to the Conservation Area within the St Nicholas Conservation Area Appraisal and Management Plan (2009), there still remains the statutory duty provided by Planning (Listed Buildings and Conservation) Areas Act (1990) for Local Authorities to pay special attention to the desirability of preserving or enhancing the character or appearance of the Conservation Area when determining planning applications. In that regard, I note that aside from a very limited analysis provided in the Design and Access Statement and a visual assessment of the impact of the development on the

surrounding environs, there is no specific assessment on what effect the proposed development will have on the Conservation Area, or even an assessment of the contribution Emmaville makes to this designation. Similarly there is no assessment of the impact the proposed development will have on historic assets within the surrounding environs, including Eastlea, Milford and the 'County Treasure' of the Police Station (all are located to the south of the A48 and immediately opposite the proposed access and proposed Section 278 works) and the Three Tuns Listed Building located immediately to the south west of the application site and to the north of the A48.

It is noted that in the Council's pre-application response it was highlighted that the proposed development would ***"have the potential to significantly impact the setting of the Conservation Area and would be very visible on the approach to the village."***

On this basis the Council advised the applicant that ***"careful consideration should be given to ensuring that the proposed development would not have any adverse impact on the character of the conservation Area, through use of sensitive and suitable house design and layout."***

Moreover, in response to the proposed allocation of land to the east of St Nicholas, the Council's own Conservation Officer had concerns over the impact of the proposed allocation on the St Nicholas Conservation Area. In their consultation response, the Officer stated that:

"The site lies outside, but immediately adjacent to, the St. Nicholas Conservation Area. The St. Nicholas Conservation Area Appraisal and Management Plan identifies a significant view out of the Conservation Area across the site in a NE direction from the A48 at 'Mink Hollow' approximately along the line of the public footpath."

The proposed development, which would lead to the loss of a property and the development of highways works in the heart of the designation, would clearly lead to an adverse impact. No robust information has been submitted by the applicant to indicate otherwise. I am particularly concerned about the development spoiling the view (and therefore the character) of the village when entering the village from Culverhouse Cross, which is dominated wonderfully by St. Nicholas's norman church.

There can be no certainty that the proposed development will have ***"no unacceptable impact on the Conservation Area"*** as claimed in Section 9 of the Design and Access Statement.

Summary

I object to the proposed development on the following grounds:

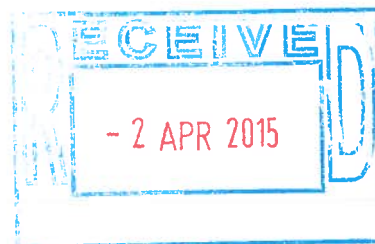
- In accordance with Section 38(6) of the Planning and Compulsory Purchase Act, applications for planning permission should be determined in accordance with the Development Plan unless material considerations indicate otherwise. For the Vale of Glamorgan, the UDP forms part of the Development Plan.
- National Planning Policy states that where there is a time lapsed Development Plan, as is the case in the Vale, the presumption in favour of sustainable development applies. It follows that there is a presumption against unsustainable development. The present application constitutes unsustainable development.
- Para. 4.2 of PPW outlines that certainty over the Plan will only be achieved on receipt of a binding Inspector's Report. In advance of that, Local Authorities will need to consider the evidence base and the background to policies when assessing development proposals.
- the key objectives of the emerging Vale LDP have not been properly articulated in the emerging land use planning policies, including:

- the LDP seeks to ensure new development is of a scale appropriate to its location, but the allocation of land to the East of St Nicholas could see the population of the village grow by 65%;
 - despite seeking to minimise the need to travel, the proposed allocation is made at a settlement which only has services and facilities to meet local needs;
 - The LDP seeks to protect and enhance historic environments, yet the allocation will have a detrimental impact on the St Nicholas Conservation Area;
 - The LDP seeks to meet the housing needs of each community, yet there isn't an identified housing need in the East of the Vale.
- The application does not accord with emerging Planning Policy as:
 - The access is inappropriately located;
 - It would not provide the housing development and quantum of public open space required; and
 - The development does not remedy deficiencies in children's play space.
 - A number of recent Appeals have demonstrated that a shortfall in housing land or a time lapsed Development Plan does not lead to unsustainable development being considered as being acceptable.
 - The proposed development does not accord with the key principles and policy objectives provided by PPW.
 - It could have unacceptable impacts on community infrastructure.
 - The proposed development would have an unacceptable detrimental impact on the St Nicholas Conservation Area.

Yours Sincerely,

Mrs Janice Webber

D.E.E.R
RECEIVED
ACTION BY: JMC-SR
NO: 19



Bowen, Dawn

From: David Staziker [REDACTED]
Sent: 01 April 2015 20:34
To: Planning & Transportation (Customer Care)
Cc: Ceri Staziker
Subject: St. Nicholas Redrow building application objection letter
Attachments: St Nicholas Redrow building plan objection letter 010415 CS.docx

Dear Sirs

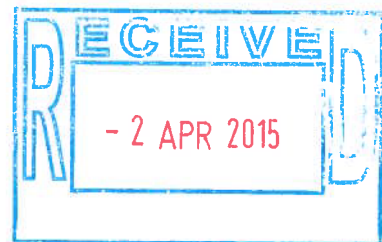
Please find attached my objection letter to the above building scheme

Please can you acknowledge receipt

Kind regards

Ceri Staziker

D.E.E.R
RECEIVED
ACTION BY: <i>JMC-SK</i>
NO: <i>20</i>
ACK:



Mrs Ceri Staziker

2 Manor Cottages

St. Nicholas

Cardiff CF5 6SL

1st April 2015

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Development Control
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It follows therefore that PPW does not support unsustainable or inappropriate development that fails to accord with the key principles and objectives it sets out.

For the reasons outlined in this letter of objection, I argue that the proposed development cannot be considered as being sustainable development and therefore the presumption in favour of the proposal should not apply.

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Moreover, the public open space offer is meant to render the existing deficiencies, which are associated with children's play space and outdoor sports provision, as evidenced within the Council's Open Space Background Paper (2013).

Whilst no information has been provided about the quantity of public open space provided, it is noted that the Landscape Plan includes a number of swathes of land, including to the east and west of the proposed access and to the rear of the site, which can only be considered as being amenity green space and therefore will not assist in meeting existing shortfalls.

It would appear that once these areas of green space are discounted, the provision of a single LEAP and LAP would only yield approximately 0.05ha, against a policy requirement of 0.48ha. Even including the areas of land surrounding the LEAP and LAP, a total of around 0.27ha is provided, which is somewhat short of the policy aspiration.

Given that a significant aspect of the justification for the allocation of the wider site for housing was to render the deficiency of children's play space in St. Nicholas, there is a need to ensure that this scheme delivers the right quantum and form of public open space. For the reasons outlined above, and absent any information provided by the applicant, I believe that this is not the case. Only the delivery of a comprehensive scheme on the site, which properly articulates the policy aims of the emerging Plan can provide this certainty.

Accordingly, for the reasons outlined above, the submitted application conflicts with the emerging LDP.

4. The objectives of spatial planning and PPW generally

Within the accompanying Planning Statement, the applicant contends that the Unitary Development Plan is out-of-date and therefore in accordance with TAN 1, the Local Authority will be unable to demonstrate a 5 year housing land supply from January 2016. Accordingly the applicant considers that the development benefits from the presumption in favour of sustainable development and therefore should be approved.

However, it is clear that the presumption in favour of the development would only apply if the proposals accorded with national planning policies and the key principles and policy objectives of sustainable development.

In any event we note that a shortfall of land supply does not lead to unacceptable development being made acceptable. I note that similar conclusions were presented in a number of recent Appeal decisions within Wales, including:

Land at Rockfield Road, Monmouth

In this case the land supply stood at 4.4 years (2012) and common ground between the parties that it would fall to 3.6 years in the 2013 study. The site was also located outside of the settlement boundary. Whilst the Inspector considered there were no technical or landscape constraints, the stage of the LDP (awaiting the Inspectors Report), it was considered premature in relation to the imminent (at that time) LDP which would deal with matters related to the scale of growth at Monmouth.

Land at Red Barn Farm, Abergavenny

The land supply stood at 4.4 years, however, the Inspector considered that the impact of the development on the nearby listed building and landscape would outweigh the shortfall and dismissed the appeal.

Began Road, Cardiff

Despite a significant shortfall in housing land (and recent appeal decisions granting permission) the Inspector considered that the adverse impacts on landscape, highways safety and ecology outweighed the housing shortfall and dismissed the appeal on the small site.

In the case of this application, it is considered that the development would not accord with the key principles and policy objectives of sustainable development as defined by PPW. To demonstrate this harm, the scheme is assessed against relevant sustainability objectives provided in Section 4.4 of PPW below:

- ***Promote resource-efficient and climate change resilient settlement patterns*** - the proposed development will increase the size of St Nicholas by around 65%. Given the lack of services and facilities within the village there is a real possibility that the proposed development will increase dependency on the car, promoting unsustainable travel patterns. As there is no identified affordable housing need within the East Vale area most, if not all of this development should be re-distributed to the areas where the need is greatest, which is also where there are the greatest number of services and facilities. This should result in a more sustainable pattern of development. The prematurity of this scheme does not allow for this consideration in the most appropriate forum;
- ***Locate developments so as to minimise the demand for travel, especially by private car*** – the lack of services and facilities within St Nicholas will mean that residents of the proposed development will have to access services and facilities in other areas. The majority of these trips will be made by the private car;
- ***Support the need to tackle the causes of climate change by moving towards a low carbon economy*** – the proposed development is adjacent to a village with limited services and facilities. Residents of the proposed development will therefore have to access services and facilities within higher tier

settlements. The majority of these trips will be made by the private car and therefore the development will not assist in tackling the causes of climate change.

- ***Help to ensure the conservation of the historic environment and cultural heritage, acknowledging and fostering local diversity*** – the proposed development will have a significant harmful effect on the St Nicholas Conservation Area and locally important and listed buildings. A robust assessment of this harm has not been undertaken by the applicant.
- ***Ensure that all local communities – both urban and rural – have sufficient good quality housing for their needs*** – there is currently no affordable housing need within the Eastern Vale area. The majority of need is within Barry, Penarth and the Coastal areas, where there exists a greater number of services and facilities.
- ***Promote access to employment, shopping, education, health, community, leisure and sport facilities and open and green space, maximising opportunities for community development and social welfare*** – the application does not provide access to any employment, education, shopping, community, leisure or sports facilities. Whilst it does provide an element of public open space, there is no certainty provided by the application as to whether the public open space provided will meet the deficit of specific types of public open spaces in St Nicholas, which was a major consideration in the site's allocation in the Deposit LDP.
- ***Foster improvements to transport facilities and services which maintain or improve accessibility to services and facilities, secure employment, economic and environmental objectives, and improve safety and amenity*** – the proposed development does not provide any improvements to accessing services and facilities, both for the existing and proposed resident population. Conversely, it could create an unsustainable pattern of development and a greater dependency on the private car. Moreover, whilst the proposed junction may work in isolation, it would clearly reduce the safety of my Clients existing access from his property and of other properties in the surrounding environs.
- ***Foster social inclusion by ensuring that full advantage is taken of the opportunities to secure a more accessible environment for everyone that the development of land and buildings provides*** – as indicated above, the proposed development would lead to a greater dependency on the private car.

It is clear from the assessment above that the proposed development would not constitute sustainable development and therefore the presumption in favour of sustainable development that applies as a result of the time lapsed nature of the Adopted UDP and the housing land supply situation from 2016, does not apply.

5. The Impact on Community Infrastructure

St Nicholas Church of Wales Primary School has 126 places within the school and currently 125 pupils on roll. Whilst there is reference to a S106 contribution being provided to mitigate the impact of the proposed development on existing education facilities, the development will clearly lead to the need to expand and extend the existing school, or to alter the school's admissions policy. No information has been provided by the applicant which demonstrates whether this is achievable, or whether capacity will need to be created in an alternative location, which could, given the frequency of the bus service and the need to safeguard children of a primary age, lead to a dependency on the car for pupils to attend school.

6. The Impact on the St Nicholas Conservation Area

Part of the application site is located within the boundary of the St Nicholas Conservation Area. The Conservation Area was first designated in 1970 in recognition of the Villages special architectural and historic interest.

Whilst the application site is not identified as being of key importance to the Conservation Area within the St Nicholas Conservation Area Appraisal and Management Plan (2009), there still remains the statutory duty provided by Planning (Listed Buildings and Conservation) Areas Act (1990) for Local Authorities to pay special attention to the desirability of preserving or enhancing the character or appearance of the Conservation Area when determining planning applications. In that regard, I note that aside from a very limited analysis provided in the Design and Access Statement and a visual assessment of the impact of the development on the

surrounding environs, there is no specific assessment on what effect the proposed development will have on the Conservation Area, or even an assessment of the contribution Emmaville makes to this designation. Similarly there is no assessment of the impact the proposed development will have on historic assets within the surrounding environs, including Eastlea, Milford and the 'County Treasure' of the Police Station (all are located to the south of the A48 and immediately opposite the proposed access and proposed Section 278 works) and the Three Tuns Listed Building located immediately to the south west of the application site and to the north of the A48.

It is noted that in the Council's pre-application response it was highlighted that the proposed development would ***"have the potential to significantly impact the setting of the Conservation Area and would be very visible on the approach to the village."***

On this basis the Council advised the applicant that ***"careful consideration should be given to ensuring that the proposed development would not have any adverse impact on the character of the conservation Area, through use of sensitive and suitable house design and layout."***

Moreover, in response to the proposed allocation of land to the east of St Nicholas, the Council's own Conservation Officer had concerns over the impact of the proposed allocation on the St Nicholas Conservation Area. In their consultation response, the Officer stated that:

"The site lies outside, but immediately adjacent to, the St. Nicholas Conservation Area. The St. Nicholas Conservation Area Appraisal and Management Plan identifies a significant view out of the Conservation Area across the site in a NE direction from the A48 at 'Mink Hollow' approximately along the line of the public footpath."

The proposed development, which would lead to the loss of a property and the development of highways works in the heart of the designation, would clearly lead to an adverse impact. No robust information has been submitted by the applicant to indicate otherwise. I am particularly concerned about the development spoiling the view (and therefore the character) of the village when entering the village from Culverhouse Cross, which is dominated wonderfully by St. Nicholas's norman church.

There can be no certainty that the proposed development will have ***"no unacceptable impact on the Conservation Area"*** as claimed in Section 9 of the Design and Access Statement.

Summary

I object to the proposed development on the following grounds:

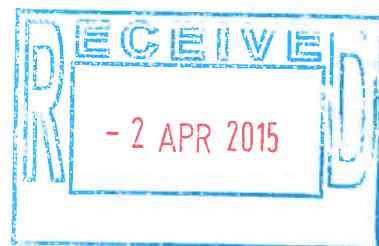
- In accordance with Section 38(6) of the Planning and Compulsory Purchase Act, applications for planning permission should be determined in accordance with the Development Plan unless material considerations indicate otherwise. For the Vale of Glamorgan, the UDP forms part of the Development Plan.
- National Planning Policy states that where there is a time lapsed Development Plan, as is the case in the Vale, the presumption in favour of sustainable development applies. It follows that there is a presumption against unsustainable development. The present application constitutes unsustainable development.
- Para. 4.2 of PPW outlines that certainty over the Plan will only be achieved on receipt of a binding Inspector's Report. In advance of that, Local Authorities will need to consider the evidence base and the background to policies when assessing development proposals.
- the key objectives of the emerging Vale LDP have not been properly articulated in the emerging land use planning policies, including:

- the LDP seeks to ensure new development is of a scale appropriate to its location, but the allocation of land to the East of St Nicholas could see the population of the village grow by 65%;
 - despite seeking to minimise the need to travel, the proposed allocation is made at a settlement which only has services and facilities to meet local needs;
 - The LDP seeks to protect and enhance historic environments, yet the allocation will have a detrimental impact on the St Nicholas Conservation Area;
 - The LDP seeks to meet the housing needs of each community, yet there isn't an identified housing need in the East of the Vale.
- The application does not accord with emerging Planning Policy as:
 - The access is inappropriately located;
 - It would not provide the housing development and quantum of public open space required; and
 - The development does not remedy deficiencies in children's play space.
 - A number of recent Appeals have demonstrated that a shortfall in housing land or a time lapsed Development Plan does not lead to unsustainable development being considered as being acceptable.
 - The proposed development does not accord with the key principles and policy objectives provided by PPW.
 - It could have unacceptable impacts on community infrastructure.
 - The proposed development would have an unacceptable detrimental impact on the St Nicholas Conservation Area.

Yours Sincerely,

Mrs Ceri Staziker

D.E.E.R
RECEIVED
ACTION BY: JMC -SR
NO: 20
ACK:



Bowen, Dawn

From: [REDACTED]
Sent: 01 April 2015 23:43
To: Planning & Transportation (Customer Care)
Subject: New comments for application 2015/00249/FUL
Attachments: J Clouston letter.docx

New comments have been received for application 2015/00249/FUL at site address: Land to the East of St. Nicholas
from Mr Jon Clouston [REDACTED]

Address:
2, Button Rlde, St Nicholas ,CF56ST

Comments:
Please see attached

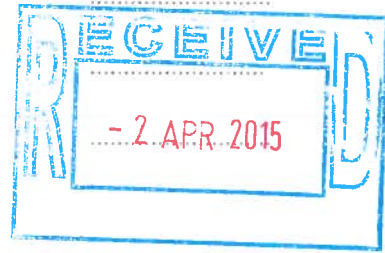
The following files have been uploaded:
J Clouston letter.docx

Case Officer:
Mr. Steven Rennie

D.E.E.R
RECEIVED
ACTION BY: <i>Jmc-SR</i>
NO: <i>25</i>
ACK:



D.E.E.R
RECEIVED
ACTION BY: JMC SR
NO: 25
ACK:



02 April 2015

Mr. S. Rennie
 Development Control
 Vale of Glamorgan Council
 Dock Office
 Barry Docks
 Barry
 CF63 4RT

Dear Mr. Rennie,

Ref: 2015/00249/FUL - Land to East of St Nicholas

I am objecting to the above planning application. Neither the site of the planning application, nor the proposals for this site appear to relate sound spatial planning practices, the Wales Spatial Plan or Planning Policy Wales (PPW) and relevant Technical Advice Notes (TAN). Further, the plan does not appear to deliver the intentions of the emerging LDP.

My concerns include:

- The Welsh Government's presumption against unsustainable development;
- The existing Development Plan;
- Emerging Planning Policy;
- The lack of supporting community infrastructure;
- The loss of finite, scarce agricultural land rated: good;
- The impact of the proposed development on the St Nicholas Conversation Area the Ely Valley and Ridge Slopes Special Landscape Area;
- The site's sustainable accessibility to places of employment, services, and facilities; and
- The objectives of spatial planning and PPW generally.

Each issue is considered in turn below.

The Decision Making Framework

Section 38(6) of the Planning and Compulsory Purchase Act 2004 requires that applications for planning permission must be determined in accordance with the Development Plan unless material considerations indicate otherwise. Para 4.2.4 of PPW indicates that where: there is no adopted development plan; relevant development plan policies are considered outdated or superseded; or where there are no relevant policies, then there is a presumption in favour of proposals in accordance with the key principles and key policy objectives of sustainable development in the planning system. In doing so, proposals should seek to balance and integrate these objectives to maximise sustainable development outcomes.

It follows therefore that PPW does not support unsustainable or inappropriate development that fails to accord with the key principles and objectives it sets out.

For the reasons outlined in this letter of objection, my Client argues that the proposed development cannot be considered as being sustainable development and therefore the presumption in favour of the proposal should not apply.

Existing Development Plan

Within the Vale of Glamorgan, the Unitary Development Plan (1996-2011) forms the Development Plan. Accordingly applications should be considered against this planning framework in the first instance, unless material considerations indicate otherwise.

As indicated in the applicants Planning Statement, the application site lies outside the settlement boundary for St Nicholas as defined by the Vale of Glamorgan UDP and is therefore wholly within the countryside. Other planning policy constraints associated with the site include its location within:

- The St. Nicholas Conservation Area (partly); and
- The Ely Valley and Ridge Slopes Special Landscape Area.

There is a need to ensure that the proposed development accords with the key principles and policy objectives of sustainable development, as set out in PPW. The proposed development does not meet the criteria required to be considered as being sustainable development and therefore the presumption in favour of the proposal should not apply in this instance.

The LDP Strategy

Whilst we acknowledge that the site is a proposed allocation within the Deposit Plan, it itself has not been subject to Examination in Public. Therefore there can be no certainty that a development of this scale in such a small village will be considered as being sustainable development. Guidance is clear that the weight to be given to the emerging plan is limited until the Inspectors Report is published.

Planning Policy Wales in clear that:

“Certainty regarding the content of the plan will only be achieved when the Inspector publishes the binding report. Thus in considering what weight to give to the specific policies in an emerging LDP that apply to a particular proposal, local planning authorities will need to consider carefully the underlying evidence and background to the policies. National planning policy can also be a material consideration in these circumstances (see section 4.2).”

I have significant concerns over the translation of key objectives into practice within the emerging plan. Indeed, key objectives and supportive text indicates:

- **Objective 1:** To sustain and further the development of sustainable communities within the Vale of Glamorgan, providing opportunities for living, learning, working and socialising for all.

In achieving Objective 1, it is indicated that the LDP will seek to ensure that the role and function of the towns and villages identified in the sustainable settlement hierarchy is maintained and enhanced by ensuring that new development is of a scale appropriate to its location, supports the local economy and sustains and wherever possible improves local services and facilities.

- **Objective 2:** To ensure that development within the Vale of Glamorgan makes a positive contribution towards reducing the impact of and mitigating the adverse effects of climate change.

In order to achieve this, it is indicated that new development will be located in sustainable locations that minimise the need to travel.

- **Objective 4:** To protect and enhance the Vale of Glamorgan’s historic, built, and natural environment.

The LDP will ensure that these built environmental assets are protected, conserved and where appropriate enhanced.

- **Objective 7:** To provide the opportunity for people in the Vale of Glamorgan to meet their housing needs.

The LDP will provide a range and choice of housing, including affordable housing, in sustainable locations that support the needs of the local community.

However, we do not consider that these objectives have been translated into policies within the Plan and cannot form a sound basis for decision making.

This is most obviously noted when assessing the existing population of St Nicholas. The Council's Sustainable Settlements Background Paper (2013) estimates the population of the village to be 339 residents (Appendix 1 refers). On the basis of an average household size of 2.21 (the figure quoted in 2016 within Table 5 of the Council's Population and Housing Background Paper, 2013) the entire development could lead to a new population of 221 residents. This would increase the size of the village to 560 residents, which equates to an increase of 65%.

This is a very significant increase for a village with such a poor accessibility to services and facilities. There is only a Primary School (minus a nursery) and 2 bus stops within an acceptable walking distance of the site.

Similarly, the Sustainable Settlements Background Paper also identifies that the services and facilities within St Nicholas, helps to meet "*local needs within rural areas*" (para. 6.6 refers).

Given that, by the applicants own assessment, there is poor accessibility by sustainable modes of transport (i.e. walking, cycling and public transport) that the level of development proposed on the wider site (i.e. the proposed allocation to the east of St Nicholas) may be considered at Examination to be a too great a quantum of development for the village.

Moreover, we note that Table 8 of the Council's Local Housing Strategy (2015-20) identifies that there is no affordable housing need within the East Vale area.

These concerns were also raised in correspondence by the Welsh Government in their response to the Revised Deposit LDP, dated 20th December 2013. The correspondence, which also argues that the proposed Plan is potentially in conflict with some of its Key Objectives, states that:

"It is unclear how the role and function of settlements has been reflected with regard to the scale of housing proposed. While the scoring matrix focuses on 'functional links' (Sustainable Settlements Appraisal 2013) the services and facilities in many of the minor rural villages themselves appear poor. Allocation in some minor rural settlement, for example, 100 units at St Nicholas and 120 units at Bonvilston appear disproportionate to current services and facilities."

Furthermore:

"While it is acknowledged that one of the aims of the plan is to support facilities in minor rural villages, it is not clear that the rationale for allocating over 940 units in such areas has been fully evidenced."

In considering meeting demand for housing as close to where that need arises the Welsh Government state that:

"...It is unclear as to what extent the LHMA has informed the spatial distribution of housing in this Deposit Plan or how the need for affordable housing has influenced the number and location of sites in this plan."

Issues relating to the spatial strategy of the emerging LDP must be considered to go to the very heart of the plan making process. This view has also been articulated in the Welsh Government response to the Revised Deposit Plan. Accordingly, without having been subject of an Examination in Public, these proposals must be

considered as being premature, particularly when they will undoubtedly lead to such an irreversible change to the character the village.

The emerging Allocation

Notwithstanding our fundamental concerns regarding the LDP strategy. As indicated above, the site and an adjacent land parcel is allocated within the Deposit Vale of Glamorgan LDP to provide 100 dwellings and 0.41ha of Public Open Space on 4.4ha of land (Policy MG2 refers). The provision of open space was intended to remedy deficiencies in the existing public open space offer in St Nicholas, particularly children's play space, although it is also noted that there is no outdoor sports provision within the Village.

Whilst the explanatory text is silent on the matter, given the pre-application response provided by the Vale of Glamorgan Council which states that access "**would be most appropriate directly off the A48**" and the way in which the allocation is drawn on the Deposit Draft LDP Proposals Map, that site access was envisaged to be provided to the east of the settlement boundary.

The submitted scheme identifies an access through 'Emmavalle'. This parcel of land was not identified as forming part of the wider allocation and therefore its use to form an access must be considered to be contrary to the emerging planning policy framework provided by the Deposit LDP. No justification has been provided by the applicant through either the pre-application process (please refer to Page 3 of the Officer's pre-application response) or through the submitted application material as to why an alternative access strategy has been proposed.

No information has been provided within the application material that quantifies the amount of public open space provided.

Whilst the Planning Statement outlines that "**the remainder of the allocated land will be able provide the shortfall in the LDP allocation**" (para. 8.1 refers), this has not been evidenced in any of the application material. Absent a comprehensive master plan for the site, it cannot be categorically proven that the policy aspirations for the site will be delivered in their entirety. This conclusion has been formed for the following reason:

- The additional land has not been included within this application and therefore there can be no certainty that the allocation will deliver in its entirety; and

Moreover, the public open space offer is meant to render the existing deficiencies, which are associated with children's play space and outdoor sports provision, as evidenced within the Council's Open Space Background Paper (2013).

Whilst no information has been provided about the quantity of public open space provided, it is noted that the Landscape Plan includes a number of swathes of land, including to the east and west of the proposed access and to the rear of the site, which can only be considered as being amenity green space and therefore will not assist in meeting existing shortfalls.

It would appear that once these areas of green space are discounted, the provision of a single LEAP and LAP would only yield approximately 0.05ha, against a policy requirement of 0.48ha. Even including the areas of land surrounding the LEAP and LAP, a total of around 0.27ha is provided, which is somewhat short of the policy aspiration.

Given that a significant aspect of the justification for the allocation of the wider site for housing was to render the deficiency of children's play space in St. Nicholas, there is a need to ensure that this scheme delivers the right quantum and form of public open space. For the reasons outlined above, and absent any information provided by the applicant, my Client believes that this is not the case. Only the delivery of a comprehensive scheme on the site, which properly articulates the policy aims of the emerging Plan can provide this certainty.

Accordingly, for the reasons outlined above, the submitted application conflicts with the emerging LDP.

The Application's Conformity to PPW's Objectives

Within the accompanying Planning Statement, the applicant contends that the Unitary Development Plan is out-of-date and therefore in accordance with TAN 1, the Local Authority will be unable to demonstrate a 5 year housing land supply from January 2016. Accordingly the applicant considers that the development benefits from the presumption in favour of sustainable development and therefore should be approved.

However, it is clear that the presumption in favour of the development would only apply if the proposals accorded with national planning policies and the key principles and policy objectives of sustainable development.

In any event we note that a shortfall of land supply does not lead to unacceptable development being made acceptable. We note that similar conclusions were presented in a number of recent Appeal decisions within Wales, including:

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In this case the land supply stood at 4.4 years (2012) and common ground between the parties that it would fall to 3.6 years in the 2013 study. The site was also located outside of the settlement boundary. Whilst the Inspector considered there were no technical or landscape constraints, the stage of the LDP (awaiting the Inspectors Report), it was considered premature in relation to the imminent (at that time) LDP which would deal with matters related to the scale of growth at Monmouth.

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Began Road, Cardiff

Despite a significant shortfall in housing land (and recent appeal decisions granting permission) the Inspector considered that the adverse impacts on landscape, highways safety and ecology outweighed the housing shortfall and dismissed the appeal on the small site.

In the case of this application, it is considered that the development would not accord with the key principles and policy objectives of sustainable development as defined by PPW. To demonstrate this harm, the scheme is assessed against relevant sustainability objectives provided in Section 4.4 of PPW below:

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- ***Locate developments so as to minimise the demand for travel, especially by private car*** – the lack of services and facilities within St Nicholas will mean that residents of the proposed development will have to access services and facilities in other areas. The majority of these trips will be made by the private car;
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- ***Help to ensure the conservation of the historic environment and cultural heritage, acknowledging and fostering local diversity*** – the proposed development will have a significant harmful effect on the St Nicholas Conservation Area and locally important and listed buildings. A robust assessment of this harm has not been undertaken by the applicant.
- ***Ensure that all local communities – both urban and rural – have sufficient good quality housing for their needs*** – there is currently no affordable housing need within the Eastern Vale area. The majority of need is within Barry, Penarth and the Coastal areas, where there exists a greater number of services and facilities.
- ***Promote access to employment, shopping, education, health, community, leisure and sport facilities and open and green space, maximising opportunities for community development and social welfare*** – the application does not provide access to any employment, education, shopping, community, leisure or sports facilities. Whilst it does provide an element of public open space, there is no certainty provided by the application as to whether the public open space provided will meet the deficit of specific types of public open spaces in St Nicholas, which was a major consideration in the site's allocation in the Deposit LDP.
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It is clear from the assessment above that the proposed development would not constitute sustainable development and therefore the presumption in favour of sustainable development that applies as a result of the time lapsed nature of the Adopted UDP and the housing land supply situation from 2016, does not apply.

The Impact on Community Infrastructure

St Nicholas Church of Wales Primary School has 126 places within the school and currently 125 pupils on roll. Whilst there is reference to a S106 contribution being provided to mitigate the impact of the proposed development on existing education facilities, the development will clearly lead to the need to expand and extend the existing school, or to alter the school's admissions policy. No information has been provided by the applicant which demonstrates whether this is achievable, or whether capacity will need to be created in an alternative location, which could, given the frequency of the bus service and the need to safeguard children of a primary age, lead to a dependency on the car for pupils to attend school.

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Part of the application site is located within the boundary of the St Nicholas Conservation Area. The Conservation Area was first designated in 1970 in recognition of the Villages special architectural and historic interest.

Whilst the application site is not identified as being of key importance to the Conservation Area within the St Nicholas Conservation Area Appraisal and Management Plan (2009), there still remains the statutory duty provided by Planning (Listed Buildings and Conservation) Areas Act (1990) for Local Authorities to pay special attention to the desirability of preserving or enhancing the character or appearance of the Conservation Area when determining planning applications. In that regard, we note that aside from a very limited analysis

provided in the Design and Access Statement and an visual assessment of the impact of the development on the surrounding environs, there is no specific assessment on what effect the proposed development will have on the Conservation Area, or even an assessment of the contribution Emmaville makes to this designation. Similarly there is no assessment of the impact the proposed development will have on historic assets within the surrounding environs, including Eastlea, Milford and the 'County Treasure' of the Police Station (all are located to the south of the A48 and immediately opposite the proposed access and proposed Section 278 works) and the Three Tuns Listed Building located immediately to the south west of the application site and to the north of the A48.

It is noted that in the Council's pre-application response it was highlighted that the proposed development would ***"have the potential to significantly impact the setting of the Conservation Area and would be very visible on the approach to the village."***

On this basis the Council advised the applicant that ***"careful consideration should be given to ensuring that the proposed development would not have any adverse impact on the character of the conservation Area, through use of sensitive and suitable house design and layout."***

Moreover, in response to the proposed allocation of land to the east of St Nicholas, the Council's own Conservation Officer had concerns over the impact of the proposed allocation on the St Nicholas Conservation Area. In their consultation response, the Officer stated that:

"The site lies outside, but immediately adjacent to, the St. Nicholas Conservation Area. The St. Nicholas Conservation Area Appraisal and Management Plan identifies a significant view out of the Conservation Area across the site in a NE direction from the A48 at 'Mink Hollow' approximately along the line of the public footpath."

The proposed development, which would lead to the loss of a property and the development of highways works in the heart of the designation, would clearly lead to an adverse impact. No robust information has been submitted by the applicant to indicate otherwise.

There can be no certainty that the proposed development will have ***"no unacceptable impact on the Conservation Area"*** as claimed in Section 9 of the Design and Access Statement.

Summary

I object to the proposed development on the following grounds:

- In accordance with Section 38(6) of the Planning and Compulsory Purchase Act, applications for planning permission should be determined in accordance with the Development Plan unless material considerations indicate otherwise. For the Vale of Glamorgan, the UDP forms part of the Development Plan.
- National Planning Policy states that where there is a time lapsed Development Plan, as is the case in the Vale, the presumption in favour of sustainable development applies. It follows that there is a presumption against unsustainable development. The present application constitutes unsustainable development.
- Para. 4.2 of PPW outlines that certainty over the Plan will only be achieved on receipt of a binding Inspector's Report. In advance of that, Local Authorities will need to consider the evidence base and the background to policies when assessing development proposals.
- the key objectives of the emerging Vale LDP have not been properly articulated in the emerging land use planning policies, including:
 - the LDP seeks to ensure new development is of a scale appropriate to its location, but the allocation of land to the East of St Nicholas could see the population of the village grow by 65%;
 - despite seeking to minimise the need to travel, the proposed allocation is made at a settlement which only has services and facilities to meet local needs;
 - The LDP seeks to protect and enhance historic environments, yet the allocation will have a detrimental impact on the St Nicholas Conservation Area;
 - The LDP seeks to meet the housing needs of each community, yet there isn't an identified housing need in the East of the Vale.
- The application does not accord with emerging Planning Policy as:
 - The access is inappropriately located;
 - It would not provide the housing development and quantum of public open space required; and
 - The development does not remedy deficiencies in children's play space.
- A number of recent Appeals have demonstrated that a shortfall in housing land or a time lapsed Development Plan does not lead to unsustainable development being considered as being acceptable.
- The proposed development does not accord with the key principles and policy objectives provided by PPW.
- It could have unacceptable impacts on community infrastructure.
- The proposed development would have an unacceptable detrimental impact on the St Nicholas Conservation Area.

Yours Sincerely,

John Clouston

Bowen, Dawn

From: [REDACTED]
Sent: 01 April 2015 23:14
To: Planning & Transportation (Customer Care)
Subject: New comments for application 2015/00249/FUL
Attachments: Kirstin Clouston letter.docx

New comments have been received for application 2015/00249/FUL at site address: Land to the East of St. Nicholas from Miss Kirstin Clouston [REDACTED]

Address:
2, Button Ride, St Nicholas, Vale of Glamorgan ,CF56ST

Comments:
Please see attached letter and note that I strongly object to the application based on the grounds that it is a completely unsustainable project. The village cannot accommodate a 65% increase in capacity with absolutely no facilities, amenities, job opportunities, poor transport links and poor utilities. These key factors have to be considered when looking into any new development. Particularly when the rural landscape is valuable to the 'gateway to the Vale' as agricultural and rural recreational pursuits. I hope you will consider my points.

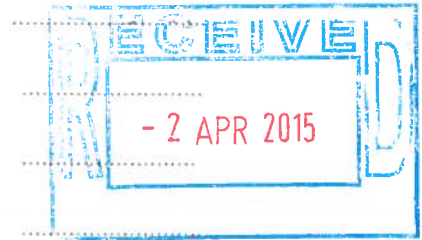
The following files have been uploaded:
Kirstin Clouston letter.docx

Case Officer:
Mr. Steven Rennie

D.E.E.R
RECEIVED
ACTION BY: Jmc-SR
NO: 24
ACK:

RECEIVED
1 APR 2015

D.E.E.F
RECEIVED
ACTION BY: JMC-SR
NO: 24
ACK:



02 April 2015

Mr. S. Rennie
Development Control
Vale of Glamorgan Council
Dock Office
Barry Docks
Barry
CF63 4RT

Dear Mr. Rennie,

Ref: 2015/00249/FUL - Land to East of St Nicholas

I am objecting to the above planning application. Neither the site of the planning application, nor the proposals for this site appear to relate sound spatial planning practices, the Wales Spatial Plan or Planning Policy Wales (PPW) and relevant Technical Advice Notes (TAN). Further, the plan does not appear to deliver the intentions of the emerging LDP.

My concerns include:

- The Welsh Government's presumption against unsustainable development;
- The existing Development Plan;
- Emerging Planning Policy;
- The lack of supporting community infrastructure;
- The loss of finite, scarce agricultural land rated: good;
- The impact of the proposed development on the St Nicholas Conversation Area the Ely Valley and Ridge Slopes Special Landscape Area;
- The site's sustainable accessibility to places of employment, services, and facilities; and
- The objectives of spatial planning and PPW generally.

Each issue is considered in turn below.

The Decision Making Framework

Section 38(6) of the Planning and Compulsory Purchase Act 2004 requires that applications for planning permission must be determined in accordance with the Development Plan unless material considerations indicate otherwise. Para 4.2.4 of PPW indicates that where: there is no adopted development plan; relevant development plan policies are considered outdated or superseded; or where there are no relevant policies, then there is a presumption in favour of proposals in accordance with the key principles and key policy objectives of sustainable development in the planning system. In doing so, proposals should seek to balance and integrate these objectives to maximise sustainable development outcomes.

It follows therefore that PPW does not support unsustainable or inappropriate development that fails to accord with the key principles and objectives it sets out.

For the reasons outlined in this letter of objection, my Client argues that the proposed development cannot be considered as being sustainable development and therefore the presumption in favour of the proposal should not apply.

Existing Development Plan

Within the Vale of Glamorgan, the Unitary Development Plan (1996-2011) forms the Development Plan. Accordingly applications should be considered against this planning framework in the first instance, unless material considerations indicate otherwise.

As indicated in the applicants Planning Statement, the application site lies outside the settlement boundary for St Nicholas as defined by the Vale of Glamorgan UDP and is therefore wholly within the countryside. Other planning policy constraints associated with the site include its location within:

- The St. Nicholas Conservation Area (partly); and
- The Ely Valley and Ridge Slopes Special Landscape Area.

There is a need to ensure that the proposed development accords with the key principles and policy objectives of sustainable development, as set out in PPW. The proposed development does not meet the criteria required to be considered as being sustainable development and therefore the presumption in favour of the proposal should not apply in this instance.

The LDP Strategy

Whilst we acknowledge that the site is a proposed allocation within the Deposit Plan, it itself has not been subject to Examination in Public. Therefore there can be no certainty that a development of this scale in such a small village will be considered as being sustainable development. Guidance is clear that the weight to be given to the emerging plan is limited until the Inspectors Report is published.

Planning Policy Wales is clear that:

“Certainty regarding the content of the plan will only be achieved when the Inspector publishes the binding report. Thus in considering what weight to give to the specific policies in an emerging LDP that apply to a particular proposal, local planning authorities will need to consider carefully the underlying evidence and background to the policies. National planning policy can also be a material consideration in these circumstances (see section 4.2).”

I have significant concerns over the translation of key objectives into practice within the emerging plan. Indeed, key objectives and supportive text indicates:

- **Objective 1:** To sustain and further the development of sustainable communities within the Vale of Glamorgan, providing opportunities for living, learning, working and socialising for all.

In achieving Objective 1, it is indicated that the LDP will seek to ensure that the role and function of the towns and villages identified in the sustainable settlement hierarchy is maintained and enhanced by ensuring that new development is of a scale appropriate to its location, supports the local economy and sustains and wherever possible improves local services and facilities.

- **Objective 2:** To ensure that development within the Vale of Glamorgan makes a positive contribution towards reducing the impact of and mitigating the adverse effects of climate change.

In order to achieve this, it is indicated that new development will be located in sustainable locations that minimise the need to travel.

- **Objective 4:** To protect and enhance the Vale of Glamorgan’s historic, built, and natural environment.

The LDP will ensure that these built environmental assets are protected, conserved and where appropriate enhanced.

- **Objective 7:** To provide the opportunity for people in the Vale of Glamorgan to meet their housing needs.

The LDP will provide a range and choice of housing, including affordable housing, in sustainable locations that support the needs of the local community.

However, we do not consider that these objectives have been translated into policies within the Plan and cannot form a sound basis for decision making.

This is most obviously noted when assessing the existing population of St Nicholas. The Council's Sustainable Settlements Background Paper (2013) estimates the population of the village to be 339 residents (Appendix 1 refers). On the basis of an average household size of 2.21 (the figure quoted in 2016 within Table 5 of the Council's Population and Housing Background Paper, 2013) the entire development could lead to a new population of 221 residents. This would increase the size of the village to 560 residents, which equates to an increase of 65%.

This is a very significant increase for a village with such a poor accessibility to services and facilities. There is only a Primary School (minus a nursery) and 2 bus stops within an acceptable walking distance of the site.

Similarly, the Sustainable Settlements Background Paper also identifies that the services and facilities within St Nicholas, helps to meet "*local needs within rural areas*" (para. 6.6 refers).

Given that, by the applicants own assessment, there is poor accessibility by sustainable modes of transport (i.e. walking, cycling and public transport) that the level of development proposed on the wider site (i.e. the proposed allocation to the east of St Nicholas) may be considered at Examination to be a too great a quantum of development for the village.

Moreover, we note that Table 8 of the Council's Local Housing Strategy (2015-20) identifies that there is no affordable housing need within the East Vale area.

These concerns were also raised in correspondence by the Welsh Government in their response to the Revised Deposit LDP, dated 20th December 2013. The correspondence, which also argues that the proposed Plan is potentially in conflict with some of its Key Objectives, states that:

"It is unclear how the role and function of settlements has been reflected with regard to the scale of housing proposed. While the scoring matrix focuses on 'functional links' (Sustainable Settlements Appraisal 2013) the services and facilities in many of the minor rural villages themselves appear poor. Allocation in some minor rural settlement, for example, 100 units at St Nicholas and 120 units at Bonvilston appear disproportionate to current services and facilities."

Furthermore:

"While it is acknowledged that one of the aims of the plan is to support facilities in minor rural villages, it is not clear that the rationale for allocating over 940 units in such areas has been fully evidenced."

In considering meeting demand for housing as close to where that need arises the Welsh Government state that:

"...It is unclear as to what extent the LHMA has informed the spatial distribution of housing in this Deposit Plan or how the need for affordable housing has influenced the number and location of sites in this plan."

Issues relating to the spatial strategy of the emerging LDP must be considered to go to the very heart of the plan making process. This view has also been articulated in the Welsh Government response to the Revised Deposit Plan. Accordingly, without having been subject of an Examination in Public, these proposals must be

considered as being premature, particularly when they will undoubtedly lead to such an irreversible change to the character the village.

The emerging Allocation

Notwithstanding our fundamental concerns regarding the LDP strategy. As indicated above, the site and an adjacent land parcel is allocated within the Deposit Vale of Glamorgan LDP to provide 100 dwellings and 0.41ha of Public Open Space on 4.4ha of land (Policy MG2 refers). The provision of open space was intended to remedy deficiencies in the existing public open space offer in St Nicholas, particularly children's play space, although it is also noted that there is no outdoor sports provision within the Village.

Whilst the explanatory text is silent on the matter, given the pre-application response provided by the Vale of Glamorgan Council which states that access "**would be most appropriate directly off the A48**" and the way in which the allocation is drawn on the Deposit Draft LDP Proposals Map, that site access was envisaged to be provided to the east of the settlement boundary.

The submitted scheme identifies an access through 'Emmavalle'. This parcel of land was not identified as forming part of the wider allocation and therefore its use to form an access must be considered to be contrary to the emerging planning policy framework provided by the Deposit LDP. No justification has been provided by the applicant through either the pre-application process (please refer to Page 3 of the Officer's pre-application response) or through the submitted application material as to why an alternative access strategy has been proposed.

No information has been provided within the application material that quantifies the amount of public open space provided.

Whilst the Planning Statement outlines that "**the remainder of the allocated land will be able provide the shortfall in the LDP allocation**" (para. 8.1 refers), this has not been evidenced in any of the application material. Absent a comprehensive master plan for the site, it cannot be categorically proven that the policy aspirations for the site will be delivered in their entirety. This conclusion has been formed for the following reason:

- The additional land has not been included within this application and therefore there can be no certainty that the allocation will deliver in its entirety; and

Moreover, the public open space offer is meant to render the existing deficiencies, which are associated with children's play space and outdoor sports provision, as evidenced within the Council's Open Space Background Paper (2013).

Whilst no information has been provided about the quantity of public open space provided, it is noted that the Landscape Plan includes a number of swathes of land, including to the east and west of the proposed access and to the rear of the site, which can only be considered as being amenity green space and therefore will not assist in meeting existing shortfalls.

It would appear that once these areas of green space are discounted, the provision of a single LEAP and LAP would only yield approximately 0.05ha, against a policy requirement of 0.48ha. Even including the areas of land surrounding the LEAP and LAP, a total of around 0.27ha is provided, which is somewhat short of the policy aspiration.

Given that a significant aspect of the justification for the allocation of the wider site for housing was to render the deficiency of children's play space in St. Nicholas, there is a need to ensure that this scheme delivers the right quantum and form of public open space. For the reasons outlined above, and absent any information provided by the applicant, my Client believes that this is not the case. Only the delivery of a comprehensive scheme on the site, which properly articulates the policy aims of the emerging Plan can provide this certainty.

Accordingly, for the reasons outlined above, the submitted application conflicts with the emerging LDP.

The Application's Conformity to PPW's Objectives

Within the accompanying Planning Statement, the applicant contends that the Unitary Development Plan is out-of-date and therefore in accordance with TAN 1, the Local Authority will be unable to demonstrate a 5 year housing land supply from January 2016. Accordingly the applicant considers that the development benefits from the presumption in favour of sustainable development and therefore should be approved.

However, it is clear that the presumption in favour of the development would only apply if the proposals accorded with national planning policies and the key principles and policy objectives of sustainable development.

In any event we note that a shortfall of land supply does not lead to unacceptable development being made acceptable. We note that similar conclusions were presented in a number of recent Appeal decisions within Wales, including:

Land at Rockfield Road, Monmouth

In this case the land supply stood at 4.4 years (2012) and common ground between the parties that it would fall to 3.6 years in the 2013 study. The site was also located outside of the settlement boundary. Whilst the Inspector considered there were no technical or landscape constraints, the stage of the LDP (awaiting the Inspectors Report), it was considered premature in relation to the imminent (at that time) LDP which would deal with matters related to the scale of growth at Monmouth.

Land at Red Barn Farm, Abergavenny

The land supply stood at 4.4 years, however, the Inspector considered that the impact of the development on the nearby listed building and landscape would outweigh the shortfall and dismissed the appeal.

Began Road, Cardiff

Despite a significant shortfall in housing land (and recent appeal decisions granting permission) the Inspector considered that the adverse impacts on landscape, highways safety and ecology outweighed the housing shortfall and dismissed the appeal on the small site.

In the case of this application, it is considered that the development would not accord with the key principles and policy objectives of sustainable development as defined by PPW. To demonstrate this harm, the scheme is assessed against relevant sustainability objectives provided in Section 4.4 of PPW below:

- ***Promote resource-efficient and climate change resilient settlement patterns*** - the proposed development will increase the size of St Nicholas by around 65%. Given the lack of services and facilities within the village there is a real possibility that the proposed development will increase dependency on the car, promoting unsustainable travel patterns. As there is no identified affordable housing need within the East Vale area most, if not all of this development should be re-distributed to the areas where the need is greatest, which is also where there are the greatest number of services and facilities. This should result in a more sustainable pattern of development. The prematurity of this scheme does not allow for this consideration in the most appropriate forum;
- ***Locate developments so as to minimise the demand for travel, especially by private car*** – the lack of services and facilities within St Nicholas will mean that residents of the proposed development will have to access services and facilities in other areas. The majority of these trips will be made by the private car;
- ***Support the need to tackle the causes of climate change by moving towards a low carbon economy*** – the proposed development is adjacent to a village with limited services and facilities. Residents of

the proposed development will therefore have to access services and facilities within higher tier settlements. The majority of these trips will be made by the private car and therefore the development will not assist in tackling the causes of climate change.

- **Help to ensure the conservation of the historic environment and cultural heritage, acknowledging and fostering local diversity** – the proposed development will have a significant harmful effect on the St Nicholas Conservation Area and locally important and listed buildings. A robust assessment of this harm has not been undertaken by the applicant.
- **Ensure that all local communities – both urban and rural – have sufficient good quality housing for their needs** – there is currently no affordable housing need within the Eastern Vale area. The majority of need is within Barry, Penarth and the Coastal areas, where there exists a greater number of services and facilities.
- **Promote access to employment, shopping, education, health, community, leisure and sport facilities and open and green space, maximising opportunities for community development and social welfare** – the application does not provide access to any employment, education, shopping, community, leisure or sports facilities. Whilst it does provide an element of public open space, there is no certainty provided by the application as to whether the public open space provided will meet the deficit of specific types of public open spaces in St Nicholas, which was a major consideration in the site's allocation in the Deposit LDP.
- **Foster improvements to transport facilities and services which maintain or improve accessibility to services and facilities, secure employment, economic and environmental objectives, and improve safety and amenity** – the proposed development does not provide any improvements to accessing services and facilities, both for the existing and proposed resident population. Conversely, it could create an unsustainable pattern of development and a greater dependency on the private car. Moreover, whilst the proposed junction may work in isolation, it would clearly reduce the safety of my Clients existing access from his property and of other properties in the surrounding environs.
- **Foster social inclusion by ensuring that full advantage is taken of the opportunities to secure a more accessible environment for everyone that the development of land and buildings provides** – as indicated above, the proposed development would lead to a greater dependency on the private car.

It is clear from the assessment above that the proposed development would not constitute sustainable development and therefore the presumption in favour of sustainable development that applies as a result of the time lapsed nature of the Adopted UDP and the housing land supply situation from 2016, does not apply.

The Impact on Community Infrastructure

St Nicholas Church of Wales Primary School has 126 places within the school and currently 125 pupils on roll. Whilst there is reference to a S106 contribution being provided to mitigate the impact of the proposed development on existing education facilities, the development will clearly lead to the need to expand and extend the existing school, or to alter the school's admissions policy. No information has been provided by the applicant which demonstrates whether this is achievable, or whether capacity will need to be created in an alternative location, which could, given the frequency of the bus service and the need to safeguard children of a primary age, lead to a dependency on the car for pupils to attend school.

The Impact on the St Nicholas Conservation Area

Part of the application site is located within the boundary of the St Nicholas Conservation Area. The Conservation Area was first designated in 1970 in recognition of the Villages special architectural and historic interest.

Whilst the application site is not identified as being of key importance to the Conservation Area within the St Nicholas Conservation Area Appraisal and Management Plan (2009), there still remains the statutory duty provided by Planning (Listed Buildings and Conservation) Areas Act (1990) for Local Authorities to pay special attention to the desirability of preserving or enhancing the character or appearance of the Conservation Area when determining planning applications. In that regard, we note that aside from a very limited analysis

provided in the Design and Access Statement and an visual assessment of the impact of the development on the surrounding environs, there is no specific assessment on what effect the proposed development will have on the Conservation Area, or even an assessment of the contribution Emmaville makes to this designation. Similarly there is no assessment of the impact the proposed development will have on historic assets within the surrounding environs, including Eastlea, Milford and the 'County Treasure' of the Police Station (all are located to the south of the A48 and immediately opposite the proposed access and proposed Section 278 works) and the Three Tuns Listed Building located immediately to the south west of the application site and to the north of the A48.

It is noted that in the Council's pre-application response it was highlighted that the proposed development would ***"have the potential to significantly impact the setting of the Conservation Area and would be very visible on the approach to the village."***

On this basis the Council advised the applicant that ***"careful consideration should be given to ensuring that the proposed development would not have any adverse impact on the character of the conservation Area, through use of sensitive and suitable house design and layout."***

Moreover, in response to the proposed allocation of land to the east of St Nicholas, the Council's own Conservation Officer had concerns over the impact of the proposed allocation on the St Nicholas Conservation Area. In their consultation response, the Officer stated that:

"The site lies outside, but immediately adjacent to, the St. Nicholas Conservation Area. The St. Nicholas Conservation Area Appraisal and Management Plan identifies a significant view out of the Conservation Area across the site in a NE direction from the A48 at 'Mink Hollow' approximately along the line of the public footpath."

The proposed development, which would lead to the loss of a property and the development of highways works in the heart of the designation, would clearly lead to an adverse impact. No robust information has been submitted by the applicant to indicate otherwise.

There can be no certainty that the proposed development will have ***"no unacceptable impact on the Conservation Area"*** as claimed in Section 9 of the Design and Access Statement.

Summary

I object to the proposed development on the following grounds:

- In accordance with Section 38(6) of the Planning and Compulsory Purchase Act, applications for planning permission should be determined in accordance with the Development Plan unless material considerations indicate otherwise. For the Vale of Glamorgan, the UDP forms part of the Development Plan.
- National Planning Policy states that where there is a time lapsed Development Plan, as is the case in the Vale, the presumption in favour of sustainable development applies. It follows that there is a presumption against unsustainable development. The present application constitutes unsustainable development.
- Para. 4.2 of PPW outlines that certainty over the Plan will only be achieved on receipt of a binding Inspector's Report. In advance of that, Local Authorities will need to consider the evidence base and the background to policies when assessing development proposals.
- the key objectives of the emerging Vale LDP have not been properly articulated in the emerging land use planning policies, including:
 - the LDP seeks to ensure new development is of a scale appropriate to its location, but the allocation of land to the East of St Nicholas could see the population of the village grow by 65%;
 - despite seeking to minimise the need to travel, the proposed allocation is made at a settlement which only has services and facilities to meet local needs;
 - The LDP seeks to protect and enhance historic environments, yet the allocation will have a detrimental impact on the St Nicholas Conservation Area;
 - The LDP seeks to meet the housing needs of each community, yet there isn't an identified housing need in the East of the Vale.
- The application does not accord with emerging Planning Policy as:
 - The access is inappropriately located;
 - It would not provide the housing development and quantum of public open space required; and
 - The development does not remedy deficiencies in children's play space.
- A number of recent Appeals have demonstrated that a shortfall in housing land or a time lapsed Development Plan does not lead to unsustainable development being considered as being acceptable.
- The proposed development does not accord with the key principles and policy objectives provided by PPW.
- It could have unacceptable impacts on community infrastructure.
- The proposed development would have an unacceptable detrimental impact on the St Nicholas Conservation Area.

Yours Sincerely,

Kirstin Clouston

2 Button Ride, St Nicholas, CF56ST

Bowen, Dawn

From: Trevor Gardner [REDACTED]
Sent: 02 April 2015 08:08
To: Planning & Transportation (Customer Care)
Subject: Planning Objection - Ref: 2015/00249/FUL - Land to East of St Nicholas
Attachments: St Nicholas Planning Objection 02.04.2015.docx

See letter of objection attached

Trevor & Janet Gardner

Trevor Gardner
Trevor Gardner Associates
m: [REDACTED]
e: [REDACTED]
w: [REDACTED]

DEE-
RECEIVED
ACTION BY: JMC-SR
NO: 27
ACK:

RECEIVED
- 2 APR 2015

Mr & Mrs TI & JA Gardner
62, Barley Lane
EXETER
EX4 1TA
2nd April 2015

Mr S. Rennie
Development Control
Vale of Glamorgan Council
Dock Office
Barry Docks
Barry
CF63 4RT

Dear Mr Rennie,

Ref: 2015/00249/FUL - Land to East of St Nicholas

We wish to object to the above planning application. Although we do not live in the village of St Nicholas or the area, we have been visiting friends who do, regularly for the past 25 years and have a real fondness for the village. It is a beautiful place that is perfectly proportioned, with a good mix of old and new, where development has been allowed to occur proportionately and appropriately over time.

Our particular concerns about the current proposal are as follows:

- The scale of the proposed development that we believe may not be in keeping with relevant local plans and policy.
- The scale of the proposal that would increase the size of the village by over 50% in one go, which presents major risks, without significant additional infrastructure
- The lack of supporting community infrastructure; that would be essential to enable this development to succeed
- The loss of finite, scarce agricultural land that is rated: good; and frames the village in a way that adds to its beauty and quality of life, as well as the impact this proposed development would have on the St Nicholas Conversation Area, the Ely Valley and Ridge Slopes Special Landscape Area;
- The site's sustainable accessibility to places of employment, services, and facilities; at a time when public transport is under threat and other governmental and local authority priorities are encouraging less car journeys as part of an environmental policy
- The Welsh Government's presumption against unsustainable development; we are encouraged by this presumption and trust this proposed development will be viewed in this context

We therefore object to the proposed development on the following grounds, based on our understanding:

- In accordance with Section 38(6) of the Planning and Compulsory Purchase Act, applications for planning permission should be determined in accordance with the Development Plan unless material considerations indicate otherwise. For the Vale of Glamorgan, the UDP forms part of the Development Plan.
- National Planning Policy states that where there is a time lapsed Development Plan, as is the case in the Vale, the presumption in favour of sustainable development

applies. It follows that there is a presumption against unsustainable development. The present application constitutes unsustainable development.

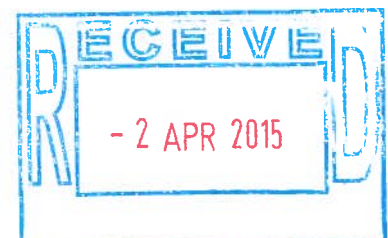
- Para. 4.2 of PPW outlines that certainty over the Plan will only be achieved on receipt of a binding Inspector's Report. In advance of that, Local Authorities will need to consider the evidence base and the background to policies when assessing development proposals.
- the key objectives of the emerging Vale LDP have not been properly articulated in the emerging land use planning policies, including:
 - the LDP seeks to ensure new development is of a scale appropriate to its location, but the allocation of land to the East of St Nicholas could see the population of the village grow by 65%;
 - despite seeking to minimise the need to travel, the proposed allocation is made at a settlement which only has services and facilities to meet local needs;
 - The LDP seeks to protect and enhance historic environments, yet the allocation will have a detrimental impact on the St Nicholas Conservation Area;
 - The LDP seeks to meet the housing needs of each community, yet there isn't an identified housing need in the East of the Vale.
- The application does not accord with emerging Planning Policy as:
 - The access is inappropriately located;
 - It would not provide the housing development and quantum of public open space required; and
 - The development does not remedy deficiencies in children's play space.
- A number of recent Appeals have demonstrated that a shortfall in housing land or a time lapsed Development Plan does not lead to unsustainable development being considered as being acceptable.
- The proposed development does not accord with the key principles and policy objectives provided by PPW.
- It could have unacceptable impacts on community infrastructure.
- The proposed development would have an unacceptable detrimental impact on the St Nicholas Conservation Area.

Yours Sincerely,

Trevor & Janet Gardner

Trevor & Janet Gardner

RECEIVED
ACTION BY: JMC-SR
NO: 27
ACK:



Bowen, Dawn

From: Chris Dance [REDACTED]
Sent: 02 April 2015 00:02
To: Planning & Transportation (Customer Care)
Cc: Conor McCloskey
Subject: RE: Planning Application 2015/00249/FUL - Development of 79 houses on land to the east of St Nicholas
Attachments: LPC3425 VOG 2 April.pdf

Dear Planning Team

Please find enclosed a further representation Objecting to the above planning application (which needs to be read in conjunction with my original representation dated 1st April)

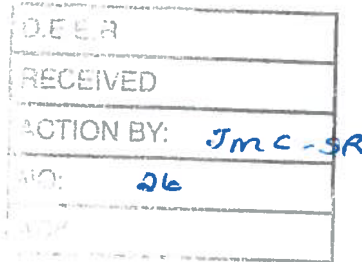
I would be grateful for confirmation of receipt and confirmation that this representation has been placed on the planning file.

Thank you for your assistance

Chris Dance
Associate

LPC (Trull) Ltd
Trull
Tetbury
Gloucestershire
GL8 8SQ

Tel: [REDACTED]
Fax: [REDACTED]
Mob: [REDACTED]



Annual Projects Review please click [here](#)

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From: Chris Dance
Sent: 01 April 2015 10:32
To: [REDACTED]
Cc: 'Conor McCloskey'
Subject: Planning Application 2015/00249/FUL - Development of 79 houses on land to the east of St Nicholas

Dear Planning Team

Please find enclosed a representation Objecting to the above planning application.

I would be grateful for confirmation of receipt and confirmation that this representation has been placed on the planning file.

Thank you for your assistance

Chris Dance
Associate

LPC (Trull) Ltd
Trull
Tetbury
Gloucestershire
GL8 8SQ

Tel:
Fax:
Mob:



Annual Projects Review please click [here](#)

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TOWN AND COUNTRY PLANNING DEVELOPMENT CONSULTANTS

02 April 2015

Our Ref: CJD.LPC.3425

Mr S Rennie
Development Control
Vale of Glamorgan Council
Dock Office
Barrie Docks
Barrie
CF63 4RT

Dear Mr Rennie

**Planning Application 2015/00249/FUL
Development of 79 Houses and associated works
on land to the east of St Nicholas**

You recently received a letter from me dated 1st April, Objecting to the above planning application.

May I add that this representation is also on behalf of the residents of St Nicholas, as well as Mr Conor McCloskey of LLanyrfon, Well Lane.

I do trust this is clear and would appreciate you acknowledging this fact when you prepare your Officer Report on the application.

Yours sincerely



**Chris Dance
Associate**

cc Clients

D.E.E.R
RECEIVED
ACTION BY: <i>jmc SR</i>
NO: <i>26</i>
ACK:



LPC (Trull) Ltd
Trull Tetbury
Gloucestershire
GL8 8SQ



Duffield, Claire E

From: Contact OneVale
Sent: 30 March 2015 03:22
To: Planning OneVale
Subject: FW: Planning Application 2015/00249
Attachments: St Nicholas Development.docx

From: PETER DEWEY [REDACTED]
Sent: 29 March 2015 12:36
To: Contact OneVale
Subject: Planning Application 2015/00249

I tried to email an objection to a planning application using the following link:

<http://vogonline.planning-register.co.uk/plancomment.aspx?AppNo=2015/00249/FUL>

It kept rejecting the form.

I attach my letter of objection and should be grateful if you could acknowledge receipt by email to

[REDACTED]
Peter Dewey

Caia Farm
St Nicholas
Vale of Glamorgan
CF5 6SG

Vale of Glamorgan Council
Dock Office
Barry Docks
Barry
CF63 4RT

29 March 2015

Dear Sirs

Planning Application Ref: 2015/00249/FUL - Land to East of St Nicholas

I am writing to state my objection to the above referenced planning application.

There are a number of reasons why I am objecting:

- 1 The Vale of Glamorgan ("VOG") Development Plan, in the draft of which this site is identified for possible development, has not been implemented. There are flaws in the draft Plan, in that the number of dwellings suggested are based on out of date population information and the number of dwellings actually required is substantially less than the 10,000 units referred to in the draft Plan.

Additionally, I understand that comments on the draft plan made by Wales Assembly Government ("WAG") indicate that there is a significant over-emphasis on development in the rural Vale but this has been ignored by the VOG Council.

- 2 The direct impact on St Nicholas and the Vale would be devastating. This village is in a conservation area and is the gateway of the main A48 road into the rural Vale from the East. There are some 130 dwellings in St Nicholas and the scale of increase proposed by this development of 79 dwellings, approximately 60%, is completely out of scale.

This position would be exacerbated by other planned developments around the village suggested by the draft Plan and also by other mooted proposals by various land owners.

- 3 The village does not have the infrastructure to cater for this scale of development. There are limited public amenities in the form of a church, a

village hall and a small primary school. There are 2 buses an hour at peak times. I understand that part of any development is social housing which requires more than this. It is also my understanding that one of the main objectives of the planning policy of VOG is sustainability in an environmentally conscious manner. The lack of facilities and poor transport links would lead to significant additional traffic which are contrary to this objective.

- 4 There are transport issues in that the A48 is constantly getting busier. Despite the Public Enquiry recommendations of a few years ago that the preferred trunked route from Cardiff to the West Vale (i.e. the airport) should be Port Road, there has been a stream of actions to drive traffic along the A48, such as the unnecessary traffic control system in Bonvilston. This traffic leads to Culverhouse Cross, which is already struggling to deal with traffic flow at peak times. This will be exacerbated not just by development in St Nicholas but also by other proposals including Wenvoe and Culverhouse Cross itself.
- 5 I am given to understand that the proposed access involves the demolition of an existing dwelling, which is contrary to policy in a conservation area.

On a general matter, I feel that my concerns are not going to be represented by the locally elected councilors in the wards around St Nicholas as our councilors are land owners with a vested interest who are therefore unable to vote on land related matters. There should be a system of public governance that such persons should not be allowed to act, as they cannot fairly represent their constituents. This is not democracy or fair play and could lead to the suspicion that these councilors have only stood for self-serving purposes to use the system from the inside for their own benefit.

VOG seems to be ignoring its own guidelines for the protection of conservation areas as well as the advice of WAG regarding the distribution of proposed developments. If there is to be greenfield development on a large scale, there should be consultation on the most appropriate course of action which could involve a fairer distribution of development or the examination of alternative proposals such as the creation of a greatly expanded new settlement in, for example Llandow. This could be allied to the much-needed improvement of traffic links to the South Western Vale.

It seems to me that the issues involved in this application go beyond a simple appraisal of an individual development. It would be more appropriate for a sustainable plan for the Vale to be devised at a National level, rather than piecemeal by committee and without the ability for the full Council to vote on this issue. I would suggest that WAG would be the appropriate forum for dealing with this matter.

Yours faithfully

Peter Dewey

Cc A Cairns MP, A R T Davies AM, J Hutt AM
D Melding AM, E Parrott AM, L Wood AM

Bowen, Dawn

From: [REDACTED]
Sent: 01 April 2015 10:36
To: Planning & Transportation (Customer Care)
Subject: New comments for application 2015/00249/FUL
Attachments: 20150401105450681.pdf

New comments have been received for application 2015/00249/FUL at site address: Land to the East of St. Nicholas from Mrs Debbie Williams [REDACTED]

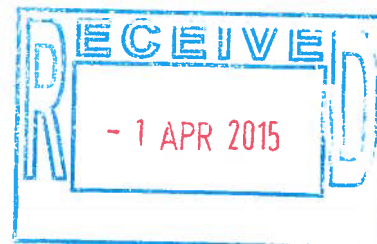
Address:
1 Broadway Green, St Nicholas, CF5 6SR

Comments:
Objection to Land to East of St Nicholas - Ref 2015/00249/FUL see attached letter dated 1st April 2015

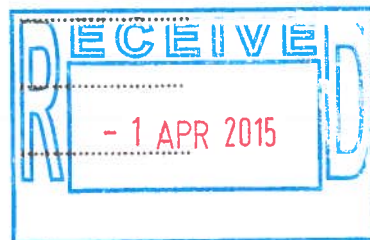
The following files have been uploaded:
20150401105450681.pdf

Case Officer:
Mr. Steven Rennie

D.E.E.R
RECEIVED
ACTION BY: JMC-SR
NO: JMC-SR 58
ACK:



D.E.E.R
RECEIVED
ACTION BY: JMC-SR
NO: 58
ACK:



01 April 2015

Mr. S. Rennie
Development Control
Vale of Glamorgan Council
Dock Office
Barry Docks
Barry
CF63 4RT

Dear Mr. Rennie,

Ref: 2015/00249/FUL - Land to East of St Nicholas

I am objecting to the above planning application. Neither the site of the planning application, nor the proposals for this site appear to relate sound spatial planning practices, the Wales Spatial Plan or Planning Policy Wales (PPW) and relevant Technical Advice Notes (TAN). Further, the plan does not appear to deliver the intentions of the emerging LDP.

My concerns include:

- The Welsh Government's presumption against unsustainable development;
- The existing Development Plan;
- Emerging Planning Policy;
- The lack of supporting community infrastructure;
- The loss of finite, scarce agricultural land rated: good;
- The impact of the proposed development on the St Nicholas Conversation Area the Ely Valley and Ridge Slopes Special Landscape Area;
- The site's sustainable accessibility to places of employment, services, and facilities; and
- The objectives of spatial planning and PPW generally.
- Increased traffic on the a48 making commuting enough more difficult.

Each issue is considered in turn below.

The Decision Making Framework

Section 38(6) of the Planning and Compulsory Purchase Act 2004 requires that applications for planning permission must be determined in accordance with the Development Plan unless material considerations indicate otherwise. Para 4.2.4 of PPW indicates that where: there is no adopted development plan; relevant development plan policies are considered outdated or superseded; or where there are no relevant policies, then there is a presumption in favour of proposals in accordance with the key principles and key policy objectives of sustainable development in the planning system. In doing so, proposals should seek to balance and integrate these objectives to maximise sustainable development outcomes.

It follows therefore that PPW does not support unsustainable or inappropriate development that fails to accord with the key principles and objectives it sets out.

For the reasons outlined in this letter of objection, I argue that the proposed development cannot be considered as being sustainable development and therefore the presumption in favour of the proposal should not apply.

Existing Development Plan

Within the Vale of Glamorgan, the Unitary Development Plan (1996-2011) forms the Development Plan. Accordingly applications should be considered against this planning framework in the first instance, unless material considerations indicate otherwise.

As indicated in the applicants Planning Statement, the application site lies outside the settlement boundary for St Nicholas as defined by the Vale of Glamorgan UDP and is therefore wholly within the countryside. Other planning policy constraints associated with the site include its location within:

- The St. Nicholas Conservation Area (partly); and
- The Ely Valley and Ridge Slopes Special Landscape Area.

There is a need to ensure that the proposed development accords with the key principles and policy objectives of sustainable development, as set out in PPW. The proposed development does not meet the criteria required to be considered as being sustainable development and therefore the presumption in favour of the proposal should not apply in this instance.

The LDP Strategy

Whilst we acknowledge that the site is a proposed allocation within the Deposit Plan, it itself has not been subject to Examination in Public. Therefore there can be no certainty that a development of this scale in such a small village will be considered as being sustainable development. Guidance is clear that the weight to be given to the emerging plan is limited until the Inspectors Report is published.

Planning Policy Wales in clear that:

"Certainty regarding the content of the plan will only be achieved when the Inspector publishes the binding report. Thus in considering what weight to give to the specific policies in an emerging LDP that apply to a particular proposal, local planning authorities will need to consider carefully the underlying evidence and background to the policies. National planning policy can also be a material consideration in these circumstances (see section 4.2)."

I have significant concerns over the translation of key objectives into practice within the emerging plan. Indeed, key objectives and supportive text indicates:

- **Objective 1:** To sustain and further the development of sustainable communities within the Vale of Glamorgan, providing opportunities for living, learning, working and socialising for all.

In achieving Objective 1, it is indicated that the LDP will seek to ensure that the role and function of the towns and villages identified in the sustainable settlement hierarchy is maintained and enhanced by ensuring that new development is of a scale appropriate to its location, supports the local economy and sustains and wherever possible improves local services and facilities.

- **Objective 2:** To ensure that development within the Vale of Glamorgan makes a positive contribution towards reducing the impact of and mitigating the adverse effects of climate change.

In order to achieve this, it is indicated that new development will be located in sustainable locations that minimise the need to travel.

- **Objective 4:** To protect and enhance the Vale of Glamorgan's historic, built, and natural environment.

The LDP will ensure that these built environmental assets are protected, conserved and where appropriate enhanced.

- **Objective 7:** To provide the opportunity for people in the Vale of Glamorgan to meet their housing needs.

The LDP will provide a range and choice of housing, including affordable housing, in sustainable locations that support the needs of the local community.

However, we do not consider that these objectives have been translated into policies within the Plan and cannot form a sound basis for decision making.

This is most obviously noted when assessing the existing population of St Nicholas. The Council's Sustainable Settlements Background Paper (2013) estimates the population of the village to be 339 residents (Appendix 1 refers). On the basis of an average household size of 2.21 (the figure quoted in 2016 within Table 5 of the Council's Population and Housing Background Paper, 2013) the entire development could lead to a new population of 221 residents. This would increase the size of the village to 560 residents, which equates to an increase of 65%.

This is a very significant increase for a village with such a poor accessibility to services and facilities. There is only a Primary School (minus a nursery) and 2 bus stops within an acceptable walking distance of the site.

Similarly, the Sustainable Settlements Background Paper also identifies that the services and facilities within St Nicholas, helps to meet "*local needs within rural areas*" (para. 6.6 refers).

Given that, by the applicants own assessment, there is poor accessibility by sustainable modes of transport (i.e. walking, cycling and public transport) that the level of development proposed on the wider site (i.e. the proposed allocation to the east of St Nicholas) may be considered at Examination to be a too great a quantum of development for the village.

Moreover, we note that Table 8 of the Council's Local Housing Strategy (2015-20) identifies that there is no affordable housing need within the East Vale area.

These concerns were also raised in correspondence by the Welsh Government in their response to the Revised Deposit LDP, dated 20th December 2013. The correspondence, which also argues that the proposed Plan is potentially in conflict with some of its Key Objectives, states that:

"It is unclear how the role and function of settlements has been reflected with regard to the scale of housing proposed. While the scoring matrix focuses on 'functional links' (Sustainable Settlements Appraisal 2013) the services and facilities in many of the minor rural villages themselves appear poor. Allocation in some minor rural settlement, for example, 100 units at St Nicholas and 120 units at Bonvilston appear disproportionate to current services and facilities."

Furthermore:

"While it is acknowledged that one of the aims of the plan is to support facilities in minor rural villages, it is not clear that the rationale for allocating over 940 units in such areas has been fully evidenced."

In considering meeting demand for housing as close to where that need arises the Welsh Government state that:

"...it is unclear as to what extent the LHMA has informed the spatial distribution of housing in this Deposit Plan or how the need for affordable housing has influenced the number and location of sites in this plan."

Issues relating to the spatial strategy of the emerging LDP must be considered to go to the very heart of the plan making process. This view has also been articulated in the Welsh Government response to the Revised Deposit Plan. Accordingly, without having been subject of an Examination in Public, these proposals must be

considered as being premature, particularly when they will undoubtedly lead to such an irreversible change to the character the village.

The emerging Allocation

Notwithstanding our fundamental concerns regarding the LDP strategy. As indicated above, the site and an adjacent land parcel is allocated within the Deposit Vale of Glamorgan LDP to provide 100 dwellings and 0.41ha of Public Open Space on 4.4ha of land (Policy MG2 refers). The provision of open space was intended to remedy deficiencies in the existing public open space offer in St Nicholas, particularly children's play space, although it is also noted that there is no outdoor sports provision within the Village.

Whilst the explanatory text is silent on the matter, given the pre-application response provided by the Vale of Glamorgan Council which states that access "*would be most appropriate directly off the A48*" and the way in which the allocation is drawn on the Deposit Draft LDP Proposals Map, that site access was envisaged to be provided to the east of the settlement boundary.

The submitted scheme identifies an access through 'Emmavalle'. This parcel of land was not identified as forming part of the wider allocation and therefore its use to form an access must be considered to be contrary to the emerging planning policy framework provided by the Deposit LDP. No justification has been provided by the applicant through either the pre-application process (please refer to Page 3 of the Officer's pre-application response) or through the submitted application material as to why an alternative access strategy has been proposed.

No information has been provided within the application material that quantifies the amount of public open space provided.

Whilst the Planning Statement outlines that "*the remainder of the allocated land will be able provide the shortfall in the LDP allocation*" (para. 8.1 refers), this has not been evidenced in any of the application material. Absent a comprehensive master plan for the site, it cannot be categorically proven that the policy aspirations for the site will be delivered in their entirety. This conclusion has been formed for the following reason:

- The additional land has not been included within this application and therefore there can be no certainty that the allocation will deliver in its entirety; and

Moreover, the public open space offer is meant to render the existing deficiencies, which are associated with children's play space and outdoor sports provision, as evidenced within the Council's Open Space Background Paper (2013).

Whilst no information has been provided about the quantity of public open space provided, it is noted that the Landscape Plan includes a number of swathes of land, including to the east and west of the proposed access and to the rear of the site, which can only be considered as being amenity green space and therefore will not assist in meeting existing shortfalls.

It would appear that once these areas of green space are discounted, the provision of a single LEAP and LAP would only yield approximately 0.05ha, against a policy requirement of 0.48ha. Even including the areas of land surrounding the LEAP and LAP, a total of around 0.27ha is provided, which is somewhat short of the policy aspiration.

Given that a significant aspect of the justification for the allocation of the wider site for housing was to render the deficiency of children's play space in St. Nicholas, there is a need to ensure that this scheme delivers the right quantum and form of public open space. For the reasons outlined above, and absent any information provided by the applicant, I believe that this is not the case. Only the delivery of a comprehensive scheme on the site, which properly articulates the policy aims of the emerging Plan can provide this certainty.

Accordingly, for the reasons outlined above, the submitted application conflicts with the emerging LDP.

The Application's Conformity to PPW's Objectives

Within the accompanying Planning Statement, the applicant contends that the Unitary Development Plan is out-of-date and therefore in accordance with TAN 1, the Local Authority will be unable to demonstrate a 5 year housing land supply from January 2016. Accordingly the applicant considers that the development benefits from the presumption in favour of sustainable development and therefore should be approved.

However, it is clear that the presumption in favour of the development would only apply if the proposals accorded with national planning policies and the key principles and policy objectives of sustainable development.

In any event we note that a shortfall of land supply does not lead to unacceptable development being made acceptable. We note that similar conclusions were presented in a number of recent Appeal decisions within Wales, including:

Land at Rockfield Road, Monmouth

In this case the land supply stood at 4.4 years (2012) and common ground between the parties that it would fall to 3.6 years in the 2013 study. The site was also located outside of the settlement boundary. Whilst the Inspector considered there were no technical or landscape constraints, the stage of the LDP (awaiting the Inspectors Report), it was considered premature in relation to the imminent (at that time) LDP which would deal with matters related to the scale of growth at Monmouth.

Land at Red Barn Farm, Abergavenny

The land supply stood at 4.4 years, however, the Inspector considered that the impact of the development on the nearby listed building and landscape would outweigh the shortfall and dismissed the appeal.

Began Road, Cardiff

Despite a significant shortfall in housing land (and recent appeal decisions granting permission) the Inspector considered that the adverse impacts on landscape, highways safety and ecology outweighed the housing shortfall and dismissed the appeal on the small site.

In the case of this application, it is considered that the development would not accord with the key principles and policy objectives of sustainable development as defined by PPW. To demonstrate this harm, the scheme is assessed against relevant sustainability objectives provided in Section 4.4 of PPW below:

- ***Promote resource-efficient and climate change resilient settlement patterns*** - the proposed development will increase the size of St Nicholas by around 65%. Given the lack of services and facilities within the village there is a real possibility that the proposed development will increase dependency on the car, promoting unsustainable travel patterns. As there is no identified affordable housing need within the East Vale area most, if not all of this development should be re-distributed to the areas where the need is greatest, which is also where there are the greatest number of services and facilities. This should result in a more sustainable pattern of development. The prematurity of this scheme does not allow for this consideration in the most appropriate forum;
- ***Locate developments so as to minimise the demand for travel, especially by private car*** – the lack of services and facilities within St Nicholas will mean that residents of the proposed development will have to access services and facilities in other areas. The majority of these trips will be made by the private car;
- ***Support the need to tackle the causes of climate change by moving towards a low carbon economy*** – the proposed development is adjacent to a village with limited services and facilities. Residents of the proposed development will therefore have to access services and facilities within higher tier settlements. The majority of these trips will be made by the private car and therefore the development will not assist in tackling the causes of climate change.
- ***Help to ensure the conservation of the historic environment and cultural heritage, acknowledging***

and fostering local diversity – the proposed development will have a significant harmful effect on the St Nicholas Conservation Area and locally important and listed buildings. A robust assessment of this harm has not been undertaken by the applicant.

- *Ensure that all local communities – both urban and rural – have sufficient good quality housing for their needs* – there is currently no affordable housing need within the Eastern Vale area. The majority of need is within Barry, Penarth and the Coastal areas, where there exists a greater number of services and facilities.
- *Promote access to employment, shopping, education, health, community, leisure and sport facilities and open and green space, maximising opportunities for community development and social welfare* – the application does not provide access to any employment, education, shopping, community, leisure or sports facilities. Whilst it does provide an element of public open space, there is no certainty provided by the application as to whether the public open space provided will meet the deficit of specific types of public open spaces in St Nicholas, which was a major consideration in the site's allocation in the Deposit LDP.
- *Foster improvements to transport facilities and services which maintain or improve accessibility to services and facilities, secure employment, economic and environmental objectives, and improve safety and amenity* – the proposed development does not provide any improvements to accessing services and facilities, both for the existing and proposed resident population. Conversely, it could create an unsustainable pattern of development and a greater dependency on the private car. Moreover, whilst the proposed junction may work in isolation, it would clearly reduce the safety of my access from properties in the surrounding area.
- *Foster social inclusion by ensuring that full advantage is taken of the opportunities to secure a more accessible environment for everyone that the development of land and buildings provides* – as indicated above, the proposed development would lead to a greater dependency on the private car.

It is clear from the assessment above that the proposed development would not constitute sustainable development and therefore the presumption in favour of sustainable development that applies as a result of the time lapsed nature of the Adopted UDP and the housing land supply situation from 2016, does not apply.

The Impact on Community Infrastructure

St Nicholas Church of Wales Primary School has 126 places within the school and currently 125 pupils on roll. Whilst there is reference to a \$106 contribution being provided to mitigate the impact of the proposed development on existing education facilities, the development will clearly lead to the need to expand and extend the existing school, or to alter the school's admissions policy. No information has been provided by the applicant which demonstrates whether this is achievable, or whether capacity will need to be created in an alternative location, which could, given the frequency of the bus service and the need to safeguard children of a primary age, lead to a dependency on the car for pupils to attend school.

The Impact on the St Nicholas Conservation Area

Part of the application site is located within the boundary of the St Nicholas Conservation Area. The Conservation Area was first designated in 1970 in recognition of the Villages special architectural and historic interest.

Whilst the application site is not identified as being of key importance to the Conservation Area within the St Nicholas Conservation Area Appraisal and Management Plan (2009), there still remains the statutory duty provided by Planning (Listed Buildings and Conservation) Areas Act (1990) for Local Authorities to pay special attention to the desirability of preserving or enhancing the character or appearance of the Conservation Area when determining planning applications. In that regard, we note that aside from a very limited analysis provided in the Design and Access Statement and an visual assessment of the impact of the development on the surrounding environs, there is no specific assessment on what effect the proposed development will have on the Conservation Area, or even an assessment of the contribution Emmaville makes to this designation. Similarly there is no assessment of the impact the proposed development will have on historic assets within the surrounding environs, including Eastlea, Milford and the 'County Treasure' of the Police Station (all are located to the south of the A48 and immediately opposite the proposed access and proposed Section 278

works) and the Three Tuns Listed Building located immediately to the south west of the application site and to the north of the A48.

It is noted that in the Council's pre-application response it was highlighted that the proposed development would *"have the potential to significantly impact the setting of the Conservation Area and would be very visible on the approach to the village."*

On this basis the Council advised the applicant that *"careful consideration should be given to ensuring that the proposed development would not have any adverse impact on the character of the conservation Area, through use of sensitive and suitable house design and layout."*

Moreover, in response to the proposed allocation of land to the east of St Nicholas, the Council's own Conservation Officer had concerns over the impact of the proposed allocation on the St Nicholas Conservation Area. In their consultation response, the Officer stated that:

"The site lies outside, but immediately adjacent to, the St. Nicholas Conservation Area. The St. Nicholas Conservation Area Appraisal and Management Plan identifies a significant view out of the Conservation Area across the site in a NE direction from the A48 at 'Mink Hollow' approximately along the line of the public footpath."

The proposed development, which would lead to the loss of a property and the development of highways works in the heart of the designation, would clearly lead to an adverse impact. No robust information has been submitted by the applicant to indicate otherwise.

There can be no certainty that the proposed development will have *"no unacceptable impact on the Conservation Area"* as claimed in Section 9 of the Design and Access Statement.

Summary

I object to the proposed development on the following grounds:

- In accordance with Section 38(6) of the Planning and Compulsory Purchase Act, applications for planning permission should be determined in accordance with the Development Plan unless material considerations indicate otherwise. For the Vale of Glamorgan, the UDP forms part of the Development Plan.
- National Planning Policy states that where there is a time lapsed Development Plan, as is the case in the Vale, the presumption in favour of sustainable development applies. It follows that there is a presumption against unsustainable development. The present application constitutes unsustainable development.
- Para. 4.2 of PPW outlines that certainty over the Plan will only be achieved on receipt of a binding Inspector's Report. In advance of that, Local Authorities will need to consider the evidence base and the background to policies when assessing development proposals.
- the key objectives of the emerging Vale LDP have not been properly articulated in the emerging land use planning policies, including:
 - the LDP seeks to ensure new development is of a scale appropriate to its location, but the allocation of land to the East of St Nicholas could see the population of the village grow by 65%;
 - despite seeking to minimise the need to travel, the proposed allocation is made at a settlement which only has services and facilities to meet local needs;
 - The LDP seeks to protect and enhance historic environments, yet the allocation will have a detrimental impact on the St Nicholas Conservation Area;

- The LDP seeks to meet the housing needs of each community, yet there isn't an identified housing need in the East of the Vale.
- The application does not accord with emerging Planning Policy as:
 - The access is inappropriately located;
 - It would not provide the housing development and quantum of public open space required; and
 - The development does not remedy deficiencies in children's play space.
- A number of recent Appeals have demonstrated that a shortfall in housing land or a time lapsed Development Plan does not lead to unsustainable development being considered as being acceptable.
- The proposed development does not accord with the key principles and policy objectives provided by PPW.
- It could have unacceptable impacts on community infrastructure.
- The proposed development would have an unacceptable detrimental impact on the St Nicholas Conservation Area.

Yours Sincerely,

[REDACTED]

MRS DEBBIE WILLIAMS
1 BROADWAY GREEN
ST NICHOLAS
CF5 6SR.

[REDACTED]

01 April 2015

Mr. S. Rennie
Development Control
Vale of Glamorgan Council
Dock Office
Barry Docks
Barry
CF63 4RT

Dear Mr. Rennie,

Ref: 2015/00249/FUL - Land to East of St Nicholas

I am objecting to the above planning application. Neither the site of the planning application, nor the proposals for this site appear to relate sound spatial planning practices, the Wales Spatial Plan or Planning Policy Wales (PPW) and relevant Technical Advice Notes (TAN). Further, the plan does not appear to deliver the intentions of the emerging LDP.

My concerns include:

- The Welsh Government's presumption against unsustainable development;
- The existing Development Plan;
- Emerging Planning Policy;
- The lack of supporting community infrastructure;
- The loss of finite, scarce agricultural land rated: good;
- The impact of the proposed development on the St Nicholas Conversation Area the Ely Valley and Ridge Slopes Special Landscape Area;
- The site's sustainable accessibility to places of employment, services, and facilities; and
- The objectives of spatial planning and PPW generally.
- Increased traffic on the a48 making commuting enough more difficult.

Each issue is considered in turn below.

The Decision Making Framework

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It follows therefore that PPW does not support unsustainable or inappropriate development that fails to accord with the key principles and objectives it sets out.

For the reasons outlined in this letter of objection, I argue that the proposed development cannot be considered as being sustainable development and therefore the presumption in favour of the proposal should not apply.

Existing Development Plan

Within the Vale of Glamorgan, the Unitary Development Plan (1996-2011) forms the Development Plan. Accordingly applications should be considered against this planning framework in the first instance, unless material considerations indicate otherwise.

As indicated in the applicants Planning Statement, the application site lies outside the settlement boundary for St Nicholas as defined by the Vale of Glamorgan UDP and is therefore wholly within the countryside. Other planning policy constraints associated with the site include its location within:

- The St. Nicholas Conservation Area (partly); and
- The Ely Valley and Ridge Slopes Special Landscape Area.

There is a need to ensure that the proposed development accords with the key principles and policy objectives of sustainable development, as set out in PPW. The proposed development does not meet the criteria required to be considered as being sustainable development and therefore the presumption in favour of the proposal should not apply in this instance.

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Whilst we acknowledge that the site is a proposed allocation within the Deposit Plan, it itself has not been subject to Examination in Public. Therefore there can be no certainty that a development of this scale in such a small village will be considered as being sustainable development. Guidance is clear that the weight to be given to the emerging plan is limited until the Inspectors Report is published.

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"Certainty regarding the content of the plan will only be achieved when the Inspector publishes the binding report. Thus in considering what weight to give to the specific policies in an emerging LDP that apply to a particular proposal, local planning authorities will need to consider carefully the underlying evidence and background to the policies. National planning policy can also be a material consideration in these circumstances (see section 4.2)."

I have significant concerns over the translation of key objectives into practice within the emerging plan. Indeed, key objectives and supportive text indicates:

- **Objective 1:** To sustain and further the development of sustainable communities within the Vale of Glamorgan, providing opportunities for living, learning, working and socialising for all.

In achieving Objective 1, it is indicated that the LDP will seek to ensure that the role and function of the towns and villages identified in the sustainable settlement hierarchy is maintained and enhanced by ensuring that new development is of a scale appropriate to its location, supports the local economy and sustains and wherever possible improves local services and facilities.

- **Objective 2:** To ensure that development within the Vale of Glamorgan makes a positive contribution towards reducing the impact of and mitigating the adverse effects of climate change.

In order to achieve this, it is indicated that new development will be located in sustainable locations that minimise the need to travel.

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The LDP will ensure that these built environmental assets are protected, conserved and where appropriate enhanced.

- **Objective 7:** To provide the opportunity for people in the Vale of Glamorgan to meet their housing needs.

The LDP will provide a range and choice of housing, including affordable housing, in sustainable locations that support the needs of the local community.

However, we do not consider that these objectives have been translated into policies within the Plan and cannot form a sound basis for decision making.

This is most obviously noted when assessing the existing population of St Nicholas. The Council's Sustainable Settlements Background Paper (2013) estimates the population of the village to be 339 residents (Appendix 1 refers). On the basis of an average household size of 2.21 (the figure quoted in 2016 within Table 5 of the Council's Population and Housing Background Paper, 2013) the entire development could lead to a new population of 221 residents. This would increase the size of the village to 560 residents, which equates to an increase of 65%.

This is a very significant increase for a village with such a poor accessibility to services and facilities. There is only a Primary School (minus a nursery) and 2 bus stops within an acceptable walking distance of the site.

Similarly, the Sustainable Settlements Background Paper also identifies that the services and facilities within St Nicholas, helps to meet "*local needs within rural areas*" (para. 6.6 refers).

Given that, by the applicants own assessment, there is poor accessibility by sustainable modes of transport (i.e. walking, cycling and public transport) that the level of development proposed on the wider site (i.e. the proposed allocation to the east of St Nicholas) may be considered at Examination to be a too great a quantum of development for the village.

Moreover, we note that Table 8 of the Council's Local Housing Strategy (2015-20) identifies that there is no affordable housing need within the East Vale area.

These concerns were also raised in correspondence by the Welsh Government in their response to the Revised Deposit LDP, dated 20th December 2013. The correspondence, which also argues that the proposed Plan is potentially in conflict with some of its Key Objectives, states that:

"It is unclear how the role and function of settlements has been reflected with regard to the scale of housing proposed. While the scoring matrix focuses on 'functional links' (Sustainable Settlements Appraisal 2013) the services and facilities in many of the minor rural villages themselves appear poor. Allocation in some minor rural settlement, for example, 100 units at St Nicholas and 120 units at Bonvilston appear disproportionate to current services and facilities."

Furthermore:

"While it is acknowledged that one of the aims of the plan is to support facilities in minor rural villages, it is not clear that the rationale for allocating over 940 units in such areas has been fully evidenced."

In considering meeting demand for housing as close to where that need arises the Welsh Government state that:

"...It is unclear as to what extent the LHMA has informed the spatial distribution of housing in this Deposit Plan or how the need for affordable housing has influenced the number and location of sites in this plan."

Issues relating to the spatial strategy of the emerging LDP must be considered to go to the very heart of the plan making process. This view has also been articulated in the Welsh Government response to the Revised Deposit Plan. Accordingly, without having been subject of an Examination in Public, these proposals must be

considered as being premature, particularly when they will undoubtedly lead to such an irreversible change to the character the village.

The emerging Allocation

Notwithstanding our fundamental concerns regarding the LDP strategy. As indicated above, the site and an adjacent land parcel is allocated within the Deposit Vale of Glamorgan LDP to provide 100 dwellings and 0.41ha of Public Open Space on 4.4ha of land (Policy MG2 refers). The provision of open space was intended to remedy deficiencies in the existing public open space offer in St Nicholas, particularly children's play space, although it is also noted that there is no outdoor sports provision within the Village.

Whilst the explanatory text is silent on the matter, given the pre-application response provided by the Vale of Glamorgan Council which states that access "*would be most appropriate directly off the A48*" and the way in which the allocation is drawn on the Deposit Draft LDP Proposals Map, that site access was envisaged to be provided to the east of the settlement boundary.

The submitted scheme identifies an access through 'Emmavalle'. This parcel of land was not identified as forming part of the wider allocation and therefore its use to form an access must be considered to be contrary to the emerging planning policy framework provided by the Deposit LDP. No justification has been provided by the applicant through either the pre-application process (please refer to Page 3 of the Officer's pre-application response) or through the submitted application material as to why an alternative access strategy has been proposed.

No information has been provided within the application material that quantifies the amount of public open space provided.

Whilst the Planning Statement outlines that "*the remainder of the allocated land will be able provide the shortfall in the LDP allocation*" (para. 8.1 refers), this has not been evidenced in any of the application material. Absent a comprehensive master plan for the site, it cannot be categorically proven that the policy aspirations for the site will be delivered in their entirety. This conclusion has been formed for the following reason:

- The additional land has not been included within this application and therefore there can be no certainty that the allocation will deliver in its entirety; and

Moreover, the public open space offer is meant to render the existing deficiencies, which are associated with children's play space and outdoor sports provision, as evidenced within the Council's Open Space Background Paper (2013).

Whilst no information has been provided about the quantity of public open space provided, it is noted that the Landscape Plan includes a number of swathes of land, including to the east and west of the proposed access and to the rear of the site, which can only be considered as being amenity green space and therefore will not assist in meeting existing shortfalls.

It would appear that once these areas of green space are discounted, the provision of a single LEAP and LAP would only yield approximately 0.05ha, against a policy requirement of 0.48ha. Even including the areas of land surrounding the LEAP and LAP, a total of around 0.27ha is provided, which is somewhat short of the policy aspiration.

Given that a significant aspect of the justification for the allocation of the wider site for housing was to render the deficiency of children's play space in St. Nicholas, there is a need to ensure that this scheme delivers the right quantum and form of public open space. For the reasons outlined above, and absent any information provided by the applicant, I believe that this is not the case. Only the delivery of a comprehensive scheme on the site, which properly articulates the policy aims of the emerging Plan can provide this certainty.

Accordingly, for the reasons outlined above, the submitted application conflicts with the emerging LDP.

The Application's Conformity to PPW's Objectives

Within the accompanying Planning Statement, the applicant contends that the Unitary Development Plan is out-of-date and therefore in accordance with TAN 1, the Local Authority will be unable to demonstrate a 5 year housing land supply from January 2016. Accordingly the applicant considers that the development benefits from the presumption in favour of sustainable development and therefore should be approved.

However, it is clear that the presumption in favour of the development would only apply if the proposals accorded with national planning policies and the key principles and policy objectives of sustainable development.

In any event we note that a shortfall of land supply does not lead to unacceptable development being made acceptable. We note that similar conclusions were presented in a number of recent Appeal decisions within Wales, including:

Land at Rockfield Road, Monmouth

In this case the land supply stood at 4.4 years (2012) and common ground between the parties that it would fall to 3.6 years in the 2013 study. The site was also located outside of the settlement boundary. Whilst the Inspector considered there were no technical or landscape constraints, the stage of the LDP (awaiting the Inspectors Report), it was considered premature in relation to the imminent (at that time) LDP which would deal with matters related to the scale of growth at Monmouth.

Land at Red Barn Farm, Abergavenny

The land supply stood at 4.4 years, however, the Inspector considered that the impact of the development on the nearby listed building and landscape would outweigh the shortfall and dismissed the appeal.

Began Road, Cardiff

Despite a significant shortfall in housing land (and recent appeal decisions granting permission) the Inspector considered that the adverse impacts on landscape, highways safety and ecology outweighed the housing shortfall and dismissed the appeal on the small site.

In the case of this application, it is considered that the development would not accord with the key principles and policy objectives of sustainable development as defined by PPW. To demonstrate this harm, the scheme is assessed against relevant sustainability objectives provided in Section 4.4 of PPW below:

- ***Promote resource-efficient and climate change resilient settlement patterns*** - the proposed development will increase the size of St Nicholas by around 65%. Given the lack of services and facilities within the village there is a real possibility that the proposed development will increase dependency on the car, promoting unsustainable travel patterns. As there is no identified affordable housing need within the East Vale area most, if not all of this development should be re-distributed to the areas where the need is greatest, which is also where there are the greatest number of services and facilities. This should result in a more sustainable pattern of development. The prematurity of this scheme does not allow for this consideration in the most appropriate forum;
- ***Locate developments so as to minimise the demand for travel, especially by private car*** – the lack of services and facilities within St Nicholas will mean that residents of the proposed development will have to access services and facilities in other areas. The majority of these trips will be made by the private car;
- ***Support the need to tackle the causes of climate change by moving towards a low carbon economy*** – the proposed development is adjacent to a village with limited services and facilities. Residents of the proposed development will therefore have to access services and facilities within higher tier settlements. The majority of these trips will be made by the private car and therefore the development will not assist in tackling the causes of climate change.
- ***Help to ensure the conservation of the historic environment and cultural heritage, acknowledging***

and fostering local diversity – the proposed development will have a significant harmful effect on the St Nicholas Conservation Area and locally important and listed buildings. A robust assessment of this harm has not been undertaken by the applicant.

- *Ensure that all local communities – both urban and rural – have sufficient good quality housing for their needs* – there is currently no affordable housing need within the Eastern Vale area. The majority of need is within Barry, Penarth and the Coastal areas, where there exists a greater number of services and facilities.
- *Promote access to employment, shopping, education, health, community, leisure and sport facilities and open and green space, maximising opportunities for community development and social welfare* – the application does not provide access to any employment, education, shopping, community, leisure or sports facilities. Whilst it does provide an element of public open space, there is no certainty provided by the application as to whether the public open space provided will meet the deficit of specific types of public open spaces in St Nicholas, which was a major consideration in the site's allocation in the Deposit LDP.
- *Foster improvements to transport facilities and services which maintain or improve accessibility to services and facilities, secure employment, economic and environmental objectives, and improve safety and amenity* – the proposed development does not provide any improvements to accessing services and facilities, both for the existing and proposed resident population. Conversely, it could create an unsustainable pattern of development and a greater dependency on the private car. Moreover, whilst the proposed junction may work in isolation, it would clearly reduce the safety of my access from properties in the surrounding area.
- *Foster social inclusion by ensuring that full advantage is taken of the opportunities to secure a more accessible environment for everyone that the development of land and buildings provides* – as indicated above, the proposed development would lead to a greater dependency on the private car.

It is clear from the assessment above that the proposed development would not constitute sustainable development and therefore the presumption in favour of sustainable development that applies as a result of the time lapsed nature of the Adopted UDP and the housing land supply situation from 2016, does not apply.

The Impact on Community Infrastructure

St Nicholas Church of Wales Primary School has 126 places within the school and currently 125 pupils on roll. Whilst there is reference to a S106 contribution being provided to mitigate the impact of the proposed development on existing education facilities, the development will clearly lead to the need to expand and extend the existing school, or to alter the school's admissions policy. No information has been provided by the applicant which demonstrates whether this is achievable, or whether capacity will need to be created in an alternative location, which could, given the frequency of the bus service and the need to safeguard children of a primary age, lead to a dependency on the car for pupils to attend school.

The Impact on the St Nicholas Conservation Area

Part of the application site is located within the boundary of the St Nicholas Conservation Area. The Conservation Area was first designated in 1970 in recognition of the Villages special architectural and historic interest.

Whilst the application site is not identified as being of key importance to the Conservation Area within the St Nicholas Conservation Area Appraisal and Management Plan (2009), there still remains the statutory duty provided by Planning (Listed Buildings and Conservation) Areas Act (1990) for Local Authorities to pay special attention to the desirability of preserving or enhancing the character or appearance of the Conservation Area when determining planning applications. In that regard, we note that aside from a very limited analysis provided in the Design and Access Statement and an visual assessment of the impact of the development on the surrounding environs, there is no specific assessment on what effect the proposed development will have on the Conservation Area, or even an assessment of the contribution Emmaville makes to this designation. Similarly there is no assessment of the impact the proposed development will have on historic assets within the surrounding environs, including Eastlea, Milford and the 'County Treasure' of the Police Station (all are located to the south of the A48 and immediately opposite the proposed access and proposed Section 278

works) and the Three Tuns Listed Building located immediately to the south west of the application site and to the north of the A48.

It is noted that in the Council's pre-application response it was highlighted that the proposed development would *"have the potential to significantly impact the setting of the Conservation Area and would be very visible on the approach to the village."*

On this basis the Council advised the applicant that *"careful consideration should be given to ensuring that the proposed development would not have any adverse impact on the character of the conservation Area, through use of sensitive and suitable house design and layout."*

Moreover, in response to the proposed allocation of land to the east of St Nicholas, the Council's own Conservation Officer had concerns over the impact of the proposed allocation on the St Nicholas Conservation Area. In their consultation response, the Officer stated that:

"The site lies outside, but immediately adjacent to, the St. Nicholas Conservation Area. The St. Nicholas Conservation Area Appraisal and Management Plan identifies a significant view out of the Conservation Area across the site in a NE direction from the A48 at 'Mink Hollow' approximately along the line of the public footpath."

The proposed development, which would lead to the loss of a property and the development of highways works in the heart of the designation, would clearly lead to an adverse impact. No robust information has been submitted by the applicant to indicate otherwise.

There can be no certainty that the proposed development will have *"no unacceptable impact on the Conservation Area"* as claimed in Section 9 of the Design and Access Statement.

Summary

I object to the proposed development on the following grounds:

- In accordance with Section 38(6) of the Planning and Compulsory Purchase Act, applications for planning permission should be determined in accordance with the Development Plan unless material considerations indicate otherwise. For the Vale of Glamorgan, the UDP forms part of the Development Plan.
- National Planning Policy states that where there is a time lapsed Development Plan, as is the case in the Vale, the presumption in favour of sustainable development applies. It follows that there is a presumption against unsustainable development. The present application constitutes unsustainable development.
- Para. 4.2 of PPW outlines that certainty over the Plan will only be achieved on receipt of a binding Inspector's Report. In advance of that, Local Authorities will need to consider the evidence base and the background to policies when assessing development proposals.
- the key objectives of the emerging Vale LDP have not been properly articulated in the emerging land use planning policies, including:
 - the LDP seeks to ensure new development is of a scale appropriate to its location, but the allocation of land to the East of St Nicholas could see the population of the village grow by 65%;
 - despite seeking to minimise the need to travel, the proposed allocation is made at a settlement which only has services and facilities to meet local needs;
 - The LDP seeks to protect and enhance historic environments, yet the allocation will have a detrimental impact on the St Nicholas Conservation Area;

- The LDP seeks to meet the housing needs of each community, yet there isn't an identified housing need in the East of the Vale.
- The application does not accord with emerging Planning Policy as:
 - The access is inappropriately located;
 - It would not provide the housing development and quantum of public open space required; and
 - The development does not remedy deficiencies in children's play space.
- A number of recent Appeals have demonstrated that a shortfall in housing land or a time lapsed Development Plan does not lead to unsustainable development being considered as being acceptable.
- The proposed development does not accord with the key principles and policy objectives provided by PPW.
- It could have unacceptable impacts on community infrastructure.
- The proposed development would have an unacceptable detrimental impact on the St Nicholas Conservation Area.

Yours Sincerely,

[Redacted signature]

[Redacted name]

RHYS WILLIAMS
1 BROADWAY GREEN
ST NICHOLAS
CF5 6SR

O'Keefe, Kevin T

From: Debbie Williams [REDACTED]
Sent: 23 March 2015 10:34
To: Planning & Transportation (Customer Care)
Cc: Jane.Hutt@assembly.wales; alun.cairns.mp@parliament.uk
Subject: FAQ - Steven Rennie - 2015/00283/CAC - Redrow Development in St Nicholas

Importance: High

Good Morning Steven,

I have recently moved into the St Nicholas area, 1 Broadway Green, CF5 6SR

I wanted to register with you that I strongly object to the above development proposal, for the following reasons:-

- 1) A large development like proposed would be out of sync with the local area and would fundamentally change the look and feel of the area, making it too built up. There would be a significant reduction of open countryside for the local residents to enjoy, people have paid a high premium in terms of property purchase, stamp duty and council tax (all of which are many times greater than the average in South Wales) to enjoy this rural open countryside setting and we don't think it is fair that it is removed by disproportionate deployment of this small village, which let's not forget is in a conservation area!
- 2) The roads that are in place are not even able to cope with current demand, the A48 is very congested both coming out of Duffryn Lane and by the lights at Culverhouse cross, especially during peak periods. The A48 will not be able to cope with the extra traffic that the Redrow development would create, which will be at least c150 extra cars on the local roads. This will mean further delays which has a knock on effect, for example changing child care arrangements, with people needing to leave earlier for work in view of the extra traffic.
- 3) There are no facilities in the village within walking distance, which means that people have to use their cars for every journey, the new residents would need to do this as well creating even more gridlock and pollution in what is supposed to be a rural area.
- 4) The demolition of Emmaville surely must be avoided, this is a property which is located in a conservation area and the demolition would fundamentally go against section 33 of the Welsh Office circular 61/96.
- 5) I think that we need to remember that St Nicholas is a small village with a long history, this should be protected so that future generations can enjoy the village and countryside as it is meant to be. A mass development as the one Redrow propose is fundamentally unsuited to the St Nicholas area and I don't believe it to be in line with the latest Vale of Glamorgan LDP as a large proportion of the development falls outside of the settlement boundary!

Please can you let me know that my objections / concerns have been registered.

Kind Regards

Debbie Williams
1 Broadway Green, St Nicholas, CF5 6SR.

[View my profile and connect on LinkedIn](#)

D.E.E.R
RECEIVED
ACTION BY: JMC SR
NO: 21
ACK: 1

RECEIVED

24 MAR 2015

ENVIRONMENTAL
AND ECONOMIC
REGENERATION

Tel: [REDACTED]



O'Keefe, Kevin T

From: [REDACTED]
Sent: 20 March 2015 11:08
To: Planning & Transportation (Customer Care)
Subject: New comments for application 2015/00249/FUL

New comments have been received for application 2015/00249/FUL at site address: Land to the East of St. Nicholas from Mr Cliff Lewis [REDACTED]

Address:
Village Farmhouse, St. Nicholas., Cardiff., CF56SG

Comment type:
Objection

Comments:

I am a resident of St. Nicholas and am writing to register my objections to the above proposed development. My grounds against this development are as follows:-

Residents in our village reside in historic character properties including Victorian houses and Newer but still established dwellings. The area enjoys conservation status and includes a number of listed buildings. This proposal is totally unsuited to this area both visually and practically and would have a significant detrimental impact to the current residents and amenities.

As a resident I am totally opposed to this proposal and would ask that the planning committee consider these points and dismiss this application.

Case Officer:
Mr. Steven Rennie

Area:
North

D.E.E.R
RECEIVED
ACTION BY: JMC SR
NO: 19
ACK:

RECEIVED
23 MAR 2015
ENVIRONMENTAL
AND ECONOMIC
REGENERATION

O'Keefe, Kevin T

From: Rhys Williams [REDACTED]
Sent: 23 March 2015 10:26
To: Planning & Transportation (Customer Care)
Cc: Jane.Hutt@assembly.wales; alun.cairns@parliament.uk
Subject: FAQ - Steven Rennie - 2015/00283/CAC - Redrow Development in St Nicholas

Importance: High

Hi Steven,

I have recently moved into the St Nicholas area, 1 Broadway Green, CF5 6SR

I wanted to register with you that I strongly object to the above development proposal, for the following reasons:-

- 1) A large development like proposed would be out of sync with the local area and would fundamentally change the look and feel of the area, making it too built up. There would be a significant reduction of open countryside for the local residents to enjoy, people have paid a high premium in terms of property purchase, stamp duty and council tax (all of which are many times greater than the average in South Wales) to enjoy this rural open countryside setting and we don't think it is fair that it is removed by disproportionate deployment of this small village, which let's not forget is in a conservation area!
- 2) The roads that are in place are not even able to cope with current demand, the A48 is very congested both coming out of Duffryn Lane and by the lights at Culverhouse cross, especially during peak periods. The A48 will not be able to cope with the extra traffic that the Redrow development would create, which will be at least c150 extra cars on the local roads. This will mean further delays which has a knock on effect, for example changing child care arrangements, with people needing to leave earlier for work in view of the extra traffic.
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Please can you let me know that my objections / concerns have been registered.

Kind Regards

Rhys Williams
1 Broadway Green, St Nicholas, CF5 6SR.

[View my profile and connect on LinkedIn](#)

DEER
RECEIVED
ACTION BY: JMC SR
NO: 22

RECEIVED

24 MAR 2015

ENVIRONMENTAL
AND ECONOMIC
REGENERATION

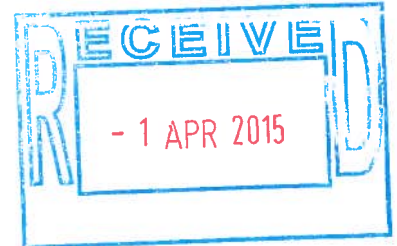
Tel: [REDACTED]



01 April 2015

Mr. S. Rennie
Development Control
Vale of Glamorgan Council
Dock Office
Barry Docks
Barry
CF63 4RT

D.E.E.R
RECEIVED
ACTION BY: JMC SR
NO: 55
ACK:



Dear Mr. Rennie,

Ref: 2015/00249/FUL - Land to East of St Nicholas

I am objecting to the above planning application. Neither the site of the planning application, nor the proposals for this site appear to relate sound spatial planning practices, the Wales Spatial Plan or Planning Policy Wales (PPW) and relevant Technical Advice Notes (TAN). Further, the plan does not appear to deliver the intentions of the emerging LDP.

My concerns include:

- The Welsh Government's presumption against unsustainable development;
- The existing Development Plan;
- Emerging Planning Policy;
- The lack of supporting community infrastructure;
- The loss of finite, scarce agricultural land rated: good;
- The impact of the proposed development on the St Nicholas Conversation Area the Ely Valley and Ridge Slopes Special Landscape Area;
- The site's sustainable accessibility to places of employment, services, and facilities; and
- The objectives of spatial planning and PPW generally.
- Increased traffic on the a48 making commuting enough more difficult.

Each issue is considered in turn below.

The Decision Making Framework

Section 38(6) of the Planning and Compulsory Purchase Act 2004 requires that applications for planning permission must be determined in accordance with the Development Plan unless material considerations indicate otherwise. Para 4.2.4 of PPW indicates that where: there is no adopted development plan; relevant development plan policies are considered outdated or superseded; or where there are no relevant policies, then there is a presumption in favour of proposals in accordance with the key principles and key policy objectives of sustainable development in the planning system. In doing so, proposals should seek to balance and integrate these objectives to maximise sustainable development outcomes.

It follows therefore that PPW does not support unsustainable or inappropriate development that fails to accord with the key principles and objectives it sets out.

For the reasons outlined in this letter of objection, I argue that the proposed development cannot be considered as being sustainable development and therefore the presumption in favour of the proposal should not apply.

Existing Development Plan

Within the Vale of Glamorgan, the Unitary Development Plan (1996-2011) forms the Development Plan. Accordingly applications should be considered against this planning framework in the first instance, unless material considerations indicate otherwise.

As indicated in the applicants Planning Statement, the application site lies outside the settlement boundary for St Nicholas as defined by the Vale of Glamorgan UDP and is therefore wholly within the countryside. Other planning policy constraints associated with the site include its location within:

- The St. Nicholas Conservation Area (partly); and
- The Ely Valley and Ridge Slopes Special Landscape Area.

There is a need to ensure that the proposed development accords with the key principles and policy objectives of sustainable development, as set out in PPW. The proposed development does not meet the criteria required to be considered as being sustainable development and therefore the presumption in favour of the proposal should not apply in this instance.

The LDP Strategy

Whilst we acknowledge that the site is a proposed allocation within the Deposit Plan, it itself has not been subject to Examination in Public. Therefore there can be no certainty that a development of this scale in such a small village will be considered as being sustainable development. Guidance is clear that the weight to be given to the emerging plan is limited until the Inspectors Report is published.

Planning Policy Wales in clear that:

"Certainty regarding the content of the plan will only be achieved when the Inspector publishes the binding report. Thus in considering what weight to give to the specific policies in an emerging LDP that apply to a particular proposal, local planning authorities will need to consider carefully the underlying evidence and background to the policies. National planning policy can also be a material consideration in these circumstances (see section 4.2)."

I have significant concerns over the translation of key objectives into practice within the emerging plan. Indeed, key objectives and supportive text indicates:

- **Objective 1:** To sustain and further the development of sustainable communities within the Vale of Glamorgan, providing opportunities for living, learning, working and socialising for all.

In achieving Objective 1, it is indicated that the LDP will seek to ensure that the role and function of the towns and villages identified in the sustainable settlement hierarchy is maintained and enhanced by ensuring that new development is of a scale appropriate to its location, supports the local economy and sustains and wherever possible improves local services and facilities.

- **Objective 2:** To ensure that development within the Vale of Glamorgan makes a positive contribution towards reducing the impact of and mitigating the adverse effects of climate change.

In order to achieve this, it is indicated that new development will be located in sustainable locations that minimise the need to travel.

- **Objective 4:** To protect and enhance the Vale of Glamorgan's historic, built, and natural environment.

The LDP will ensure that these built environmental assets are protected, conserved and where appropriate enhanced.

- **Objective 7:** To provide the opportunity for people in the Vale of Glamorgan to meet their housing needs.

The LDP will provide a range and choice of housing, including affordable housing, in sustainable locations that support the needs of the local community.

However, we do not consider that these objectives have been translated into policies within the Plan and cannot form a sound basis for decision making.

This is most obviously noted when assessing the existing population of St Nicholas. The Council's Sustainable Settlements Background Paper (2013) estimates the population of the village to be 339 residents (Appendix 1 refers). On the basis of an average household size of 2.21 (the figure quoted in 2016 within Table 5 of the Council's Population and Housing Background Paper, 2013) the entire development could lead to a new population of 221 residents. This would increase the size of the village to 560 residents, which equates to an increase of 65%.

This is a very significant increase for a village with such a poor accessibility to services and facilities. There is only a Primary School (minus a nursery) and 2 bus stops within an acceptable walking distance of the site.

Similarly, the Sustainable Settlements Background Paper also identifies that the services and facilities within St Nicholas, helps to meet "*local needs within rural areas*" (para. 6.6 refers).

Given that, by the applicants own assessment, there is poor accessibility by sustainable modes of transport (i.e. walking, cycling and public transport) that the level of development proposed on the wider site (i.e. the proposed allocation to the east of St Nicholas) may be considered at Examination to be a too great a quantum of development for the village.

Moreover, we note that Table 8 of the Council's Local Housing Strategy (2015-20) identifies that there is no affordable housing need within the East Vale area.

These concerns were also raised in correspondence by the Welsh Government in their response to the Revised Deposit LDP, dated 20th December 2013. The correspondence, which also argues that the proposed Plan is potentially in conflict with some of its Key Objectives, states that:

"It is unclear how the role and function of settlements has been reflected with regard to the scale of housing proposed. While the scoring matrix focuses on 'functional links' (Sustainable Settlements Appraisal 2013) the services and facilities in many of the minor rural villages themselves appear poor. Allocation in some minor rural settlement, for example, 100 units at St Nicholas and 120 units at Bonvilston appear disproportionate to current services and facilities."

Furthermore:

"While it is acknowledged that one of the aims of the plan is to support facilities in minor rural villages, it is not clear that the rationale for allocating over 940 units in such areas has been fully evidenced."

In considering meeting demand for housing as close to where that need arises the Welsh Government state that:

"...It is unclear as to what extent the LHMA has informed the spatial distribution of housing in this Deposit Plan or how the need for affordable housing has influenced the number and location of sites in this plan."

Issues relating to the spatial strategy of the emerging LDP must be considered to go to the very heart of the plan making process. This view has also been articulated in the Welsh Government response to the Revised Deposit Plan. Accordingly, without having been subject of an Examination in Public, these proposals must be

considered as being premature, particularly when they will undoubtedly lead to such an irreversible change to the character the village.

The emerging Allocation

Notwithstanding our fundamental concerns regarding the LDP strategy. As indicated above, the site and an adjacent land parcel is allocated within the Deposit Vale of Glamorgan LDP to provide 100 dwellings and 0.41ha of Public Open Space on 4.4ha of land (Policy MG2 refers). The provision of open space was intended to remedy deficiencies in the existing public open space offer in St Nicholas, particularly children's play space, although it is also noted that there is no outdoor sports provision within the Village.

Whilst the explanatory text is silent on the matter, given the pre-application response provided by the Vale of Glamorgan Council which states that access "**would be most appropriate directly off the A48**" and the way in which the allocation is drawn on the Deposit Draft LDP Proposals Map, that site access was envisaged to be provided to the east of the settlement boundary.

The submitted scheme identifies an access through 'Emmavalle'. This parcel of land was not identified as forming part of the wider allocation and therefore its use to form an access must be considered to be contrary to the emerging planning policy framework provided by the Deposit LDP. No justification has been provided by the applicant through either the pre-application process (please refer to Page 3 of the Officer's pre-application response) or through the submitted application material as to why an alternative access strategy has been proposed.

No information has been provided within the application material that quantifies the amount of public open space provided.

Whilst the Planning Statement outlines that "**the remainder of the allocated land will be able provide the shortfall in the LDP allocation**" (para. 8.1 refers), this has not been evidenced in any of the application material. Absent a comprehensive master plan for the site, it cannot be categorically proven that the policy aspirations for the site will be delivered in their entirety. This conclusion has been formed for the following reason:

- The additional land has not been included within this application and therefore there can be no certainty that the allocation will deliver in its entirety; and

Moreover, the public open space offer is meant to render the existing deficiencies, which are associated with children's play space and outdoor sports provision, as evidenced within the Council's Open Space Background Paper (2013).

Whilst no information has been provided about the quantity of public open space provided, it is noted that the Landscape Plan includes a number of swathes of land, including to the east and west of the proposed access and to the rear of the site, which can only be considered as being amenity green space and therefore will not assist in meeting existing shortfalls.

It would appear that once these areas of green space are discounted, the provision of a single LEAP and LAP would only yield approximately 0.05ha, against a policy requirement of 0.48ha. Even including the areas of land surrounding the LEAP and LAP, a total of around 0.27ha is provided, which is somewhat short of the policy aspiration.

Given that a significant aspect of the justification for the allocation of the wider site for housing was to render the deficiency of children's play space in St. Nicholas, there is a need to ensure that this scheme delivers the right quantum and form of public open space. For the reasons outlined above, and absent any information provided by the applicant, I believe that this is not the case. Only the delivery of a comprehensive scheme on the site, which properly articulates the policy aims of the emerging Plan can provide this certainty.

Accordingly, for the reasons outlined above, the submitted application conflicts with the emerging LDP.

The Application's Conformity to PPW's Objectives

Within the accompanying Planning Statement, the applicant contends that the Unitary Development Plan is out-of-date and therefore in accordance with TAN 1, the Local Authority will be unable to demonstrate a 5 year housing land supply from January 2016. Accordingly the applicant considers that the development benefits from the presumption in favour of sustainable development and therefore should be approved.

However, it is clear that the presumption in favour of the development would only apply if the proposals accorded with national planning policies and the key principles and policy objectives of sustainable development.

In any event we note that a shortfall of land supply does not lead to unacceptable development being made acceptable. We note that similar conclusions were presented in a number of recent Appeal decisions within Wales, including:

Land at Rockfield Road, Monmouth

In this case the land supply stood at 4.4 years (2012) and common ground between the parties that it would fall to 3.6 years in the 2013 study. The site was also located outside of the settlement boundary. Whilst the Inspector considered there were no technical or landscape constraints, the stage of the LDP (awaiting the Inspectors Report), it was considered premature in relation to the imminent (at that time) LDP which would deal with matters related to the scale of growth at Monmouth.

Land at Red Barn Farm, Abergavenny

The land supply stood at 4.4 years, however, the Inspector considered that the impact of the development on the nearby listed building and landscape would outweigh the shortfall and dismissed the appeal.

Began Road, Cardiff

Despite a significant shortfall in housing land (and recent appeal decisions granting permission) the Inspector considered that the adverse impacts on landscape, highways safety and ecology outweighed the housing shortfall and dismissed the appeal on the small site.

In the case of this application, it is considered that the development would not accord with the key principles and policy objectives of sustainable development as defined by PPW. To demonstrate this harm, the scheme is assessed against relevant sustainability objectives provided in Section 4.4 of PPW below:

- ***Promote resource-efficient and climate change resilient settlement patterns*** - the proposed development will increase the size of St Nicholas by around 65%. Given the lack of services and facilities within the village there is a real possibility that the proposed development will increase dependency on the car, promoting unsustainable travel patterns. As there is no identified affordable housing need within the East Vale area most, if not all of this development should be re-distributed to the areas where the need is greatest, which is also where there are the greatest number of services and facilities. This should result in a more sustainable pattern of development. The prematurity of this scheme does not allow for this consideration in the most appropriate forum;
- ***Locate developments so as to minimise the demand for travel, especially by private car*** – the lack of services and facilities within St Nicholas will mean that residents of the proposed development will have to access services and facilities in other areas. The majority of these trips will be made by the private car;
- ***Support the need to tackle the causes of climate change by moving towards a low carbon economy*** – the proposed development is adjacent to a village with limited services and facilities. Residents of the proposed development will therefore have to access services and facilities within higher tier settlements. The majority of these trips will be made by the private car and therefore the development will not assist in tackling the causes of climate change.
- ***Help to ensure the conservation of the historic environment and cultural heritage, acknowledging***

and fostering local diversity – the proposed development will have a significant harmful effect on the St Nicholas Conservation Area and locally important and listed buildings. A robust assessment of this harm has not been undertaken by the applicant.

- *Ensure that all local communities – both urban and rural – have sufficient good quality housing for their needs* – there is currently no affordable housing need within the Eastern Vale area. The majority of need is within Barry, Penarth and the Coastal areas, where there exists a greater number of services and facilities.
- *Promote access to employment, shopping, education, health, community, leisure and sport facilities and open and green space, maximising opportunities for community development and social welfare* – the application does not provide access to any employment, education, shopping, community, leisure or sports facilities. Whilst it does provide an element of public open space, there is no certainty provided by the application as to whether the public open space provided will meet the deficit of specific types of public open spaces in St Nicholas, which was a major consideration in the site's allocation in the Deposit LDP.
- *Foster improvements to transport facilities and services which maintain or improve accessibility to services and facilities, secure employment, economic and environmental objectives, and improve safety and amenity* – the proposed development does not provide any improvements to accessing services and facilities, both for the existing and proposed resident population. Conversely, it could create an unsustainable pattern of development and a greater dependency on the private car. Moreover, whilst the proposed junction may work in isolation, it would clearly reduce the safety of my access from properties in the surrounding area.
- *Foster social inclusion by ensuring that full advantage is taken of the opportunities to secure a more accessible environment for everyone that the development of land and buildings provides* – as indicated above, the proposed development would lead to a greater dependency on the private car.

It is clear from the assessment above that the proposed development would not constitute sustainable development and therefore the presumption in favour of sustainable development that applies as a result of the time lapsed nature of the Adopted UDP and the housing land supply situation from 2016, does not apply.

The Impact on Community Infrastructure

St Nicholas Church of Wales Primary School has 126 places within the school and currently 125 pupils on roll. Whilst there is reference to a S106 contribution being provided to mitigate the impact of the proposed development on existing education facilities, the development will clearly lead to the need to expand and extend the existing school, or to alter the school's admissions policy. No information has been provided by the applicant which demonstrates whether this is achievable, or whether capacity will need to be created in an alternative location, which could, given the frequency of the bus service and the need to safeguard children of a primary age, lead to a dependency on the car for pupils to attend school.

The Impact on the St Nicholas Conservation Area

Part of the application site is located within the boundary of the St Nicholas Conservation Area. The Conservation Area was first designated in 1970 in recognition of the Villages special architectural and historic interest.

Whilst the application site is not identified as being of key importance to the Conservation Area within the St Nicholas Conservation Area Appraisal and Management Plan (2009), there still remains the statutory duty provided by Planning (Listed Buildings and Conservation) Areas Act (1990) for Local Authorities to pay special attention to the desirability of preserving or enhancing the character or appearance of the Conservation Area when determining planning applications. In that regard, we note that aside from a very limited analysis provided in the Design and Access Statement and an visual assessment of the impact of the development on the surrounding environs, there is no specific assessment on what effect the proposed development will have on the Conservation Area, or even an assessment of the contribution Emmaville makes to this designation. Similarly there is no assessment of the impact the proposed development will have on historic assets within the surrounding environs, including Eastlea, Milford and the 'County Treasure' of the Police Station (all are located to the south of the A48 and immediately opposite the proposed access and proposed Section 278

works) and the Three Tuns Listed Building located immediately to the south west of the application site and to the north of the A48.

It is noted that in the Council's pre-application response it was highlighted that the proposed development would *"have the potential to significantly impact the setting of the Conservation Area and would be very visible on the approach to the village."*

On this basis the Council advised the applicant that *"careful consideration should be given to ensuring that the proposed development would not have any adverse impact on the character of the conservation Area, through use of sensitive and suitable house design and layout."*

Moreover, in response to the proposed allocation of land to the east of St Nicholas, the Council's own Conservation Officer had concerns over the impact of the proposed allocation on the St Nicholas Conservation Area. In their consultation response, the Officer stated that:

"The site lies outside, but immediately adjacent to, the St. Nicholas Conservation Area. The St. Nicholas Conservation Area Appraisal and Management Plan identifies a significant view out of the Conservation Area across the site in a NE direction from the A48 at 'Mink Hollow' approximately along the line of the public footpath."

The proposed development, which would lead to the loss of a property and the development of highways works in the heart of the designation, would clearly lead to an adverse impact. No robust information has been submitted by the applicant to indicate otherwise.

There can be no certainty that the proposed development will have *"no unacceptable impact on the Conservation Area"* as claimed in Section 9 of the Design and Access Statement.

Summary

I object to the proposed development on the following grounds:

- In accordance with Section 38(6) of the Planning and Compulsory Purchase Act, applications for planning permission should be determined in accordance with the Development Plan unless material considerations indicate otherwise. For the Vale of Glamorgan, the UDP forms part of the Development Plan.
- National Planning Policy states that where there is a time lapsed Development Plan, as is the case in the Vale, the presumption in favour of sustainable development applies. It follows that there is a presumption against unsustainable development. The present application constitutes unsustainable development.
- Para. 4.2 of PPW outlines that certainty over the Plan will only be achieved on receipt of a binding Inspector's Report. In advance of that, Local Authorities will need to consider the evidence base and the background to policies when assessing development proposals.
- the key objectives of the emerging Vale LDP have not been properly articulated in the emerging land use planning policies, including:
 - the LDP seeks to ensure new development is of a scale appropriate to its location, but the allocation of land to the East of St Nicholas could see the population of the village grow by 65%;
 - despite seeking to minimise the need to travel, the proposed allocation is made at a settlement which only has services and facilities to meet local needs;
 - The LDP seeks to protect and enhance historic environments, yet the allocation will have a detrimental impact on the St Nicholas Conservation Area;

- The LDP seeks to meet the housing needs of each community, yet there isn't an identified housing need in the East of the Vale.
- The application does not accord with emerging Planning Policy as:
 - The access is inappropriately located;
 - It would not provide the housing development and quantum of public open space required; and
 - The development does not remedy deficiencies in children's play space.
- A number of recent Appeals have demonstrated that a shortfall in housing land or a time lapsed Development Plan does not lead to unsustainable development being considered as being acceptable.
- The proposed development does not accord with the key principles and policy objectives provided by PPW.
- It could have unacceptable impacts on community infrastructure.
- The proposed development would have an unacceptable detrimental impact on the St Nicholas Conservation Area.

Yours Sincerely,

[Redacted signature]

[Redacted name]

RHYS WILLIAMS
1 BROADWAY GREEN
ST NICHOLAS
CF5 6SR

Caia Farm
St Nicholas
Vale of Glamorgan
CF5 6SG

Vale of Glamorgan Council
Dock Office
Barry Docks
Barry
CF63 4RT

29 March 2015

Dear Sirs

Planning Application Ref: 2015/00249/FUL - Land to East of St Nicholas

I am writing to state my objection to the above referenced planning application.

There are a number of reasons why I am objecting:

- 1 The Vale of Glamorgan ("VOG") Development Plan, in the draft of which this site is identified for possible development, has not been implemented. There are flaws in the draft Plan, in that the number of dwellings suggested are based on out of date population information and the number of dwellings actually required is substantially less than the 10,000 units referred to in the draft Plan.

Additionally, I understand that comments on the draft plan made by Wales Assembly Government ("WAG") indicate that there is a significant over-emphasis on development in the rural Vale but this has been ignored by the VOG Council.

- 2 The direct impact on St Nicholas and the Vale would be devastating. This village is in a conservation area and is the gateway of the main A48 road into the rural Vale from the East. There are some 130 dwellings in St Nicholas and the scale of increase proposed by this development of 79 dwellings, approximately 60%, is completely out of scale.

This position would be exacerbated by other planned developments around the village suggested by the draft Plan and also by other mooted proposals by various land owners.

- 3 The village does not have the infrastructure to cater for this scale of development. There are limited public amenities in the form of a church, a

village hall and a small primary school. There are 2 buses an hour at peak times. I understand that part of any development is social housing which requires more than this. It is also my understanding that one of the main objectives of the planning policy of VOG is sustainability in an environmentally conscious manner. The lack of facilities and poor transport links would lead to significant additional traffic which are contrary to this objective.

- 4 There are transport issues in that the A48 is constantly getting busier. Despite the Public Enquiry recommendations of a few years ago that the preferred trunked route from Cardiff to the West Vale (i.e. the airport) should be Port Road, there has been a stream of actions to drive traffic along the A48, such as the unnecessary traffic control system in Bonvilston. This traffic leads to Culverhouse Cross, which is already struggling to deal with traffic flow at peak times. This will be exacerbated not just by development in St Nicholas but also by other proposals including Wenvoe and Culverhouse Cross itself.
- 5 I am given to understand that the proposed access involves the demolition of an existing dwelling, which is contrary to policy in a conservation area.

On a general matter, I feel that my concerns are not going to be represented by the locally elected councilors in the wards around St Nicholas as our councilors are land owners with a vested interest who are therefore unable to vote on land related matters. There should be a system of public governance that such persons should not be allowed to act, as they cannot fairly represent their constituents. This is not democracy or fair play and could lead to the suspicion that these councilors have only stood for self-serving purposes to use the system from the inside for their own benefit.

VOG seems to be ignoring its own guidelines for the protection of conservation areas as well as the advice of WAG regarding the distribution of proposed developments. If there is to be greenfield development on a large scale, there should be consultation on the most appropriate course of action which could involve a fairer distribution of development or the examination of alternative proposals such as the creation of a greatly expanded new settlement in, for example Llandow. This could be allied to the much-needed improvement of traffic links to the South Western Vale.

It seems to me that the issues involved in this application go beyond a simple appraisal of an individual development. It would be more appropriate for a sustainable plan for the Vale to be devised at a National level, rather than piecemeal by committee and without the ability for the full Council to vote on this issue. I would suggest that WAG would be the appropriate forum for dealing with this matter.

Yours faithfully



Peter Dewey

Cc A Cairns MP, A R T Davies AM, J Hutt AM
D Melding AM, E Parrott AM, L Wood AM

Bowen, Dawn

From: Neil Mantell [REDACTED]
Sent: 31 March 2015 17:03
To: Planning & Transportation (Customer Care)
Subject: 2015/00249/FUL
Attachments: 150316 ObjLett.pdf; WAGS response LDP.pdf

Mr. Rennie,

Please find a letter of objection to the above application, submitted on behalf of Mr. and Mrs. Simon Jones MBE.

The letter of objection stems from two community meetings held in St Nicholas in the week commencing 22nd March 2015, to which over 100 residents attended each. I understand a petition will be submitted to the Council shortly and the proportion of residents of St Nicholas that have signed the petition, which only has a population of 339 residents according to the Council's own LDP evidence base, should be taken into consideration.

I would be grateful if you could keep me up-to-date with the progress of this application.

Kind regards,

Neil Mantell MRTPI
Director

[REDACTED]
website: [REDACTED]
twitter: [REDACTED]

Correspondence Address: Sophia House, 28 Cathedral Road, Cardiff, CF11 9LJ
Registered Address: Nyewood Court, Brookers Road, Billingshurst, RH14 9RZ



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D.E.E.R
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ACTION BY: JMC-SR
NO: 9
ACK:





LRM Planning Limited
Sophia House
28 Cathedral Road
Cardiff
CF11 9LJ



31 March 2015
Our Ref: NPM/ZP

Mr. S. Rennie
Development Control
Vale of Glamorgan Council
Dock Office
Barry Docks
Barry
CF63 4RT

Dear Mr. Rennie,

Ref: 2015/00249/FUL - Land to East of St Nicholas

I herewith enclose, on behalf of my Client, Mr. Simon Jones MBE, a letter of objection to the above planning application. My Client owns the property "Kinfauns", which is located both immediately to the north of the A48 and to the east of the proposed access road. Whilst Mr. Jones is particularly concerned with the impact the proposed development will have on his residential amenity, he has a number of other concerns which include:

- The Welsh Government's presumption against unsustainable development;
- The existing Development Plan;
- Emerging Planning Policy;
- The application's impact on community infrastructure;
- The impact on residential amenity;
- The impact of the proposed development on the St Nicholas Conservation Area;
- The site's accessibility to services and facilities; and
- The objectives of PPW generally.

Each issue is considered in turn below.

The Decision Making Framework

Section 38(6) of the Planning and Compulsory Purchase Act 2004 requires that applications for planning permission must be determined in accordance with the Development Plan unless material considerations indicate otherwise. Para 4.2.4 of PPW indicates that where: there is no adopted development plan; relevant development plan policies are considered outdated or superseded; or where there are no relevant policies, then there is a presumption in favour of proposals in accordance with the key principles and key policy objectives of sustainable development in the planning system. In doing so, proposals should seek to balance and integrate these objectives to maximise sustainable development outcomes.

It follows therefore that PPW does not support unsustainable or inappropriate development that fails to accord with the key principles and objectives it sets out.

For the reasons outlined in this letter of objection, my Client argues that the proposed development cannot be considered as being sustainable development and therefore the presumption in favour of the proposal should not apply.

Existing Development Plan

Within the Vale of Glamorgan, the Unitary Development Plan (1996-2011) forms the Development Plan. Accordingly applications should be considered against this planning framework in the first instance, unless material considerations indicate otherwise.

As indicated in the applicants Planning Statement, the application site lies outside the settlement boundary for St Nicholas as defined by the Vale of Glamorgan UDP and is therefore wholly within the countryside. Other planning policy constraints associated with the site include its location within:

- The St. Nicholas Conservation Area (partly); and
- The Ely Valley and Ridge Slopes Special Landscape Area.

The applicant has rightfully identified the time expired nature of the UDP and by virtue of the recently published TAN 1, the Council will be unable to identify a JHLA compliant 5 year supply of deliverable sites from 2016, unless the LDP is adopted in that timeframe. Whilst this application will benefit from the presumption in favour of development, there is a need to ensure that the proposed development accords with the key principles and policy objectives of sustainable development. For the reasons outlined in this letter of objection, my Client argues that the proposed development cannot be considered as being sustainable development and therefore the presumption in favour of the proposal should not apply in this instance.

The LDP Strategy

Whilst we acknowledge that the site is a proposed allocation within the Deposit Plan, it itself has not been subject to Examination in Public. Therefore there can be no certainty that a development of this scale in such a small village will be considered as being sustainable development. Guidance is clear that the weight to be given to the emerging plan is limited until following the Inspectors Report.

Planning Policy Wales is clear that:

“Certainty regarding the content of the plan will only be achieved when the Inspector publishes the binding report. Thus in considering what weight to give to the specific policies in an emerging LDP that apply to a particular proposal, local planning authorities will need to consider carefully the underlying evidence and background to the policies. National planning policy can also be a material consideration in these circumstances (see section 4.2).”

We have significant concerns over the translation of key objectives into practice within the emerging plan. Indeed, key objectives and supportive text indicates:

- **Objective 1:** To sustain and further the development of sustainable communities within the Vale of Glamorgan, providing opportunities for living, learning, working and socialising for all.

In achieving Objective 1, it is indicated that the LDP will seek to ensure that the role and function of the towns and villages identified in the sustainable settlement hierarchy is maintained and enhanced by ensuring that new development is of a scale appropriate to its location, supports the local economy and sustains and wherever possible improves local services and facilities.

- **Objective 2:** To ensure that development within the Vale of Glamorgan makes a positive contribution towards reducing the impact of and mitigating the adverse effects of climate change.



In order to achieve this, it is indicated that new development will be located in sustainable locations that minimise the need to travel.

- **Objective 4:** To protect and enhance the Vale of Glamorgan's historic, built, and natural environment.
The LDP will ensure that these built environmental assets are protected, conserved and where appropriate enhanced.
- **Objective 7:** To provide the opportunity for people in the Vale of Glamorgan to meet their housing needs.

The LDP will provide a range and choice of housing, including affordable housing, in sustainable locations that support the needs of the local community.

However, we do not consider that these objectives have been translated into policies within the Plan and cannot form a sound basis for decision making.

This is most obviously noted when assessing the existing population of St Nicholas. The Council's Sustainable Settlements Background Paper (2013) estimates the population of the village to be 339 residents (Appendix 1 refers). On the basis of an average household size of 2.21 (the figure quoted in 2016 within Table 5 of the Council's Population and Housing Background Paper, 2013) the entire development could lead to a new population of 221 residents. This would increase the size of the village to 560 residents, which equates to an increase of 65%.

This is a very significant increase for a village with such a poor accessibility to services and facilities. We note that the submitted Transport Statement identifies that there is only a Primary School and 2 bus stops within an acceptable walking distance of the site.

Similarly, the Sustainable Settlements Background Paper also identifies that the services and facilities within St Nicholas, helps to meet "*local needs within rural areas*" (para. 6.6 refers).

Given that, by the applicants own assessment, there is poor accessibility by sustainable modes of transport (i.e. walking, cycling and public transport) that the level of development proposed on the wider site (i.e. the proposed allocation to the east of St Nicholas) may be considered at Examination to be a too great a quantum of development for the village.

Moreover, we note that Table 8 of the Council's Local Housing Strategy (2015-20) identifies that there is no affordable housing need within the East Vale area and highlights the significant need for development within Barry, the Coastal area and Penarth. This would therefore raise significant concerns about the spatial strategy and distribution of development proposed in the emerging LDP, which should, in accordance with PPW and promoting the most sustainable patterns of development, be focused at the areas with the most significant services and facilities (Barry, the Coastal Area and Penarth), which is where there is the greatest need for affordable housing provision in any event.

These concerns were also raised in correspondence by the Welsh Government in their response to the Revised Deposit LDP, dated 20th December 2013 (please see the attached letter). The correspondence, which also argues that the proposed Plan is potentially in conflict with some of its Key Objectives, states that:

"It is unclear how the role and function of settlements has been reflected with regard to the scale of housing proposed. While the scoring matrix focuses on 'functional links' (Sustainable Settlements Appraisal 2013) the services and facilities in many of the minor rural villages themselves appear poor. Allocation in some minor rural settlement, for example, 100 units at St Nicholas and 120 units at Bonvilston appear disproportionate to current services and facilities."

Furthermore:



"While it is acknowledged that one of the aims of the plan is to support facilities in minor rural villages, it is not clear that the rationale for allocating over 940 units in such areas has been fully evidenced."

In considering meeting demand for housing as close to where that need arises the Welsh Government state that:

"...The LHMA (Table 6.13) highlights that the greatest need are Barry, followed by the coastal zone and Penarth. Allocations have changed substantially to that set out in the previous Deposit Plan. For example, Policy MG2 (Housing Allocations) shows that 2,740 units are allocated in Barry and Penarth. However, the level of housing provision within Barry and Penarth has decreased significantly (by 912 units) from the 3,652 units that were previously allocated in the First Deposit Plan. The LHMA has not changed between the two deposit plans. It is unclear as to what extent the LHMA has informed the spatial distribution of housing in this Deposit Plan or how the need for affordable housing has influenced the number and location of sites in this plan."

Issues relating to the spatial strategy of the emerging LDP must be considered to go to the very heart of the plan making process. This view has also been articulated in the Welsh Government response to the Revised Deposit Plan. Accordingly, without having been subject of an Examination in Public, these proposals must be considered as being premature, particularly when they will undoubtedly lead to such an irreversible change to the character the village.

The emerging Allocation

Notwithstanding our fundamental concerns regarding the LDP strategy. As indicated above, the site and an adjacent land parcel is allocated within the Deposit Vale of Glamorgan LDP to provide 100 dwellings and 0.41ha of Public Open Space on 4.4ha of land (Policy MG2 refers). The provision of open space was intended to remedy deficiencies in the existing public open space offer in St Nicholas, particularly children's play space, although it is also noted that there is no outdoor sports provision within the Village.

Whilst the explanatory text is silent on the matter, given the pre-application response provided by the Vale of Glamorgan Council which states that access *"would be most appropriate off directly off the A48"* and the way in which the allocation is drawn on the Deposit Draft LDP Proposals Map, that site access was envisaged to be provided to the east of my Client's property.

The submitted scheme identifies an access immediately to the west of my Client's land, through 'Emmaville'. This parcel of land was not identified as forming part of the wider allocation and therefore its use to form an access must be considered to be contrary to the emerging planning policy framework provided by the Deposit LDP. No justification has been provided by the applicant through either the pre-application process (please refer to Page 3 of the Officer's pre-application response) or through the submitted application material as to why an alternative access strategy has been proposed that deviates away from the most obvious solution. Given that the application excludes a significant area of the proposed application, it is assumed that a commercial arrangement between the landowner of the parcel of land within the allocation and fronting the A48 has not been reached. If this is the case, it cannot be considered as an appropriate justification to deviate away from the LDP's intentions for the wider site or the delivery of a less appropriate scheme.

Similarly, we note that the planning application form confirms that the application site is 3.65ha, including 'Emmaville'. Once this element of the proposal has been discounted, it is noted that the application delivers only 3.52ha of the overall Deposit allocation of 4.4ha. This is reflected in the quantum of housing proposed, with only 79 of the 100 dwellings proposed by the Deposit allocation being delivered through this proposal. No information has been provided within the application material that quantifies the amount of public open space provided.



Whilst the Planning Statement outlines that *"the remainder of the allocated land will be able provide the shortfall in the LDP allocation"* (para. 8.1 refers), this has not been evidenced in any of the application material. Absent a comprehensive masterplan for the site, it cannot be categorically proven that the policy aspirations for the site will be delivered in their entirety and LRM Planning have real concerns that this will not be achieved. This conclusion has been formed for the following reason:

- The additional land has not been included within this application and therefore there can be no certainty that the allocation will deliver in its entirety; and
- Given the unsuitability of the current access proposals, access will need to be provided in land to the east of my Client's land together with 21 dwellings and public open space (you will note that para. 8.1 of the Planning Statement identifies that this application has been delivered at a density of 22 dwellings per hectare).

Moreover, the public open space offer is meant to render the existing deficiencies, which are associated with children's play space and outdoor sports provision, as evidenced within the Council's Open Space Background Paper (2013).

Whilst no information has been provided about the quantity of public open space provided, it is noted that the Landscape Plan includes a number of swathes of land, including to the east and west of the proposed access and to the rear of the site, which can only be considered as being amenity greenspace and therefore will not assist in meeting existing shortfalls.

It would appear that once these areas of greenspace are discounted, the provision of a single LEAP and LAP would only yield approximately 0.05ha, against a policy requirement of 0.48ha. Even including the areas of land surrounding the LEAP and LAP, a total of around 0.27ha is provided, which is somewhat short of the policy aspiration.

Given that a significant aspect of the justification for the allocation of the wider site for housing was to render the deficiency of children's play space in St. Nicholas, there is a need to ensure that this scheme delivers the right quantum and form of public open space. For the reasons outlined above, and absent any information provided by the applicant, my Client believes that this is not the case. Only the delivery of a comprehensive scheme on the site, which properly articulates the policy aims of the emerging Plan can provide this certainty.

Accordingly, for the reasons outlined above, my Client does not believe that the submitted application accords with the emerging LDP.

The Application's Conformity to PPW's Objectives

Within the accompanying Planning Statement, the applicant contends that the Unitary Development Plan is out-of-date and therefore in accordance with TAN 1, the Local Authority will be unable to demonstrate a 5 year housing land supply from January 2016. Accordingly the applicant considers that the development benefits from the presumption in favour of sustainable development and therefore should be approved.

However, it is clear that the presumption in favour of the development would only apply if the proposals accorded with national planning policies and the key principles and policy objectives of sustainable development.

In any event we note that a shortfall of land supply does not lead to unacceptable development being made acceptable. We note that similar conclusions were presented in a number of recent Appeal decisions within Wales, including:



Land at Rockfield Road, Monmouth

In this case the land supply stood at 4.4 years (2012) and common ground between the parties that it would fall to 3.6 years in the 2013 study. The site was also located outside of the settlement boundary. Whilst the Inspector considered there were no technical or landscape constraints, the stage of the LDP (awaiting the Inspectors Report), it was considered premature in relation to the imminent (at that time) LDP which would deal with matters related to the scale of growth at Monmouth.

Land at Red Barn Farm, Abergavenny

The land supply stood at 4.4 years, however, the Inspector considered that the impact of the development on the nearby listed building and landscape would outweigh the shortfall and dismissed the appeal.

Began Road, Cardiff

Despite a significant shortfall in housing land (and recent appeal decisions granting permission) the Inspector considered that the adverse impacts on landscape, highways safety and ecology outweighed the housing shortfall and dismissed the appeal on the small site.

In the case of this application, it is considered that the development would not accord with the key principles and policy objectives of sustainable development as defined by PPW. To demonstrate this harm, the scheme is assessed against relevant sustainability objectives provided in Section 4.4 of PPW below:

- **Promote resource-efficient and climate change resilient settlement patterns** - the proposed development will increase the size of St Nicholas by around 65%. Given the lack of services and facilities within the village there is a real possibility that the proposed development will increase dependency on the car, promoting unsustainable travel patterns. As there is no identified affordable housing need within the East Vale area most, if not all of this development should be re-distributed to the areas where the need is greatest, which is also where there are the greatest number of services and facilities. This should result in a more sustainable pattern of development. The prematurity of this scheme does not allow for this consideration in the most appropriate forum;
- **Locate developments so as to minimise the demand for travel, especially by private car** - the lack of services and facilities within St Nicholas will mean that residents of the proposed development will have to access services and facilities in other areas. The majority of these trips will be made by the private car;
- **Support the need to tackle the causes of climate change by moving towards a low carbon economy** - the proposed development is adjacent to a village with limited services and facilities. Residents of the proposed development will therefore have to access services and facilities within higher tier settlements. The majority of these trips will be made by the private car and therefore the development will not assist in tackling the causes of climate change.
- **Help to ensure the conservation of the historic environment and cultural heritage, acknowledging and fostering local diversity** - the proposed development will have a significant harmful effect on the St Nicholas Conservation Area and locally important and listed buildings. A robust assessment of this harm has not been undertaken by the applicant.
- **Ensure that all local communities - both urban and rural - have sufficient good quality housing for their needs** - there is currently no affordable housing need within the Eastern Vale area. The majority of need is within Barry, Penarth and the Coastal areas, where there exists a greater number of services and facilities.
- **Promote access to employment, shopping, education, health, community, leisure and sport facilities and open and green space, maximising opportunities for community development and social welfare** - the application does not provide access to any employment, education, shopping, community, leisure or sports facilities. Whilst it does provide an element of public open space, there is no certainty provided by the application as to whether the public open space provided will meet the



deficit of specific types of public open spaces in St Nicholas, which was a major consideration in the site's allocation in the Deposit LDP.

- **Foster improvements to transport facilities and services which maintain or improve accessibility to services and facilities, secure employment, economic and environmental objectives, and improve safety and amenity** – the proposed development does not provide any improvements to accessing services and facilities, both for the existing and proposed resident population. Conversely, it could create an unsustainable pattern of development and a greater dependency on the private car. Moreover, whilst the proposed junction may work in isolation, it would clearly reduce the safety of my Clients existing access from his property and of other properties in the surrounding environs.
- **Foster social inclusion by ensuring that full advantage is taken of the opportunities to secure a more accessible environment for everyone that the development of land and buildings provides** – as indicated above, the proposed development would lead to a greater dependency on the private car.

It is clear from the assessment above that the proposed development would not constitute sustainable development and therefore the presumption in favour of sustainable development that applies as a result of the time lapsed nature of the Adopted UDP and the housing land supply situation from 2016, does not apply.

The Impact on Community Infrastructure

We also note that information obtained from the St Nicholas Church of Wales Primary School website (<http://www.stnicschool.co.uk/> accessed on 16th March 2015) demonstrates that there are currently 126 places within the school and currently 125 pupils on roll. Whilst there is reference to a S106 contribution being provided to mitigate the impact of the proposed development on existing education facilities, the development will clearly lead to the need to expand and extend the existing school, or to alter the school's admissions policy. No information has been provided by the applicant which demonstrates whether this is achievable, or whether capacity will need to be created in an alternative location, which could, given the frequency of the bus service and the need to safeguard children of a primary age, lead to a dependency on the car for pupils to attend school.

The Impact on Residential Amenity

My Client, Mr. Jones, is extremely worried about the impact that the proposed development will have on his property. His concerns particularly focus on highway safety, noise and light pollution.

Whilst the proposed access arrangement has been subject of a Transport Statement and a Road Safety Audit (although the written RSA response has not been provided), the work has not considered the significant detrimental impact the proposed access will have on my Client's existing access. For instance, the proposed access will now require my Client to not only assess the vehicular conditions of the very busy A48, but also the vehicular movements coming from and to the proposed access. This would be particularly relevant when my Client intends to exit his property and head in a westerly direction towards Cowbridge. In this circumstance, he would have to also assess whether any vehicles were exiting the proposed development and travelling in an easterly direction towards Cardiff. It is noted that no vehicular splay assessment has been provided by the applicant to assess whether my Client will have an appropriate visibility of the proposed access, which is particularly concerning given the presence of an existing tree, located immediately adjacent to the A48 and to the east of the proposed access, which could impede his view.

Moreover, whilst my client enjoys living within St Nicholas, the noise from the A48 in the rear gardens is significant. No assessment has been provided by the applicant which demonstrates the impact that the additional vehicle movements as a result of the proposed development will have on his residential amenity.



Similarly, the quantum of vehicles entering into the development during the evening period will lead to an increase in the light entering my Client's living space. Again, no assessment has been provided by the applicant to demonstrate that this impact is acceptable. In my Client's view, it would have a significant detrimental impact on his amenity, especially given that there is such an obvious location for a more suitable access to the east of his property. This would also accord with the intentions of the emerging LDP policy.

The Impact on the St Nicholas Conservation Area

Part of the application site is located within the boundary of the St Nicholas Conservation Area. The Conservation Area was first designated in 1970 in recognition of the Villages special architectural and historic interest.

Whilst the application site is not identified as being of key importance to the Conservation Area within the St Nicholas Conservation Area Appraisal and Management Plan (2009), there still remains the statutory duty provided by Planning (Listed Buildings and Conservation) Areas Act (1990) for Local Authorities to pay special attention to the desirability of preserving or enhancing the character or appearance of the Conservation Area when determining planning applications. In that regard, we note that aside from a very limited analysis provided in the Design and Access Statement and an visual assessment of the impact of the development on the surrounding environs, there is no specific assessment on what effect the proposed development will have on the Conservation Area, or even an assessment of the contribution Emmaville makes to this designation. Similarly there is no assessment of the impact the proposed development will have on historic assets within the surrounding environs, including Eastlea, Milford and the 'County Treasure' of the Police Station (all are located to the south of the A48 and immediately opposite the proposed access and proposed Section 278 works) and the Three Tuns Listed Building located immediately to the south west of the application site and to the north of the A48.

It is noted that in the Council's pre-application response it was highlighted that the proposed development would ***"have the potential to significantly impact the setting of the Conservation Area and would be very visible on the approach to the village."***

On this basis the Council advised the applicant that ***"careful consideration should be given to ensuring that the proposed development would not have any adverse impact on the character of the conservation Area, through use of sensitive and suitable house design and layout."***

Moreover, in response to the proposed allocation of land to the east of St Nicholas, the Council's own Conservation Officer had concerns over the impact of the proposed allocation on the St Nicholas Conservation Area. In their consultation response, the Officer stated that:

"The site lies outside, but immediately adjacent to, the St. Nicholas Conservation Area. The St. Nicholas Conservation Area Appraisal and Management Plan identifies a significant view out of the Conservation Area across the site in a NE direction from the A48 at 'Mink Hollow' approximately along the line of the public footpath."

The proposed development, which would lead to the loss of a property and the development of highways works in the heart of the designation, would clearly lead to an adverse impact. No robust information has been submitted by the applicant to indicate otherwise.

Absent this robust technical information, there can be no certainty that the proposed development will there have ***"no unacceptable impact on the Conservation Area"*** as claimed in Section 9 of the Design and Access Statement.



Summary

In light of the analysis presented above, my Client strongly objects to the proposed development on the following grounds:

- In accordance with Section 38(6) of the Planning and Compulsory Purchase Act, applications for planning permission should be determined in accordance with the Development Plan unless material considerations indicate otherwise. For the Vale of Glamorgan, the UDP forms part of the Development Plan.
- National Planning Policy states that where there is a time lapsed Development Plan, as is the case in the Vale, the presumption in favour of sustainable development applies. It follows that there is a presumption against unsustainable development. Mr. Jones contends that the present application constitutes unsustainable development.
- Para. 4.2 of PPW outlines that certainty over the Plan will only be achieved on receipt of a binding Inspector's Report. In advance of that, Local Authorities will need to consider the evidence base and the background to policies when assessing development proposals.
- Mr. Jones considers that the key objectives of the emerging Vale LDP have not been properly articulated in the emerging land use planning policies, including:
 - the LDP seeks to ensure new development is of a scale appropriate to its location, but the allocation of land to the East of St Nicholas could see the population of the village grow by 65%;
 - despite seeking to minimise the need to travel, the proposed allocation is made at a settlement which only has services and facilities to meet local needs;
 - The LDP seeks to protect and enhance historic environments, yet the allocation will have a detrimental impact on the St Nicholas Conservation Area;
 - The LDP seeks to meet the housing needs of each community, yet there isn't an identified housing need in the East of the Vale.
- The application does not accord with emerging Planning Policy as:
 - The access is inappropriately located;
 - It would not provide the housing development and quantum of public open space required; and
 - The development does not remedy deficiencies in children's play space.
- A number of recent Appeals have demonstrated that a shortfall in housing land or a time lapsed Development Plan does not lead to unsustainable development being considered as being acceptable.
- The proposed development does not accord with the key principles and policy objectives provided by PPW.
- It could have unacceptable impacts on community infrastructure.
- There would be an unacceptable detrimental impact on Mr. Jones' residential amenity.
- The proposed development would have an unacceptable detrimental impact on the St Nicholas Conservation Area.

If the applicant is to consider a revised application, we strongly contend that an alternative access is considered that more clearly aligns with the intentions of the emerging LDP.



I trust that this is of benefit. If you have any questions please do not hesitate to contact me.

Yours Sincerely,



Neil Mantell
Director
LRM Planning Ltd



D.E.E.R
RECEIVED
ACTION BY: JMC-SR
NO: 9
ACK:





Rob Thomas
Head of Planning & Transportation
Vale of Glamorgan Council
Docks Office
Barry Docks
Barry
CF63 4RT

Our Ref: QA980858
Your Ref: P/POL/AMW/LDP3
Date: 20 December 2013

Dear Rob,

**Vale of Glamorgan Local Development Plan – Revised Deposit LDP
Welsh Government Representation**

The Welsh Government is supportive of the LDP strategy, particularly maximising the economic opportunities offered by the St Athan – Cardiff Airport Enterprise Zone, illustrating the essential role that the Vale of Glamorgan plays in the success of the wider geographical context. However, we do have concerns regarding delivery of the plan and the scale of growth being insufficient.

A critical element for the plan will be the phasing, timing and delivery of sites, ensuring that the plan delivers the scale of growth in locations to meet the needs across the entire plan period. There are numerous allocations which are subject to significant constraints, such as sewerage infrastructure, that would appear to impact on the viability, timing and delivery of key sites. **We therefore consider that if such concerns remain unanswered, additional sites will be required to ensure the plan makes sufficient provision to meet the identified need, potentially from alternative sites, candidate sites or those in previous versions of the plan, having been subject to a sustainability appraisal.**

The implications arising from the economic growth strategy and the relationship to housing provision have not been fully explored. The scale of economic growth sought through the plan would suggest increasing the housing provision. We are also concerned that the Council's approach to the phasing of residential allocations is too restrictive, not sufficiently flexible or justified by evidence. **It is considered that the phasing policy will compound further housing land supply issues in the Vale.**

The Welsh Government's 2011 population projections indicate a potential downward trend in population growth for the Vale of Glamorgan, albeit the official household projections have not yet been formally released. This could result in a housing requirement below the Welsh Government 2008 household projection. However, it is considered that such a

reduction would considerably hinder the plans ability to deliver on the strategy, infrastructure and particularly economic goals. It would be inappropriate to plan to replicate a period of economic decline. The level of housing proposed is not considered sufficient to deal with changing circumstances, particularly if sites were to be delayed. Based on the Council's evidence we consider there **is a shortfall of 500 homes, resulting in raising the housing provision in the plan to approximately 10,950 dwellings over the plan period.** The housing provision in the Deposit Plan should be an absolute minimum as any further reduction would not align with the evidence base and would impact negatively on the soundness of the plan.

The current consultation on the Draft Planning Bill makes reference to end dates of development plans, after which it is proposed they no longer remain extant. This would apply to the Vale of Glamorgan's Unitary Development Plan (UDP) which expired in 2011. This could result in the authority having no extant development plan in place to make decisions before adoption of the LDP. It is therefore imperative that LDP preparation moves forward as swiftly as possible incurring no further delay. We would wish to avoid a situation where your local authority is in a vulnerable position for an extended period of time.

The matter of whether a plan is considered 'sound' will be for the appointed Planning Inspector to determine. I have considered the Deposit LDP in accordance with the consistency/coherence tests, and principally in accordance with whether satisfactory regard has been given to national planning policy (test C2). **The Welsh Government's representations are separated into 4 categories which are supported with more detail in the attached annex.**

Category A: Objection under soundness tests C2, CE2: Fundamental issues that are considered to present a significant degree of risk for the authority if not addressed prior to submission stage, and may have implications for the plan's strategy:

None.

Category B: Objections under soundness tests C2, CE1 & CE2: Matters where it appears that the deposit plan has not satisfactorily translated national policy down to the local level and there may be tensions within the plan, namely:

- B1. Scale and Location of Growth – Flexibility and spatial strategy**
- B2. Deliverability - Phasing, infrastructure, flooding and sewerage capacity**
- B3. Gypsy and Traveller Provision**
- B4. Employment - Distribution, provision and deliverability**
- B5. Minerals**

Category C: In relation to soundness tests CE2, CE3, CE4: whilst not considered to be fundamental to the soundness of the LDP, we consider there to be a lack of certainty or clarity on the following matters which we consider we can usefully draw to your attention to enable you to consider how they might be better demonstrated:

- C1. Affordable Housing - Thresholds, targets, commuted sums and evidence**
- C2. Gypsy & Traveller Criteria Based Policy**
- C3. Monitoring Framework**
- C4. Best and Most Versatile Agricultural Land**

Category D: Matters relating to clarity of the plan generally which we consider may be of assistance to your authority and to the Inspector in considering suitable changes:

Please refer to annex.

It is for your authority to ensure that the LDP is sound when submitted for examination and it will be for the Inspector to determine how the examination proceeds once submitted. You should consider how you could maximise the potential of your LDP being considered 'sound' through the examination process. An early meeting is considered advantageous to discuss matters arising from this formal response to your deposit LDP and I would encourage you to contact me to arrange a mutually convenient time.

Yours sincerely

Candice Coombs
Planning Manager
Planning Division (Plans Branch)
Welsh Government

Annex to Welsh Government Letter 20th December 2013 in response to the Vale of Glamorgan Revised Local Development Plan.

Category A - Objection under soundness tests C2, CE2: Fundamental issues that are considered to present a significant degree of risk for the authority if not addressed prior to submission stage, and may have implications for the plan's strategy:

No Issues.

Category B - Objections under soundness tests C2, CE1, and CE2: Matters where it appears that the deposit plan has not satisfactorily translated national policy down to the local level and there may be tensions within the plan, namely:

B1. Scale and Location of Growth

a) Housing Provision & Methodology - Policy SP3 & MG1

Planning Policy Wales (PPW, paragraph 9.2.2) states that the latest Welsh Government (WG) household projections should form the starting point when assessing the housing requirement for a plan; currently the 2008 based household projections. Using the Council's own conversion ratio (households to dwellings) of 4.95% this equates to approximately **10,035 dwellings over the plan period 2011-2026.**

The Deposit plan makes provision for 10,450 dwellings which includes a 5% flexibility allowance, with a housing requirement of **9,950 dwellings** set out in Policy MG1. We note that the requirement (Appendix E, Population & Household Projections Paper) incorporates the ONS mid year estimates for 2009 and 2010. We do not disagree with the approach taken. However, **we object to Policy SP3 and MG1 on the basis that the level of housing proposed does not include an adequate flexibility allowance.**

Further clarification is also required to explain the interrelationship between the level of housing provision and the Council's economic and employment proposals, and the role and function of the Vale of Glamorgan within the wider geographical context. In addition, it is considered that the level of housing provision and phasing policy is not sufficiently flexible to deal with the myriad of constraints on many of the proposed allocations. Further explanation is required as to why the overall level of housing provision has been **reduced by 500 homes from the previous Deposit Plan given the strategy and objectives remain the same.**

b) Flexibility Allowance - Policy MG1

The LDP should include a flexibility allowance to demonstrate that the plan can respond to economic challenges, unforeseen circumstances associated with delivery. The Welsh Government has indicated that a notional flexibility allowance of 10% may be appropriate to allow for uncertainty regarding the delivery of sites and unforeseen issues. The first Deposit Plan (February 2012) included a 10% flexibility allowance consisting of two 'reserve sites' of 995 dwellings. The flexibility has been reduced to 5% (one reserve site) in this Deposit Plan. The rationale for such a reduction has not been explained or justified given the identified constraints. **We object to the 5% flexibility level set out in Policy MG1. The plan should be amended to include a 10% flexibility resulting in an overall housing provision of around 10, 945 dwellings, 490 units more than the current plan provision.**

c) 2011 Based Household Projections

Whilst the WG 2011 based population projections have been published, the equivalent household projections have not yet been released. We anticipate those to be available in the New Year. The Council will need to explain both the implications and the appropriateness of the 2011 household projections, and how the various components, such as migration, relate to the strategy and the issues that the LDP is trying to address.

Planning officials consider that the WG 2011 population projections will indicate a potential downward trend in population growth for the Vale of Glamorgan (a planning not statistical assessment). This could result in a housing requirement significantly below (around 2800 units) the WG 2008 household projections. However, it is considered that such a reduction would considerably hinder the plans ability to deliver on the strategy, infrastructure and economic goals. The authority should not plan for declining economic activity. The current housing provision expressed in the Deposit Plan should be an absolute minimum. **It is considered that any further reduction will not align with the evidence base and will impact negatively on the soundness of the plan.**

d) Spatial Strategy - Policy MG 2

It is unclear how the role and function of settlements has been reflected with regard to the scale of housing proposed. While the scoring matrix focuses on 'functional links' (Sustainable Settlements Appraisal 2013) the services and facilities in many of the minor rural villages themselves appear poor. Allocations in some minor rural settlements, for example, 100 units at St Nicholas and 120 units at Bonvilston appear disproportionate to current services and facilities. The proposed level of housing provision has increased in totality within Minor Rural Villages from 787 units in the first Deposit Plan to 946 units. Further clarification is needed to explain whether provision matches need in the appropriate locations and how the proposed allocations align with the objectives of the plan. For example, scale of growth and commuting patterns.

We consider that the proposed spatial distribution could potentially encourage reliance on the car and compound infrastructure problems in rural locations. **While it is acknowledged that one of the aims of the plan is to support facilities in minor rural villages, it is not clear that the rationale for allocating over 940 units in such areas has been fully evidenced.** The level of housing provision in Barry has reduced significantly from 3052 units from the previous Deposit Plan to 2360 units. **The current spatial distribution is potentially in conflict with Key Objectives 2 and 3 of the LDP. It may be necessary to allocate additional housing sites in the Key and Service Centre Settlements.**

Settlement Hierarchy	Total New Allocations	% split
Key Settlement: <i>Barry</i>	2360	30%
Service Centre Settlements: <i>Cowbridge, Llantwit Major and Penarth,</i>	1606	21%
Primary Settlements (incl. reserve site) <i>(Dinas Powys, Lanndough, Rhoose, St Athan, Sully Wenvoe)</i>	2917	37%
Minor Rural Settlements	946	12%
Total	7829	

The rationale for not including settlements boundaries at minor rural villages and the relationship to the scale of growth requires further justification. Paragraph 7.29 (and Policy MD6 Development within Minor Rural Settlements) states that development will "generally comprise infilling or limited small scale extensions to the minor rural settlements, in particular where they meet the need for affordable housing". The policy appears to be in direct contrast with the scale of allocated units within some minor rural villages. Policy MD6 gives criteria for future development but does not restrict numbers. No settlement boundary in these locations could result in additional housing sites in less sustainable locations.

e) Spatial Strategy – Affordable Housing/Local Housing Market Assessment (LHMA)
The LHMA (2010) concludes that the affordable housing need is 915 dwellings per annum, equating to 13,725 over the plan period. We note that this includes the backlog (i.e. existing households in need of accommodation) and an analysis of household type and tenure. The LDP will contribute towards meeting the identified need through the provision of **2694 affordable homes** over the plan period (Policy SP4).

The LHMA (Table 6.13) highlights that the greatest areas of need are Barry, followed by the coastal zone and Penarth. Allocations have changed substantially to that set out in the previous Deposit Plan. For example, Policy MG 2 (Housing Allocations) shows that 2740 units are allocated in Barry and Penarth. However, the level of housing provision within Barry and Penarth has decreased significantly (by 912 units) from the 3652 units that were previously allocated in the first Deposit Plan. **The LHMA has not changed between the two Deposit Plans. It is unclear as to what extent the LHMA has informed the spatial distribution in this Deposit Plan or how the need for affordable housing has influenced the number and location of sites in the plan.**

B2. Deliverability

a) Deliverability: General

We support the aspirations of the strategy to deliver the level of growth and the strategic employment opportunities. However, such a dispersed pattern of growth does pose problems for infrastructure delivery, in particular sewerage infrastructure. The majority of development sites rely on private sector investment and implementation and many are subject to significant development constraints.

The Welsh Government is concerned about deliverability as many of the sites are dependent on infrastructure improvements which do not appear to have been costed, the significance of which may have a detrimental impact on the viability sites. This is potentially compounded when viability of development is considered in the round, a restrictive phasing policy and a lack of sufficient flexibility in the housing provision.

b) Deliverability and Implementation: Phasing of Allocations - Policy MG

Policy MG1 'Housing Supply' and The Housing Supply Background Paper (2013) state that the Council is proposing to release housing allocations over three successive five year periods, prioritising brownfield allocations and those that deliver key infrastructure. Appendix 4 of the Deposit Plan sets out the proposed phasing for housing allocations as follows: 2011-2016 = 1537 (307pa); 2016-2021 = 3197 (639pa); 2021-2026 = 2595 (519pa). **We object to Policy MG1 on the basis that the rationale for controlling the phasing of sites in favour of brownfield land is not clearly justified,** particularly as the Council has consistently struggled to maintain a five year housing land supply over recent years. (The County has only managed to achieve a five year housing land supply on one occasion in the past five years. Such a deficiency is contrary to national policy.)

Joint Housing Land Availability Studies (JHLAS 2012 & 2013) show that completion rates have been slower than anticipated (415 units) leading to a potential shortfall of 200 units. The authority should provide an update on sites with planning permission, sites under construction and housing completions prior to the examination.

Attaining higher build rates will only be feasible if the large strategic sites come forward as phased, especially in the early years of the plan. These sites account of 38% of site allocations. If construction is delayed on key sites it is likely to affect the plans ability to deliver the housing requirement. **It is vital that the monitoring framework identifies any significant shortfalls and is sufficiently robust to ensure the strategy is delivered. We have concerns regarding the appropriateness of the monitoring indicators.**

PPW (paragraph 2.5) advocates that phasing strategies should be flexible to allow for choice and to ensure that housing markets are effective. It states that phasing policies in the plan should only give a broad indication of the timescales for the release of the main development areas or identified sites, rather than an arbitrary numerical limit of permissions, or a precise order of release of sites in particular periods. **On this basis we consider policy MG 1 does not comply with national policy. It would not be appropriate to delay sites that are not constrained or integral to the delivery of key infrastructure in the plan** where there is a high level of demand for private and affordable homes. Such an approach would compound the existing problems of housing land supply.

Reserve Site (Land West of Swanbridge Road)

We object to the classification of Land West of Swanbridge Road as a reserve site. The site should be allocated and the timing of its release should not be restricted. The Welsh Government does not consider it appropriate to impede housing provision, as long as it accords with the plan's strategy and sustainability appraisal, particularly where it will resolve key issues identified in the plan.

c) Deliverability and Implementation - Infrastructure

We note the authority has produced a Draft Infrastructure Plan (September 2013). The aim of this document is to inform the CIL charging schedule and to demonstrate that the LDP is both realistic and deliverable. We note that the Council intends to produce a second phase to this work, which will include detailed feasibility, viability and costing information. **Without this detailed work, we consider there is a considerable gap in the evidence which needs to be addressed. The authority need to demonstrate that all allocations and related infrastructure and are financially viable and deliverable within the plan period.**

d) Community Infrastructure Levy / Planning Obligations

Deliverability of the plan is inextricably linked to infrastructure delivery. We note the Council has commenced work of a CIL schedule which will be subject to independent examination prior to adoption of the plan. Clarity on the implications for development arising from an inability to 'pool' future S106 agreements after 6th April 2015 should be carefully considered. As per the timescales set out in the current Delivery Agreement, and subject to the outcome of the examination, the Council will not be in a position to adopt a CIL charge until 2017.

Annex 1 of Draft Infrastructure Plan notes the infrastructure that is likely to be required through CIL. Appendix 2 sets out schemes that will be required through a CIL. **The Council should be certain that without a CIL charge in place, the required infrastructure is not beyond the tests set out in the CIL Regulations (R122) and delivery of sites and key infrastructure in the plan will not be inhibited.**

Policy MD4 – Community Infrastructure and Planning Obligations

Policy MD4 includes an expansive list of various planning obligations that may be sought from development through S106 agreements or CIL. The interrelationship between Policy MD4 and the Draft Infrastructure Plan is unclear. Where funding for related infrastructure is to be sought through planning obligations, the plan should specify the Council's priorities to inform the provision of infrastructure/mitigation and avoid development being unviable. This will also give clarity to applicants and developers.

e) Flood Risk

Paragraph 3.2.8 of the background paper 'Plan Preparation & Assessment of Flood Risk' (2013) states that four sites (which incorporate zone C2 land) have been included only where the Council is satisfied that built development would be sited outside of such zones, and/or the impacts of flooding would be able to be 'acceptably managed'. The following allocated sites are for residential and highly vulnerable uses are partly located in the Zone C2 flood plain.

- MG2 (5) Land to the East of Eglwys Brewis, St Athan (250 units)
- MG2 (7) Land Between new Northern Access Road and Eglwys Brewis (375 units)
- Land at Hayes Road Sully (Gypsy and Traveller Allocation) 18 Pitches

The authority should provide clear evidence of how flooding policy has been considered in the site selection process. PPW (Section 13.3) and TAN 15: 'Development and Flood Risk' clearly states that **highly vulnerable development (including residential and gypsy and traveller sites) and emergency services should not be allocated within Zone C2, regardless of a FCA.** The Welsh Government issued revised Development Advice Maps (DAMs) in March 2013. It is imperative that the authority confirms that the latest DAM maps have informed the site selection in the Revised Deposit Plan.

f) Sewerage / Drainage Capacity

The Draft Infrastructure Plan does not explain in sufficient detail how sewerage/drainage infrastructure will be delivered over the plan period. Appendix 5 of the LDP lists at least 28 housing allocations sites (including key sites) that have some or significant sewerage or water capacity issues requiring further modelling/consultation to determine what infrastructure improvements are required.

The authority should explain the scale of sites affected and the timing of how current constraints will be resolved.

B3. Gypsy and Travellers

a) Gypsy and Traveller Provision

Local authorities have a statutory duty under sections 225 & 226 of the Housing Act 2004 to consider the needs of Gypsies & Travellers, resulting in the identification of suitable sites in the LDP to meet identified unmet need (paragraph 17, Welsh Government Circular 30/2007 'Planning for Gypsy and Traveller Caravan Sites'). **The LDP should make provision to meet the identified need over the plan period to 2026 which currently is unclear.**

The evidence base is also unclear as to what and who the 18 pitch requirement relates to: Gypsies, New Travellers and/or Travelling Show people. **The evidence base should be clarified further to explain both the need and resulting pitch requirement as relates to the appropriate definition in WAG Circular 30/2007.**

b) (Policy MG 5 Land at Hayes Road Sully) - Suitability of Site

The site is partly situated in zone C2 flood plain. Evidence will be necessary to demonstrate that appropriate infrastructure to enable access and egress would be unaffected by the C2 designation. **The Welsh Government considers that the plan should demonstrate that the area has sufficient capacity to accommodate the stated use and scale to avoid conflict with regard to flood risk.**

Appendix 2 of the Draft Infrastructure Plan states that delivery of the site is in part reliant on the funding from Welsh Government. **The authority should clarify to what extent the deliverability of these sites is reliant on Welsh Government funding and in the absence of such funding, what are the implications for deliverability.**

c) Transit Provision

The authority has not made provision for a transit site in the LDP, and suggests that this should be dealt with at a regional level. The GTAA suggests there is a gap in provision of around 10 pitches close to the M4. **The plan should make provision for identified need, where the evidence indicates there is a need. Publication of the Consultation Paper and Draft Planning Bill may provide a statutory plan based approach to resolve this matter. The Welsh Government considers that a more strategic approach to land use planning, as highlighted through the Independent Advisory (IAG) Report, would resolve transit site matters along the M4 corridor in the medium to long term.**

B4. Policy SP5: Employment Requirements / MG 9 Employment Allocations

a) Strategic Employment Land Provision

Policy MG9 allocates 433.5ha at strategic employment sites to deliver 12,000-15,000 jobs in the key sectors; aerospace, high tech manufacturing, logistics and distribution. The aim of the strategic employment allocations is to support and provide a catalyst for new employment in the wider capital region. Such an approach is supported. **However, it is unclear how this significant uplift in job growth relates to the level of housing provision in the plan.** For example, how do the assumptions regarding base population, migration, and the working age profile relate to this increase in job growth and key objectives of the plan such as reducing out commuting?

Such a high level of employment growth may indicate that the population (working age profile) will need to increase and additional homes will be necessary to enable people to live in close proximity, delivering on the key objectives. **Given the scale of employment at St Athan & Cardiff Enterprise Zone the authority should consider allocating additional homes in line with the strategy to enable more sustainable communities and reduce current levels of out-commuting.** (See response B1.a)

There is a lack of evidence to explain the strategic employment allocation totalling 34.9ha (net) at Hensol (Policy MG 9.1 & MG 9.11). This settlement is not identified in the hierarchy and the evidence base concludes '*it is not clear what demand exists*' for the allocation.

b) Local Employment Land Provision

The Council has based their local employment supply on historic take-up rates for the period 2007-2011 (2.65ha per annum). Policy MG9 allocates 53ha of local employment land up to 2026 (with the inclusion of a 5-year buffer). We note that a longer period (1996-2007) would indicate a higher rate of 4.1ha per annum. Further clarification is required to explain that by projecting forward employment take up rates from a period of economic decline this will not adversely impact on the delivery on the economic objectives of the plan.

c) Spatial Distribution of Employment

Whilst it is difficult to demonstrate a direct and precise relationship between the level of housing and employment provision in a plan, it appears that there is limited employment provision in the key and service centre settlements.

The strategy aims to match existing and planned housing developments with new employment opportunities. However, there appears to be a misalignment with employment provision in relation to the settlement hierarchy. It is unclear why there are no employment allocations in the Service Centre Settlements to coincide with the proposed housing allocations. The Key Settlement of Barry and the wider South East Zone has been identified in the plan as having a significant residential population that will act as a focal point for growth over the plan period. Despite the high population density, just 7% of all employment allocations have been identified here to meet local need. **Additional employment sites in the South East Zone to meet local expansion and investment may be required.**

d) Deliverability of Employment Sites

Several employment allocations have significant constraints (Appendix 6, Deposit Plan). Constraints appear likely to affect the timing, viability and developable area of allocations, albeit some sites appear to be at a greater risk than others.

Based on the Council's evidence we have concerns regarding the deliverability of local employment allocations, many of which have been carried forward from the adopted Unitary Development Plan (UDP). For example, the employment site of Ffordd y Mileniwm, Barry (MG 9.5) is subject to flood risk, has no current sewage provision, contains archaeological resources and land value issues. This raises questions on deliverability and timing of release. Such constraints could reduce the net developable area and the authority should update Policy MG 9, total (net) local employment to account for this.

Further issues that exasperate deliverability are the estimated availability of local employment sites. Just 9% (approximately 2ha) of allocations will be available and serviced during the period 2014-2018; after this period many of the available sites will still not be served by utilities and road access. Table 32 of the Employment Land Study identifies that Barry will have little immediate supply, with 25.6ha unavailable for at least another 5 years. This limits the choice and flexibility to meet local demand.

It is vital that the monitoring framework identifies any shortfalls in delivering the level of employment in the plan period, including appropriate triggers that will inform how these issues will be addressed to maximise economic opportunities.

B5. Minerals

a) Housing allocations in minerals safeguarding areas

Further evidence is needed to support the rationale for allocating several housing and employment sites within Category 1 safeguarding areas which contain resources of national (UK and Wales) importance and Category 2 safeguarding areas. The Minerals Planning Background Paper (paragraph 4.27) states that the allocation will take precedence over the safeguarding requirement as the Council has considered the impact on the resource. Criteria (i) to (v) provide a justification for the allocation of sites affected by minerals safeguarding. However, the authority needs to demonstrate how the criteria have been applied to the assessment of sites in order to show how the allocations are acceptable and relative to the protection of the resource.

b) Policy SP9 Minerals

Clarity is required on how the land bank and Regional Technical Statement (RTS) requirements are being satisfied. The reasoned justification for Policy SP9 states that the assessment of the land bank has been based on MTAN 1: 'Aggregates' and the RTS 2008 requirements. The RTS 2008 suggests that whilst the Vale of Glamorgan did not have to make further provision, the situation should be kept under review as most of the reserves are in Bridgend. The Minerals background paper states that the RTS 2008 figures are high and that sufficient resources exist, such that there is no requirement to share reserves with Bridgend. However, it does recognise that the situation is economically depressed and monitoring is required. Clarity is required as to how reserves at Forest Wood Quarry have been counted as part of the land bank calculation and how this reserve has been 'shared' with Rhondda Cynon Taf.

c) Draft Regional Technical Statement (RTS) First Review

Table 5.3 of the draft First RTS Review shows that the Vale of Glamorgan has a shortfall of 13.55 million tonnes of crushed rock aggregates over the period 2011 to 2036. Whilst we acknowledge this document is in a draft form and the assessment is not strictly in accordance with MTAN 1: 'Aggregates', it would be prudent for the authority to demonstrate that the apportionment requirements over the LDP period can be satisfied. A criteria based approach is only likely to be appropriate where no future allocations are necessary over the plan period. It may be that the requirements indicated in the draft First RTS Review can be accounted for, but clarity would be beneficial given the Vale of Glamorgan's importance as a production area for limestone.

d) Policy MG20 - Development in Minerals Safeguarding Areas

Clarification on the application of the criteria would be beneficial. Are the criteria stand alone or should they be read in conjunction? For example, the application of criterion 4 relative to criterion 3 is unclear. If geological evidence on the quality and quantity of the resource shows it to be geologically poor and limited in extent, then it is not clear what value the application of criterion 4 would add. Criterion 4 could apply as a stand alone test.

Criterion 1 suggests that development should not proceed unless prior extraction occurred. This is undermined by the reasoned justification (paragraph 6.128) which suggests that market demand will be a factor in defining whether prior extraction is feasible. To be in accordance with national policy the reason for the safeguarded area and the long term benefit of the resource should be considered relative to the need for development and any short term economic arguments.

e) Policy MG23 Mineral Working

The supporting text (paragraph 6.138) states that "*priority will be given to the use of recycled material and secondary aggregates before new sources of primary materials are developed*". To aid clarity this should be included as a criterion in the policy if it is to be applied successfully.

Category C - In relation to soundness tests CE2, CE3, CE4: whilst not considered to be fundamental to the soundness of the LDP, there is considered to be a lack of certainty or clarity on the following matters which can usefully be drawn to your attention to enable you to consider how they might be addressed:

C1. Affordable Housing - Target, thresholds and commuted sums

a) Affordable Housing: Thresholds

We support lower thresholds and the use of commuted sums where the evidence indicates it is financially viable, particularly as affordable housing is considered to be a key issue for the plan to maximise delivery. This point is further reinforced by the proportion of small sites that could be captured under Policy MG4.

However, the conclusions of the report are not reflected in the policy. The report recommends that the Council should adopt a 10 unit threshold in Barry and Penarth. This reflects that brownfield sites in Barry and Penarth are generally more constrained. Whilst challenging, targets needs to be grounded in evidence and applicable to the majority of applications, whilst allowing site specific negotiations to occur, if/where necessary (on a limited number of sites). **The authority should explain how the 5 unit threshold that is contrary to the report findings will not prejudice the delivery of sites in Barry and Penarth.**

b) Affordable Housing: Commuted Sums

The policy position in respect of commuted sums is confusing. The reasoned justification (paragraph 6.28) explains that contributions in Barry, Llantwit, Rhoose and St Athan will provide an on site contribution of affordable housing. The position for other areas is unclear. Paragraph 6.30 states that new residential developments (within Cowbridge, Penarth, Dinas Powys, Wenvoe, Minor Rural and the Rural Vale) involving a net gain of 1-2 units will require a commuted sum. Paragraph 6.31 states that while the Council's preference is for on-site provision, the council may allow affordable housing to be delivered off site via a commuted sum. Does this apply to all areas? In addition paragraph 6.33 of the plan states that for sites of 3 or more dwellings, on site provision will be sought. This requirement is omitted from the policy.

Reference to commuted sums and as to what thresholds they apply to should be included in the policy and made more explicit in the supporting text. This will aid the clarity of the plan and give certainty to developers.

c) Affordable Housing: Target

The word "*minimum*" in the policy is inappropriate as there may be cases where a lower figure is all that can be achieved, based on viability and site specific considerations. The policy should include a reference to facilitate viability discussions, as is the case with other local authority plans/policies in those instances where the set level sought cannot be achieved due to viability matters. This will then allow viability evidence to influence a different outcome, based on evidence, not inhibiting development from coming forward.

d) Affordable Housing: Viability Work / Ministerial Statement (July 2013)

The Council should update the financial viability work to take into account the implications of the recent Ministerial Statement (July 2013) which makes it clear that Part L will have a close to cost neutral effect on building costs. Based upon the domestic fire safety requirements costs outlined in the Consultation Regulatory Impact Assessment, equate on average to £3,100 per domestic property (Previous examinations assumed £7,300).

The Council's delivery agreement states adoption of the plan in January 2017. At the time of the examination the overarching viability study will be five years out of date. It will be important for the Council to monitor any significant change to requirements which could have a consequential impact on viability. **The authority should consider providing an update to the viability evidence prior to examination, as has been the case in the other authorities.**