

C2. MD 18 Gypsy & Traveller Accommodation Criteria Based Policy

Welsh Government Circular 30/2007 'Planning for Gypsy and Traveller Caravan Sites' requires criteria based policies to be fair, reasonable, realistic and effective in delivering sites, and that policies should not rule out or place undue constraints on the development of sites (paragraph 25). The following criteria of Policy MD18 appear overly restrictive:

- Criterion 1 –Gypsy and Travellers should be treated the same as others. It is not reasonable that an application for a new site would be refused if residents could be accommodated on another site. This is not in line with national policy.
- Criterion 2 – Is not in line with the freedom of choice to make individual private Gypsy and Caravan site provision (Circular, paragraph 5). Sites may be on the outskirts of built up areas as well as in rural & semi rural settings (Circular, paragraph 26).
- Criterion 3 – Could be expressed more positively (Circular, paragraph 26)
- Criteria 4 – For private Gypsy and Travellers the caravan site licensing system (and related model standards) deal with public health on site services and arrangements.
- Criteria 5 – The phrase “adequacy of the existing highway network to serve the site” may go beyond the guidance with the Circular (Para 21 and Annex B, Para 4).

C3. Monitoring Framework (Chapter 9)

Mechanisms for implementation and monitoring need to be sufficiently clear and sensitive to provide an early alert to avoid non-delivery. The Monitoring Framework needs to be clear and sensitive to ensure the plan is delivered. A transparent and comprehensive monitoring framework should be an integral part of an LDP. Currently, the LDP monitoring framework has shortcomings regarding trigger points and unspecified actions to redress matters. We object to the following assessment trigger (2021) for the following topic areas:

- PT2, PT19, PT20, PT22, PT 23 - Housing, affordable housing and gypsy and traveller site related indicators
- PT3, PT24, PT25 – Employment related indicators

The assessment trigger point of 2021 (phase three of the plan) for many of the indicators is not appropriate. To ensure delivery of the plan and compliance with national policy shorter timescales should be included to ensure that a review could be triggered if sites are not coming forward as anticipated in time to rectify the problem.

- The affordable housing monitoring should include an indicator relating to affordable housing thresholds in the plan.
- The LPA should consider the merits of expanding on the list of key housing sites, infrastructure, and employment schemes that are required to deliver the strategy. This could aid the delivery of the key sites and infrastructure within the plan.

Employment - Monitoring Framework

The Council does not formally record employment land take-up (Employment Land Study, paragraph 8.5). The authority should explain how the land bank is updated by evidencing supply and identifying areas of demand.

- Employment land monitoring: PT3 and duplicated in PT25 (part). The assessment trigger should be reduced from 10% to 5% reduction in the target of 26.5ha of local employment land developed by 2021.
- Strategic employment site monitoring: PT24. Trigger weak and requires amendment to quantify the scale of employment land to be developed in the Enterprise Zone by 2021. Unclear why the Strategic Site at J34 M4 has been omitted from the monitoring.

- St Athan Enterprise Zone: PT34. As the Northern Access Road is significant to the delivery of the site, there should be an additional trigger (inline with the master plan in 2018) to ensure construction commences by 2020.
- An additional indicator should be included to monitor the supply/demand of employment sites in Cowbridge. If a shortage of premises/sites is evidenced the Local Authority need to identify a viable location.

C4. Best and Most Versatile (BMV) Agricultural Land

The quality of agricultural land has been highlighted in the plan as a potential constraint to development (75 hectares, 1,800 units). This includes four strategic housing sites, one site in a primary settlement and five allocations are in the minor rural villages. Some of the sites have either increased in capacity or are new additions to the revised Deposit Plan.

The Welsh Government accepts that greenfield land will be required to meet the scale of growth identified over the plan period. However, the Welsh Government considers that the scale of loss is of national significance and should not be disregarded lightly. **The Welsh Government considers that the LPA should thoroughly evidence the selection of sites and demonstrate that any loss of BMV agricultural land is minimised, only used when fully justified, as set out in PPW, paragraph 4.10.1.** The authority should also explain the rationale for allocating new sites in these areas, especially as they were not included in the previous Deposit Plan.

Category D - matters relating to clarity of the plan generally which may be of assistance to your authority and to the Inspector in considering suitable changes.

Policy MD 15 – New Employment Proposals

Paragraph 7.71 - Clarify why applicants may need to consider alternative employment sites outside the plan area and the scale and nature of the proposal that could warrant this.

Policy MD 16 – Protection of Employment Land and Premises

LPA should identify key employment sites for protection on the Proposals Map. Last sentence of policy needs to be re-written for clarity. It appears contrary to the need to safeguard employment sites and it's unclear how the Council will seek 'the provision of equivalent on-site employment uses and/or premises' for the 'other use'.

Flooding: Site MG32 Llandough Landings

Site falls within Zone C1 and needs to be justified in accordance with TAN15 (Para 10.5).

Renewable Energy (Policy MD 19 – Low Carbon and Renewable Energy Generation/ Background Paper

Further consideration needs to be given to locations identified in the Energy Study and Assessment documents as potentially viable areas or sites for different renewable energy technologies. It is recommended that these areas be incorporated on the proposals map.

Renewable energy targets

The Renewable Energy Assessment identifies increases by 2020 in the percentage of the Vale of Glamorgan's electricity and heat met by renewable energy sources. Objective 2 could benefit from further clarification in relation to the background evidence.

Policy MD10 – Promoting Biodiversity Page

Remove "where possible" from the policy to reflect its aim.

Bowen, Dawn

From: [Redacted]
Sent: 27 March 2015 15:58
To: Planning & Transportation (Customer Care)
Subject: New comments for application 2015/00249/FUL
Attachments: Redrow Planning Objection.doc; Ger Y Lan photos.pdf

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., CF5 6SG

Comment type:
Objection

Comments:
Planning Application by Redrow Homes (South Wales) Limited - Land to the East of St Nicholas I wish to object to the planning application dated 6 March 2015 submitted on behalf of Redrow Homes (South Wales) Limited ("Redrow") under your references 2015/00249/FUL and 2015/00283/CAC ("the Application").
References in this letter to "the LDP" relate to Deposit Local Development Plan of the Vale of Glamorgan Council ("the Council") dated November 2013. References to "Policy MD *" relate to the draft policies of the Council as set out in the LDP.
The grounds of my objection are as follows:

(Please see attached 2 no Files)

Yours sincerely
Cliff Lewis

The following files have been uploaded:
Redrow Planning Objection.doc
Ger Y Lan photos.pdf

Case Officer:
Mr. Steven Rennie

Area:
North

RECEIVED

30 MAR 2015

D.E.E.R
RECEIVED
ACTION BY: JMG/SR
NO: 13
ACK:

Bowen, Dawn

From: [REDACTED]
Sent: 30 March 2015 21:06
To: Planning & Transportation (Customer Care)
Subject: New comments for application 2015/00249/FUL
Attachments: Housing Planning Objection - cw - 30Mar15.docx

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

Address:
three tuns,cow bridge road,st nicholas,CF56SH

Comment type:
Objection

Comments:
Please see my attached letter of objection.

The following files have been uploaded:
Housing Planning Objection - cw - 30Mar15.docx

Case Officer:
Mr. Steven Rennie

Area:
North

D.E.E.R
RECEIVED
ACTION BY: Jmc SR
NO: 26
ACK:

RECEIVED

31 MAR 2015

Chris Williams
Three Tuns
Cowbridge Road
St Nicholas
Vale of Glamorgan

31 March 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

This is a letter of objection to the above planning application. I own the above Grade II Listed property, which is located in the Village of St Nicholas to the east of the proposed access road. Whilst I am particularly concerned with the impact the proposed development will have on his residential amenity, I have 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 Conversation 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, 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.

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, 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 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 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 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 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, I do 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 \$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 Residential Amenity

I am extremely worried about the impact that the proposed development will have on my property. My 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 property.

Moreover, whilst I enjoy 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.

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, i strongly 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. 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.
- i consider 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.

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

Yours Sincerely,

Chris Williams

D.E.E.R	
	JMC-SR
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ACK	

RECEIVED

31 MAR 2015

Chris Williams
Three Tuns
Cowbridge Road
St Nicholas
Vale of Glamorgan

31 March 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

This is a letter of objection to the above planning application. I own the above Grade II Listed property, which is located in the Village of St Nicholas to the east of the proposed access road. Whilst I am particularly concerned with the impact the proposed development will have on his residential amenity, I have 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 Conversation 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, 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.

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, 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 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 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 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, I do 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 \$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 Residential Amenity

I am extremely worried about the impact that the proposed development will have on my property. My 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 property.

Moreover, whilst I enjoy 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.

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, i strongly 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. 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.
- i consider 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.

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

Yours Sincerely,

Chris Williams

Bowen, Dawn

From: [REDACTED]
Sent: 30 March 2015 14:24
To: Planning & Transportation (Customer Care)
Subject: New comments for application 2015/00249/FUL
Attachments: Redrow Planning Objection.docx

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

Address:
Trehill Farmhouse, St Nicholas, Cardiff, CF5 6SJ

Comment type:
Objection

Comments:

Other type details: Included in attached letter.

Comment: Letter attached showing a number of objections including:

1. Conservation area
 2. Dismantling of Emmaville in Conservation area
 3. Agriculture land that should not be built on
 4. Mostly outside the settlement boundary in open countryside
 5. Access to main road
 6. Impact on the small existing village - totally changing the character, lack of facilities to support 79 houses, not integrated and therefore unsustainable
 7. Fit with the Wales Spatial Plan and Planning Policy Wales.
 8. No apparent need for social housing
 9. Limited open space as portrayed on application
 10. Premature to grant permission with revised Local Development Plan to be available shortly
- Details in attached letter.

The following files have been uploaded:
Redrow Planning Objection.docx

Case Officer:
Mr. Steven Rennie

Area:
North

D.E.E.F
RECEIVED
ACTION BY: JMC - SR
NO: 12
ACK:

RECEIVED

31 MAR 2015

Trehill Farmhouse
St Nicholas
Cardiff
CF5 6SJ

Mr Steven Rennie
Senior Planning Officer
Vale of Glamorgan Council
Planning & Transportation Department
Dock Office
Barry Docks
Barry
CF63 4RT

30th March 2015

Dear Sir,

Planning Application 2015/00249/FUL – Land East of St Nicholas
Development of 79 houses and associated open space vehicular
and pedestrian access landscaping and infrastructure,
including the demolition of Emmaville

I wish to object to the above Planning application on a number of reasons as it has a huge impact on the village of St Nicholas. My emailed objection submitted online included the following Points:

1. Designated Conservation area
2. Dismantling of Emmaville in Conservation area
3. Agriculture land that should not be built on
4. Mostly outside the settlement boundary in open countryside
5. Access to main road
6. Impact on the small existing village
 - a. totally changing the character,
 - b. lack of facilities to support 79 new houses
 - c. not integrated and therefore unsustainable
7. Fit with the Wales Spatial Plan and Planning Policy Wales.
8. No apparent need for social housing
9. Limited open space as portrayed on application
10. Premature to grant permission with revised Local Develop Plan to be available shortly

Obviously the biggest issue is the impact on current village life, and I am concerned that details of such a large application was not sent to all residents in St Nicholas including myself.

The application is for a large expansion outside an existing village within a Special Landscape area and the proposal is mainly on agricultural land. This will totally change the village and surrounding areas.

It does not fit in with the Wales Spatial Plan and Policy Planning Wales.

RECEIVED

31 MAR 2015

There are no new facilities on the proposal which makes the development unsustainable alongside existing village.

There is no apparent need for "social housing" in St Nicholas.

Therefore the Vale of Glamorgan Council should turn down this application on current Policies in terms of:

- Development in Open Countryside
- Protection of the Countryside and particularly in a Conservation Area
- Special Landscape area
- Wales Spatial Plan

A number of accidents have occurred recently on the A48 and the proposed access through Emmaville will create more problems. Emmaville should not be dismantled as it is in a Conservation area.

The Council must therefore listen to the existing villagers who have meet at a public meeting and objected to this development.

Yours faithfully,

Richard Jones

D.E.E.F
RECEIVED
ACTION BY JMC - SR
NO: 12
ACK:

RECEIVED

31 MAR 2015

Bowen, Dawn

From: [REDACTED]
Sent: 30 March 2015 14:44
To: Planning & Transportation (Customer Care)
Subject: New comments for application 2015/00249/FUL
Attachments: Redrow Planning Objection WJ.docx

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

Address:
Trehill Farmhouse, St Nicholas, Cardiff, CF5 6SJ

Comment type:
Objection

Comments:

Object on a number of grounds e.g.

1. Designated Conservation area
2. Dismantling of Emmaville in Conservation area
3. Agriculture land that should not be built on
4. Mostly outside the settlement boundary in open countryside
5. Access to main road
6. Impact on the small existing village
 - a. totally changing the character,
 - b. lack of facilities to support 79 new houses
 - c. not integrated and therefore unsustainable
7. Fit with the Wales Spatial Plan and Planning Policy Wales.
8. No apparent need for social housing
9. Limited open space as portrayed on application
10. Premature to grant permission with revised Local Develop Plan to be available shortly

The following files have been uploaded:
Redrow Planning Objection WJ.docx

Case Officer:
Mr. Steven Rennie

Area:
North

D.E.E.R
RECEIVED
ACTION BY: JMC -SR
NO: 14
ACK:

RECEIVED

31 MAR 2015

RECEIVED

31 MAR 2015

Trehill Farmhouse
St Nicholas
Cardiff
CF5 6SJ

Mr Steven Rennie
Senior Planning Officer
Vale of Glamorgan Council
Planning & Transportation Department
Dock Office
Barry Docks
Barry
CF63 4RT

30th March 2015

Dear Sir,

Planning Application 2015/00249/FUL – Land East of St Nicholas
Development of 79 houses and associated open space vehicular
and pedestrian access landscaping and infrastructure,
including the demolition of Emmaville

I wish to object to the above Planning application on a number of reasons as it has a huge impact on the village of St Nicholas. My objection covers the following Points:

1. Designated Conservation area
2. Dismantling of Emmaville in Conservation area
3. Agriculture land that should not be built on
4. Mostly outside the settlement boundary in open countryside
5. Access to main road
6. Impact on the small existing village
 - a. totally changing the character,
 - b. lack of facilities to support 79 new houses
 - c. not integrated and therefore unsustainable
7. Fit with the Wales Spatial Plan and Planning Policy Wales.
8. No apparent need for social housing
9. Limited open space as portrayed on application
10. Premature to grant permission with revised Local Develop Plan to be available shortly

Obviously the biggest issue is the impact on current village life, and I am concerned that details of such a large planning application was not sent to all residents in St Nicholas including myself. The proposal will create a new and separate village.

The application is for a large expansion outside an existing village within a Special Landscape area and the proposal is mainly on agricultural land. This will totally change the village and surrounding areas.

It does not fit in with the Wales Spatial Plan and Policy Planning Wales.

There are no new facilities on the proposal which makes the development unsustainable alongside existing village.

There is no apparent need for "social housing" in St Nicholas.

Therefore the Vale of Glamorgan Council should turn down this application on current Policies in terms of:

- Development in Open Countryside
- Protection of the Countryside and particularly in a Conservation Area
- Special Landscape area
- Wales Spatial Plan

A number of accidents have occurred recently on the A48 and the proposed access through Emmaville will create more problems. Emmaville should not be dismantled as it is in a Conservation area.

The Council must therefore listen to the existing villagers who have meet at a public meeting and objected to this development.

Yours faithfully,

Wendy Jones.

D.E.E.R
RECEIVED
ACTION BY: JMC - SR
NO: 14
ACK:

RECEIVED

31 MAR 2015

4 Broadway Green
St Nicholas
Vale of Glamorgan
CF5 6SR

D.E.E.R
RECEIVED
ACTION BY: JMC/SLR
NO: 18
ACK:

logged
RECEIVED

2 APR 2015

ENVIRONMENTAL
AND ECONOMIC
REGENERATION

31 March 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.

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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.

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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 \$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.

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AND ECONOMIC
REGENERATION

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,



ANWEN HOPKINS
7 BUTTON ROAD
ST NICHOLAS
CF5 6ST.

31 March 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
NO: 15
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AND ECONOMIC
REGENERATION

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.

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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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- **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 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.

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- 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.

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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 preservation 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

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REGISTRATION
DEPARTMENT

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.

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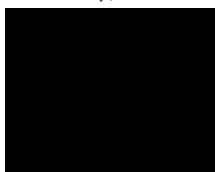
ENVIRONMENTAL
AND ECONOMIC
REGENERATION

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,



1)

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

Mr. C. A. Lewis
 Village Farmhouse.,
 St. Nicholas.
 Cardiff.
 CF5 6SG

31st March 2015

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 to 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.

2)

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).”

3)

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

4)

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

5)

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:

6)

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.***

7)

- *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.

8)

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.

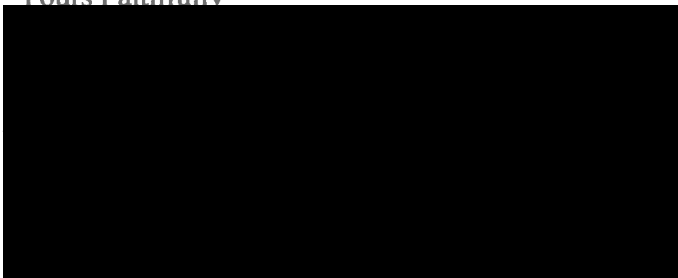
9)

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 Faithfully



Fairmead Lodge
Cambridge Road
St Nicholas
CF5 6SH

31 March 2015

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

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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.

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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, 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.

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- 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.

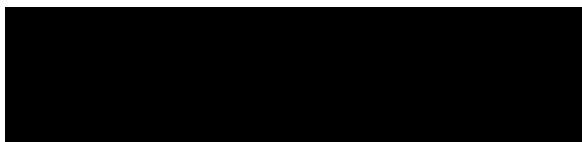
Whilst the application site is not identified as being of key importance to the Conservation Area within the St Nicholas Conservation Area Appraisal and Management Plan (2009), there still remains the statutory duty provided by Planning (Listed Buildings and Conservation) Areas Act (1990) for Local Authorities 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

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,



RECEIVED
2 April 2015
ENVIRONMENTAL
AND ECONOMIC
REGENERATION

Fairmead Lodge
Cowbridge Road
St. Nicholas.

31st March 2015

Dear Mr Rennie,

In addition to the attached document I would like to add my own perspective.

I am a new resident to St. Nicholas. I am of retirement age and the attraction to buy here was that it was a small charming village with a lot of history and character. It is in a conservation area and well kept.

Tomnaville is opposite my property and I am therefore very much affected by the proposals, should this property be demolished (which is a sin in itself) and a new development built, the gateway to the village and the Vale would completely lose its charm.

There is no call for affordable housing in St. Nicholas, quite the opposite in fact,

as you have to pay a premium to live in this lovely village.

The bus fare to Culverhouse Cross is £6.40 return for an adult and £4.10 for a child. Should the

residents of the proposed development in affordable housing not own a car then shopping, doctor, dentist visits etc would be very expensive.

To build the proposed development would increase the population of the village by around 60 per cent in one go which is most unacceptable and there are no facilities in the village for these people.

Affordable housing, in my view, would be best put where it is most needed and where there are existing facilities. There is plenty of land in the Vale which could be utilised without spoiling the small villages of character!

Yours sincerely,
Chris McCormack

Mrs Mrs J. REES
FEENLEY,
ST. NICHOLAS
VALE OF GLAMORGAN
CFS 6SQ

31 March 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/SR2
NO:
ACK:

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AND ECONOMIC
REGENERATION

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.

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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.

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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:

- ***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 \$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

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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.

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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]

31 March 2015

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

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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:

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.

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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.

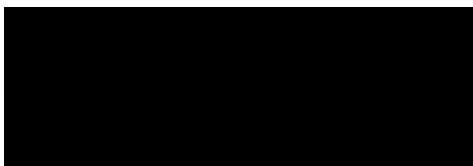
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Summary

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;
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- The application does not accord with emerging Planning Policy as:
 - The access is inappropriately located;
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- 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,



St Nicholas Housing Development

- A planning application for 79 dwellings is currently under consideration for land east of St Nicholas
- A further application for up to 30 more dwellings is expected
- A new access road would be created onto the A48

We need your help to ensure that there are as many responses as possible:

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



Attached is a sample letter of objection that you may send in. Alternatively, there is a copy online of the letter for you to email or send to the council via their website.

Further information can be found at:

www.StNicholasVillage.UK

Send off today please Apr 1st

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31 March 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

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My concerns include:

- The Welsh Government's presumption against unsustainable development;
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Each issue is considered in turn below.

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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."***

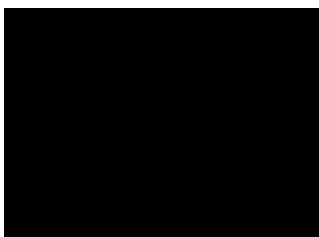
On this basis the Council advised the applicant that ***"careful consideration should be given to ensuring that the proposed development would not have any adverse impact on the character of the conservation Area, through use of sensitive and suitable house design and layout."***

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.



SARAH RAISANEN

PJO

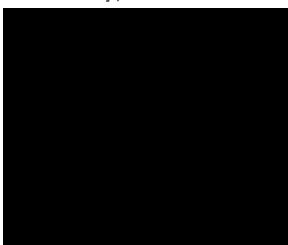
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ENVIRONMENTAL
AND ECONOMIC
REGENERATION

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,



SARAH
RAISANEN

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ACTION BY: JMC/SRZ
NO: 17
ACK: eoygeu

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1 APR 2015

ENVIRONMENTAL
AND ECONOMIC
REGENERATION

Chris Williams
Three Tuns
Cowbridge Road
St Nicholas
Vale of Glamorgan

31 March 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

This is a letter of objection to the above planning application. I own the above Grade II Listed property, which is located in the Village of St Nicholas to the east of the proposed access road. Whilst I am particularly concerned with the impact the proposed development will have on his residential amenity, I have 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 Conversation 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, 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.

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, 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 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 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).”

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 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 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, I do 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.

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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 \$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 Residential Amenity

I am extremely worried about the impact that the proposed development will have on my property. My 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 property.

Moreover, whilst I enjoy 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.

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.

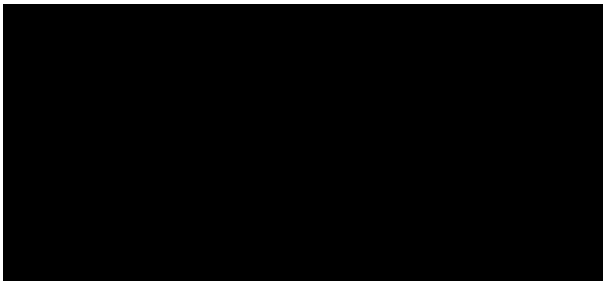
Summary

In light of the analysis presented above, i strongly 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. 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.
- i consider 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.

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



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1 APR 2015
ENVIRONMENTAL
AND ECONOMIC
REGENERATION

2 Broadway Green

St Nicholas

Vale of Glamorgan

CF5 6SR

31 March 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.
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- **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.
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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.

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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.

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