

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

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

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

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

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

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

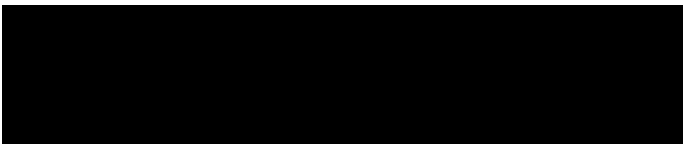
There can be no certainty that the proposed development will have ***"no unacceptable impact on the Conservation Area"*** as claimed in Section 9 of the Design and Access Statement.

## Summary

I object to the proposed development on the following grounds:

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

Yours Sincerely,



RECEIVED

1 FEB 2015

ENVIRONMENTAL  
AND ECONOMIC  
REGENERATION

MR. J KUCK  
2 MEYRICK COTTAGE  
ST. NICHOLAS  
CARDIFF  
CF56SQ

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/SR
NO: 11
ACK:

RECEIVED  
1 APR 2015  
ENVIRONMENTAL  
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 20<sup>th</sup> 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,



JOSEPH KUCK

RECEIVED  
7 JUN 2015  
ENVIRONMENTAL  
AND ECONOMIC  
REGENERATION

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.

RECEIVED

1 APR 2015

ENVIRONMENTAL  
AND ECONOMIC  
REGENERATION

D.E.E.R
RECEIVED
ACTION BY: JMC/SRZ
NO: 10
ACK:

Kate Williams  
Three Tuns  
Cowbridge Road  
St Nicholas  
Vale of Glamorgan

logged

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 20<sup>th</sup> 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 16<sup>th</sup> 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,

A large black rectangular redaction box covers the signature area.

Kate Williams

RECEIVED  
1 APR 2014  
ENVIRONMENTAL  
AND ECONOMIC  
REGENERATION

2 BROADWAY GREEN  
ST. NICHOLAS  
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 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 20<sup>th</sup> 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 \$106 contribution being provided to mitigate the impact of the proposed development on existing education facilities, the development will clearly lead to the need to expand and extend the existing school, or to alter the school's admissions policy. No information has been provided by the applicant which demonstrates whether this is achievable, or whether capacity will need to be created in an alternative location, which could, given the frequency of the bus service and the need to safeguard children of a primary age, lead to a dependency on the car for pupils to attend school.

#### **The Impact on the St Nicholas Conservation Area**

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

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

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

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

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

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

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

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

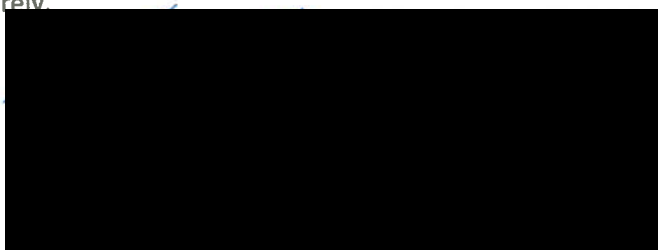
There can be no certainty that the proposed development will have ***"no unacceptable impact on the Conservation Area"*** as claimed in Section 9 of the Design and Access Statement.

## Summary

I object to the proposed development on the following grounds:

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

Yours Sincerely,



RECEIVED  
14  
ENVIRONMENTAL  
AND ECONOMIC  
REGENERATION

Ty Gof.  
St. Nicholas.  
Nr Cardiff.  
CF5 6SH.  
31. 3. 15.

Dear Sirs,

We wish to strongly oppose the planning application 2015/00249/FUL for development of land at St. Nicholas.

The site is a greenfield site on very good agricultural land. It is a dense development, completely out of character with this small conservation village. The number of dwellings proposed would mean a huge percentage increase to the size of the existing village; thus putting increased pressure on our services.

There is no safe access to this site. We have witnessed many casualties and fatalities over the years and peoples safety is of paramount importance. The added volume of traffic would add to the congestion both in the village and at Culverhouse Cross.

We see from the plan that 22 of these properties are allocated as social housing. We are led to believe that surveys have indicated that there is no demand for social

breeding in this area.

There is a complete lack of amenities in the village and perhaps urban areas would benefit from renovation of their buildings which lie desolate and regeneration of their brown field sites; before decimating a pretty rural village.

St. Nicholas is a village of historic and architectural interest it would be a crying shame if it was vandalised in this way.

Yours faithfully.



RECEIVED  
1 APR 2015  
ENVIRONMENTAL  
AND ECONOMIC  
REGENERATION

.....  
.....  
.....  
.....

**Robert & Sheila Phillips  
Llaneinydd  
St Nicholas  
Vale of Glamorgan  
CF5 6SG**

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 20<sup>th</sup> 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

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.

**Hardy, Carole A**

---

**From:** [REDACTED]  
**Sent:** 03 April 2015 15:11  
**To:** Planning & Transportation (Customer Care)  
**Subject:** New comments for application 2015/00249/FUL

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

**Address:**  
4 Ger y Llan, St Nicholas, Vale of Glamorgan, CF56SY

**Comments:**

The proposal involves building outside the village envelope as defined by the UDP which is the relevant plan under section 38(6). Development of this kind in the countryside is contrary to local and national policy. Little weight would be attached to the LDP as it has not been examined for soundness. The development is out of scale and proportion to the historic village; a village which has little left in terms of community facilities which renders the inhabitants dependent on car transport contrary to the principle of sustainable development. The application should be rejected. The development would aggravate the congestion on the A48.

**Case Officer:**  
Mr. Steven Rennie

D.E.E.R
RECEIVED
ACTION BY: Jmc/SR
NO: 41
ACK:

RECEIVED

- 7 APR 2015

ENVIRONMENTAL  
AND ECONOMIC  
REGENERATION

**Hardy, Carole A**

---

**From:** Deborah Kerslake [REDACTED]  
**Sent:** 02 April 2015 23:19  
**To:** Planning & Transportation (Customer Care)  
**Subject:** Fwd: Planning Application 2015/00249/FUL

Please find attached objection as above - development in St Nicholas although even local South Wales Police speed camera operator told us it was being developed and 30 mph speed limit boundary shortly to be moved - so perhaps all in vain !!

Deborah Kerslake

D.E.E.R
RECEIVED
ACTION BY: Jmckr
NO: 38
ACK.

**RECEIVED**

**= 7 APR 2015**

ENVIRONMENTAL  
AND ECONOMIC  
REGENERATION

**Hardy, Carole A**

**From:** Deborah Kerslake [REDACTED]  
**Sent:** 02 April 2015 23:21  
**To:** Planning & Transportation (Customer Care)  
**Subject:** Fwd: Planning Application 2015/00249/FUL  
**Attachments:** community\_letter 2015.docx

----- Original Message -----

Subject: Planning Application 2015/00249/FUL

From: "Kerslake, Deborah" [REDACTED]

Sent: 11:46, Thursday, 2 April 2015

To: [REDACTED]

CC: [REDACTED]

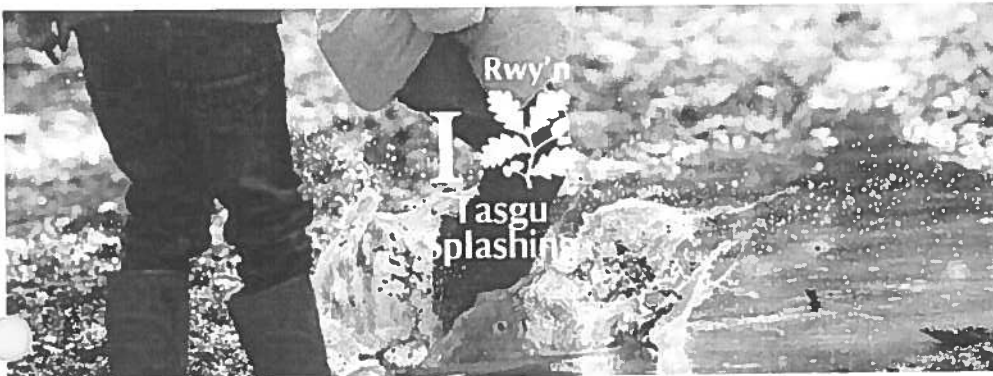
Assistant Business Support Co-ordinator  
National Trust  
Dyffryn Gardens  
[REDACTED]

DEER
RECEIVED
ACTION BY: Jme/SR
NO: 39
OK:

RECEIVED

- 7 APR 2015

ENVIRONMENTAL  
AND ECONOMIC  
REGENERATION



The National Trust is a registered charity no. 205846. Our registered office is Heelis, Kemble Drive, Swindon, Wiltshire SN2 2NA.

The views expressed in this email are personal and may not necessarily reflect those of the National Trust unless explicitly stated otherwise.

This email and any files transmitted with it are confidential and intended solely for the use of the individual or entity to whom they are addressed. If you have received this email in error, please notify me immediately. If you are not the intended recipient of this email, you should not copy it for any purpose, or disclose its contents to any other person. Senders and recipients of email should be aware that, under the Data Protection Act 1998, the contents may have to be disclosed.

This email has been scanned by the MessageLabs Email Security System. For more information please visit <http://www.messagelabs.com/email>. However the National Trust cannot accept liability for viruses that may be in this email and we recommend that you check all emails with an appropriate virus scanner.

07 April 2015

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

RECEIVED

- 7 APR 2015

ENVIRONMENTAL  
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 Elly 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 20<sup>th</sup> December 2013. The correspondence, which also argues that the proposed Plan is potentially in conflict with some of its Key Objectives, states that:

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

Furthermore:

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

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

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

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

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

### The emerging Allocation

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

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

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

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

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

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

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

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

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

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

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

### **The Application's Conformity to PPW's Objectives**

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

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

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

#### ***Land at Rockfield Road, Monmouth***

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

#### ***Land at Red Barn Farm, Abergavenny***

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

#### ***Began Road, Cardiff***

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

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

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

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

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

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

#### The Impact on Community Infrastructure

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

#### The Impact on the St Nicholas Conservation Area

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

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

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

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

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

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

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

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

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

## Summary

I object to the proposed development on the following grounds:

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

Yours Sincerely,

## Hardy, Carole A

---

**From:** Ian Perry [REDACTED]  
**Sent:** 04 April 2015 00:00  
**To:** Planning & Transportation (Customer Care)  
**Subject:** Planning Application: 2015/00249/FUL  
**Attachments:** St Nicholas evidence document.pdf

The application site is located within the countryside and the Ely Valley and Ridge Slopes Special Landscape Area. The proposed dwellings have not been justified on the basis of agricultural or forestry needs and the proposal therefore constitutes inappropriate development that would have a harmful effect on the surrounding rural character of the area and the Special Landscape Areas. Furthermore, the application involves the irreversible development of Grade 3A agricultural land, which is protected as the best and most versatile land. As such, the proposal is contrary to Policies ENV1 - Development in the Countryside, ENV2 - Agricultural Land, ENV4 - Special Landscape Areas, ENV10 - Conservation of the Countryside, HOUS2 - Additional Residential Development and HOUS3 - Dwellings in the Countryside of the Vale of Glamorgan Adopted Unitary Development Plan 1996-2011.

The proposed development is unsustainable - lacks accessibility!

### Full objection and reasoning attached

Sent by email as website isn't functioning...

Ian Perry  
2 Ger-Y-Llan  
St Nicholas  
Vale of Glamorgan  
CF5 6SY

D.E.E.R
RECEIVED
ACTION BY: Jmcjsk
NO: 49.
ACK:

RECEIVED

- 7 APR 2015

ENVIRONMENTAL  
AND ECONOMIC  
REGENERATION

## The proposed development east of St Nicholas (2015/00249/FUL):

- Does not fit with the Wales Spatial Plan and the associate Planning Policy Wales and Technical Advice Notes.
- Is disproportionate in scale and character to the existing settlement
- Lies outside of the current settlement boundary in open countryside, on the best agricultural land
- Extends St Nicholas along the A48, something the Special Landscape Area is supposed to prevent
- Insufficient evidence to say that this development is necessary
- Has extremely poor access to amenities and services - without use of the private car
- Is too far from bus stops
- Is not spatially aligned with employment or leisure opportunities
- It's premature to grant permission in the light of the emerging Local Development Plan (LDP)
- The development would increase the settlement size by 65%
- The site is predominantly grade 3a agricultural land.
- The development would remove a significant part of the Conservation Area
- 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 application site is located within the countryside and the Ely Valley and Ridge Slopes Special Landscape Area. Policy HOUS2 outlines that no additional residential development (aside from that justified for agricultural or forestry purposes) will be permitted within the countryside. The proposed dwellings have not been justified on the basis of agricultural or forestry needs and the proposal therefore constitutes inappropriate development that would have a harmful effect on the surrounding rural character of the area and the Special Landscape Areas. Furthermore, the application involves the irreversible development of Grade 3A agricultural land, which is protected as the best and most versatile land, and could prejudice the use of the adjoining agricultural land. As such, the proposal is contrary to Policies ENV1 - Development in the Countryside, ENV2 - Agricultural Land, ENV4 - Special Landscape Areas, ENV10 - Conservation of the Countryside, HOUS2 - Additional Residential Development and HOUS3 - Dwellings in the Countryside of the Vale of Glamorgan Adopted Unitary Development Plan 1996-2011.

**Full analysis follows**

RECEIVED  
- 7 APR 2015

ENVIRONMENTAL  
AND ECONOMIC  
ASSESSMENT



# Wales Spatial Plan and Planning Policy Wales

## Planning Policy Wales - Chapter 9 - Housing - July 2014

### Relevant paragraphs:

*9.3.6 New house building and other new development in the open countryside, away from established settlements, should be strictly controlled.*

*9.2.22 In planning for housing in rural areas it is important to recognise that development in the countryside should embody sustainability principles, benefiting the rural economy and local communities while maintaining and enhancing the environment. ... Sensitive filling in of small gaps, or minor extensions to such groups, in particular for affordable housing to meet local need, may be acceptable, but much depends upon the character of the surroundings, the pattern of development in the area and the accessibility to main towns and villages.*

*9.3.2 Sensitive infilling of small gaps within small groups of houses, or minor extensions to groups, in particular for affordable housing to meet local need, may be acceptable, though much will depend upon the character of the surroundings and the number of such groups in the area. **Significant incremental expansion of housing in rural settlements and small towns should be avoided where this is likely to result in unacceptable expansion of travel demand to urban centres** and where travel needs are unlikely to be well served by public transport.*

St Nicholas is a minor rural settlement with 140 dwellings. Residents are car dependent, unless they use the limited, infrequent and expensive (£6.90 return), bus service. St Nicholas lacks basic facilities, e.g. a shop or a pub and none are in acceptable walking distance. Development at St Nicholas will result in an "unacceptable" expansion of travel demand by car.

## Conserving the best and most versatile Agricultural Land



**Redrow Homes have agreed that the agricultural land, east of St Nicholas, is amongst the best and most versatile** - therefore, it should only be developed if there is an overriding need for the development.

### Planning Policy Wales, 2014:

*4.10.1 In the case of **agricultural land**, land of grades 1, 2 and 3a of the Department for Environment, Food and Rural Affairs (DEFRA) Agricultural Land Classification system (ALC) 17 is the best and most versatile, and should be conserved as a finite resource for the future 18 19 . In development plan policies and development management decisions considerable weight should be given to protecting such land from development, because of its special importance. Land in grades 1, 2 and 3a should only be developed if there is an overriding need for the development, and either previously developed land or land in lower agricultural grades is unavailable, or available lower grade land has an environmental value recognised by a landscape, wildlife, historic or archaeological designation which outweighs the agricultural considerations. If land in grades 1, 2 or 3a does need to be developed, and there is a choice between sites of different grades, development should be directed to land of the lowest grade.*

As pictured in this document, "brown field" sites are available in the Vale of Glamorgan, with six large warehouse retail units and associated car parking standing empty at Culverhouse Cross.

Has "an overriding need for the development" been established?

With speculative development recently approved at Ystradowen, Colwinston, Rhoose, Barry, Dinas Powys, Culverhouse Cross, Wenvoe, etc., other than Redrow's need for profit (and the councils unsubstantiated dwellings target), **is there any other need for the proposed development?**



## Special Landscape Area

In February, 2011, the DESIGNATION OF SPECIAL LANDSCAPE AREAS update stated that the **Key Policy and Management Issues** of the Ely Valley & Ridge Slopes Special Landscape Area include:

- Control housing development and farm conversions.
- Restrict development so it does not impinge on the ridge line and create linear development along the A48. (Page 41)

Evaluation Matrix SLA 3

Aspect	Aspect Area	Evaluation	Criteria								
			1	2	3	4	5	6	7	8	9
Geological	GL 263	Moderate	M	L	M	L					
	GL 532	High	H	M	M	M					
	GL 947	Moderate	L	L	M	L					
	GL 986	High	M	L	L	L					
Landscape Habitats	LH 001	High	H	M	M	U	U	H	L	L	
	LH 118	Moderate	L	L	L	U	U	U	L	M	
	LH 403	High	H	M	U	U	L	L	L	L	
	LH 471	High	H	M	L	U	M	H	M	L	
	LH 476	High	H	M	M	U	M	H	M	L	
	LH 853	Moderate	M	M	U	U	U	U	M	U	
	LH 958	Moderate	H	M	M	U	U	M	M	M	
	LH 992	High	H	M	M	U	U	U	H	U	
Visual and Sensory	VS 389	Moderate	M	M	M	M					
	VS 406	Moderate	H	M	L	M					
	VS 614	High	H	M	L	H					
	VS 683	High	H	M	M	M					
	VS 913	High	M	M	L	M					
	VS 962	Moderate	H	M	M	M					
Historical Landscapes	HL 043	Moderate	H	M	M	L	L				
	HL 044	Moderate	M	M	L	L	M				
	HL 045	High	H	M	L	M	L				
	HL 053	Moderate	M	M	M	L	M				
	HL 054	High	H	M	M	M	L				
	HL 055	Moderate	H	M	M	L	L				
	HL 056	Outstanding	O	M	M	L	L				
Cultural	CL 001	Outstanding	O	M	L	U	L	U	L	L	L
	CL 022	Outstanding	L	M	L	U	M	H	L	U	M
	CL 028	Outstanding	M	M	L	M	H	L	L	U	
	CL 031	High	L	M	L	U	H	M	U	H	U
	CL 032	Low	L	M	L	L	U	H	U	U	U
	CL 033	High	M	M	M	U	M	H	L	U	M
	CL 034	High	H	M	L	U	M	H	M	L	M
	CL 035	Outstanding	O	M	L	U	L	H	L	M	L
	CL 039	High	H	M	L	U	M	H	L	M	L

### Key

Cultural Landscapes

1 – Recognition/Transparency

2 – Period

3 – Rarity

4 – Documentation

5 – Group Value

6 – Survival

7 – Vulnerability

8 – Diversity

9 – Potential

Each of the aspect tables are colour coded as detailed below:

• Red – Outstanding

• Green – High

• Blue – Moderate

• Yellow – Low

• White – Unassessed

The proposed development is within the designated Special Landscape Area, and extends the settlement of St Nicholas to the east, beyond the property known as 'Mink Hollow', along the A48.

The proposed development is in conflict with the objectives of the Special Landscape Area.

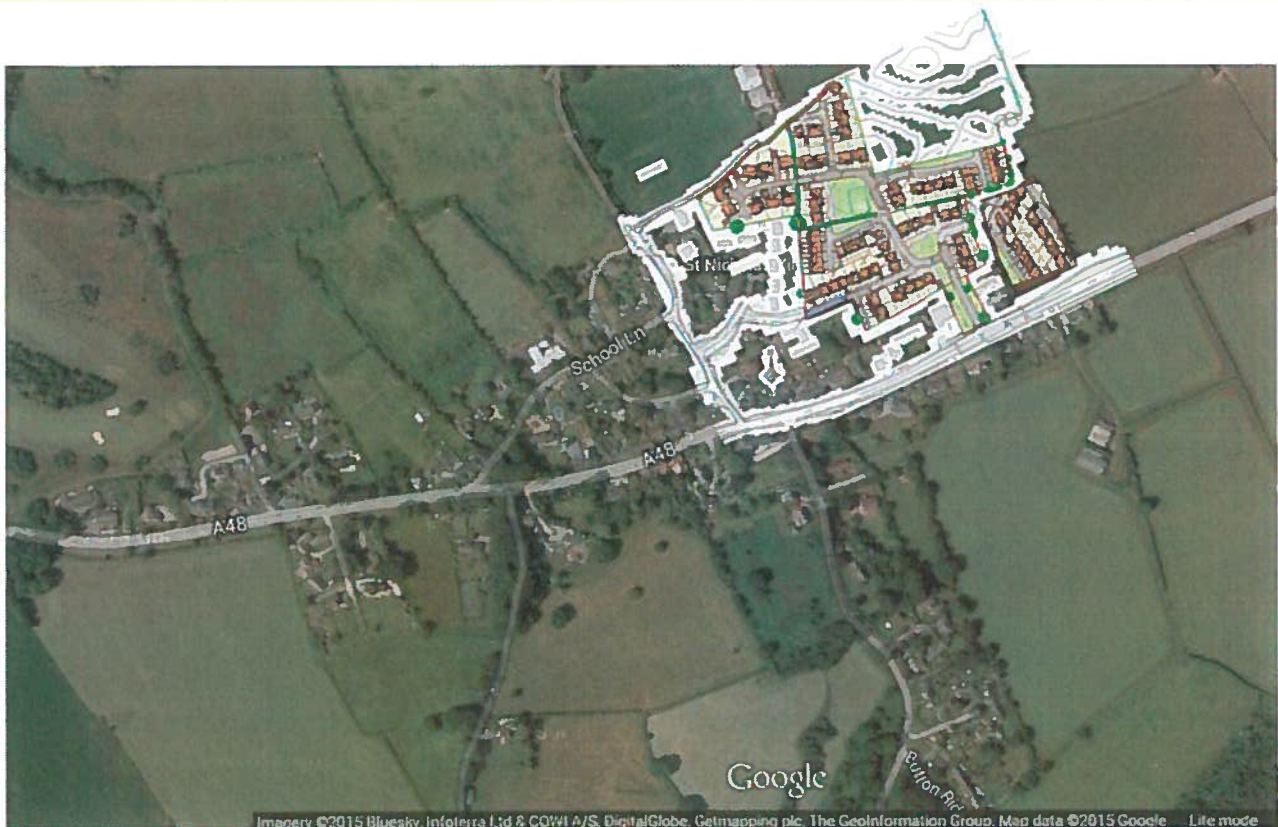


## Planning Policy Wales - Size Matters

Adding 100 dwellings to a village of 140 dwellings (a 65% increase) is not of appropriate scale. The **Welsh Government** response (20 December, 2013) to the Vale of Glamorgan LDP Deposit states: "**Allocations in some minor rural settlements, for example, 100 units at St Nicholas and 120 units at Bonvilston appear disproportionate to current services and facilities.**"

### Planning Policy Wales:

*4.7.8 Development in the countryside should be located within and adjoining those settlements where it can be best be accommodated in terms of infrastructure, access and habitat and landscape conservation. Infilling or minor extensions to existing settlements may be acceptable, in particular where it meets a local need for affordable housing, but new building in the open countryside away from existing settlements or areas allocated for development in development plans must continue to be strictly controlled. All new development **should respect the character of the surrounding area and should be of appropriate scale and design.***



A 65% increase in the village does not respect the character of the existing settlement and is not of appropriate scale and size.

Welsh Government response to the LDP Deposit stated that "**100 units at St Nicholas and 120 units at Bonvilston appear disproportionate to current services and facilities.**"

## Planning Policy Wales - Accessibility

4.7.4 Local planning authorities should assess the extent to which their development plan settlement strategies and new development are consistent with **minimising the need to travel and increasing accessibility by modes other than the private car**

8.6.2 The development plan should: **ensure that new housing, jobs, shopping, leisure and services are highly accessible by public transport, walking and cycling;**

8.1.3 The Welsh Government supports a transport hierarchy in relation to new development that establishes priorities in such a way that, wherever possible, they are accessible in the first instance by walking and cycling, then by public transport and then finally by private motor vehicles. Careful consideration needs to be given to the allocation of new sites which are likely to generate significant levels of movement in Local Development Plans to ensure that access provisions which promote walking and cycling, as well as by public transport are included from the outset. Similarly, the Welsh Government expects that Design and Access Statements give consideration to accessing developments by modes other than private motor vehicles.

8.1.4 Land use planning can help to achieve the Welsh Government's objectives for transport through:

- **reducing the need to travel, especially by private car, by locating development where there is good access by public transport, walking and cycling;**

The evidence is stacked against development at St Nicholas being acceptable under Planning Policy Wales.



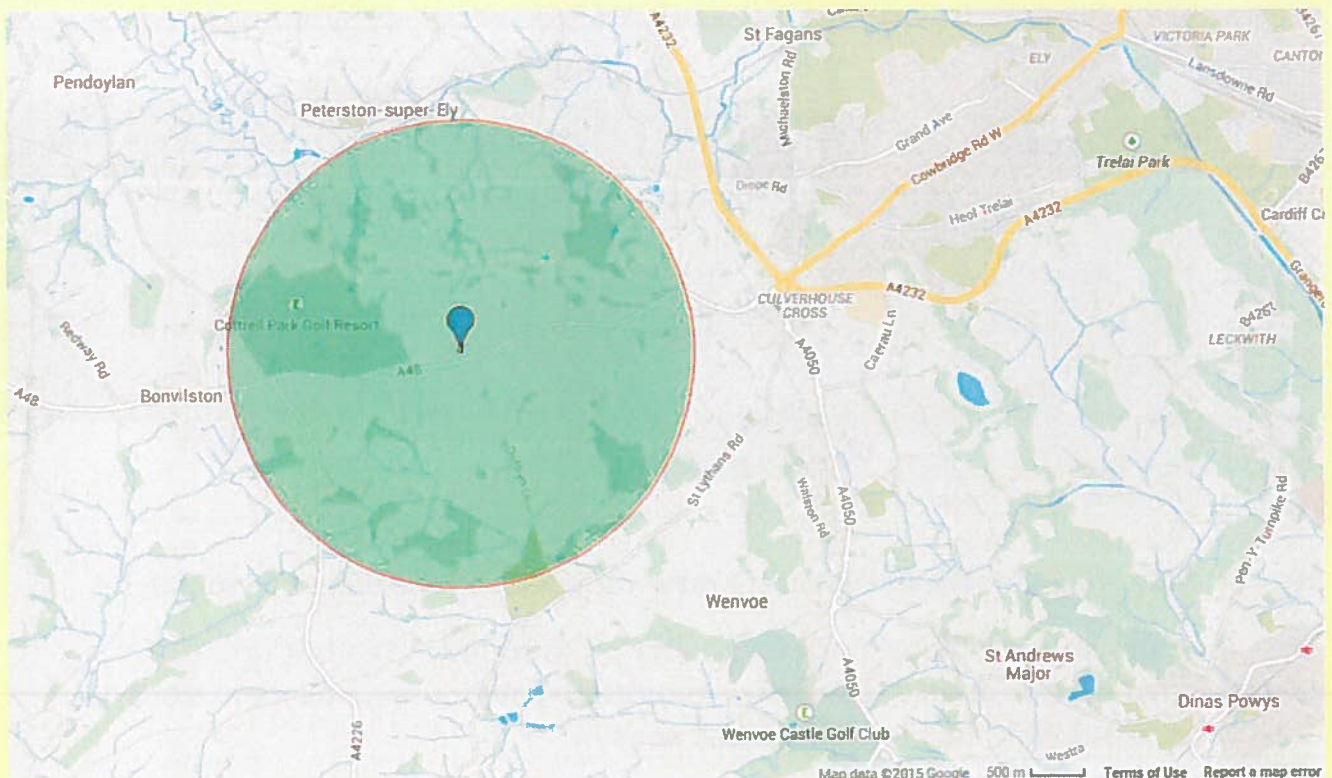
## Sustainable Access - Walking

The Vale of Glamorgan Local development Plan 2011 - 2016 (Table 1) give a Summary of Acceptable Walking Distances. These are shown below with those achieved highlighted:

Local Facility	Reasonable Accessibility Standards	Achieved in St Nicholas?
Nursery	600m	No - 5,200m - Children driven to Peterston-Super-Ely
Primary school	600m	Yes - after age 4,
Secondary school	2000m	No - 10,000m - Cowbridge School
Doctors	1000m	No - 4300m - Woodlands Medical Centre, Ely
Dentist	1000m	No - 5100m - Wilson Road Dental Surgery, Ely
Local shop	800m	No - 2600m - The Village Shop, Bonvilston
Other food shop	800m	No - 2,600m - Marks and Spencer, Culverhouse Cross
Pub	800m	No - 2500m - The Red Lion, Bonvilston
Bus stop	400m	No - Up to 600m - 70% of dwellings > 400m
Railway station	800m	No - 7300m - Waun-gron Park
Allotments	600m	No provision for St Nicholas
Leisure centre	1000m	No - 5,400 - Western Leisure Centre, Ely
Employment	2000m	Very limited (see image below)

The nearest Post Office and nearest library are at Wenvoe - 5,800m (3 miles) away.

The map below shows a 2000m/2km radius of St Nicholas.





## Redrow Homes claim that St Nicholas is a comfortable walk (or cycle) along the A48 to the nearest shops



Tumble Hill, A48 - inadequate footpath obstructed (2015)



Footpath prone to flooding (2014)



Hedging frequently overgrows the footpath (2014)



Very narrow footway along the A48 (2015)



Accident debris on the footpath, January 2013



Tumble Hill is a long, steep climb  
- 62 metres in 0.7 miles

**Nearest food shop - Marks and Spencer - return trip 5.2km / 3.2 miles - 65 minutes +**

**The maximum distances people will walk to shops, as stated in The Institution of Highways & Transportation's "Guidelines for providing for journeys on foot", 2000, is 1.2km - for reasonably mobile, able-bodied people.**



## Tumble Hill

The climb of Tumble Hill, between St Nicholas and Culverhouse Cross, Cardiff, is equivalent to climbing Stadium House in Cardiff.





## Bus Stops

Redrow propose to widen some, but not all of the villages uncomfortably and unacceptably narrow 1.2 metre wide footpaths. however, no mention is given to the 0.7 metre space behind the bus stop - a barrier to wheel chairs, etc.

The Design Manual for Roads and Bridges, Vol 7: Pavement Design and Maintenance (HD 39/01) gives a recommended minimum pavement width of 2 metres, with an extreme limit of 1.3 metres.



Department for Transport (DfT) "A guide to best practice on access to pedestrian and transport infrastructure." (2005) states:

### 2.4 Walking distances

Walking distances were researched in some detail in the late 1980s and, based on the findings from these studies, the following are recommended:

Impaired group	Recommended distance limit without a rest
Wheelchair users	150m
Visually impaired	150m
Mobility impaired using stick	50m
Mobility impaired without walking aid	100m

This makes the bus stops inaccessible from development for some, given the nearest property is at least 230 metres away, and there is no opportunity to rest.

The "Creating Places" - achieving quality in residential developments - May 2000 guide was produced jointly by the Planning Service, an Agency within the Department of the Environment, and the Roads Service, an Agency within the Department for Regional Development of Northern Ireland. It states:

9.16 Bus stops should be within easy reach of all dwellings. Around 100m should be the maximum walking distance for dwellings designed for the elderly or those whose mobility is impaired. The majority of other dwellings should be within around 200m. The maximum walking distance should be around 400m. Where sites are hilly these distances may need to be reduced.

# Distance calculations

Online tools can be used to calculate the distance of dwellings from bus stops - and other facilities.



[Map Height : [Small](#) - [Medium](#) - [Large](#) - [Full Screen](#)]

Total Distance   Miles  km  Nautical Miles  Yard

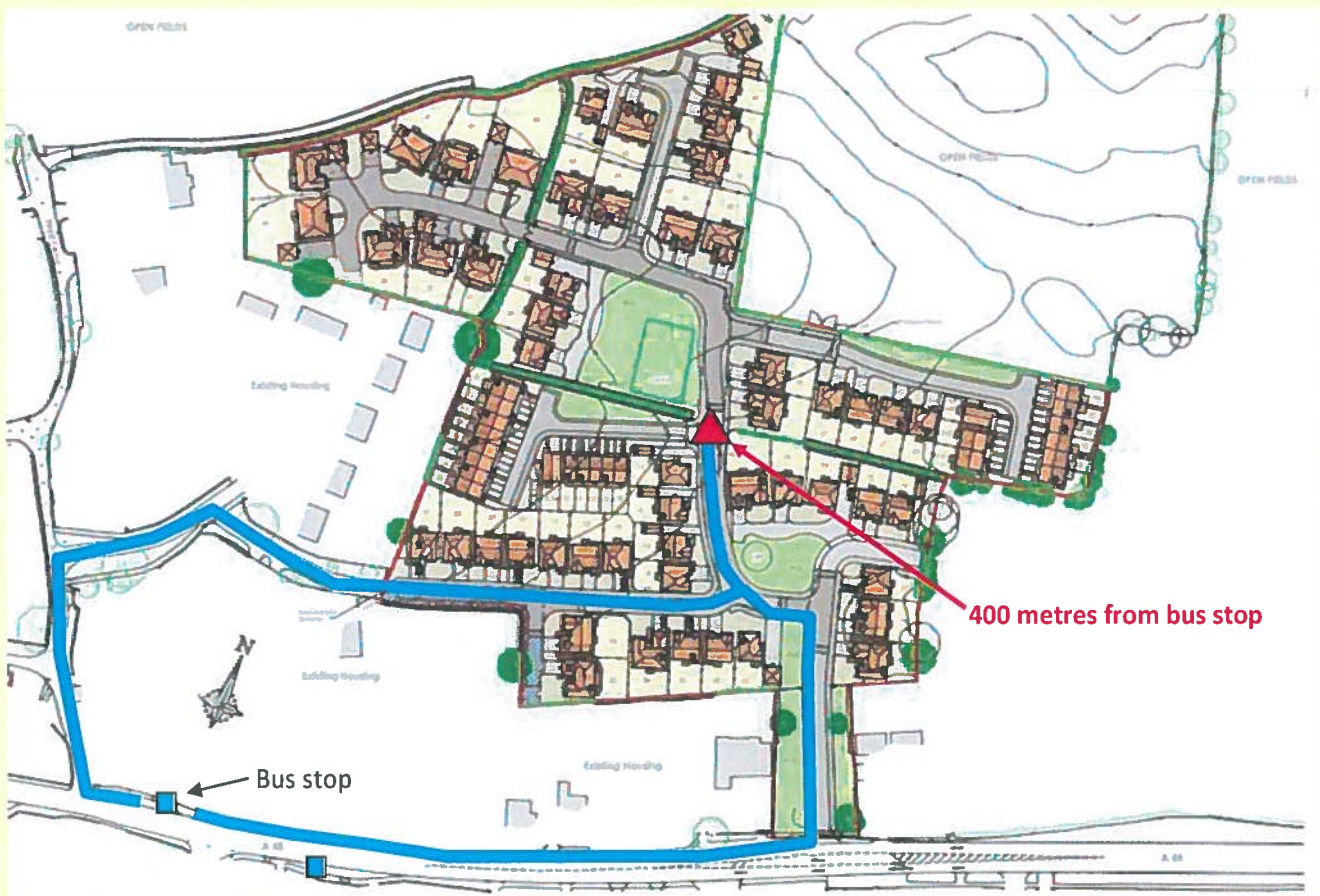


[Map Height : [Small](#) - [Medium](#) - [Large](#) - [Full Screen](#)]

Total Distance   Miles  km  Nautical Miles



## Dwellings east of St Nicholas - distance from Bus Stops



**Of 79 dwellings, only 25 are within 400 metres of bus stop - 30%**

**100% of "affordable homes" too far from bus stops**

**The site drawing provided, suggests that some properties are up to 600 metres from the bus stop - 70% are further than 400m!**

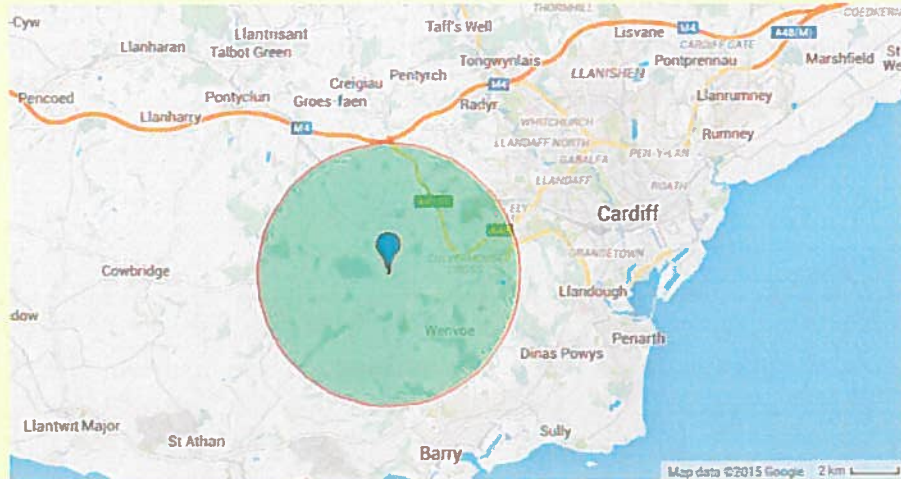
Clearly, the proposed development is too far from the existing bus stops. This will discourage bus use and encourage car use - conflicting with Welsh Government and Vale of Glamorgan Planning Policies.

**Note: Bus ticket prices 2015: Return ticket £6.90 - adults, and £4.70 - children**

# Accessibility of Employment from St Nicholas

PPW states that employment should be within 5km's of dwellings.

The map below shows a 5km radius of St Nicholas



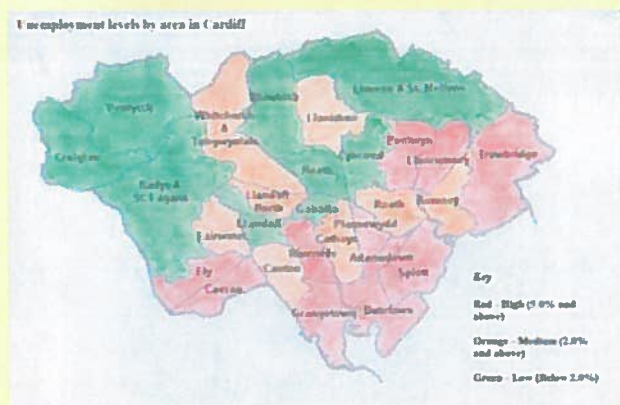
The site containing most employment within the 5km radius was the Media Centre at Culverhouse Cross, demolished in March 2015 - to be replaced with 250 dwellings.



Culverhouse Cross borders Ely (and Caerau), which has the highest unemployment in Cardiff - 6.3%, January 2015 (Cardiff Council). Spatial planning should be increasing employment opportunities for Ely, not demolishing them!

This suggests that the Vale of Glamorgan Council isn't compliant with the Wales Spatial Plan.

Many residents of St Nicholas have to drive through the over capacity Culverhouse Cross intersection and on the congested A4232 to reach central Cardiff (16,000m) and Cardiff Bay (14,000m) for employment.





## Unemployment - Culverhouse Cross

Culverhouse Cross provides limited employment, and clearly insufficient employment for local people.

The sustainable employment options for St Nicholas are in Culverhouse Cross. The Media Centre that employed 400 people in 2014 is currently being demolished to make way for 250 dwellings. Nearby, 140 dwellings are being built at Wenvoe.



Media Centre demolition = **Less employment**



More housing - longer commuting distances

Other employers at Culverhouse Cross are mostly retailers.

**Six retail units currently stand empty.**



Empty retail units



Huge unemployed car park

**Spatially, there is a lack of employment opportunity in the Wenvoe / Culverhouse Cross / St Nicholas / Ely area.**



## How safe is the A48 through St Nicholas?

Just one accident is given by the Vale of Glamorgan Council in the Transportation Statement - a shunt at the eastern gateway on Tues. 04/08/2009. Photographic evidence proves that there have been other collisions. Residents report witnessing more collisions.



In April, 2013, the wall of the former Post Office was demolished by a vehicle.



This lamppost, by the junction the A48 with Brook Lane, was flattened by a vehicle - 2013.

## How reliable is the evidence presented in the Transport Statement?



## Road Capacity and Access

The A48 30 mph speed limit runs for 1.2km (0.7 miles). There are 43 dwellings and seven junctions onto the road in this distance. Duffryn Lane, Brook Lane and Old Rectory Close to the south, and Chapel Lane and three junctions into the village (church, school, post box) to the north.



The existence of 43 dwellings, clearly suggests that this is a residential street (hence the 30mph speed limit), and the existing seven junctions restrict capacity.

Volume 5 Section 1 Part 3 TA 79/99 Amendment No 1 Chapter 2 General Principles

Feature	ROAD TYPE				
	Urban Motorway	Urban All-purpose			
	UM	UAP1	UAP2	UAP3	UAP4
General Description	Through route with grade separated junctions, hardshoulders or hardstrips, and motorway restrictions	High standard single/dual carriageway road carrying predominantly through traffic with limited access.	Good standard single/dual carriageway road with frontage access and more than two side roads per km.	Variable standard road carrying mixed traffic with frontage access, side roads, bus stops and at grade pedestrian crossings.	Busy high street carrying predominantly local traffic with frontage activity including loading and unloading.
Speed Limit	60mph or less	40 to 60 mph for dual, & generally 40mph for single carriageway	Generally 40 mph	30 mph to 40 mph	30mph
Side Roads	None	0 to 2 per km	more than 2 per km	more than 2 per km	more than 2 per km
Access to roadside development	None. Grade separated for major only.	limited access	access to residential properties	frontage access	unlimited access to houses, shops & businesses
Parking and loading	none	restricted	restricted	unrestricted	unrestricted
Pedestrian crossings	grade separated	mostly grade separated	some at-grade	some at-grade	frequent at grade
Bus stops	none	in lay-bys	at kerbside	at kerbside	at kerbside

Table 1 Types of Urban roads and the features that distinguish them



St Nicholas has two kerb-side bus stops and an at-grade pelican crossing.

As it passes through the heart of the village, the road is 7 metres wide.

		Two-way Single Carriageway - Bidirectional flow (Assumes a 60:40 directional split)										Dual Carriageway					
		Total number of Lanes										Number of Lanes in each direction					
		2		2+3		3		3+4		4		2		3		4	
		6.1m	6.75m	7.3m	8.0m	10.0m	12.7m	13.5m	14.0m	15.0m	6.75m	7.3m	11.0m	14.0m			
Road type	1.3M	Not applicable										1000	5600	7200			
	1.4P1	1020	1120	1590	1840	2010	2550	2800	3050	3300	3350	3600	5200	-			
	1.4P2	1020	1260	1470	1920	1650	1700	1900	2100	2700	2950	3200	4800	-			
	1.4P3	900	1110	1300	1510	1620	-	-	-	-	2300	2600	3300	-			
1.4P4	750	960	1140	1320	1440	-	-	-	-	-	-	-	-				

Table 2 Capacities of Urban Roads  
One-way hourly flow in each direction

Notes  
1 Capacities are in vehicles per hour  
2 10% ≤ 15%  
3 (\*) Capacities are excluded where the road width is not appropriate for the road type and where there are too few examples to give reliable figures

The evidence is clear. The A48 through **St Nicholas has a capacity of about 1300 vehicles per hour.**

Junctions restrict road capacity. Is it viable to add an extra junction to a road struggling with capacity?

### A48 Traffic Volumes - St Nicholas

Peak AM	East	West	Total
Feb 3, 2015	1153	336	1489
Feb 4, 2015	1080	373	1453
Feb 5, 2015	1101	350	1451
Feb 6, 2015	893	368	1261
Feb 9, 2015	1121	343	1464
<b>Average</b>	<b>1070</b>	<b>354</b>	<b>1414</b>
<b>Average *</b>	<b>1114</b>	<b>351</b>	<b>1465</b>

\* Friday, Feb 6 was the date of Wales vs England at the Millenium Stadium. This average excludes this date where traffic volumes are "exceptional".

### A48 Traffic Volumes - St Nicholas

Peak PM	East	West	Total
Feb 3, 2015	420	948	1489
Feb 4, 2015	418	1025	1453
Feb 5, 2015	456	995	1451
Feb 6, 2015	521	742	1261
Feb 9, 2015	415	956	1464
<b>Average</b>	<b>446</b>	<b>930</b>	<b>1376</b>
<b>Average *</b>	<b>427</b>	<b>981</b>	<b>1408</b>

\* Friday, Feb 6 was the date of Wales vs England at the Millenium Stadium. This average excludes this date where traffic volumes are "exceptional".

## There is no spare road capacity in peak hours

Planning permission has been refused in Bonvilston for 4 dwellings off the A48, due to the volume of traffic.

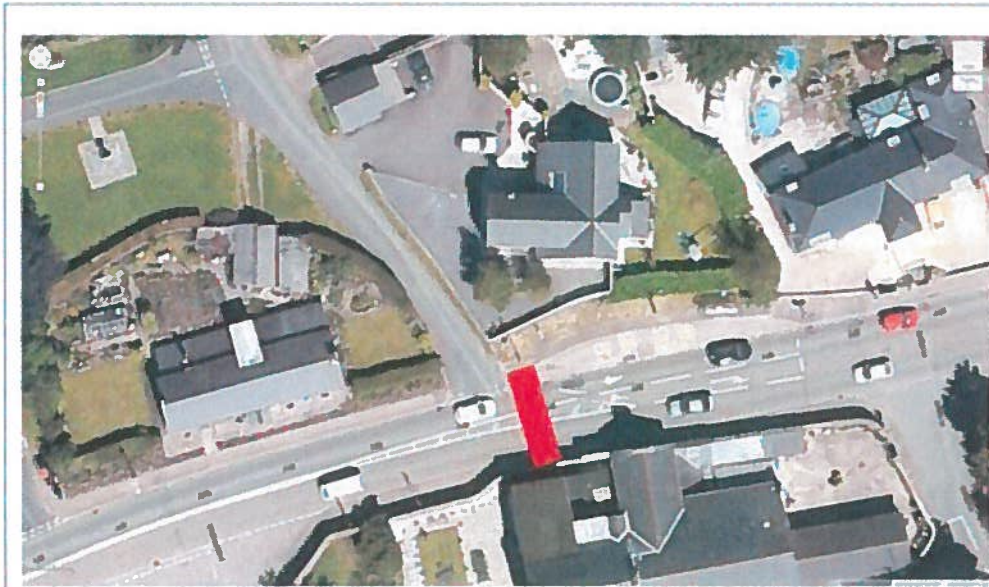
The proposed development of 120 dwellings at Bonvilston, would have access off the unnamed road to Pendoylan, due to traffic volumes on the A48.



## A48 Traffic Speeds

Vehicle speed is a problem in St Nicholas. Thousands of vehicles travel at excessive speeds each week and 85th percentile speeds are far in excess of the 30mph speed limit in places.

Data from a number of road audits is available, as follows:



<b>Eastbound →</b>				
Date	total vehicles	35mph +	45mph+	60mph+
Feb 22	7654	341	45	4
Feb 23	5311	410	46	3
Feb 24	4661	410	52	1
Feb 25	6751	362	40	4
Feb 26	7044	328	30	1
Feb 27	7268	385	38	2
Feb 28	7330	333	35	2
<b>Total</b>	<b>46019</b>	<b>2569</b>	<b>286</b>	<b>17</b>
<b>Westbound ←</b>				
Date	total vehicles	35mph +	45mph+	60mph+
Feb 22	8874	932	85	3
Feb 23	6224	956	97	5
Feb 24	4982	818	107	4
Feb 25	6702	763	79	4
Feb 26	7082	723	69	2
Feb 27	7148	731	73	6
Feb 28	7502	697	74	3
<b>Total</b>	<b>48514</b>	<b>5620</b>	<b>584</b>	<b>27</b>
<b>2-way traffic</b>	<b>94533</b>	<b>8189</b>	<b>870</b>	<b>44</b>

7-day two-way 85th percentile speed = 32.7 mph

7-day eastbound 85th percentile speed = 31.1 mph

7-day westbound 85th percentile speed = 33.8 mph



<b>Eastbound →</b>					
Sept 17 - 23, 2013	0 - 30 mph	30 mph +	35 mph +	45 mph +	60 mph +
No. of vehicles	122	6968	6324	1349	59
7-day average					

**Fastest speed recorded, 16:15 - 16:30 = 105.6 mph**

<b>Westbound ←</b>					
Sept 17 - 23, 2013	0 - 30 mph	30 mph +	35 mph +	45 mph +	60 mph +
No. of vehicles	692	6165	4721	1464	84
7-day average					

**Fastest speed recorded, 15:15 - 15:30 = 106.3 mph**

<b>Two-way ← →</b>							
Sept 17 to 23	0 - 30 mph	30 mph +	35 mph +	45 mph +	60 mph +	70 mph +	80 mph +
Average number of vehicles per day	815	13,118	11,029	2807	144	19	3

**On average, there is 1 vehicle exceeding 100 mph a day.**

**85th percentile speed = 48.6 mph**



The latest Audit, by the proposed new junction, show that vehicle speeds are a problem in the village. 164 summonses would be issued every day due to speed...



Eastbound →						
Feb 3 - 9, 2015	0 - 30 mph	> 30 mph	> 35 mph	> 45 mph	> 50 mph	> 60 mph
No. of vehicles 7-day average	1541	6968	5487	177	60	8

85th percentile speed = **39.4 mph**

Westbound ←						
Feb 3 - 9, 2015	0 - 30 mph	> 30 mph	> 35 mph	> 45 mph	> 50 mph	> 60 mph
No. of vehicles 7-day average	3353	3626	1460	226	86	10

85th percentile speed = **38.3 mph**

Two-way ← →						
Feb 3 - 9, 2015	0 - 30 mph	> 30 mph	> 35 mph	> 45 mph	> 50 mph	60 mph +
Average number of vehicles per day	4894	10594	6947	403	146	18

**85th percentile speeds exceed Association of Chief Police Officers (ACPO)  
charging threshold**

Speed limit: 30 mph  
ACPO charging threshold: 35 mph  
Summons: 50 mph

## Traffic Speed Reduction

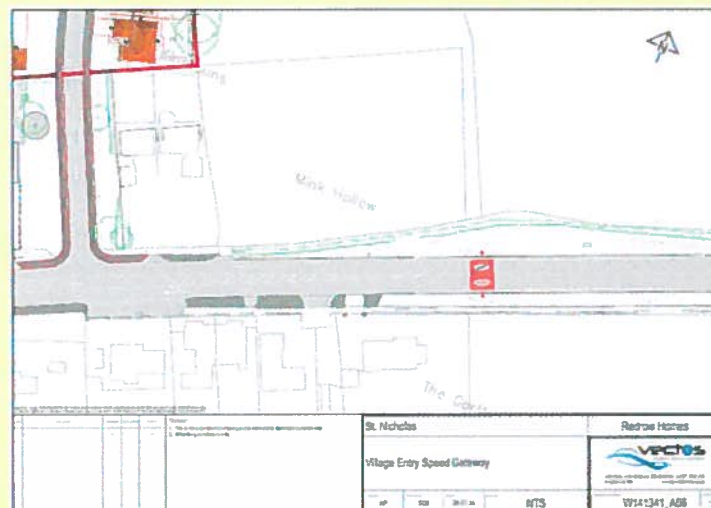
A new gateway feature (paint on the road) is proposed as a measure to reduce vehicle speeds. A gateway feature will be seen prior to the proposed junction by westbound traffic. However, it is clear that there is a problem with vehicle speeds travelling east.

Paint (gateway feature) exists on the road already.



The data presented in the Transport Statement is ignored in the planning.

The proposed new gateway feature is little different to the existing feature that clearly has limited success.



**Eastbound 85th percentile - 39.4mph**

**Westbound 85th percentile speed - 38.3mph**



## Ghost Island Junction

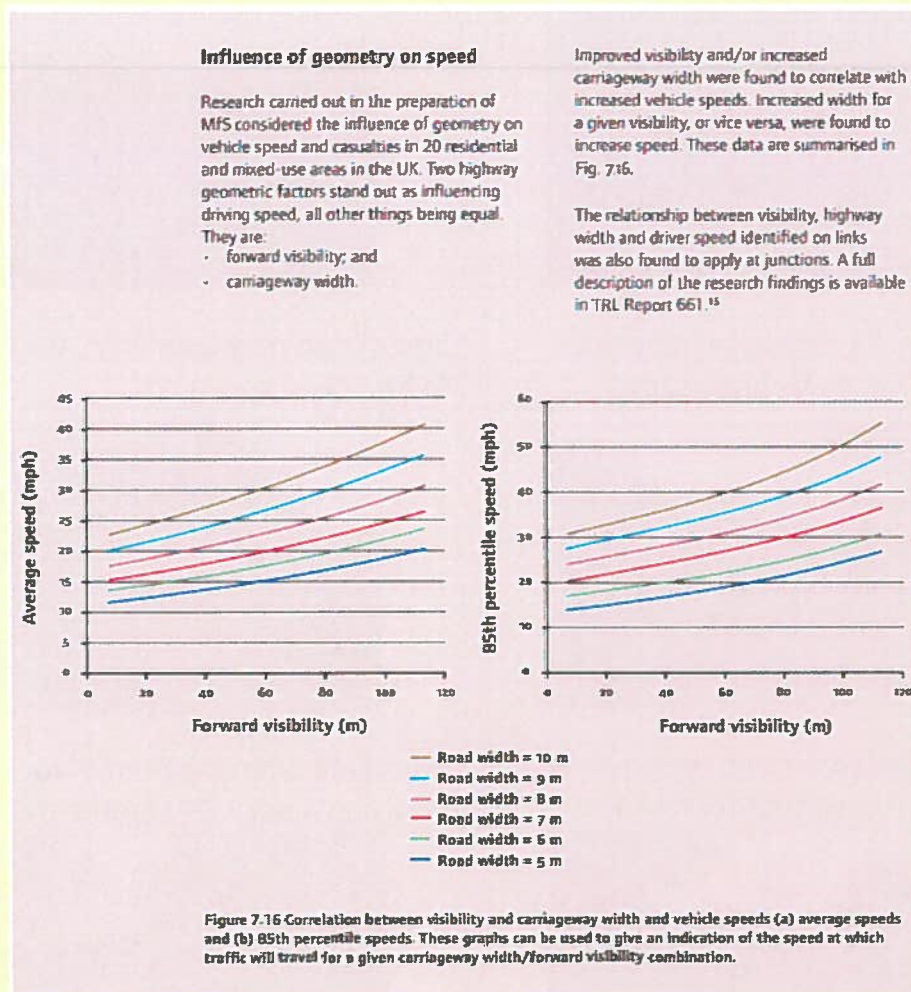
It is proposed that a 'ghost island' be used to access the site from the A48. TD 42/95 states that "*the presence of a widened carriageway, albeit with hatch markings, could result in overtaking manoeuvres which may conflict with right turns into and out of the minor road.*" Overtaking manoeuvres are already a problem in St Nicholas - pictured.



Maes-Y-Ffynon/Village Farm in Bonvilston is accessed by a similar ghost island junction. November 1, 2011, 'Report of the Director of Environment and Economic Regeneration', 'Traffic Issues A48 St. Nicholas to Bonvilston' revealed that in a safety audit, "71% of vehicles were found to be exceeding the speed limit and 3% of vehicles were exceeding the speed limit by 15 mph or more. Vehicle speeds are still of concern at this location."

The 'ghost island' in Bonvilston does not calm vehicle speeds to acceptable levels.

The Department for Transport's **Manual for Streets** is clear that road width and sightlines determine speed. A minor deflection due to a 'ghost island' is unlikely to have much effect.



It seems quite obvious, that the problem of excessive speeds in St Nicholas is due to long sightlines and excessive road width.

The road width also makes crossings by pedestrians longer, more difficult, and more hazardous.