

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.

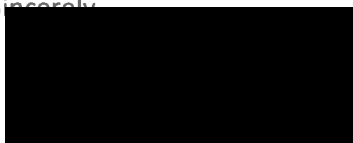
There can be no certainty that the proposed development will have ***"no unacceptable impact on the Conservation Area"*** as claimed in Section 9 of the Design and Access Statement.

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,



LYNNE DAVIES

Hardy, Carole A

From: [REDACTED]
Sent: 02 April 2015 22:10
To: Planning & Transportation (Customer Care)
Subject: New comments for application 2015/00249/FUL
Attachments: TheCroft_SMCCurien_31stMarch15_2015_00249_FUL.pdf; TheCroft_SMCCurien_2015_00249_FUL.pdf

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

Address:
The Croft,,Cowbridge Road,St Nicholas,CF56SH

Comments:
2 attached documents.

The following files have been uploaded:
TheCroft_SMCCurien_31stMarch15_2015_00249_FUL.pdf
TheCroft_SMCCurien_2015_00249_FUL.pdf

Case Officer:
Mr. Steven Rennie

D.E.E.R
RECEIVED
ACTION BY: Jmc SK
NO: 36
ACK:

RECEIVED

- 7 APR 2015

ENVIRONMENTAL
AND ECONOMIC
REGENERATION

The Croft,
Cowbridge Road,
St. Nicholas,
Vale of Glamorgan,
CF5 6SH.

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

31st March 2015.

RECEIVED

Application No: 2015/00249/FUL - Land to East of St Nicholas.

- 7 APR 2015

Dear Mr. S. Rennie,

ENVIRONMENTAL
AND ECONOMIC
REGENERATION

I am afraid that we did not receive your correspondence regarding the proposed development to the East of our property in St. Nicholas. This was brought to my attention by residents of our village and a review of your web site.

I am writing to you in order to register a number of objections to the aforementioned proposal.

Attached is a detailed submission (TheCroft_SMCCurien_2015_00249_FUL.pdf) prepared by Mr Neil Mantell of LRM Planning Limited. I would however like to summarise the key points from my perspective.

- The proposal does not constitute sustainable development.
 - Increase in size of St Nicholas by ~65%. Insufficient amenities exist in the village to support this development.
 - Substantial increase in car traffic to/from site onto the busy A48.
 - There is little demand for affordable housing in the Eastern Vale of Glamorgan.
- The proposed development is at variance with the emerging LDP and recent Welsh Government correspondence concerning the proposals for extensive developments in St Nicholas & Bonvilston. (Welsh Government in their response to the Revised Deposit LDP, dated 20th December 2013.)

- Demolition of “Emmaville” which lies within the St Nicholas Conservation Area and replacing it with an access point to the proposed development will have an adverse affect on the linear character of the village.
- Building on high quality agricultural land (grade 3a) is a poor use of this vital resource and degrades the appearance of the village.

We should be trying to provide affordable housing where it is needed with the necessary infrastructure/amenities while maintaining our green spaces and reducing our reliance on cars. The proposed development does not meet any of these objectives. I am therefore strongly opposed to the proposed development.

Yours sincerely,



Sophie Curien

Attachment: TheCroft_SMCCurien_2015_00249_FUL.pdf

The Croft,
Cowbridge Road,
St. Nicholas,
Vale of Glamorgan,
CF5 6SH.

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

31st March 2015

Dear Mr. Rennie,

Ref: 2015/0283/CAC/SRS & 2015/00249/FUL - Land to East of St Nicholas.

I am objecting to the above planning applications. 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

RECEIVED

- 7 APR 2015

ENVIRONMENTAL
AND ECONOMIC
REGENERATION

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

This is most obviously noted when assessing the existing population of St Nicholas. The Council’s Sustainable Settlements Background Paper (2013) estimates the population of the village to be 339 residents (Appendix 1 refers). On the basis of an average household size of 2.21 (the figure quoted in 2016 within Table 5 of the Council’s Population and Housing

Background Paper, 2013) the entire development could lead to a new population of 221 residents. This would increase the size of the village to 560 residents, which equates to an increase of 65%.

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

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

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

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

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

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

Furthermore:

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

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

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

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

of an Examination in Public, these proposals must be considered as being premature, particularly when they will undoubtedly lead to such an irreversible change to the character of 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 remedy 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.

- *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

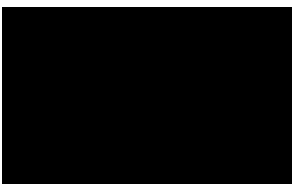
I object to the proposed development on the following grounds:

- 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,



Sophie Curien

Hardy, Carole A

From: [REDACTED]
Sent: 02 April 2015 22:07
To: Planning & Transportation (Customer Care)
Subject: New comments for application 2015/00249/FUL
Attachments: Objection letter (1).docx

New comments have been received for application 2015/00249/FUL at site address: Land to the East of St. Nicholas

from Mr Kevin Fuller [REDACTED]

Address:
4 Merrick Cottages, St Nicholas, Vale of Glamorgan, CF5 6SQ

Comments:
Please see attached letter

The following files have been uploaded:
Objection letter (1).docx

Case Officer:
Mr. Steven Rennie

D.E.E.R
RECEIVED
ACTION BY: Jmc/SR
NO: 34.
ACK:

RECEIVED
- 7 APR 2015
ENVIRONMENTAL
AND ECONOMIC
REGENERATION

Mr Kevin Fuller
4 Merrick Cottages
St Nicholas
CF5 6SQ

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
DEVELOPMENT

Dear Mr. Rennie,

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

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

My concerns include:

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

Each issue is considered in turn below.

The Decision Making Framework

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

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

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

Existing Development Plan

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

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

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

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

The LDP Strategy

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

Planning Policy Wales in clear that:

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

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

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

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

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

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

- **Objective 4:** To protect and enhance the Vale of Glamorgan’s historic, built, and natural environment. The LDP will ensure that these built environmental assets are protected, conserved and where appropriate enhanced.

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

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

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

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

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

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

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

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

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

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

Furthermore:

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

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

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

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

The emerging Allocation

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

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

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

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

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

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

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

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

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

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

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

The Application's Conformity to PPW's Objectives

Within the accompanying Planning Statement, the applicant contends that the Unitary Development Plan is out-of-date and therefore in accordance with TAN 1, the Local Authority will be unable to demonstrate a 5

year housing land supply from January 2016. Accordingly the applicant considers that the development benefits from the presumption in favour of sustainable development and therefore should be approved.

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

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

Land at Rockfield Road, Monmouth

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

Land at Red Barn Farm, Abergavenny

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

Began Road, Cardiff

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

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

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

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

Monies will also have to be provided for other community facilities, for example there is no monies for a village hall, there is only a church hall which is shortly due to close due to lack of funds. Other than the school, and the church which is in dire need of restoration and a new roof, there are no community facilities.

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.

I would specifically request that the planning committee visit the site and walk around the adjacent village to accurately assess the detrimental impact a development on the scale and density proposed would have on the character of the village, which is the gateway to the rural Vale.

Environmental factors

The survey prepared by the proposed developer acknowledges the presence of newts and bats. There are protected species and the development will have a significant and detrimental impact upon local wildlife as well as decimating a prime piece of agricultural land.

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,

Kevin Fuller

Hardy, Carole A

From: [REDACTED]
Sent: 02 April 2015 11:57
To: Planning & Transportation (Customer Care)
Subject: New comments for application 2015/00249/FUL
Attachments: FUL.pdf

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

Address:
Pheasant Rise,,Cowbridge Road,,St Nicholas,,Cardiff,,CF5 6SH

Comments:

Dear Mr. Rennie,

I am writing to object strongly to the planning application Ref. 2015/00249/FUL, Land to East of St Nicholas in the Vale of Glamorgan.

I attach a letter which outlines my objections in detail but I would like to draw attention in particular to the following points:

1. The proposed plan allows for a 65% increase in respect of the housing in St Nicholas, a massive development in a small village which has very poor accessibility to services, facilities or community infrastructure: there is no shop, no pub and the school is currently full to capacity.
2. The proposed plan, which includes the destruction of the house 'Emmaville' at the gateway to the village and the Vale as a whole, pays no attention to the preservation of the character and appearance of the Conservation Area.

Yours sincerely,

Peter Lindsay Gray MA (Cantab.) FRSCM, ARCO, PGCE

RECEIVED
- 7 APR 2015
ENVIRONMENTAL
AND ECONOMIC
REGENERATION

The following files have been uploaded:
FUL.pdf

Case Officer:
Mr. Steven Rennie

D.E.E.R
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ACTION BY: Jmc/RSR
NO: 2
ACK:

31 March 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 Ely Valley and Ridge Slopes Special Landscape Area.

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

The LDP Strategy

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

Planning Policy Wales in clear that:

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

Furthermore:

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

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

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

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Notwithstanding our fundamental concerns regarding the LDP strategy. As indicated above, the site and an adjacent land parcel is allocated within the Deposit Vale of Glamorgan LDP to provide 100 dwellings and 0.41ha of Public Open Space on 4.4ha of land (Policy MG2 refers). The provision of open space was intended to remedy

deficiencies in the existing public open space offer in St Nicholas, particularly children's play space, although it is also noted that there is no outdoor sports provision within the Village.

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

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

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

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

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

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

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

It would appear that once these areas of green space are discounted, the provision of a single LEAP and LAP would only yield approximately 0.05ha, against a policy requirement of 0.48ha. Even including the areas of land surrounding the LEAP and

LAP, a total of around 0.27ha is provided, which is somewhat short of the policy aspiration.

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

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

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

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

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

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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.

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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.

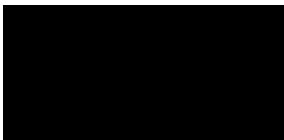
Summary

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,



Peter Lindsay Gray MA (Cantab.), FRSCM, ARCO, PGCE
Emeritus Director of The Royal School of Church Music

Hardy, Carole A

From: Maria Mooney [REDACTED]
Sent: 02 April 2015 11:47
To: Planning & Transportation (Customer Care); [REDACTED]
Subject: Objection Letter.doc
Attachments: Objection Letter.doc

Please find below objection letter to proposed dwellings in St Nicholas. This is in addition to our previous letters.

Could you please forward receipt of this email.

Mr & Mrs Mooney

Sent from my iPad

RECEIVED
- 7 APR 2015
ENVIRONMENTAL
AND ECONOMIC
REGENERATION

D.E.E.R
RECEIVED
ACTION BY: Jmc/SR.
NO: 1
ACK:

RECEIVED

- 7 APR 2015

ENVIRONMENTAL
AND ECONOMIC
REGENERATION

Mr & Mrs Mooney
The Garth
St Nicholas
Cardiff CF5 6SH

07 April 2015

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

Dear Mr. Rennie,

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

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

My concerns include:

- The Welsh Government's presumption against unsustainable development;
- The existing Development Plan;
- Emerging Planning Policy;
- The lack of supporting community infrastructure;
- The loss of finite, scarce agricultural land rated: good;

- The impact of the proposed development on the St Nicholas Conversation Area the Ely Valley and Ridge Slopes Special Landscape Area;
- The site's sustainable accessibility to places of employment, services, and facilities; and
- The objectives of spatial planning and PPW generally.

Each issue is considered in turn below.

The Decision Making Framework

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

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

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

Existing Development Plan

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

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

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

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

The LDP Strategy

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

Planning Policy Wales in clear that:

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

Furthermore:

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

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

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

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

The emerging Allocation

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

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

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

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

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

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

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

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

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

Given that a significant aspect of the justification for the allocation of the wider site for housing was to render the deficiency of children’s play space in St. Nicholas, there is a need to ensure that this scheme delivers the right quantum and form of public open space. For the reasons outlined above, and absent any information provided by the applicant, 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.
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It is clear from the assessment above that the proposed development would not constitute sustainable development and therefore the presumption in favour of sustainable development that applies as a result of the time lapsed nature of the Adopted UDP and the housing land supply situation from 2016, does not apply.

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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,

Robert & Maria Mooney

Hardy, Carole A

From: [REDACTED]
Sent: 02 April 2015 16:22
To: Planning & Transportation (Customer Care)
Subject: New comments for application 2015/00249/FUL
Attachments: TheCroft_JMacneil_31stMarch15_2015_00249_FUL.pdf; TheCroft_JMacneil_2015_00249_FUL.pdf

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

Address:
 The Croft, Cowbridge Road, St Nicholas, CF56SH

Comments:
 See attached documents

The following files have been uploaded:
 TheCroft_JMacneil_31stMarch15_2015_00249_FUL.pdf
 TheCroft_JMacneil_2015_00249_FUL.pdf

Case Officer:
 Mr. Steven Rennie

D.E.E.R
RECEIVED
ACTION BY Jmc/ SR
NO: 18
ACK:

RECEIVED
 - 7 APR 2015
 ENVIRONMENTAL
 AND ECONOMIC
 REGENERATION

The Croft,
Cowbridge Road,
St. Nicholas,
Vale of Glamorgan,
CF5 6SH.

RECEIVED

- 7 APR 2015

ENVIRONMENTAL
AND ECONOMIC
REGENERATION

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

31st March 2015.

Application No: 2015/00249/FUL - Land to East of St Nicholas.

Dear Mr. S. Rennie,

I am afraid that I did not receive your correspondence regarding the proposed development to the East of our property in St. Nicholas. This was brought to my attention by residents of our village and a review of your web site.

I am writing to you in order to register a number of objections to the aforementioned proposal.

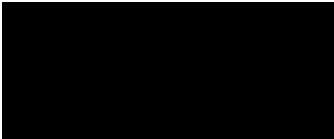
Attached is a detailed submission (TheCroft_JMacneil_2015_00249_FUL.pdf) prepared by Mr Neil Mantell of LRM Planning Limited. I would however like to summarise the key points from my perspective.

- The proposal does not constitute sustainable development.
 - Increase in size of St Nicholas by ~65%. Insufficient amenities exist in the village to support this development.
 - Substantial increase in car traffic to/from site onto the busy A48.
 - There is little demand for affordable housing in the Eastern Vale of Glamorgan.
- The proposed development is at variance with the emerging LDP and recent Welsh Government correspondence concerning the proposals for extensive developments in St Nicholas & Bonvilston. (Welsh Government in their response to the Revised Deposit LDP, dated 20th December 2013.)

- Demolition of “Emmavalle” which lies within the St Nicholas Conservation Area and replacing it with an access point to the proposed development will have an adverse affect on the linear character of the village.
- Building on high quality agricultural land (grade 3a) is a poor use of this vital resource and degrades the appearance of the village.

We should be trying to provide affordable housing where it is needed with the necessary infrastructure/amenities while maintaining our green spaces and reducing our reliance on cars. The proposed development does not meet any of these objectives. I am therefore strongly opposed to the proposed development.

Yours sincerely,



Dr J. Macneil.

Attachment: TheCroft_JMacneil_2015_00249_FUL.pdf

The Croft,
Cowbridge Road,
St. Nicholas,
Vale of Glamorgan,
CF5 6SH.

RECEIVED

- 7 APR 2015

ENVIRONMENTAL
AND ECONOMIC
REGENERATION

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

31st March 2015

Dear Mr. Rennie,

Ref: 2015/0283/CAC/SRS & 2015/00249/FUL - Land to East of St Nicholas.

I am objecting to the above planning applications. 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 the proposed development cannot be considered as being sustainable development and therefore the presumption in favour of the proposal should not apply.

Existing Development Plan

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

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

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

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

The LDP Strategy

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

Planning Policy Wales is clear that:

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

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

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

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

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

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

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

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

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

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

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

This is most obviously noted when assessing the existing population of St Nicholas. The Council’s Sustainable Settlements Background Paper (2013) estimates the population of the village to be 339 residents (Appendix 1 refers). On the basis of an average household size of 2.21 (the figure quoted in 2016 within Table 5 of the Council’s Population and Housing

Background Paper, 2013) the entire development could lead to a new population of 221 residents. This would increase the size of the village to 560 residents, which equates to an increase of 65%.

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

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

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

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

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

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

Furthermore:

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

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

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

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

of an Examination in Public, these proposals must be considered as being premature, particularly when they will undoubtedly lead to such an irreversible change to the character of 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 remedy 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.

- *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.

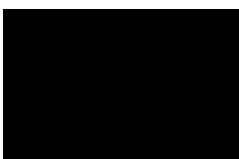
- A number of recent Appeals have demonstrated that a shortfall in housing land or a time lapsed Development Plan does not lead to unsustainable development being considered as being acceptable.

- 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,



Dr John Macneil.

Hardy, Carole A

From: Hannah Beadsworth [REDACTED]
Sent: 02 April 2015 18:53
To: Planning & Transportation (Customer Care)
Subject: [Spam] Objection to planning proposal - Ger Y Llan, St Nicholas
Attachments: community_letter.docx

Dear Sir,

Please find attached a letter outlining our objections for the recent planning proposal for building development behind Ger Y Llan in St Nicholas.

As a past resident of Ger Y Llan, and with family still residing in the road, we are particularly concerned by the way the proposal seems to not have considered even the most basic problems such as schooling and road-systems, let alone conservation and environmental issues.

Thank you for your cooperation,

Ms Hannah Beadsworth and Mr Ieuan Thomas

D.E.E.R
RECEIVED
ACTION BY: Jmclsb
NO: 28
ACK:

RECEIVED

- 7 APR 2015

ENVIRONMENTAL
AND ECONOMIC
REGENERATION

24 Gwent
Northcliffe
Penarth
Vale of Glamorgan
CF64 1DY

2 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 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.

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

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

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

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

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

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

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

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

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

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

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

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

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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,

Ms Hannah Beadsworth and Mr Ieuan Thomas

Hardy, Carole A

From: [REDACTED]
Sent: 02 April 2015 20:56
To: Planning & Transportation (Customer Care)
Subject: New comments for application 2015/00249/FUL
Attachments: 2015 00249 FUL Letter 2Apr15.docx

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

Address:
4 Church Row, St. Nicholas, Cardiff, CF5 6SP

Comments:
Please see attached document.

Many thanks.

The following files have been uploaded:
2015 00249 FUL Letter 2Apr15.docx

Case Officer:
Mr. Steven Rennie

D.E.E.R
RECEIVED
ACTION BY: JmolsR
NO: 30
ACK:

RECEIVED
- 7 APR 2015
ENVIRONMENTAL
AND ECONOMIC
REGENERATION

4 Church Row
St. Nicholas
Cardiff
CF5 6SP

2 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, I argue that the proposed development cannot be considered as being sustainable development and therefore the presumption in favour of the proposal should not apply.

Existing Development Plan

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

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

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

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

The LDP Strategy

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

Planning Policy Wales in clear that:

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

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

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

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

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

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

- **Objective 4:** To protect and enhance the Vale of Glamorgan’s historic, built, and natural environment. The LDP will ensure that these built environmental assets are protected, conserved and where appropriate enhanced.

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

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

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

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

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

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

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

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

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

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

Furthermore:

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

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

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

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

The emerging Allocation

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

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

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

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

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

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

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

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

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

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

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

The Application's Conformity to PPW's Objectives

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

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

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

Land at Rockfield Road, Monmouth

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

Land at Red Barn Farm, Abergavenny

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

Began Road, Cardiff

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

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

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

- ***Help to ensure the conservation of the historic environment and cultural heritage, acknowledging and fostering local diversity*** – the proposed development will have a significant harmful effect on the St Nicholas Conservation Area and locally important and listed buildings. A robust assessment of this harm has not been undertaken by the applicant.
- ***Ensure that all local communities – both urban and rural – have sufficient good quality housing for their needs*** – there is currently no affordable housing need within the Eastern Vale area. The majority of need is within Barry, Penarth and the Coastal areas, where there exists a greater number of services and facilities.
- ***Promote access to employment, shopping, education, health, community, leisure and sport facilities and open and green space, maximising opportunities for community development and social welfare*** – the application does not provide access to any employment, education, shopping, community, leisure or sports facilities. Whilst it does provide an element of public open space, there is no certainty provided by the application as to whether the public open space provided will meet the deficit of specific types of public open spaces in St Nicholas, which was a major consideration in the site's allocation in the Deposit LDP.
- ***Foster improvements to transport facilities and services which maintain or improve accessibility to services and facilities, secure employment, economic and environmental objectives, and improve safety and amenity*** – the proposed development does not provide any improvements to accessing services and facilities, both for the existing and proposed resident population. Conversely, it could create an unsustainable pattern of development and a greater dependency on the private car. Moreover, whilst the proposed junction may work in isolation, it would clearly reduce the safety of access from other properties in the surrounding environs.
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St Nicholas Church of Wales Primary School has 126 places within the school and currently 125 pupils on roll. Whilst there is reference to a S106 contribution being provided to mitigate the impact of the proposed development on existing education facilities, the development will clearly lead to the need to expand and extend the existing school, or to alter the school's admissions policy. No information has been provided by the applicant which demonstrates whether this is achievable, or whether capacity will need to be created in an alternative location, which could, given the frequency of the bus service and the need to safeguard children of a primary age, lead to a dependency on the car for pupils to attend school.

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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.

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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 minimal services and facilities to meet local needs, **people will need to drive to work, shops, schools, hospitals, leisure facilities;**
 - 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, Tom Jervis

Hardy, Carole A

From: Matt Rees [REDACTED]
Sent: 02 April 2015 16:23
To: Planning & Transportation (Customer Care)
Subject: Objection to Planning - Ref: 2015/00249/FUL -Land to East of St Nicholas
Attachments: Development Objection.pdf

To whom it may concern,

Please find attached a letter objecting to the planning application as detailed above.

Regards.

Matt Rees
Contracts Manager - LEE Remediation Limited

Mobile: [REDACTED]



LEE REMEDIATION

LEE Remediation Ltd
3 Ty Nant Court
Morganstown
Cardiff
CF15 8LW

Office Tel: [REDACTED]
[REDACTED]

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LEE Remediation Ltd | Registered in England and Wales | Registered number: 6207126 | Registered office: 3 Ty Nant, Morganstown, Cardiff, CF15 8LW, United Kingdom

D.E.E.R
RECEIVED
ACTION BY: Jmc/ER
NO: 19
ACK:

RECEIVED

- 7 APR 2015

ENVIRONMENTAL
AND ECONOMIC
REGENERATION

Matt Rees
5 Dyffryn Close
St Nicholas
Vale of Glamorgan
CF5 6SS

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02 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 writing to you to object to the above planning application. I have been a resident in St Nicholas for seven years and having initially moved to the village with my young family to enjoy the benefits of living in a small, rural village, I have become increasingly concerned with the growing scale and frequency of planning proposals being applied to St Nicholas.

Having read at length the supporting documentation regarding the relevant planning policy and the subsequent technical arguments as to why the application does not conform to the agreed intentions of planning and development; I find myself in agreement with all of the technical points raised, which I'm sure have been expressed to you in more detailed terms by other, similarly concerned residents of the village.

In summary I object to the proposed development on the following grounds:

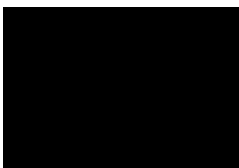
- In accordance with Section 38(6) of the Planning and Compulsory Purchase Act, applications for planning permission should be determined in accordance with the Development Plan unless material considerations indicate otherwise. For the Vale of Glamorgan, the UDP forms part of the Development Plan.
- 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.

Lastly, and for the sake of brevity and for the avoidance of doubt regarding my opinion of the aforementioned proposal, I can distill my thoughts further:

- Increasing the population of an area by 65% at a stroke seems not so much sustainable development as disaster relief.

Yours Faithfully,



Matt Rees

Mob: 

Email:



Hardy, Carole A

From: [REDACTED]
Sent: 02 April 2015 16:35
To: Planning & Transportation (Customer Care)
Subject: New comments for application 2015/00249/FUL
Attachments: NewScan0150.pdf

New comments have been received for application 2015/00249/FUL at site address: Land to the East of St. Nicholas

from Mr Marc Evans [REDACTED]

Address:
4 Broadway Green ,St Nicholas,CF56SR

Comments:
The attached letter

The following files have been uploaded:
NewScan0150.pdf

Case Officer:
Mr. Steven Rennie

D.E.E.R
RECEIVED
ACTION BY: Jmclsr
NO: 20
ACK:

RECEIVED
- 7 APR 2015
ENVIRONMENTAL
AND ECONOMIC
REGISTRATION

02 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 Ely Valley and Ridge Slopes Special Landscape Area.

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

The LDP Strategy

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

Planning Policy Wales in clear that:

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

Furthermore:

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

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

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

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

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

The emerging Allocation

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

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

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

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

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

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

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

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

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

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

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

The Application's Conformity to PPW's Objectives

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

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

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

Land at Rockfield Road, Monmouth

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

Land at Red Barn Farm, Abergavenny

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

Began Road, Cardiff

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

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

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

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

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

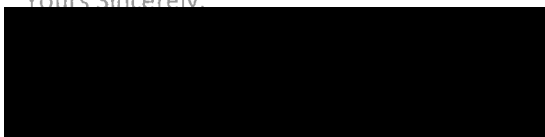
There can be no certainty that the proposed development will have *"no unacceptable impact on the Conservation Area"* as claimed in Section 9 of the Design and Access Statement.

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



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7 APR 2015

ENVIRONMENTAL
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REGENERATION

Pheasant Rise,
Cowbridge Rd,
St. Nicholas,
Cardiff
CF5 6SH

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

Thursday April 2nd

Mr. S. Rennie,
Development Control,
Vale of Glamorgan Council,
Dock Office
Bany Docks,
Bany
CF56 3 4LT

Dear Mr. Rennie

Re: Planning application: 2015/00249/FUL
(Land East of St. Nicholas, Vot 9)

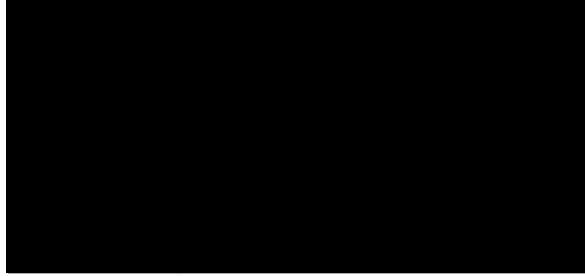
I attach a letter outlining my objections in detail to the above application.

I particularly object to this huge (65%) increase in the housing at St. Nicholas which is a massive development to a village without the necessary infrastructure recommended in current plans/vision. I feel this would change the whole nature of the village.

I also object strongly to the demolition of "Emanville" - in the conservation area and

I feel this would destroy the current appearance and character of this area of the village, as well as contravening the existing legislation.

Yours Sincerely,



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.....
.....

31 March 2015

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

Dear Mr. Rennie,

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

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

My concerns include:

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

Each issue is considered in turn below.

The Decision Making Framework

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

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

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

Existing Development Plan

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

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

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

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

The LDP Strategy

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

Planning Policy Wales is clear that:

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

Furthermore:

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

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

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

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

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

The emerging Allocation

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

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

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

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

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

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

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

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

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

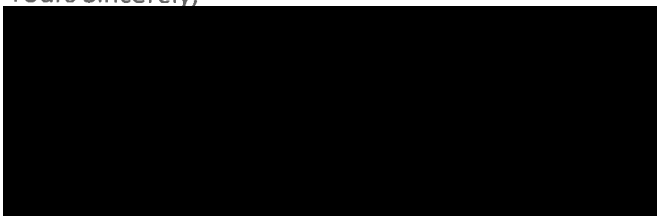
There can be no certainty that the proposed development will have ***"no unacceptable impact on the Conservation Area"*** as claimed in Section 9 of the Design and Access Statement.

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,





TOWN AND COUNTRY PLANNING DEVELOPMENT CONSULTANTS

RECEIVED

7 APR 2015

ENVIRONMENTAL AND ECONOMIC REGENERATION

01 April 2015

Our Ref: CJD.LPC.3425

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

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

Dear Mr Rennie

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

I am writing to you on behalf of my client Mr Conor McCloskey of LLanyrfon, Well Lane, St Nicholas to object to the above planning application on the following grounds:

- The application is contrary to the adopted Development Plan
- The application is contrary to the objectives of Planning Policy for Wales (PPW)
- The scheme does not conform to the emerging planning policy
- The impact of the proposed development on the St Nicholas Conservation Area
- The impact on Ely Valley and Ridge Slopes of Special Landscape Area
- Impact on the residential amenity

The application proposes the erection of 79 dwellings on approximately 3.65 hectares of land to the east of St Nicholas. The site consists of agricultural fields lying in the open countryside and adjacent to the St Nicholas Conservation Area.

Section 38(6) of the Planning and Compulsory Purchase Act 2004 requires that application for planning permission must be determined in accordance with the Development Plan unless material considerations indicate otherwise. The Vale of Glamorgan Unitary Development Plan (1996-2011) forms part of the Development Plan. On the Proposals Map the site lies outside the settlement boundary of St Nicholas and within the open countryside. As such, policies HOUS3 (Dwellings in the Countryside), ENV1 (Development in the Countryside) and ENV10 (Conservation in the Countryside) are particularly relevant to the determination of this application. HOUS3 states that 'the erection of new houses in the countryside will be restricted to those that can

LPC (Trull) Ltd
Trull Tetbury
Gloucestershire
GL8 8SQ



be justified in the interests of agriculture and forestry'. It is clear that the scale of development proposed is not linked to agriculture or forestry and the proposal would therefore clearly be contrary to this policy. I also note from the planning history of the site that earlier applications for housing on part of the application site have been refused in the past.

In addition I note that the land is Grade II Agricultural Land and I draw your attention to Policy ENV2 which seeks to protect the best and most versatile agricultural land. The development would be contrary to this policy which is supported by the Planning Policy for Wales (PPW) which also states that the best and most versatile agricultural land should only be developed where there is an overriding need for the development and that previously developed land or land in lower agricultural grades is unavailable.

I note from the application details that the Applicant acknowledges in their submission that the proposal would be contrary to the adopted Development Plan and have put forward in support of their case that the Council cannot demonstrate a five-year housing land supply and that this should be treated as a material consideration and that in accordance with the PPW there should be a presumption in favour of sustainable development. Paragraph 4.24 of the PPW indicates that where there is no adopted Development Plan; where the 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 which are in accordance with the key principles and key policy objectives of sustainable development set out in the PPW. It is understood that the Council can currently demonstrate more than a five-year supply of housing and accordingly the application site is not currently required to meet any shortfall in housing. However I draw your attention to the fact that in circumstances where a five-year supply of housing cannot be demonstrated the need to increase the supply of housing should be given considerable weight when dealing with planning applications, *provided* that the development would otherwise comply with the Development Plan and National Planning Policies.

As set out above, the application is contrary to the current Development Plan and it is submitted that the application would not represent a sustainable development and would not comply with National Planning Policies. PPW and TAN1 are clear that the presumption in favour of development only applies to proposals which accord with National Planning Policies and the key principles and policy objectives of sustainable development. In the case of this application it is not considered that development would accord with the key principles and policy objectives as defined by PPW and in particular Section 4.4 of PPW for the following reasons:

- **Promote resource efficient and climate change resilience settlement patterns.**

The Council's Sustainable Settlement Background Paper (2013) estimates the population of the village to be 339 residents. On the basis of an average household size of 2.21, this development could lead to a new population of 221 residents which would equate to an increase of 65%. Given the lack of services and facilities within the village this would inevitably increase dependency on the car and consequently promote unsustainable travel patterns. Accordingly, this level of development should be accommodated in more sustainable locations.

- **Locate developments so as to minimise the demand for travel especially by private car.**

The lack of services and facilities within St Nicholas will inevitably mean that residents of the proposed development will have to access services and facilities in other areas to meet their day-to-day needs. The limitations of public transport will mean that the majority of these trips will need to be made by other means principally by the private motor vehicle.

- **Support the need to tackle the causes of climate change by moving towards a low carbon economy.**

This application will not assist in tackling the causes of climate change. As set out above the village has limited facilities and services and residents would therefore have to travel to Culverhouse Cross and Barry to access an acceptable level of services and facilities.

- **Help to ensure the conservation of the historic environment and cultural heritage acknowledging and fostering the local diversity.**

It is considered that the proposed development will have a substantial harmful effect on the St Nicholas Conservation Area and locally Listed buildings.

- **Ensure that all local communities – both urban and rural – has sufficient good quality housing for their needs.**

No local housing need has been identified within the Eastern Vale Area. The provision of new housing should therefore be met in the areas of greatest need such as Barry, Penarth and the Coastal Areas, where there also exists the greater number and better quality services and facilities.

- **Promote access to employment, shopping, education, health, community, leisure and sports facilities and open and green space, maximising opportunities for community development and social welfare.**

This development does not provide access to any employment, education, shopping, community, leisure or sports facilities.

- **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.**

This proposal does not provide any improvements to accessing services and facilities either for the existing or proposed future residents. Indeed it would create and compound an existing unsustainable pattern of development and promote greater dependency on the private car.

- **Foster social inclusion by ensuring that full advantage is taken for the opportunities to secure a more accessible environment for everyone that the development of land and buildings provides.**

As already stated this development would lead to a greater dependency on the private motor vehicle.

It is clear that this proposal would not accord with the key principles and policy objectives of sustainable development as defined in the PPW and therefore the presumption in favour of sustainable development that applies as a result of not being able to demonstrate a five-year supply of housing, (should this be the case), does not apply. This proposed development cannot be considered as being a sustainable development and therefore the presumption in favour of the development should not apply. Furthermore, the absence of an adequate supply of housing land is not considered such a material consideration that is of sufficient weight to outweigh the harm caused by the proposal. Consequently the development does not comply with the key objectives and policies of the Welsh Government.

Contrary to Emerging Planning Policy

The Vale of Glamorgan Deposit Local Development Plan 2011 – 2026 identifies land to the east of St Nicholas for approximately 100 dwellings under Draft Policy MG2. As you are aware decision takers may give weight to relevant policies in emerging plans according to the stage of preparation of the emerging policy and the extent to which there are unresolved objections to the relevant policies and the degree of consistency in the emerging plans to the policies in the PPW. As you are aware I have made representations in the

past on behalf of residents of St Nicholas to this policy, including the scale of the development in relation to the size of St Nicholas. As you are aware, it will be some time until this plan is adopted and it may also be subject to change. As such, any consideration of this proposal under the Draft Local Plan Development Plan Policies would be premature. It is also noted that this application proposes a quantum of development less than the draft allocation and on a smaller site which does not include the provision of open space which was intended to remedy an identified deficiency in St Nicholas. In any event the submitted application therefore fails to accord with the emerging policy.

Impact on the St Nicholas Conservation Area

The application site is located within and immediately adjacent to the boundary of the St Nicholas Conservation Area. Section 72 of the Act requires that special attention should be paid in the exercise of planning functions to the desirability of preserving or enhancing the character or appearance of the Conservation Area. Furthermore, the Courts have held that full weight must be given in the planning decisions to the objective of preservation or enhancement. The proposal would be very visible on the approach to the village and would have a significant impact on the setting of the Conservation Area. I note within the submitted documentation that there is no specific assessment of what effect the proposed development will have on the Conservation Area and any other Heritage Assets in the immediate locality. The Act requires that special attention be paid to development in the Conservation Area and in the absence of a thorough technical assessment of the precise impact of the development it is considered the legal tests have not been satisfied in respect of this application.

Impact on the Ely Valley and Ridge Slopes Special Landscape Area

The site lies within the designated Ely Valley and Ridge Slopes Special Landscape Area. Policy ENV4 of the Vale of Glamorgan Unitary Development Plan states that 'new development within or closely related to the Special Landscape Area will be permitted where it can be demonstrated it would not adversely affect the landscape character, landscape features or visual amenities of the Special Landscape Area.'

The supporting statement advises that development in these areas will be strictly controlled in order to protect their special landscape character and that any development proposed within or on land closely related will need to have special regard to the characteristics and features of the surrounding landscape. In such circumstances applicants are required to demonstrate that their proposal has been designed to minimise the impact of the development upon the landscape. The supporting SPD advises that applications should be supported by the submission of additional information to fully assess the impact of the proposed development, including a

Landscape Appraisal and Design Statement and that these should be accompanied by detailed layout plans. The application is accompanied by a landscape strategy plan only and it is not considered that this is sufficient to fully assess the suitability or acceptability of the development as proposed or to demonstrate that the scheme would successfully integrate the development into its immediate locality and that the development proposed would satisfy the requirements of policy ENV4.

Impact on Residential Amenity

It is considered that the overall form and layout of the development has little regard to the rural character of the village. The proposed scale of the development is out of keeping and the proposal represents an urban extension to the village. The density of the development is too great and has little regard to the character of the village which is described as a low density linear village in the St Nicholas Conservation Appraisal and Management Plan.

The layout will also have a detrimental impact on the residential amenity of the adjacent properties. The new houses are located too close to existing properties and the layout will result in a loss of outlook, overlooking and will have an overbearing impact on existing residents. In particular, plots 25-32 and 36-38 will significantly impinge on the amenities of the existing adjacent properties, contrary to the design aspirations set out in Policy ENV27 of the UDP.

Summary

This planning application should be determined in accordance with the Development Plan unless material considerations indicate otherwise. The site is located outside the settlement boundary of St Nicholas and would be specifically contrary to policies HOUS3, ENV1 and ENV2 of the Vale of Glamorgan Unitary Development Plan. The proposal does not represent a sustainable development as defined in the PPW and the application fails to accord with the key principles and policy objectives of sustainable development. If the application is allowed it would result in a significant increase in the population of the village which has poor accessibility to services and facilities and will result in an increasing dependency on the private car. In addition, the proposal does not accord with the Draft proposal set out in the Vale of Glamorgan Local Development Plan 2011 – 2026 and in any event this plan is at an early stage of preparation and the policy is subject to objections and furthermore the potential allocation is inconsistent with the relevant policies of the PPW. This proposal does not represent a sustainable form of development. In addition, the proposal would cause substantial harm to the character and appearance of the St Nicholas Conservation Area and would have a potential detrimental effect on the designated Special Landscape Area and the residential amenity of adjacent properties.

CJD.LPC.3425
Page Seven

I trust you will take these view into account in your determination of the application and I would be grateful if you could keep me informed of the progress of the application in due course.

In the meantime should you require any additional information then please do not hesitate to contact me.

Yours sincerely



Chris Dance
Associate

cc Client

D.E.E.R
RECEIVED
ACTION BY:
NO:
ACK: x44

S. JONES
 KIN FAUNS
 ST. NICHOLAS
 CF5 6SH.

RECEIVED

31 March 2015

7 APR 2015

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

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

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

Furthermore:

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

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

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

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

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

The emerging Allocation

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

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

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

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

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

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

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

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

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

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

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

The Application's Conformity to PPW's Objectives

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

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

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

Land at Rockfield Road, Monmouth

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

Land at Red Barn Farm, Abergavenny

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

Began Road, Cardiff

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

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

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

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

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

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

The Impact on Community Infrastructure

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

The Impact on the St Nicholas Conservation Area

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

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

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

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

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

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

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

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

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

Summary

I object to the proposed development on the following grounds:

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

Yours Sincerely,

[Redacted Signature]

(SIMON JONES M.B.E)