

2, MAWSONS MEAD  
ST. NICHOLAS  
CARDIFF

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of PPW indicates that where: there is no adopted development plan; relevant development plan policies are considered outdated or superseded; or where there are no relevant policies, then there is a presumption in favour of proposals in accordance with the key principles and key policy objectives of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.**

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ACTION BY: SRZ/jmc
NO: 7

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9 APR 2015

ENVIRONMENTAL  
AND ECONOMIC  
REGENERATION

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

### Existing Development Plan

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

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

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

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

### The LDP Strategy

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

Planning Policy Wales in clear that:

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

Furthermore:

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

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

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

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

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

### The emerging Allocation

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

#### The Impact on Community Infrastructure

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

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

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

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

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

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

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

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

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

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

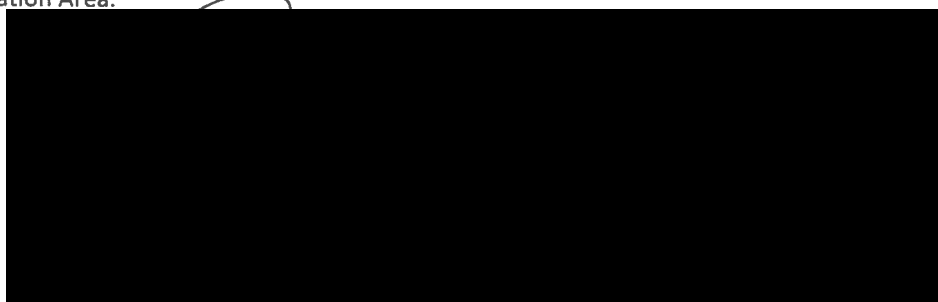
There can be no certainty that the proposed development will have ***"no unacceptable impact on the Conservation Area"*** as claimed in Section 9 of the Design and Access Statement.

## Summary

I object to the proposed development on the following grounds:

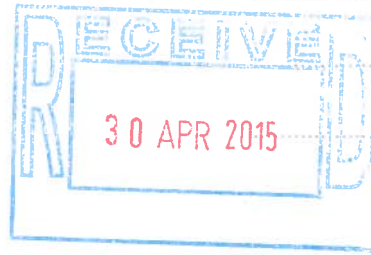
- In accordance with Section 38(6) of the Planning and Compulsory Purchase Act, applications for planning permission should be determined in accordance with the Development Plan unless material considerations indicate otherwise. For the Vale of Glamorgan, the UDP forms part of the Development Plan.
-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

Yours Sincerely,





RECEIVED
ACTION BY: JMC/SRZ
NO: 5
DATE:



31 March 2015

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

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

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My concerns include:

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

Each issue is considered in turn below.

#### **The Decision Making Framework**

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

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

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

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

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

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

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

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

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

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

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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%.

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

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

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

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

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

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***"...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.

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

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

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

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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.

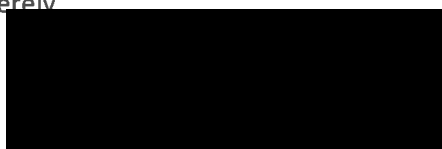
There can be no certainty that the proposed development will have ***"no unacceptable impact on the Conservation Area"*** as claimed in Section 9 of the Design and Access Statement.

## Summary

I object to the proposed development on the following grounds:

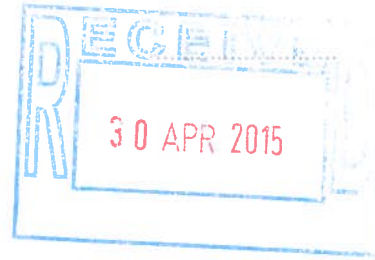
- In accordance with Section 38(6) of the Planning and Compulsory Purchase Act, applications for planning permission should be determined in accordance with the Development Plan unless material considerations indicate otherwise. For the Vale of Glamorgan, the UDP forms part of the Development Plan.
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





D.E.E.R
RECEIVED
ACTION BY: JMC/SR 2
NO: 10
ACK:



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

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

Furthermore:

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

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

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

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

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

### **The emerging Allocation**

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

- **Help to ensure the conservation of the historic environment and cultural heritage, acknowledging and fostering local diversity** – the proposed development will have a significant harmful effect on the St Nicholas Conservation Area and locally important and listed buildings. A robust assessment of this harm has not been undertaken by the applicant.
- **Ensure that all local communities – both urban and rural – have sufficient good quality housing for their needs** – there is currently no affordable housing need within the Eastern Vale area. The majority of need is within Barry, Penarth and the Coastal areas, where there exists a greater number of services and facilities.
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- **Foster improvements to transport facilities and services which maintain or improve accessibility to services and facilities, secure employment, economic and environmental objectives, and improve safety and amenity** – the proposed development does not provide any improvements to accessing services and facilities, both for the existing and proposed resident population. Conversely, it could create an unsustainable pattern of development and a greater dependency on the private car. Moreover, whilst the proposed junction may work in isolation, it would clearly reduce the safety of my Clients existing access from his property and of other properties in the surrounding environs.
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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.

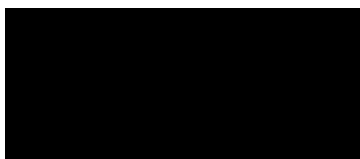
There can be no certainty that the proposed development will have ***"no unacceptable impact on the Conservation Area"*** as claimed in Section 9 of the Design and Access Statement.

## 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,





**Payne, Adrienne J**

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**From:** [REDACTED]  
**Sent:** 02 May 2015 21:46  
**To:** Planning & Transportation (Customer Care)  
**Subject:** New comments for application 2015/00249/FUL  
**Attachments:** 2015 03 28 - Paul Williams letter of objection (1).docx; 2015 04 22 - WG reply - TO-CS-00530-15 - Mr Paul Williams Vale Villages Together VOG LDP - Final Reply.pdf; 2015 05 02 - Text of e-mail to VoG council re Welsh Government housing position.docx

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

**Address:**  
11 Ger-y-lan, St Nicholas, CF5 6SY

**Comments:**

Submit a supplementary document to support my earlier objection. I attach a copy of a letter of 22 April 2015 from Welsh Government. The 2nd and 3rd paragraphs make it clear that Welsh Government "...does not direct local authorities on the scale or location of development proposals" and "...does not set a specific housing target for LDP's to achieve." The letter confirms that "...local authorities can deviate from the projections, both upward and downwards when preparing a plan, provided this can be justified by robust evidence." As noted above and in my letter of objection, there is a robust evidence that the real requirement for houses in the period to 2026 is a figure very much lower than 10,450. The planning department and the council should thus oppose this proposed development on the basis that it is not justified on the basis of need. Please see full text of this in the attached document.

**The following files have been uploaded:**

2015 03 28 - Paul Williams letter of objection (1).docx  
2015 04 22 - WG reply - TO-CS-00530-15 - Mr Paul Williams Vale Villages Together VOG LDP - Final Reply.pdf  
2015 05 02 - Text of e-mail to VoG council re Welsh Government housing position.docx

**Case Officer:**  
Mr. Steven Rennie

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D.E.E.R
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ACTION BY: SR2/JMC
NO: 18
ACK:



Eich cyf/Your ref  
Ein cyf/Our ref TO/CS/00530/15

Paul Williams (et al)

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AND ECONOMIC  
REGENERATION

22 April 2015

Dear Mr Williams,

### Vale of Glamorgan Local Development Plan

Thank you for your email dated 29 March to the First Minister Carwyn Jones regarding the Vale of Glamorgan Local Development Plan (LDP). The Minister for Natural Resources Carl Sargeant AM is responsible for planning. I have been asked to respond on his behalf.

The preparation of an LDP is a statutory duty placed on local planning authorities across Wales by the Planning and Compulsory Purchase Act 2004. The Welsh Government does not direct local authorities on the scale or location of development proposals. The responsibility for the content and justification of an LDP rests with each local planning authority, in accordance with the legislation and having regard to national policy and local circumstances.

With regard to the most recent population and household projections the Welsh Government does not set a specific housing target for LDPs to achieve, instead the population and household projections form part of the overall evidence base. As set out in Planning Policy Wales (PPW) local authorities can deviate from the projections, both upward and downwards when preparing a plan, provided this can be justified by robust evidence.

All LDPs are subject to a public examination where interested parties who have objected to a plan can state their concerns to an independently appointed Inspector. It will be for the appointed Inspector to determine if the plan is 'sound' and can be adopted. The matters you raise in your letter such as the scale of housing, location of growth, migration rates, infrastructure and relationship to adjoining LDPs will form part of the appointed Inspector's deliberations and public discussion. Cross boundary issues between neighbouring authorities is one specific test of 'soundness' (Test CE1) set out in LDP Wales 2005 against which all LDPs are considered.

With regard to local authority mergers and various cross boundary issues, the Vale of Glamorgan Council has a duty to prepare a LDP in line with the existing regulations

and administrative boundaries. The LDP is an essential part of the local policy framework to provide a firm basis for rational and consistent planning decisions, ensuring a plan-led approach to development. As the current Unitary Development Plan (UDP) has reached the end of its plan period it is imperative that the local authority has an up-to-date adopted development plan in place. When an announcement is made regarding future local authority structures and boundaries, including implementing proposals from the Planning (Wales) Bill (for example Strategic Development Plans) all local authorities will need to respond accordingly. It would be inappropriate to delay the adoption of the LDP, particularly as the Vale of Glamorgan will be without an up-to-date adopted development plan, critical in influencing and steering development.

Due to Ministers' powers in the LDP process, as set out in the Planning and Compulsory Purchase Act 2004, it would be inappropriate for any representative of Welsh Government to comment on the merits of individual plans or the evidence to support them.

Yours sincerely

**Candice Coombs**  
**Senior Planning Manager**  
**Planning Directorate**

---

2015 05 02

Dear Sir

I wish to submit a supplementary document to support the objection I have already made with regard to the above planning application. I attach my letter of objection dated 2015 03 28. On page 5 paragraph K, I state 'Thus in the years 2006 to 2008 to 2011, the projected inward migration has been reassessed and downsized from 815 to 547 to 217 per year' and 'This planning application is for the building of houses for which there is no current need. Any justification for permitting this development on the basis of housing need flies in the face of the Welsh Government's own projections'.

The projected housing requirement for the Vale of Glamorgan is the overriding issue that requires frank, honourable and trustworthy consideration. The Deposit LDP was prepared on the assumption of a requirement for 9,950 houses plus a reserve of 500 houses making a total of 10,450. This requirement was assessed on the basis of statistics produced in 2008. They are now seven years out of date. The real requirement for houses in the period to 2026 is a figure much lower than 10,450. It would bring the planning department and the council into disrepute to damage the environment of the Vale irreparably. The inflated figure of 10,450 houses included in the Deposit LDP may have been imposed by the Welsh Government or included under pressure from the Welsh Government in earlier times.

I attach a copy of a letter dated 22 April 2015 from the Welsh Government in response to a letter written to the First Minister. The 2<sup>nd</sup> and 3<sup>rd</sup> paragraphs make it abundantly clear that the Welsh Government "...does not direct local authorities on the scale or location of development proposals" and "...does not set a specific housing target for LDP's to achieve." The letter confirms that "...local authorities can deviate from the projections, both upward and downwards when preparing a plan, provided this can be justified by robust evidence." As noted above and in my letter of objection, there is a robust evidence that the real requirement for houses in the period to 2026 is a figure very much lower than 10,450.

The planning Department and the Council now has the opportunity and responsibility to avoid unnecessary and serious destruction of parts of the Vale. The Council should shoulder this responsibility and take heed of the Welsh Government's own population projections and thus the housing need these figures subtend. The planning department and the council should thus oppose this proposed development on the basis that it is not justified on the basis of need.

Yours faithfully

Dr Paul Williams

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**Payne, Adrienne J**

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**From:** Paul Williams [REDACTED]  
**Sent:** 02 May 2015 21:32  
**To:** Planning & Transportation (Customer Care)  
**Subject:** RE: Objection to Planning Application: 2015/00249/FUL  
**Attachments:** 2015 03 28 - Paul Williams letter of objection.docx; 2015 04 22 - WG reply - TO-  
CS-00530-15 - Mr Paul Williams Vale Villages Together VOG LDP - Final Reply.pdf

Dear Sir

I wish to submit a supplementary document to support the objection I have already made with regard to the above planning application. I attach my letter of objection dated 2015 03 28. On page 5 paragraph K, I state 'Thus in the years 2006 to 2008 to 2011, the projected inward migration has been reassessed and downsized from 815 to 547 to 217 per year' and 'This planning application is for the building of houses for which there is no current need. Any justification for permitting this development on the basis of housing need flies in the face of the Welsh Government's own projections'.

The projected housing requirement for the Vale of Glamorgan is the overriding issue that requires frank, honourable and trustworthy consideration. The Deposit LDP was prepared on the assumption of a requirement for 9,950 houses plus a reserve of 500 houses making a total of 10,450. This requirement was assessed on the basis of statistics produced in 2008. They are now seven years out of date. The real requirement for houses in the period to 2026 is a figure much lower than 10,450. It would bring the planning department and the council into disrepute to damage the environment of the Vale irreparably. The inflated figure of 10,450 houses included in the Deposit LDP may have been imposed by the Welsh Government or included under pressure from the Welsh Government in earlier times.

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The planning Department and the Council now has the opportunity and responsibility to avoid unnecessary and serious destruction of parts of the Vale. The Council should shoulder this responsibility and take heed of the Welsh Government's own population projections and thus the housing need these figures subtend. The planning department and the council should thus oppose this proposed development on the basis that it is not justified on the basis of need.

Can you please acknowledge receipt of this supplementary document?

Yours faithfully  
Paul Williams

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**From:** Paul Williams [REDACTED]  
**Sent:** 31 March 2015 17:25  
**To:** 'developmentcontrol@valeofglamorgan.gov.uk'  
**Subject:** Objection to Planning Application: 2015/00249/FUL

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Dear Sir/Madam

I attach my objection to the above planning application.  
Could you please acknowledge receipt of my e-mail?

Thanks in advance  
Dr Paul Williams

DEER
RECEIVED
ACTION BY: SR21JMC
NO: 17
ACK:

**Payne, Adrienne J**

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**From:** Paul Williams [REDACTED]  
**Sent:** 27 May 2015 12:19  
**To:** Planning & Transportation (Customer Care)  
**Subject:** FW: Objection to Planning Application: 2015/00249/FUL - evidence of bat activity

FYI in case receipt of the 2 short videos require you to contact the ICT service desk in order to permit you to receive them.

---

**From:** Paul Williams [REDACTED]  
**Sent:** 27 May 2015 12:16  
**To:** 'admin@valeofglamorgan.gov.uk'  
**Subject:** RE: Objection to Planning Application: 2015/00249/FUL - evidence of bat activity

Dear Sir

As per our telephone conversation a few minutes ago, thank you for agreeing to release these 2 short videos for the attention of Mr Steven Rennie in the Planning Department.

With best wishes  
Paul Williams

**From:** [REDACTED]  
**Sent:** 27 May 2015 12:06  
**To:** [REDACTED]  
**Subject:** RE: Objection to Planning Application: 2015/00249/FUL - evidence of bat activity

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Vale of Glamorgan Council E-mail Policy -- Movie Attachment

27 MAY 2015

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Your E-mail sent to:  
[REDACTED]

was found to contain an attachment which is not generally accepted into the authority (e.g. QuickTime Movie, Microsoft Media Player Movie).

Your E-mail has been quarantined and will not be delivered to the intended recipient.

However, if there is a business case for this E-mail to be delivered, please contact the Vale of Glamorgan Council's ICT Service Desk on the number below within 30 days (commencing Wed, 27 May 2015 12:04:21 +0100), otherwise the quarantined message will automatically be deleted.

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If you have any queries regarding the application of this policy please contact:

Vale of Glamorgan Council  
ICT Service Desk: [REDACTED]

D.E.E.R
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ACTION BY: SR2/JMC
NO: 15
ACK:

**Payne, Adrienne J**

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**From:** Paul Williams [REDACTED]  
**Sent:** 27 May 2015 12:04  
**To:** Planning & Transportation (Customer Care)  
**Subject:** Objection to Planning Application: 2015/00249/FUL - evidence of bat activity  
**Attachments:** 150501 - Ecology Assessment - November 2014 - extract - bats.pdf; IMG\_3462.MOV; IMG\_3461.MOV

Mr Steven Rennie  
Planning Department  
The Vale of Glamorgan Council

Dear Mr Rennie

**Planning Application by Redrow Homes: Land to the East of St Nicholas: LDP Site MG2 [43] 6 March 2015:  
Your refs: 2015/00249/FUL & 2015/00283/CAC**

I am writing further to my previous objections to the above development dated 28 March and 2 May 2015.

There was seemingly no evidence of the activity of bats on the development site in the Ecology Assessment dated November 2014 submitted by Redrow in support of the planning application. I attach for your reference an extract from the Ecology Assessment. The relevant part is paragraphs 2.4.1 to 2.4.24. Paragraph 2.4.16 states that bat activity surveys were done on 15 May, 30 June, 13 August and 8 October 2014 for 2-3 hours after sunset.

I attach 2 short videos taken at about 9pm last night on an iPad by my wife from a downstairs window looking East. It is possible to see a number of bats flying and swooping over our garden and over the field for which planning permission is being sought. I trust that you will accept this as evidence that there is bat activity over this site. I would thus respectfully ask that the Vale of Glamorgan Council should not accept the conclusion of Redrow's Ecological Assessment in the light of the incontrovertible evidence attached.

Yours faithfully

Paul Williams  
11 Ger-y-Ilan  
St Nicholas  
CF5 6SY

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NO: 14
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**ecology solutions ltd**

**REDROW HOMES LTD**  
/ HOMES LTD

**Land at St Nicholas,  
Vale of Glamorgan**

**Glamorgan  
Ecological Assessment**  
REDROW HOMES LTD

ecology solutions for  
planners and developers

**Glamorgan**  
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**Glamorgan**



- 2.3.6. In addition, a Phase 1 survey was also carried out on the southern section of the Application Site and an adjacent field to the east by David Clements Ecology Ltd in March 2012, following the same methodology as detailed above.

## 2.4. Faunal Survey

- 2.4.1. General faunal activity observed during the course of the surveys was recorded, whether visually or by call. Specific attention was paid to the potential presence of any protected, rare, notable or priority species. In addition, specific surveys were undertaken for bats, Badgers *Meles meles*, Dormice *Muscardinus Avellanarius* and Great Crested Newts *Triturus cristatus*.

- 2.4.2. **Bats.** Field surveys were undertaken following best practice guidelines issued by the Bat Conservation Trust (2012), Natural England (Mitchell-Jones, 2004) and the Joint Nature Conservation Committee (Mitchell-Jones & McLeish, 2004).

### *Internal / external building inspections*

- 2.4.3. In October 2014 the two buildings within the Application Site were subject to detailed external and internal surveys. No buildings are located in the wider study area.

- 2.4.4. These surveys utilised ladders, mirrors, endoscope, torches and binoculars, where necessary. Particular attention was paid to the roof structures with evidence searched for past or present activity within any voids and around joists.

- 2.4.5. Evidence of the presence of bats was searched for with particular attention paid to any loft voids and gaps between rafters and beams. Specific searches were made for bat droppings that can indicate present or past use and extent of use, as well as other signs to indicate the possible presence of bats e.g. feeding remains, presence of stained areas, or areas that are cobweb-free.

- 2.4.6. The probability of a building being used by bats as a summer roost site increases if it:

- Is largely undisturbed;
- Dates from pre 20<sup>th</sup> Century;
- Has a large roof void with unobstructed flying spaces;
- Has access points for bats (though not too draughty);
- Has wooden cladding or hanging tiles; and/or
- Is in a rural setting and close to woodland or water.

- 2.4.7. Conversely, the probability decreases if a building is of a modern or pre-fabricated design / construction, is in an urban setting, has small or cluttered roof voids, has few gaps at the eaves or is a heavily disturbed premises.

- 2.4.8. The main requirements for a winter / hibernation roost site is that it maintains a stable (cool) temperature and humidity. Sites commonly

utilised by bats as winter roosts include cavities / holes in trees, underground sites and parts of buildings. Whilst different species may show a preference for one of these types of roost site, none are solely dependent on a single type.

#### *Tree Assessment*

2.4.9. In April and July 2014 all trees within the Application Site and wider study area were assessed for their potential use by bats. Ladders, binoculars and an endoscope were used where necessary.

2.4.10. For a tree to be classified as having some potential for roosting bats it must usually have one or more of the following characteristics:

- Obvious holes, e.g. rot holes and old woodpecker holes;
- Dark staining on the tree below a hole;
- Tiny scratch marks around a hole from bats' claws;
- Cavities, splits and / or loose bark from broken or fallen branches, lightning strikes etc; and / or
- Very dense covering of mature Ivy *Hedera helix* over trunk.

2.4.11. In addition, in March 2012 David Clements Ecology Ltd surveyed all trees within their survey area for the potential of the trees to support roosting bats, which included trees within hedgerows H6, H7, H8, H9, H10 and H11.

#### *Emergence Survey*

2.4.12. The tree assessment highlighted one tree within the Application Site as having limited potential to support roosting bats (see Plan ECO2). As such, this tree was subject to evening emergence surveys on the 30<sup>th</sup> June 2014 and 13<sup>th</sup> August 2014.

2.4.13. The emergence surveys commenced approximately half an hour before sunset and extended until over two hours after sunset. These surveys utilised EM3 bat detectors and involved surveyors watching potential entrance/exit points for bats.

2.4.14. The weather conditions for the emergence surveys are detailed in the table below:

Table 1. Bat emergence survey weather conditions

Date	Temperature °C	Weather Conditions
30.6.14	17	Dry, Partly Cloudy
13.8.14	16	Dry, Partly Cloudy

2.4.15. One tree along the northern boundary of the wider study area was also identified as having low potential to support roosting bats. However, this tree is to remain unaffected by the proposed development and is located away from the Application Site, therefore no emergence surveys were considered necessary.

### *Activity Survey*

- 2.4.16. Bat activity surveys were undertaken throughout the Application Site and wider study area on the 15<sup>th</sup> May 2014, 30<sup>th</sup> June 2014, 13<sup>th</sup> August 2014 and 8<sup>th</sup> October 2014. These surveys incorporated the different habitat types present and the survey transects varied in their direction, as advocated in the Bat Workers' Manual<sup>1</sup>.
- 2.4.17. The activity surveys utilised EM3 bat detectors to record the bat activity and aimed to identify the level of bat activity and the species present within the Application Site and wider study area. The surveys started at sunset and lasted for approximately two to three hours. Following completion of the activity surveys the bat detectors were strategically positioned within the Application Site and wider study area in order to record any further activity throughout the night (see Plan ECO2).
- 2.4.18. Automated bat detectors were also positioned within the Application Site and wider study area before the bat activity surveys were undertaken, in order to record any bat species utilising the habitats present and the levels of any bat activity within the Application Site and wider study area. These detectors were then collected the next morning.

Table 2. Bat activity survey weather conditions

Date	Temperature °C	Weather Conditions
15.5.14	12	Dry, Scattered Clouds
30.6.14	17	Dry, Partly Cloudy
13.8.14	16	Dry, Partly Cloudy
8.10.14	14	Dry, Partly Cloudy

### *Static Automated Activity Survey*

- 2.4.19. In addition to the above surveys, static automated activity surveys were undertaken across the Application Site and wider study area on the 10<sup>th</sup> June 2014 and 23<sup>rd</sup> June 2014. SM2 automated detectors were placed within the hedgerows and were set to record from half an hour before sunset until half an hour after sunrise the following day (see Plan ECO2).
- 2.4.20. The SM2s were placed within the centre of the hedgerows and extendable microphones were used, so that the microphones could be positioned at the top of the hedgerows. By positioning the microphones in these locations all bat activity could be recorded on either side of the hedgerows and at any height, maximising the amount of data that can be recorded.
- 2.4.21. These surveys aimed to record any bat species utilising the habitats present and the levels of any bat activity within the Application Site and wider study area.
- 2.4.22. The surveys detailed above were undertaken during suitable weather conditions with further detail shown on the table below:

<sup>1</sup> JNCC. 2004. Bat Workers Manual. 3<sup>rd</sup> Edition. Peterborough.

Table 3. Automated bat survey weather conditions

Date	Temperature °C	Weather Conditions
10.06.14	14	Dry, Scattered Clouds
23.06.14	19	Dry, Partly Cloudy

- 2.4.23. All bat survey data was analysed using Analook software.
- 2.4.24. Given the number of surveys that have been completed at the Application Site and wider study area, it is considered that an accurate and robust assessment has been made.
- 2.4.25. **Badgers.** Specific surveys were undertaken to search for evidence of Badgers in April and July 2014. Such surveys comprise two main elements. The first of these is a thorough search for evidence of Badger setts. If any setts are encountered each sett entrance is noted and plotted even if the entrance appeared disused. The following information is recorded:
- i) The number and location of any well used or very active entrances; these are clear from any debris or vegetation and are obviously in regular use and may, or may not, have been excavated recently.
  - ii) The number and location of any inactive entrances; these are not in regular use and have debris such as leaves and twigs in the entrance or have plants growing in or around the edge of the entrance.
  - iii) The number of any disused entrances; these have not been in use for some time, are partly or completely blocked and cannot be used without considerable clearance. If the entrance has been disused for some time all that may be visible is a depression in the ground where the hole used to be and the remains of the spoil heap.
- 2.4.26. Secondly, Badger activity such as well-worn paths and run-throughs, snagged hair, footprints, latrines and foraging signs is recorded so as to build up a picture of the use of the Application Site and wider study area, if any, by Badgers.
- 2.4.27. In addition, David Clements Ecology Ltd undertook specific surveys to search for evidence of Badgers within field F3 and the adjacent field to the east in March 2012.
- 2.4.28. **Dormice.** A Dormouse nest tube survey was carried out at within the Application Site and wider study area between May and September 2014. This survey involves the placement of nest tubes within all hedgerows in the Application Site and wider study area as detailed within the Dormouse Conservation Handbook<sup>2</sup>.

<sup>2</sup> Bright, P, Morris, P & Mitchell-Jones, T (2006). The Dormouse Conservation Handbook. Second Edition. English Nature. Peterborough.

11 Ger-y-llan  
St Nicholas  
Vale of Glamorgan  
CF5 6SY

28 March 2015

Mr Steven Rennie  
Planning Department  
The Vale of Glamorgan Council  
Dock Office  
Barry CF63 4RT

Dear Mr Rennie

**Planning Application by Redrow Homes: Land to the East of St Nicholas: LDP Site MG2 [43]  
6 March 2015: Your refs: 2015/00249/FUL & 2015/00283/CAC**

I wish to object to the above planning application for development of 79 houses on land to the east of St Nicholas for many reasons which I give below:

- 1 This application is out of order** The Deposit Local Development Plan (LDP) is currently being processed by the Vale of Glamorgan Council (VOGC). I have previously registered my objections to this, as have numerous other residents of St Nicholas, on the basis of a large number of errors and wrong conclusions made by the authors of the LDP. These objections and the consideration that should be given to them have not yet been through the required due process yet. They have not to my knowledge been considered by the Inspector that should be appointed by the Welsh government to examine them. The land to the east of St Nicholas that is the subject of this planning application forms part of the allocated site number MG2-43 which should be deleted from the LDP on numerous grounds as set forth in my objections to the LDP. **Redrow is deliberately sneaking in this planning application in the middle of a constitutional process specifically designed to enable all citizens to have their voice and opinion heard to try and prevent such flawed developments.** For the planning officers of the VOGC to give permission for this planning application to go ahead would make a mockery of the planning process in that the constitutional objections would be ignored before due consideration by the Inspector. This application is totally out of order by virtue of being lodged during a period when consideration of the LDP is still ongoing. To grant permission for this application to go ahead would constitute an abuse of the planning procedure that would indicate to any party with a vested interest in future how to overthrow the judgement and undermine the professionalism of planning officers, by subverting the very planning process itself. The VOGC has already confirmed that it currently has no shortfall in the 5-year supply of land for housing, such that there is no justification to consider this application at this time, before the formal adoption of the LDP after the Inspector's report. **The application is premature and should not be considered as the site forms part of MG2-43 which should be deleted from the LDP, as suggested by many persons, whose objections ought constitutionally to be under consideration at present. This should disallow this application from being considered further, as allowing it to proceed would willfully consign constitutional objections to dismissal by planning officers or the VOGC, rather than by the Inspector.**

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- 2      **The proposals in this application are contrary to or in breach of the policies in the most recent Unitary Development Plan (UDP). With reference to the current documents referred to by the LDP:**
- A.    The document **01 - Deposit plan written statement November 2013** states on pages 25 & 26 under 'Vision and Objectives' that objective 4 is to protect and enhance the Vale of Glamorgan's historic, built, and natural environment. Objective 10 is to ensure that development within the Vale of Glamorgan uses land effectively and efficiently and to promote the sustainable use and management of natural resources. **This planning application is not consistent with either of these objectives. The proposed site is currently prime agricultural land in open countryside. This is graded as grade 2 land, not grade 3A as Redrow claim it to be. It is not an in-fill area of land. The village of St Nicholas would be completely distorted by such a massive development. This would represent a major incursion of building into open countryside. This planning application would have a major detrimental impact on the existing character and local environment of the minor rural settlement of St Nicholas, which has grown organically over many centuries. This planning application completely contravenes objective 4. Such objections to development on this scale have already been pointed out to the VOGC by the Welsh government in its response to the initial LDP.**
- B.    The document **01 - Deposit plan written statement November 2013** states on pages 55 – 59 under 'Policy MG1 – Housing supply in the Vale of Glamorgan that there is a housing land requirement of 9,950 new dwellings during the plan period. It goes on to say, *inter alia*, that this will be met through the use of small sites including infill and with priority given to brown field and committed sites. **The land to the East of St Nicholas is neither in-fill nor brown field site and so these proposals do not comply with policy MG1.**
- C.    The document **01 - Deposit plan written statement November 2013** states on page 94 under 'Policy MD1 – Location of new development that 'development will be favoured where it has no unacceptable impact on the countryside. The planning application by Redrow has a major impact on the countryside. **The proposals to develop the land to the East of St Nicholas directly contravenes policy MD1.**
- D.    The document **01 - Deposit plan written statement November 2013** states on pages 95–97 under 'Policy MD2 – Place making that proposals should ' Respond appropriately to the local context and character of neighborhood buildings in terms of type, form, scale, mix and density. This planning application is for 79 houses on 3.65 hectares of land, a density of 21.6 houses per hectare. This grossly exceeds the adjacent Conservation Area which has a density of less than 6 houses per hectare. **This is an urban degree of density that is completely out of context with the existing village and Conservation Area – one that would permanently ruin its character and amenity. This planning application directly contravenes policy MD2 (paragraphs 7.5 of the LDP and 4.5 of the Deposit LDP).** It is wrongly claimed at paragraph 2 of the Planning Statement that there is no planning history for the Site. Two planning applications for house construction on part of the Site were refused by VOGC on 10 January 1989 for the construction of 10 houses and on 22 May 1991 for the construction of 6 houses (ref 1988/01152/OUT). **The grounds for refusing permission for the construction of 6 or 10 houses apply even more to the proposed construction of 79 houses.**

In its representations to VOGC on the LDP, the Welsh Assembly Government stated that 'Allocations in some minor rural settlements, for example, 100 units at St Nicholas

and 120 units at Bonvilston **appear disproportionate to current services and facilities.**' (paragraph B.1(d) of the Annex to the letter of 20 December 2013, VOGC reference P/POL/AMW/LDP3). **The scale of developed in this application is wholly disproportionate to the size of the current village.**

- E. The document **01 - Deposit plan written statement November 2013** states on page 102 under 'Policy MD6 – Development within minor rural settlements that new developments in minor rural settlements will be permitted where 'the proposal would not represent a visual intrusion into countryside or the loss of important open spaces that contribute to local amenity, character or distinctiveness'. **This planning application constitutes a de facto visual intrusion into countryside, and the distinct character and amenity of the rural view of St Nicholas after emerging from the urban environments of Cardiff and Culverhouse Cross. Proposals to develop the land to the East of St Nicholas thus directly contravene policy MD6.**
- F. The document **01 - Deposit plan written statement November 2013** states on page 106 under 'Policy MD9 – Historic Environment that development proposals must protect the qualities of the built and historic environment of the Vale of Glamorgan, specifically within Conservation Areas, development proposals must preserve or enhance the character or appearance of the area. **The area of land to the East of St Nicholas borders the Conservation envelope of the village, and was not included in the UDP as land for development. This planning application is the contrary to the UDP. It neither preserves nor enhances the character or the appearance of the area, and so directly contravenes policy MD9.**
- G. The document **10 – LDP Affordable Housing Background paper** shows on Table 2, page 5 the distribution of Affordable Housing Requirement in the Vale:

a. Sub Area			Need Requirement		
	1. Need	Supply	Total	% of net shortfall	Supply (% of need)
b. Barry	1,018	466	552	59.9%	45.8%
c. Penarth	236	109	153	16.6%	41.6%
d. Rural	45	10	35	3.8%	22.3%
<b>e. East Vale</b>	<b>-3</b>	<b>4</b>	<b>-7</b>	<b>0</b>	<b>-</b>
f. Coastal 236	54	182	19.7%		22.9%
g. Total	1,558	643	915	100%	41.3%

The (**emboldened row in the**) Table shows (and paragraph 3.7 above it in document 10 states) that there is no shortage of affordable housing identified in the Eastern Vale. **Proposals to develop the land to the East of St Nicholas thus cannot be justified by a putative need for affordable housing, for no such housing is required in the Eastern Vale. The lack of local services such as a shop, post office, public house, doctor's surgery etc and infrequent bus services make the construction of affordable housing at this site even more illogical.**

- H. The document **11 – LDP Affordable Housing Viability Study** shows on Table 3.3 and 3.4 on page 21-22 the cost of residential and industrial land values regionally.

**Table 3.3 Residential land values regionally**

WALES			
REGION	Small Sites (sites for less than five houses)	Bulk Land (sites in excess of two hectares)	Sites for flats or maisonettes
	£s per hectare	£s per hectare	£s per hectare
Cardiff	2,750,000	2,750,000	2,600,000
Cardiff	900,000	900,000	850,000
Merthyr Tydfil	1,100,000	1,000,000	1,000,000
Bridgend	1,550,000	1,550,000	1,550,000
Swansea	1,400,000	1,400,000	1,800,000
Llandudno	1,000,000	850,000	1,000,000
Newport	1,900,000	1,900,000	1,400,000
Wrexham	1,000,000	850,000	1,000,000

Table 3.4 Industrial land values in Wales

WALES			
	From £s per ha	To £s per ha	Typical £s per ha
Cardiff	210,000	315,000	270,000
Cardiff	160,000	210,000	190,000
Merthyr Tydfil	135,000	200,000	160,000
Taff Ely	125,000	205,000	140,000
Swansea	190,000	245,000	235,000
Colwyn Bay/Llandudno	200,000	300,000	250,000
Newport	180,000	250,000	225,000
Deeside	200,000	300,000	250,000

They show that the cost of Industrial land is about 1/6<sup>th</sup> to 1/10<sup>th</sup> that of residential land. The cost of the plot of land upon which a house is built is for most houses the major part of the cost. Thus houses will be much cheaper if built on industrial land. This proportional better value (more sq ft of living space per £ spent) will apply particularly to affordable housing. Thus the economics argues strongly in favour of not developing prime-land sites such as the land to the East of St Nicholas, but developing sites in the Vale such as Llandow Trading estate. Any housing need in the Vale of Glamorgan could be provided on brownfield land such as Llandow or land of lower agricultural grade. The proposed site allocation on grade 2 (or 3A) agricultural land **conflicts with paragraph 4.10.1 of July 2014 'Planning policy for Wales'**.

- I. The document 20 – LDP findings of the Site Assessment Background paper shows on Table 5 (page 47), which shows the sustainability scores for allocated sites, that the site for which planning permission is sought scores a ' - ' on 'To use land effectively and efficiently', 'To protect and enhance the built environment and natural environment' and 'To reduce the need to travel and enable the use of more sustainable modes of transport'. **Proposals to develop the land to the East of St Nicholas by the VOGC's own assessment thus represents failure in these major conservation and green objectives.**
- J. The document 21 – LDP Green Wedge Background paper states on page 9 that each of the existing green wedges and any proposals for new green wedges are assessed against the following objectives:
  - a. To prevent urban coalescence between and within settlements;
  - b. To ensure that development does not prejudice the open nature of the land;
  - c. To protect undeveloped land from speculative development and
  - d. To maintain the setting of built up areas



The land for which planning permission is sought should become part of the green wedge to prevent the coalescence of Culverhouse/Cardiff and the Eastern Vale by extending the existing green wedge that lies north of Wenvoe westwards. We should be increasingly protecting and extending such green wedge areas rather than developing those agricultural areas that adjoin existing green wedges. **Proposals to develop the land to the East of St Nicholas make such coalescence between Culverhouse Cross and the Eastern Vale at some stage in the future more likely.**

- K. The document **31 – LDP Population & Housing Projections Background paper** shows in Table 1 (page 10) the main components of population change used in the Welsh Government **2006-2030** based predictions for the Vale of Glamorgan. The no of births per year exceed the no of deaths by between 2 and 250 per year. However there is net migration of population into the Vale of Glamorgan of **815** per year. **It is this projected inward migration of 815 per year that creates the bulk of the projected housing demand.**

Table 10 (page 23) shows the main components of population change used in the Welsh Government **2008-2032** based predictions for the Vale of Glamorgan. The no of births per year exceed the no of deaths by between 44 and 350 per year. However there is net migration of population in to the Vale of Glamorgan is now significantly lower than the 2006 estimate, at **547** per year. **Thus in the 2 years from 2006 to 2008, the projected inward migration has been reassessed and reduced from 815 to 547 per year.**

Table 29 (page 42) shows the main components of population change used in the Welsh Government **2011-2036** based predictions for the Vale of Glamorgan. The no of births per year exceed the no of deaths by between 241 and -209 per year. However there is net migration of population in to the Vale of Glamorgan is now again significantly lower than previous estimates at **217** per year. **Thus in the years 2006 to 2008 to 2011, the projected inward migration has been reassessed and downsized from 815 to 547 to 217 per year.**

In view of this level of downsizing of estimates, and likely continuing very slow economic growth for many years ahead due to global economic reasons (the continuing rise of China, India, SE Asia) and domestic ones (National debt and weak economic performance) we are very unlikely of requiring levels of extra housing in the Vale of Glamorgan beyond those already achieved operative for the next 5 years. **This planning application is for the building of houses for which there is no current need. Any justification for permitting this development on the basis of housing need flies in the face of the Welsh Government's own projections.**

- 3 This proposed development would have major consequences on A48 traffic. St Nicholas does not have many essential facilities such as a shop, post office, doctor's surgery, public house etc and as a consequence any housing development would entail frequent short car journeys by residents, given the very limited public transport facilities. This is contrary to Objective 3 and to the objective expressed in paragraph 7.12 of the LDP.** The centre of the village is frequently packed with parked cars, particularly at school times and this already presents great danger to children and adults. The roads are very narrow and lack pavements - indeed it is frequent that cars have to reverse in order to pass in opposite directions. The exits from the north side of the village on to the A48 are blind and difficult to negotiate. Joining the A48, particularly when turning to the West is difficult at the best of times and extremely difficult during the prolonged morning and evening rush hours. The proposed

development of 79 houses would the ingress and egress of up to 150 cars daily. These would present a very significant hazard to the voluminous traffic traversing St Nicholas, especially for cars turning to the right either onto the A48 or exiting the A48. The capacity of the A48 has been calculated wrongly by estimating it at the points between Cowbridge and Culverhouse cross that have a (deregulated) 60 mph speed limit. The traffic flow slows considerably through St Nicholas (which has a 30 mph speed limit). The A48 is already at overcapacity through St Nicholas. **I object to this planning application as the addition of a substantial number of cars entering and leaving the A48 at St Nicholas would cause substantial further disruption, delay and possible danger in a situation that is already very close to gridlock.**

- 4 **Delay by the VOGC in responding to the Welsh Government** The Welsh Government's response to the VOGC Revised deposit LDP in their letter of 20 December 2013 (refs: QA980858 & P/POL/AMW/LDP3) states that:

The current consultation on the Draft Planning Bill makes reference to end dates of development plans, after which it is proposed they no longer remain extant. This would apply to the Vale of Glamorgan's Unitary Development Plan (UDP) which expired in 2011. This could result in the authority having no extant development plan in place to make decisions before adoption of the LDP. It is therefore imperative that LDP preparation moves forward as swiftly as possible incurring no further delay. We would wish to avoid a situation where your local authority is in a vulnerable position for an extended period of time. The matter of whether a plan is considered 'sound' will be for the appointed Planning Inspector to determine. I have considered the Deposit LDP in accordance with the consistency/coherence tests, and principally in accordance with whether satisfactory regard has been given to national planning policy (test C2). **The Welsh Government's representations are separated into 4 categories which are supported with more detail in the attached annex.**

The annex states:

**d) Spatial Strategy -Policy MG 2**

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

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

The Welsh Government is clearly opposed to developments on this sort of scale and urges the VOGC to deal expeditiously with the stalled LDP, urging (my bold italics) that:

It is therefore ***imperative*** that LDP preparation moves forward ***as swiftly as possible incurring no further delay***. We would wish to avoid a situation where your local authority is in a vulnerable position for an extended period of time. ***The matter of whether a plan is considered 'sound' will be for the appointed Planning Inspector to determine.***

There has been a 15-month delay between the Welsh Government's letter and now, and the VOGC has not yet published its responses to the many representations made. Approval of this application in advance of the completion of due process on the LDP would make nonsense of all the work of members of the public in participating in the statutory consultation. Their representations should and must be properly considered by VOGC and the Inspector before any application relating to MG2 43 is approved by VOGC. I object to this planning application as permitting it would act in contempt of due process.

At packed public meetings in St Nicholas on 19 March 2012 & 2 December 2013, plans to allocate land to the East of St Nicholas for housing development were unanimously opposed, and on 22 March 2015 there was unanimous opposition at a packed public meeting to the current planning application.

This planning application conflicts with many policies as indicated above and has multiple basic flaws. It is out of order and in breach of UDP policies. This planning application cannot rely on inclusion of the site as part of MG 2 [43] until my objections and those of others to the site's inclusion in the LDP have been properly considered by the VOGC and the Inspector prior to adoption of a revised LDP, as is the clear wish of the Welsh Government.

For the above reasons, I object to this planning application and request the Council to refuse planning permission for this application and any other that made relate to all or part of MG 2 [43] until the formal adoption of the revised LDP following the Planning Inspector's decision on the soundness of the revised LDP.

Yours sincerely

Dr Paul Williams

---

Copy

R M Truran

5 Ger-y llan  
St Nicholas  
Vale Of Glamorgan  
CF56SY

30 March 2015

Mr Steven Rennie  
Planning Department  
The Vale Of Glamorgan  
Dock Office  
Barry  
Cf36 4RT

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

Your refs.: 2015/00249/FUL & 2015/00283/CAC

I wish to object to the above planning applications for development of 79 houses on land to the east of St Nicholas & the demolition of Emmaville on the A48..

**This application is premature**

The Deposit Local Development Plan (LDP) is currently being processed by the Vale of Glamorgan Council (VOGC). I have previously registered my objections to this, as have numerous other residents of St Nicholas, on the basis of a large number of errors and wrong conclusions made by the authors of the LDP. These objections and the consideration that should be given to them have not yet been through the required due process.

They have not to my knowledge been considered by the Inspector that should be appointed by the Welsh government to examine them. The land to the east of St Nicholas that is the subject of this planning application forms part of the

allocated site number MG2-43 which should be deleted from the LDP on numerous grounds as set forth in my objections to the LDP.

**Redrow seem to have deliberately made this planning application in the middle of a constitutional process. This process is specifically designed to enable all citizens to have their voice and opinion heard to try and prevent such flawed developments**

For the planning officers of the VOGC to give permission for this planning application to proceed would make a mockery of the planning process in that the constitutional objections would be ignored before due consideration by the Inspector. This application has been lodged during a period when consideration of the LDP is still ongoing.

To grant permission now for this application to go ahead would be an abuse of the planning procedure. It would undermine the professionalism of planning officers, by subverting the very planning process itself.

The VOGC has already confirmed that it currently has no shortfall in the 5-year supply of land for housing.

Therefore there is no apparent justification in considering this application at this time, before the formal adoption of the LDP after the Inspector's report.

**The application is premature and should not be considered as the site forms part of MG2-43 which should be deleted from the LDP, as suggested by many persons, whose objections ought constitutionally to be under consideration at present. This should disallow this application from being considered further, as allowing it to proceed would wilfully consign constitutional objections to dismissal by planning officers or the VOGC, rather than by the Inspector.**

I find there is no need for me to reiterate the questions that have already been raised regarding this application.

Dr Paul Williams and Mr Tim Knowels, concerned members of the St Nicholas Community have made full detailed written representations regarding the anomalies in Redrows' application

and the conflict with the Planning laws.(Permission given to use both names ).

My letter of the 22 April 2012 regarding my objections to the LDP remains relevant to both these applications.

I choose to live in an old rural village with few or no modern amenities. As such, I am aware of and accept the short falls in the amenities that are afforded to me . No Doctor's Surgery, Shop or Post Office. All of these ~~will~~ require frequent short car journeys which is contrary to the Vale's Objective 3 in the Development Plan "To reduce the need for the VOG residents to travel to meet their daily needs and enabling greater access to sustainable forms of Transport".

Consequently the use of cars for short journeys is inevitable, and for those without a car the public transport is served by an expensive twice hourly bus service to Cardiff and Cowbridge / Porthcawl. Redrow's statement of the village having a high frequency bus service is rather exaggerated.

There is no rail link the nearest being in Cardiff.

Walking the 2 miles to Culverhouse Cross to the shops along the A48 can be a very unpleasant experience with dubious footpaths. cars, lorries and the occasional bus speeding close by. The return journey negotiating the steep A48 Tumble Hill.

Redrow have highlighted Dyffryn House and Cottrell Golf Resort as amenities for the village .

Dyffryn House is on the opposite side of the A48 down a country lane with no footpath. Since becoming a National Trust property the traffic has increased greatly making walking hazardous and specifically unsafe with children.

Cottrell Golf Resort is just that a golf club an amenity that brings more traffic through the village using the A48.

Objective 4. VOG LDP. "To protect and enhance the Vale of Glamorgan's Historical Built and Natural Environment".

The application to demolish " Emmaville" on the A48 road. This house is within the Conservation Area and demolishing it would

not enhance but would greatly detract from the village. Replacing it with a road entrance to the proposed development would itself detract from the other houses in its vicinity.

JN Your communication on 5th February 2014 to  
Mr Muir,  
Harmers Ltd.  
29 Lambourne Crescent,  
Llanishen. Cardiff.

"Overall I would advise that an application would be premature and currently contrary to policy for any residential development on the site as proposed in submitted documentation. ....

It is considered that there would be no justification relating to housing land supply for allowing this proposed development at this time. It is therefore my opinion that an application at this site would be unacceptable in principle, as a form of residential development within the open countryside."

I am in complete agreement with the sentiment expressed by yourself in the above communication. I hope that this is conveyed to the Planning Committee.

St Nicholas is an area of architectural and historical interest which would be visually altered if its farmland approach from Cardiff was developed. This is a Greenfield site which is currently stopping the encroachment into the open countryside. It forms the 'Gateway to the Vale' and a barrier to Cardiff.

Over countless years the sympathetic and responsible planning granted by previous Committees has ensured that VOG objective 4 is available to the current committee to uphold and pass to future generations.

I object to this planning application and request the council to refuse this planning permission and any other that may relate to all or part of MG2 -43 until the formal adoption of the LDP (as revised) has been agreed..

  
Copy to MR. S. Rennie. July 22<sup>ND</sup> 2015

## Rennie, Steven

---

**From:** Rennie, Steven  
**Sent:** 10 August 2015 09:22  
**To:** 'Ian Perry'  
**Subject:** RE: Planning question

Dear Mr Perry

Thank you for your email. This shall be added to the application and form part of considerations towards the Planning Committee report. As yet there is no recommendation with discussions and assessments ongoing. It is not likely to go to planning committee until October for a decision. The issues you have raised below will form part of the overall assessment of the site and its suitability for residential development of the scale proposed.

Any plan updates shall be put on the website, so please check with the website when you can.

Regards

Steven Rennie  
Senior Planner  
Planning and Transportation Services  
Vale of Glamorgan Council / Cyngor Bro Morgannwg  
tel / ffôn: [REDACTED]  
e-mail / e-bost: [REDACTED]

Visit our Website at [www.valeofglamorgan.gov.uk](http://www.valeofglamorgan.gov.uk)  
Ewch i'n gwefan yn [www.bromorgannwg.gov.uk](http://www.bromorgannwg.gov.uk)

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*Consider the environment. Please don't print this e-mail unless you really need to.  
Ystyriwch yr amgylchedd. Peidiwch ag argraffu'r neges hon oni bai fod gwir angen.*

**From:** Ian Perry [REDACTED]  
**Sent:** 10 August 2015 01:27  
**To:** Rennie, Steven  
**Subject:** Planning question

Please would you inform me as to what happens next with the Redrow Homes Planning Application, east of St Nicholas. ref: [2015/00249/FUL](#)  
This is on land put forward in the LDP - MG2(43)

When will the officers make a decision as whether to recommend planning permission is granted or refused?

Are the issues highlighted below reason for a recommendation of refusal of the planning application?

The Welsh Government/Natural Resources Wales in their response to the LDP consultation stated that the size of the development is in conflict with national planning policy. Will the Planning Officers therefore be recommending against granting of approval?



## Planning Policy Wales:

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

In the Deposit LDP consultation, Natural Resources Wales (Welsh Government), wrote:



### Policy MG2 Minor Rural Settlements: (37) Land to the East of Bovilston; and (43) Land to the East of St Nicholas

Both of these sites are identified as High in the LANDMAP classification of the area, and are therefore recognised as being landscapes of regional value. Natural Resources Wales has serious concerns about the size of these allocations, which in the case of Bovilston will almost double the size of the settlement, and the impacts, they are likely to have on the character of the existing villages and surrounding areas. To be consistent with the aims and objectives of the LDP, particularly objectives 2, 3 and 4 we recommend that the size of the allocations are reduced substantially and that any development at the settlements is proportionate to the scale and character of the existing villages and landscape (To meet tests of soundness C2, and CE1).

C2 - It has regard to national policy.

CE1 - The plan sets out a coherent strategy from which its policies and allocations logically flow and/or, where cross boundary issues are relevant, it is compatible with the development plans prepared by neighbouring authorities.

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.

Objective 3: To reduce the need for Vale of Glamorgan residents to travel to meet their daily needs and enabling them greater access to sustainable forms of transport.

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

Are you also aware that the majority of properties proposed by Redrow Homes exceed the acceptable walking distances from bus stops set out in PPW and the Vales Planning Policy documents?

Redrow Planning Application, St Nicholas - Distance to Bus Stops	
<p>Of 79 dwellings, only 25 are within 400 metres of bus stop - 30%</p>	<p>Page 12: Public Transport "Convenient access for pedestrians should be provided with bus stops located no more than 400m from residential properties"</p>
	<p>Page 7: "Reasonable accessibility standards" to bus stops are 400m - referencing Sustainable Settlements: A guide for Planners, Designers and Developers (PPS) and Shaping Neighbourhoods - for local health and global sustainability</p>
<p>"In residential areas bus stops should be located ideally so that nobody in the neighbourhood is required to walk more than 400 metres from their home." (DfT, 2005)</p> <p>Bus use falls off sharply if the distance to bus stops is greater than 250 metres, or 200 metres for disabled people. Only 50% of disabled people, who are able to walk at all, will walk more than 200m (DfT, 2005).</p>	<p>Planning Policy Wales: 3.5 Local planning authorities should ensure that the design and density of new residential development facilitates viable and effective bus services.</p>
<p>100% of "affordable homes" too far from bus stops The first dwellings are approximately 250m from the bus stops</p>	

## Rennie, Steven

**From:** Ian Perry [REDACTED]  
**Sent:** 10 August 2015 01:27  
**To:** Rennie, Steven  
**Subject:** Planning question

Please would you inform me as to what happens next with the Redrow Homes Planning Application, east of St Nicholas. ref: [2015/00249/FUL](#)

This is on land put forward in the LDP - MG2(43)

When will the officers make a decision as whether to recommend planning permission is granted or refused?

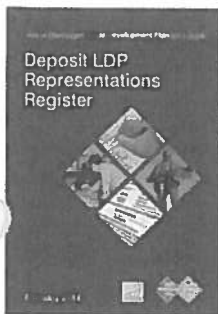
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### **Planning Policy Wales:**

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In the Deposit LDP consultation, Natural Resources Wales (Welsh Government), wrote:



#### **Policy MG2 Minor Rural Settlements: (37) Land to the East of Bovilston; and (43) Land to the East of St Nicholas**

Both of these sites are identified as High in the LANDMAP classification of the area, and are therefore recognised as being landscapes of regional value. Natural Resources Wales has serious concerns about the size of these allocations, which in the case of Bovilston will almost double the size of the settlement, and the impacts, they are likely to have on the character of the existing villages and surrounding areas. To be consistent with the aims and objectives of the LDP, particularly objectives 2, 3 and 4 we recommend that the size of the allocations are reduced substantially and that any development at the settlements is proportionate to the scale and character of the existing villages and landscape (To meet tests of soundness C2, and CE1).

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

Are you also aware that the majority of properties proposed by Redrow Homes exceed the acceptable walking distances from bus stops set out in PPW and the Vales Planning Policy documents?

Redrow Planning Application, St Nicholas - Distance to Bus Stops



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



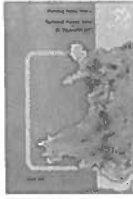
Page 12:  
Public Transport  
"Convenient access for pedestrians should be provided with bus stops located no more than 400m from residential properties"



Page 7:  
"Reasonable accessibility standards" to bus stops are 400m - referencing: Sustainable Settlements: A guide for Planners, Designers and Developers (1995) and Shaping Neighbourhoods - for local health and global sustainability

"In residential areas bus stops should be located ideally so that nobody in the neighbourhood is required to walk more than 400 metres from their home." (DfT 2005)

Bus use falls off sharply if the distance to bus stops is greater than 250 metres, or 200 metres for disabled people. Only 50% of disabled people, who are able to walk at all, will walk more than 200m (DfT, 2005).



Planning Policy Wales:  
3.5 Local planning authorities should ensure that the design and density of new residential development facilitates viable and effective bus services.

100% of "affordable homes" too far from bus stops  
The first dwellings are approximately 250m from the bus stops

### LDP Objective 3

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

#### Vale of Glamorgan LDP

Objective 3: To reduce the need for Vale of Glamorgan residents to travel to meet their daily needs and enabling them greater access to sustainable forms of transport.

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

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

\* Proposed Redrow Development

I would appreciate an answer in the coming week.

Best regards,

Ian

**Payne, Adrienne J**

---

**From:** Planning & Transportation (Customer Care)  
**Sent:** 13 November 2015 16:26  
**To:** Planning & Transportation (Customer Care)  
**Subject:** New comments for application 2015/00249/FUL  
**Attachments:** Redrow Planning Objection (1).doc

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

**Address:**  
Village Farmhouse,,St. Nicholas,Cardiff.,CF5 6SG

**Comments:**  
Please see my Attached document for reasons of my objections.

The following files have been uploaded:  
Redrow Planning Objection (1).doc

**Case Officer:**  
Mr. Steven Rennie

RECEIVED

16 NOV 2015

D.E.E.R
RECEIVED
ACTION BY: <i>SR2/JMC</i>
NO: <i>8</i>
ACK:

Mr. Cliff Lewis.,  
Village Farmhouse,  
St. Nicholas.  
Cardiff.  
CF5 6SG.  
Email:- [REDACTED]

13<sup>th</sup> November 2015.

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

I wish to object to the planning application dated 9 March 2015 submitted on behalf of Redrow Homes (South Wales) Limited ("Redrow") under your references 2015/00249/FUL/SR2

References in this letter to "the LDP" relate to Deposit Local Development Plan of the Vale of Glamorgan Council ("the Council") dated November 2013. References to "Policy MD \*" relate to the draft policies of the Council as set out in the LDP.

The grounds of my objection are as follows:

1. Application is premature. The LDP is currently being processed by the Council in accordance with statutory procedures. Numerous representations and objections to the proposals in the LDP, both generally and specifically relating to land to the East of St Nicholas which is the subject of the Application ("the Site"), have been submitted by members of the public. These representations and objections, many of which identify alleged errors, inaccuracies and unsound or unsustainable conclusions in the LDP, have not yet received due consideration by the Council and have not yet been examined and considered by the Inspector to be appointed by the Welsh Government to consider the LDP ("the Inspector").

Although the Site forms part of allocated site number MG 2 - 43 ("MG 2 - 43") in the LDP, powerful representations have been made to the Council in support of the contention that MG 2 - 43 should be deleted from the LDP. Whatever alleged legal loopholes Redrow is seeking to exploit by submitting the Application at this time, it would be an outrageous abuse of due process for planning permission to be granted for the Site in advance of proper consideration of the representations by the Council and the Inspector prior to eventual adoption of the LDP (as revised).

It has been confirmed by the Council in a pre-application response to Harmers Limited dated 5 February 2014 under reference P/DC/SR2/2013/0200/PRE that no deficiency now exists in the Council's five year housing land supply. Thus, there is no justification for bringing forward the Site based on its inclusion as part of an allocated site in advance of formal adoption of the LDP, as revised following completion of all due processes.

**The Application is premature and should not be considered or approved on the basis that the Site forms part of MG 2 - 43.**

Nevertheless, in case the Council does not accept this contention and as the Application relies in certain respects on details in the LDP, I will refer to some of those matters below without prejudice to the overriding contention that the Application is premature and should be refused.

2. Contrary to adopted Unitary Development Plan. Prior to the adoption of the LDP (as revised), the Application should be considered in the context of the adopted Unitary Development Plan 1996-2011 ("the UDP"). The proposals in the Application are in breach of policies in the UDP, including the following:

a. Dwellings in the Countryside (HOUS 3). The policy is that "The erection of new dwellings in the countryside will be restricted to those that can be justified in the interests of agriculture and forestry." The Application proposes to turn agricultural land into a housing development which has no benefit to agriculture or forestry. On the contrary, it removes valuable agricultural land.

b. Development in the Countryside (ENV 1). The Site is situated in open countryside. The proposed development does not meet any of the four exceptions to the policy that development in the countryside will not be permitted.

c. Agricultural Land (ENV 2). The policy provides that "The best and most versatile agricultural land (grades 1, 2 & 3A) will be protected from irreversible development, save where overriding need can be demonstrated." The land comprising the Site is officially designated as grade 2 although it is claimed by Redrow that the correct designation is grade 3A. Even if Redrow is correct, the adopted policy requires protection of the land. There is no current overriding need for the development.

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d. Conservation in the Countryside (ENV 10). The policy provides that "Measures to maintain and improve the countryside, its features and resources will be favoured, particularly in ... areas subject to development pressure ...". The residents of St Nicholas have chosen to live in a rural community and, particularly the residents of Ger-y-Llan and Well Lane, enjoy the benefit of an outlook over green fields. If the proposed development proceeds, that outlook will be irreversibly changed to an urban scene of relatively dense housing. Notwithstanding the proposed landscaping, substantial wildlife habitat will be lost. The proposal does not maintain or improve the countryside and is contrary to ENV 10.

3 The Site lies outside the defined settlement boundary of St Nicholas in a Special Landscape Area. **There is no overriding justification or material consideration to outweigh the in principle policy presumption against development of the Site. The development of this rural area and landscape would be contrary to the adopted policies of the Council as identified above.**

3 The scale would be substantially out of proportion to the size of the existing village of St Nicholas, much of which is in a Conservation Area.

The core village of St Nicholas has 144 houses of which 77 are on the north side of the A48 which runs through the centre of the village and 67 houses on the south side. Of the 144 houses, 105 houses are in the post-2009 Conservation Area, 32 houses were in the pre-2009 Conservation Area but excluded in 2009 and 7 houses are located between the Conservation Area and the commencement of the 30 mph speed limit at the western end of the village.

A development of 96 houses would increase the size of the core village by 69% and the north side by 130%.

This represents a massive scale of development for a small rural settlement.

In its representations to the Council on the LDP, the Welsh Assembly Government ("WAG") stated "**Allocations in some minor rural settlements, for example, 100 units at St Nicholas and 120 units at Bonvilston appear disproportionate to current services and facilities.**" (paragraph B.1(d) of the Annex to the letter dated 20 December 2013 under the Council's reference P/POL/AMW/LDP3).

**The scale of the proposed development, is wholly disproportionate to the size of the current village.**

4. Urbanisation of open countryside. Paragraph 4.10.1 of *Planning Policy Wales* dated July 2014 ("PPW") states "...considerable weight should be given to protecting [agricultural land of grades 1, 2 and 3A] from development because of its special importance. Land in [these grades] should only be developed if there is an overriding need for the development and either previously developed land or land in lower agricultural grades is unavailable...". There is no overriding need for housing development in St Nicholas or the East Vale (designated in Figure 1.1 of the *Local Housing Market Assessment 2013*) ("the LHMA") as confirmed in Table 6.13 of the LHMA. Any need for housing elsewhere in the Vale of Glamorgan could be provided on brownfield land (eg Llandow) or land of lower agricultural grade. The proposed site allocation on grade 2 (or grade 3A) agricultural land **conflicts with paragraph 4.10.1 of PPW.**

4 Paragraph 4.7.8 of PPW recognises that minor extensions in the countryside to existing settlements may be acceptable. An increase of 69% in the number of houses in St Nicholas cannot be described as a "minor extension". The proposed development **conflicts with paragraph 4.7.8 of PPW.**

5. Out of character with the existing minor rural settlement. St Nicholas is a minor rural settlement in the Vale of Glamorgan which has developed gradually over many centuries.

The proposed development of 96 houses on (including the land allocated for open space) would not be of an appropriate scale and density for its location and it would not make a positive contribution to the local environment **contrary to paragraph 7.5 of the LDP.** Such development would not be "...of a scale appropriate to its location." **contrary to paragraph 4.5 of the Deposit LDP.**

The site is adjacent to, and any development would impact directly on, six remaining houses (following the proposed demolition of Emmaville) on the north side of the A48, eight houses on the east and north sides of Ger-y-Llan and one house in Well Lane. The proposed main access to the Site would have a very serious impact on the adjacent properties known as Kingfauns and Green Meadow. The proposed use of the private unadopted road which links the Site to Ger-y-Llan and services 11, 12 & 14 Ger-y-Llan ("the Estate Road") for pedestrian and cycle access to the Site would have a major adverse impact on those properties. The proposed development would have a serious adverse impact for all these properties on the existing residential amenity, particularly with regard to privacy, overlooking, security, noise and disturbance **contrary to paragraph 7 of Policy MD 2 and paragraph 4 of Policy MD 3.**

The properties on the north side of the A48 form part of the Conservation Area of St Nicholas. Most of the directly affected houses occupy plots substantially larger than the proposed dense development of 21.6 houses per hectare which includes access, roads and other common facilities. Similarly, the adjacent houses in Ger-y-Llan and Well Lane have a substantially lower density. **The proposed development is contrary to paragraph 2 of Policy MD 2.**

The Site is located at the eastern approach to St Nicholas on the north side of the A48. Instead of seeing an established conservation village on entry from the east, travellers would be greeted by a substantial and dense urban development

entirely out of character with the existing village and Conservation Area. The proposed development does not respond appropriately to the local context and character of neighbouring buildings in terms of type, form, scale, mix and density **contrary to paragraph 2 of Policy MD 3**.

5 Paragraph 4.7.8 of PPW states "All new development should respect the character of the surrounding area and should be of appropriate scale and design." For reasons described in this item and in item 3 above and item 6 below, the proposed development at the entrance to the Conservation Area of St Nicholas **does not comply with paragraph 4.7.8 of PPW**.

In summary, the proposed development of the Site would be contrary to paragraphs 2 and 7 of Policy MD 2, paragraphs 2 and 4 of Policy MD 3 and paragraph 4.7.8 of PPW. St Nicholas does not have the capacity to accommodate this proposed development without its having an unacceptable effect on its character **contrary to paragraph 5.44 of the LDP**.

6. Contrary to Policy MD 6 – Development within Minor Rural Settlements. The relative scale and density of the proposed development substantially **conflicts with Policy MD 6**. It would not have a distinct visual relationship with the existing settlement (contrary to paragraph 1); it would not be of a scale and character that is sympathetic to and respects its immediate setting and wider surroundings (contrary to paragraph 2); it would have an unacceptable impact on the character and appearance of the [existing] settlement (contrary to paragraph 3); it would represent a visual intrusion into the countryside (contrary to paragraph 4); and it would not be consistent with Policies MD 2 and MD 3 (contrary to paragraph 8).

The proposed development would not reinforce the role and functions of the settlement or maintain its character and attractiveness **contrary to paragraph 7.28 of the LDP**. A relatively dense development of 96 houses would not be of an appropriate scale that is sympathetic to and respect the existing character of the village and the range of services and facilities that are available **contrary to paragraph 7.29 of the LDP**. A development on the scale proposed would not represent a small scale extension to the settlement also **contrary to paragraph 7.29 of the LDP**. Such a development would be unrelated to the existing properties and settlement and would represent an incongruous and large scale extension of the built form into the open countryside **contrary to paragraph 7.30 of the LDP**. The allocated site is green field and any development would result in the loss of open space which currently contributes at its entrance to the character and setting of the Conservation Area village **contrary to paragraph 7.31 of the LDP**.

7. Services and facilities. St Nicholas has a church, chapel, primary school, church hall, post box and a half-hourly bus service (substantially less frequent in the evening and on Sunday - not properly reflected in paragraph 2.17 of the Transport Statement) to Cardiff and Cowbridge (and beyond). The bus service is infrequent and expensive. It is unlikely to be used for most journeys to Culverhouse Cross or Bonvilston.

6. St Nicholas does not have a post office, shop, doctor's surgery, nursery, public house, restaurant, leisure centre or library. The absence of these facilities will inevitably result in the need for the residents of the new houses to make frequent short car journeys to shops 1.5 miles away at Culverhouse Cross or to a shop, public house or restaurant over two miles away at Bonvilston. The nearest doctors' surgeries are in Ely (2.2 miles) and Cowbridge (7 miles). The nearest post office is in Wilson Road, Ely (2.8 miles). It is unrealistic to expect these journeys to be made by walking or cycling by the vast majority of the residents, particularly the elderly. The return journey from Culverhouse Cross involves climbing the long steep hill known as The Tumble.

The absence of these frequently used services in the village and the consequent necessity to make frequent short car journeys is **contrary to Objective 3 and to the objective expressed in paragraph 7.12 of the LDP**.

7. Planning history. It is claimed at paragraph 2 of the Planning Statement that there is no planning history for the Site. This is incorrect. Two planning applications for the construction of houses on part of the Site were refused by the Council. The first application for the construction of ten houses was refused on 10 January 1989 although the Council's reference is unknown. The second application to build six houses was refused on 22 May 1991 under reference 1988/01152/OUT. The grounds for refusal of permission for the construction of six or ten houses apply to a far greater extent for the proposed construction of 79 houses.

8. Village road capacity. The centre of the village (north of the A48) is often heavily congested with parked vehicles, particularly in the roads around the church immediately before the weekday opening and closure of the school. Similar congestion occurs when there is a wedding or funeral at the church. The roads in the north side of St Nicholas are wholly unsuitable for any of the additional traffic which would be generated by the proposed development.

There is no pavement on the roads around the church. It is particularly unsuitable and dangerous for young children and any disabled person on the roads to the north and east of the church. There is no room for a wheelchair on the road to the north where vehicles are usually parked leaving barely enough room for other vehicles to squeeze through. Photograph 2 in the Transport Statement shows the east side of School Lane to be traffic free. (Photographs illustrating the congestion of parking in St Nicholas, particularly in the north side of School Lane including the north east corner, are Shown in attached file).

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

8. Main access to Site. The location of the proposed access to the Site is inside the Conservation Area and some distance to the west of that proposed in MG 2 - 43. Paragraph 4.7 of the Transport Statement estimates that 32 vehicles will exit the Site in the peak morning period. Paragraph 4.10 asserts that there will be no queue of vehicles entering or exiting the Site during this period. This estimate and this assertion are questioned. The 96 houses with an estimated average of two vehicles per house would amount to 192 vehicles excluding visitors and service vehicles. A substantially greater proportion of the vehicles is likely to exit the Site in the peak morning period, without taking account of visitors and service vehicles.

9. Paragraphs 3.10 to 3.13 of the Transport Statement set out proposals for changes to the highway layout near the access to the Site. The A48 from Culverhouse Cross is derestricted for 1.1 miles as far as the eastern end of the village then has a 30 mph speed limit through St Nicholas commencing only 100 metres from the access to the Site. Figure 9 and Appendix F of the Transport Statement do not indicate any proposal to extend the 30 mph limit further east. Whether or not there is any extension, traffic from the east frequently enters St Nicholas outside peak periods at speeds much greater than 30 mph. Traffic leaving the Site to turn west towards Cowbridge would experience difficulty and danger due to the traffic flow in both directions.

At peak periods, it would be difficult for the significant number of vehicles leaving the proposed development to enter the traffic flow in either direction, thus causing a tailback within the Site.

Experience of leaving School Lane (eastern exit) to travel in either direction at peak periods demonstrates the extent of the problem even though it is substantially mitigated by being in the centre of the restricted speed zone and having the intermittent benefit and protection of the traffic lights turning red at the adjacent junction with Duffryn Lane. This forces through traffic to stop and provides the opportunity for vehicles from School Lane to enter the traffic flows. These mitigating factors would not apply to traffic exiting the Site.

Considerable additional problems affecting traffic flow on the A48 will arise during the construction period lasting at least two years.

10. Pedestrian and cycle access to Site. Section 7 of the Design and Access Statement together with the Site Plans provide for a pedestrian and cycle access to the Site via Ger-y-Llan and the Estate Road. While Ger-y-Llan is an adopted road, the Estate Road is unadopted. The owners of the properties known as 11, 12 & 14 Ger-y-Llan ("the Three Properties") require the Estate Road for access to the Three Properties and have an obligation to pay a fair and reasonable share of the costs of maintenance and repair of the Estate Road. No approach has been made by or on behalf of Redrow to the owners of the Three Properties concerning the proposed use of the Estate Road.

The use of Ger-y-Llan and the Estate Road by the residents of 96 properties for pedestrian and cycle access to the Site is inappropriate. Such use would have a considerable impact on the amenity of the residents of Ger-y-Llan, particularly the residents of the Three Properties.

There is also a risk that the Estate Road will be used by residents of and visitors to the Site for unauthorised parking. The tarmac section of the Estate Road is not wide enough for parking without causing considerable difficulty to the residents of the Three Properties in entering and leaving those properties.

As described at item 10 above and illustrated in Appendix D, the proposed pedestrian and cycle route to the centre of the village and, particularly, to the school is unsuitable and very dangerous for young children.

11. Highways and traffic congestion. Section 4 of the Transport Statement seeks to demonstrate that the proposed development will have little impact on traffic travelling on the A48. This is disputed for reasons set out at item 11 above. Of greater impact will be the cumulative effect of this proposed development together with other developments proposed in the LDP near Cowbridge (including Ystradowen and Colwinston) and between Cowbridge and Culverhouse Cross (including Bonvilston). In addition to these proposed developments, there are other significant proposed changes which will increase the traffic on the A48 and at the Tesco junction and Culverhouse Cross roundabout.



The Application relies on the inclusion of the Site as part of an allocated site in the LDP. It is contended that this allocation, in combination with the other allocations referred to above, has been made without due consideration and regard by the Council to the cumulative effect on traffic on the A48. In particular, it is contended that, in formulating the LDP and determining site allocations at St Nicholas and Bonvilston, the Council has very seriously misinformed itself concerning the capacity of the A48. This capacity has been calculated at three points between Cowbridge and Culverhouse Cross, all of which are in the national 60 mph speed limit. No account has been taken of the 40 mph speed limit from West Bonvilston to West St Nicholas; the 30 mph speed limit through St Nicholas; and the inevitable delays at the traffic lights at Sycamore Cross and Duffryn Lane as well as at other uncontrolled junctions.

12. Sustainable Settlements Appraisal and Site Assessments. Paragraphs 6.13 to 6.21 (with Appendix B) of the Planning Statement seek to rely on the results, so far as they apply to the Site, of the three stages of the Sustainable Settlements Appraisal and Site Assessments carried out by the Council in the preparation of the LDP. These three stages resulted in the inclusion of the allocated site MG 2 - 43.

It is contended that there were serious errors, defects and inappropriate scoring at all stages of the Appraisal and Assessments leading to the wrongful and unsupported inclusion of MG 2 - 43 in the LDP. Full details of this contention have been set out at items 13 to 15

13. Wrongful inclusion of the Site in the LDP. It is contended that, in view of serious inaccuracies, misinformation and errors by the Council (as described at items 13 & 14 above) in the preparation of the LDP directly affecting the inclusion of the Site as part of MG 2 - 43, the Application cannot rely on such inclusion until my representations and those of other members of the public have been fully and properly considered by the Council and the Inspector prior to adoption of the LDP (as revised).

For the many reasons set out above, I object to the Application and request the Council to refuse planning permission in response to the Application and to refuse any other planning application relating to all or part of MG 2 - 43 prior to the formal adoption of the LDP (as revised).

Yours sincerely  
Cliff Lewis

6 Ger y Llan St Nicholas Vale of Glamorgan CF5 6SY

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

[REDACTED]  
12 November 2015

Your ref:P/DC/SR2/2015/00249/FUL

Dear Mr Rennie

**Application No: 2015/00249/FUL/SR2**

**Location; Land to the East of St Nicholas**

Thank you for your letter dated 27 October 2015 concerning the above. We wish to record our objections to the above planning application for the development of 96 houses and feel the proposals are unsound and contrary to the development policies of the Vale Council and Welsh Government on the following grounds:

**ST NICHOLAS**

St Nicholas is an ancient village with a strong rural heritage and is the gateway to the Vale. It is designated a Special Landscape Area. We wish to protect the historic and cultural qualities of the village. The inclusion of this large open area of countryside for housing development will create further urbanization and bring the Vale closer to Cardiff. The proposed development disregards the boundaries of the village that have been protected for many years. The style of the proposed housing is out of character with existing houses spanning many generations.

**HOUSING DENSITY**

The size of the proposed development is out of proportion to the present size of the village and will result in a disproportionate increase in the number of dwellings from 144 to 240, an increase of 66%. A planning application submitted in 2009 for 14 properties on part of the proposed site was refused as it was classified unsustainable due to its location and the reliance on public transport for the residents. The Plan recommends 40 affordable houses to be included. Figures prepared by the Welsh Government shows there is minimal demand for this type of housing in the East Vale. There is currently a land bank equivalent to 7.3 years within the Vale, which makes this development unnecessary. The proposed density exceeds that recommended by the Welsh Government. The grade of agricultural land on the proposed site precludes development as there is no overriding demand.

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ENVIRONMENTAL  
AND ECONOMIC  
REGENERATION

## **TRANSPORT AND HIGHWAYS**

The increase in traffic of up to 200 vehicles that will result from the proposed development will further restrict traffic flow through the village. The A48 is a busy arterial route which at peak times is congested causing great difficulty in turning right from the northern side of the village. If the proposed developments in Cowbridge, Bonvilston and other areas west of St Nicholas are approved, this will further aggravate traffic flow. Culverhouse Cross is an area east of the village which is well known for bottlenecks. Recent assessment of traffic flow through the village has shown a congestion rate of 61%. These figures have been shown to be inaccurate and the true figure when other highway factors are considered is over 90%.

It is proposed that the A48 should be trunked from Culverhouse Cross to the Airport in order to improve traffic flow. This was the subject of a Public Enquiry in 2009 and was rejected. None of the plans formulated in the past 10 years to improve congestion at Culverhouse Cross has materialised and the planning proposals if implemented can only result in a worsening of the congestion and lead to gridlock at most times of the day.

## **ACCESS**

The proposed demolition of "Emmaville" for access is inappropriate within a conservation area. That part of the A48 is narrower and is opposite a private nursing agency which is sited on the former Old Police Station. There are occasions when cars parked outside have to park on the pavement causing congestion. Access when turning right will be difficult and dangerous as it is close to the 30mph sign which is ignored by many motorists.

## **LACK OF AMENITIES**

There is a lack of amenities in the village with no shop, no pub or surgery and no post office. Public transport is limited to a half hourly service with restrictions at night and weekends. The cost of a return bus fare to Culverhouse Cross is in excess of £5.00. This will make it more likely that car use will increase contrary to Welsh Government policy. The suggestion that many residents will cycle to the retail park two miles away at Culverhouse Cross is most unlikely as there is no cycle path and climbing up the Tumble will make this even less likely. It is unusual to see any cyclist using this part of the A48 with its inherent problems.

## **POPULATION PROJECTIONS**

The 2011 census confirms a need to reduce the number of proposed homes to be built up to 2026 from 10000 to 6500.

In summary we feel the objections raised above make the latest proposed development in St Nicholas unsustainable and planning permission should be refused.

Yours sincerely



Dr Paul Khoyle



Mrs Susan Khoyle

NESTA + RANDALL DAVIES  
14 CER-Y-LLAN, ST NICHOLAS CFS 65-1



DEAR MR DENNIE

LAND EAST OF ST NICHOLAS

2015/00249/FUL/SR2

WILL YOU PLEASE REFER TO MY LETTERS DATED 27 MARCH + 27 AUGUST 2015. THESE SET OUT OBJECTIONS TO PROPOSED DEVELOPMENT OF 74 HOUSES - NOW INCREASED TO 96 HOUSES. THERE IS A DANGER THAT A MAJOR MISTAKE WILL BE MADE - WHICH, OF COURSE, WILL BE IRREVERSIBLE.

I WISH TO RE-EMPHASISE: -

1 THE CHARACTER OF THE VILLAGE WILL BE VANDALISED.

2 THE ROUTE FROM SCHOOL LANE TO AREAT NORTH OF THE CHURCH IS ALREADY HAZARDOUS. WE DO NOT VENTURE OUT WHEN CHILDREN ARE COLLECTED IN CARS BY PARENTS.

3 THE ESTATE ROAD - THE ONLY ACCESS TO THE PROPOSED SITE FROM CER-Y-LLAN IS NOT INCLUDED IN THE REVISED APPLICATION. PLEASE CONFIRM THAT ACCESS FOR PEDESTRIANS / CYCLISTS WILL NOT BE COUNTERANDED.

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ENVIRONMENTAL AND ECONOMIC REGENERATION

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ROWEN'S PROPOSAL ARE OPPOSED BY EVERY ONE LIVING IN ST NICHOLAS. THEIR VIEWS MATTER AND AT THE VERY LEAST NO DECISION SHOULD BE MADE WITHOUT THE INSPECTOR'S REPORT ON THE LDP.

YOURS TRULY



10 NOV 2015

## Rennie, Steven

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**From:** Paul Knoyle [REDACTED]  
**Sent:** 14 November 2015 14:29  
**To:** Rennie, Steven  
**Subject:** Application No 2015/00249/FUL/SR2  
**Attachments:** LDPDec2013.pages

Dear Mr Rennie

Please find attached our letter of objection in respect of the above application. I have also submitted a paper copy as I was unsure if I would be able to send an electronic response before the deadline.

I would be grateful for acknowledgement of this letter.

 Yours sincerely

Dr Paul Knoyle



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

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16 NOV 2015

14<sup>th</sup> November 2015.

Re: Your ref: P/DC/SR2/2015/00249/FUL.

**Application No: 2015/00249/FUL/SR2 - Land to East of St Nicholas.**

Dear Mr. S. Rennie,

Thank you for letter dated 27<sup>th</sup> October 2015 regarding the proposed development to the East of our property in St. Nicholas.

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

The modified proposal does not address our concerns expressed in our correspondence of March 2105. The additional housing, now 96 from the original 79, plus the associated parking/cars on the 3.65 hectare site will only exacerbate the problems identified with the earlier version of this misguided proposal.

Attached is a detailed submission (TheCroft\_SMCCurien\_2015\_00249\_FUL\_SR2.pdf) . I would however like to summarise the key points from my perspective.

- The amended proposal does not constitute sustainable development.
  - Increase in size of St Nicholas by ~63%. 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 20<sup>th</sup> 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,



Sophie Curien

Attachment: TheCroft\_SMCCurien\_2015\_00249\_FUL\_SR2.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

14<sup>th</sup> November 2015

Dear Mr. Rennie,

**Ref: 2015/00249/FUL/SR2 - Land to East of St Nicholas.**

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

My concerns include:

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

Each issue is considered in turn below.

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### **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 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 of 96 dwellings could lead to a new population of 212 residents. This would increase the size of the village to 551 residents, which equates to an increase of 63%.

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

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

Furthermore:

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

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

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

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

### *The emerging Allocation*

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

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

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

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

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

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

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

Whilst no information has been provided about the quantity of public open space provided, it is noted that the Landscape Plan includes a number of swathes of land, including to the east

and west of the proposed access and to the rear of the site, which can only be considered as being amenity green space and therefore will not assist in meeting existing shortfalls.

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

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

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

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

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

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

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

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

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

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

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

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

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

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

- ***Promote resource-efficient and climate change resilient settlement patterns*** - the proposed development will increase the size of St Nicholas by around 63%. 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.

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## **Summary**

I object to the proposed development on the following grounds:

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



- National Planning Policy states that where there is a time lapsed Development Plan, as is the case in the Vale, the presumption in favour of sustainable development applies. It follows that there is a presumption against unsustainable development. The present application constitutes unsustainable development.

- Para. 4.2 of PPW outlines that certainty over the Plan will only be achieved on receipt of a binding Inspector's Report. In advance of that, Local Authorities will need to consider the evidence base and the background to policies when assessing development proposals.

- the key objectives of the emerging Vale LDP have not been properly articulated in the emerging land use planning policies, including:

- the LDP seeks to ensure new development is of a scale appropriate to its location, but the allocation of land to the East of St Nicholas could see the population of the village grow by 63%;

- 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.

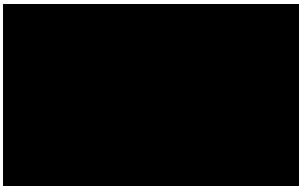
- A number of recent Appeals have demonstrated that a shortfall in housing land or a time lapsed Development Plan does not lead to unsustainable development being considered as being acceptable.

- 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

**Payne, Adrienne J**

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**From:** Planning & Transportation (Customer Care)  
**Sent:** 15 November 2015 14:25  
**To:** Planning & Transportation (Customer Care)  
**Subject:** New comments for application 2015/00249/FUL  
**Attachments:** TheCroft\_JMacneil\_2015\_00249\_FUL\_SR2.pdf; TheCroft\_JMacneil\_14thNov15.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:**  
The modified proposal does not address our concerns expressed in our correspondence of March 2105. The additional housing, now 96 from the original 79, plus the associated parking/cars on the 3.65 hectare site will only exacerbate the problems identified with the earlier version of this misguided proposal. I therefore strongly object to the proposed development.

The following files have been uploaded:  
TheCroft\_JMacneil\_2015\_00249\_FUL\_SR2.pdf  
TheCroft\_JMacneil\_14thNov15.pdf

**Case Officer:**  
Mr. Steven Rennie

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16 NOV 2015

D.E.E.R
RECEIVED
ACTION BY: SR21JMC
NO: 24
ACK:

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

14<sup>th</sup> November 2015

Dear Mr. Rennie,

**Ref: 2015/00249/FUL/SR2 - 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**

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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 of 96 dwellings could lead to a new population of 212 residents. This would increase the size of the village to 551 residents, which equates to an increase of 63%.

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

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

Furthermore:

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*“...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.

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

Moreover, the public open space offer is meant to 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).

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

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- ***Locate developments so as to minimise the demand for travel, especially by private car*** – the lack of services and facilities within St Nicholas will mean that residents of the proposed development will have to access services and facilities in other areas. The majority of these trips will be made by the private car;

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- ***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.

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## Summary

I object to the proposed development on the following grounds:

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

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

- Para. 4.2 of PPW outlines that certainty over the Plan will only be achieved on receipt of a binding Inspector's Report. In advance of that, Local Authorities will need to consider the evidence base and the background to policies when assessing development proposals.

- the key objectives of the emerging Vale LDP have not been properly articulated in the emerging land use planning policies, including:

- the LDP seeks to ensure new development is of a scale appropriate to its location, but the allocation of land to the East of St Nicholas could see the population of the village grow by 63%;

- 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.

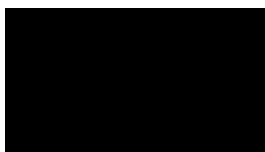
- A number of recent Appeals have demonstrated that a shortfall in housing land or a time lapsed Development Plan does not lead to unsustainable development being considered as being acceptable.

- 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.

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

14<sup>th</sup> November 2015.

Re: Your ref: P/DC/SR2/2015/00249/FUL.

**Application No: 2015/00249/FUL/SR2 - Land to East of St Nicholas.**

Dear Mr. S. Rennie,

Thank you for letter dated 27<sup>th</sup> October 2015 regarding the proposed development to the East of our property in St. Nicholas.

I am writing to you in order to register a number of objections to the aforementioned proposal - Land to East of St Nicholas.

The modified proposal does not address our concerns expressed in our correspondence of March 2105. The additional housing, now 96 from the original 79, plus the associated parking/cars on the 3.65 hectare site will only exacerbate the problems identified with the earlier version of this misguided proposal.

Attached is a detailed submission (TheCroft\_JMacneil\_2015\_00249\_FUL\_SR2.pdf) . I would however like to summarise the key points from my perspective.

- The amended proposal does not constitute sustainable development.
  - Increase in size of St Nicholas by ~63%. 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

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developments in St Nicholas & Bonvilston. (Welsh Government in their response to the Revised Deposit LDP, dated 20<sup>th</sup> 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.

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

14<sup>th</sup> November 2015

Dear Mr. Rennie,

**Ref: 2015/00249/FUL/SR2 - Land to East of St Nicholas.**

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

My concerns include:

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

Each issue is considered in turn below.

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### **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 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 of 96 dwellings could lead to a new population of 212 residents. This would increase the size of the village to 551 residents, which equates to an increase of 63%.

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

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

Furthermore:

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

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

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

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

### *The emerging Allocation*

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

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

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

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

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

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

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

Whilst no information has been provided about the quantity of public open space provided, it is noted that the Landscape Plan includes a number of swathes of land, including to the east

and west of the proposed access and to the rear of the site, which can only be considered as being amenity green space and therefore will not assist in meeting existing shortfalls.

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

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

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

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

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

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

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

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

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

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

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

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

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

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

- ***Promote resource-efficient and climate change resilient settlement patterns*** - the proposed development will increase the size of St Nicholas by around 63%. 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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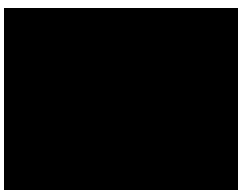
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Sophie Curien

Attachment: TheCroft\_SMCCurien\_2015\_00249\_FUL\_SR2.pdf

**Payne, Adrienne J**

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**From:** Sophie Curien [REDACTED]  
**Sent:** 15 November 2015 20:02  
**To:** Planning & Transportation (Customer Care)  
**Cc:** Sophie Curien  
**Subject:** Re: Your ref: P/DC/SR2/2015/00249/FUL. Application No: 2015/00249/FUL/SR2 - Land to East of St Nicholas.  
**Attachments:** TheCroft\_SMCCurien\_14thNov15.pdf; TheCroft\_SMCCurien\_2015\_00249\_FUL\_SR2.pdf

Dear Mr Rennie,

Please find attached my objections to the above.

Regards

Sophie Curien  
[REDACTED]

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D.E.E.R
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ACTION BY: SR21JMC
NO: 30
ACK:

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

14<sup>th</sup> November 2015

Dear Mr. Rennie,

**Ref: 2015/00249/FUL/SR2 - 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**

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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.

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### **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 of 96 dwellings could lead to a new population of 212 residents. This would increase the size of the village to 551 residents, which equates to an increase of 63%.

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

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

Furthermore:

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

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

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

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

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

### *The emerging Allocation*

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

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

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

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

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

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

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

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