

December 2016

Supporting Planning Statement

Land West of Swanbridge Road (South), Sully

Proposed Residential Development with Associated Works

Prepared for:

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1. Introduction

- 1.1. Savills is instructed by Taylor Wimpey Plc to make an outline planning application to the Vale of Glamorgan to develop land south of Cog Road, Sully for residential purposes. The application is for a new residential development that has been sensitively designed by an experienced team and is based upon a full understanding of the site and the context that it sits within.
- 1.2. The Application is made following a resolution to grant a planning application for up to 350 dwellings on land immediately north of the Application site. The resolution to grant was given in May 2016 and work is ongoing to finalise the S106 agreement to allow the decision to be issued.
- 1.3. A copy of the Committee report to the application is reproduced at Appendix 1.
- 1.4. The proposal is to develop the land for up to 190 new homes, to include a proportion of affordable housing. A single vehicular access point is proposed to serve the site. Whilst the access detail is a reserved matter, the access point is shown indicatively via the northern boundary to the site. This link will allow access to the site via the land to the north, which will effectively form the first phase of the development, in advance of the current application site.
- 1.5. The proposals provide an opportunity for sustainable growth within an identified key settlement within the Vale of Glamorgan as identified within the emerging Local Development Plan. The application site has been proposed as a housing allocation as part of a wider allocation for 500 houses.
- 1.6. This statement provides the context for, a description of, and the justification for, an outline application with the following description:

“Residential development with associated access and associated works.”
- 1.7. All matters are reserved for future consideration, however, an indicative masterplan is provided to demonstrate how the site can be developed to take into account its particular characteristics and its context. This shows indicative positions for vehicular and pedestrian / cycle access. Importantly the masterplan has full regard to the indicative masterplan relating to land north of the hedgerow, associated with application 2013/01279.

1.8. This statement explores the context of the site, the planning policy relating to the proposals and sets out the justification in planning terms for the development. This statement should be read in conjunction with the following documents:

- Transport Statement – prepared by Vectos Transport
- Archaeology and Heritage Appraisal – Cotswold Archaeology
- Design and Access Statement – CWA
- FCA/Drainage Strategy - Vectos
- Landscape and Visual Assessment – Soltys Brewster
- Ecological Appraisals & Mitigation Statements – Soltys Brewster

1.9. Some important context to the application is provided by the submission and consideration of planning application reference 2013/01279/OUT.

1.10. A resolution to grant application 2013/01279/OUT was made in May 2016. The application was for the development of land immediately north of the current proposals for up to 350 dwellings. The application was accompanied by an Environmental Statement (ES). Not only did this statement set out a full assessment of the impacts and any necessary mitigation for the proposals for 350 dwellings, it also considered the cumulative impacts of developing out the full allocation, including the land now subject to this application. As such the key conclusions of the cumulative impacts are considered within this planning assessment.

Structure of this Statement

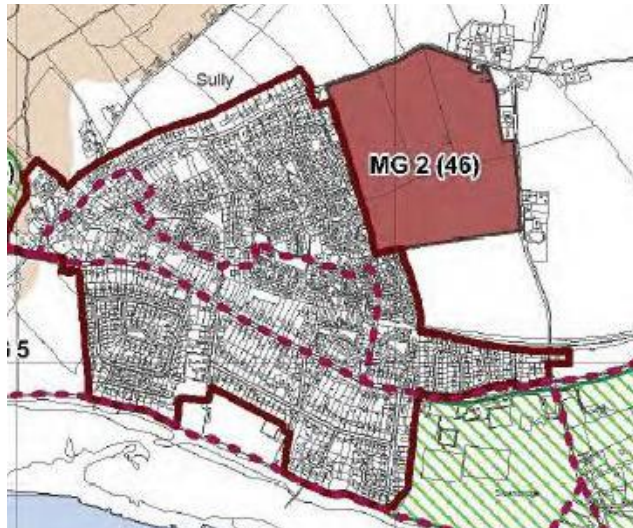
1.11. The Statement is structured as follows:

- Section 2 sets out a description of the site and its surroundings
- Section 3 describes the proposed development
- Section 4 sets out the planning policy context at National and Local level and provides an analysis of the significance of the various documents, and the support that can be afforded to the principle of developing this site for housing
- Section 5 considers the detailed considerations in relation to the proposals; and
- Section 6 brings together the key points made within the statement forming conclusions in relation to the site and the proposals

2. Site and Surroundings

The Site

- 2.1 The application site is situated to the east of Sully on land referred to as Land West of Swanbridge Road (South).
- 2.2 The site is bounded to the north by a hedgerow bisecting two agricultural fields which together form housing allocation MG2 (46) of the November 2013 Deposit LDP. The western boundary of the site comprises existing residential development. The eastern boundary is defined by Swanbridge Road. There is no physical southern boundary to the application site, but the red line boundary abuts an agricultural field.
- 2.3 The site measures approximately 6.8ha.
- 2.4 Hedgerows form the majority of the boundary to the site, within individual small access points punctuating the hedgerows.
- 2.5 The land is currently let to an agricultural tenant and is used for arable farming.
- 2.6 The agricultural value of the land has been assessed in reports commissioned by the Welsh Government. The ADAS Agricultural Land Classification Report and the Kernon Countryside Consultants Ltd Agricultural Land Classification Report of October 2012 identifies the application site as being category 3B. The land is not therefore classified within the best and most versatile agricultural land category that would otherwise afford protection through Planning Policy Wales and Development Plan Policies.
- 2.7 The site forms the southern section of housing allocation, MG2 – (46) of the Deposit Draft Vale of Glamorgan Local Development Plan (November 2013).
- 2.8 The extract from the draft LDP allocation is shown below:



2.9 The extent of the application site and its location is shown on the OS extract reproduced below.



Application Site Location Plan

Baseline Information about the Site

2.10 A series of studies have been undertaken in order to determine the baseline information regarding the site and its surroundings. The following provides a summary of the key information about the site, relevant to the formulation and assessment of the proposals.

Issue / Characteristic	Description / Comment
Topography	The topography of the site slopes gently from north to south, the northern hedgerow boundary of the site being located at the rising peak of Sully ridge.
Landscape	The site is not subject to any statutory or local landscape designations.
Site accessibility	<p>Sully is well served by public transport by virtue of its location along a main highway.</p> <p>Sully benefits from half hourly bus services during the day to Cardiff, Penarth and Barry and hourly services in the evening (the 88 and 94 bus services).</p> <p>The site is in walking and cycling distance to a number of services and facilities, including an existing primary school, sports field and leisure centre, doctor's surgery, community shop and post office, public house, hairdresser, community hall and library.</p>
Flood Risk	The site does not lie within an area of tidal or fluvial flood risk. Localised surface water flooding has been reported by local residents adjacent to the development site in its south western corner.
Ecology	<p>A Phase 1 Habitat Survey has been undertaken, along with specific reptile and bat surveys.</p> <p>The hedgerows that bound the site are considered of value in local context.</p> <p>The site does not contain any statutory habitat designations.</p>

	<p>A small presence of great crested newts was found within a pond located outside of the red line, north of the east/west hedgerow.</p>
<p>Archaeology and Cultural Heritage</p>	<p>No designated historic environment features are situated within the application site. Two non designated historic environment features were recorded on land the north of the hedgerow, outside of the application site, comprising the location of a scatter of pre historic worked flint and the location of a former out building of Nicell's dwelling. A former lime kiln is identified as being present to the south, and outside of the application site.</p> <p>Listed buildings existing within the wider site vicinity including buildings at Cog Farm, Nicell's House and Home Farm to the north east of the site. The setting of the listed buildings will need to be taken into account in the detailed design and layout of the site, but his primarily relates to the development proposed outside of the application site, due to the proximity to the listed buildings. The overall conclusion is that the principle of development is not affected by their proximity.</p>
<p>Utilities Connections and Drainage</p>	<p>There are no public surface water sewers that cross the site but there are public surface water sewers located to the west of the site within the existing residential area. Drainage ditches within the site are believed to convey water to the DCWW public sewers.</p> <p>There are 2 public foul raising main sewers across the site in its south west corner.</p>
<p>Statutory Designations</p>	<p>The site is not subject to any statutory designations in the form of landscape, heritage or ecology. The site is not crossed by any public rights of way and there are no listed buildings or statutory heritage assets within the site.</p>

Planning History	The site has not been subject to any planning applications in the past. Land to the north is discussed as important context within this statement.
Agricultural Land Quality	The site is not classified as best and most versatile agricultural land. It falls under grade 3B.
Air Quality	The site or its immediate environs are not included within any Air Quality Management zones.

2.11 It is clear from the technical reports which have been undertaken and summarised above, that there are no significant technical constraints to the development of the site. As the agricultural land is not of protected value, it presents a relatively unconstrained opportunity for development and because of the flexibility of the end use, housing, the minor constraints that do exist can be responded to positively within a masterplanning exercise. This is explored within section 5 of this statement.

Site Context and Sully

2.12 Sully is a settlement with a population of 4,543 (2011 Census). It lies within the south eastern zone of the Vale of Glamorgan, which is identified within the LDP (Preferred Strategy and 2013 Deposit) as being the most sustainable and practical location for new housing development. Sully is identified as a key settlement within the LDP preferred strategy on the basis that it has an existing level of community facilities and infrastructure deemed appropriate to allow for a sustainable level of growth.

2.13 Sully is considered to be well located for access to the extensive employment and commercial facilities available within Barry to the west and Penarth to the east. The site is also within commutable distance from Cardiff with options for public transport to all three. Sully is therefore considered to be a sustainable location, as endorsed by the LDP.

3. The Proposed Development

Overview

- 3.1 This section describes the applicant's proposals and defines the principal components of the development including the development framework, enabling works and development phasing.
- 3.2 The application is made in outline, with all matters reserved. An indicative master plan is submitted for consideration, to demonstrate how the site can be developed for circa 190 dwellings. Access points are also shown indicatively.

The Vision

- 3.3 The proposed residential-led redevelopment of the site will accord with the draft allocation within the Deposit LDP for housing. The proposed development has evolved further to detailed analysis of the site and context and its environmental and technical opportunities and constraints, and pre-application consultation with key stakeholders.
- 3.4 The vision for the development, and a series of aims to reflect the vision, is provided in the Design and Access Statement (DAS). In summary, the proposed development aims to create a cohesive and sustainable place to live and enjoy where the design seeks to capitalise on the unique sense of place offered by the site and its surroundings. The proposed form of development has emerged in light of the proposed allocation of the site for residential development, detailed consideration of the existing character and landscape of the site and surroundings the relationship and porosity of the site with adjacent existing residential development, transport and access considerations, the ecology of the site and sustainability.
- 3.5 The vision builds upon that set out for the first phase of development on land to the north of the hedgerow. Importantly, it takes on board the need to comprehensively plan to the 2 sites that form the allocation together. With that in mind, pre-application discussions have taken place with NRW and the Council's ecologist in order to understand how newt habitat can be maintained as part of the extended development. A comprehensive newt mitigation strategy has been agreed as part of the first phase of development and further studies have been

undertaken to inform an updated strategy that will form part of the overall scheme. The need to maintain newt habitat has had a significant influence on the masterplanning exercise.

- 3.6 The main crossing point between the hedgerow has been influenced through the first phase of discussions and further discussions with NRW.
- 3.7 The aim has been to retain a significant length of uninterrupted hedgerow to allow habitat connectivity. Initial masterplans for the wider allocation showed a connection point close to the newt habitat area. This has been revised and moved west to accommodate better connectivity for wildlife.

Development Parameters

- 3.8 The application seeks to provide:
- Circa 190 new homes. With a range and choice of house types and size, from 1 bedroom homes through to large keynote detached housing;
 - A network of open spaces including areas for informal recreation;
 - New roads, parking areas, accesses and paths; and
 - A comprehensive landscaping scheme and ecological mitigation measures;

Amount and Mix of Residential Development

- 3.9 Overall the proposed development will circa 190 new homes. Housing types will vary from 1 bedroom starter homes through to large keynote detached housing to ensure that the proposed development offers a full range and choice of housing.
- 3.10 Building appearance will only be described in the broadest terms so as to not fetter future architectural design. Furthermore, changes in building regulations and stricter rules on sustainability ratings may influence future design that cannot be anticipated at this stage.
- 3.11 Building heights will range from two to three storeys within the residential areas. At key nodes within the development, building heights may be increased by a storey to create visual interest and allow for focal points within the development. A varied roofscape would be created to provide visual interest and variety throughout the development.

Movement and Access Strategy

- 3.12 Vehicular - No direct vehicular access points are proposed to the existing highways network. Instead the site will be accessed from a new point linking into what will effectively be the first phase of development on land north of the hedgerow. The approval on land to the north proposes access points to Swanbridge Road and Cog Road, creating an internal spine road or 'primary access road', off which a spur can be provided to allow access into the application site. From this spur it is proposed that a series of cul-de-sacs and mews will serve collections of homes.
- 3.13 Pedestrian/Cycle Movement - New pedestrian infrastructure is proposed to provide pedestrian access within the site and to connect to existing provision to the first phase of development, north of the hedgerow.
- 3.14 The indicative masterplan shows a pedestrian linkage into the existing public footpath that runs to the east of Kingsley Close. This will prove a valuable pedestrian link for further residents of the application site and the land to the north, and it will also provide access for existing Sully residents to the new open spaces within the proposed development.

Landscape and Open Space Strategy

- 3.15 The proposed landscaping and open space for the site has been prepared following extensive site surveys and appraisals. It responds to issues of existing sensitivity and interest, environmental constraints and capacity, and landscape character.
- 3.16 The indicative landscape and open space strategy for the site has been developed with the following key aims:
- To maximise opportunities and use of the applications site's resources while minimising demands on the environment;
 - To conserve areas and components of value and sensitivity;
 - To deal positively with surface water drainage including flood risk and surface water management;
 - To structure and co-ordinate the built environment to ensure a cohesive overall development is achieved;
 - To respect the intrinsic landscape and environmental characteristics of the application site;
 - To establish and reinforce a distinctive site development and landscape identity;
 - To create a high quality environment;

- To establish a stable and varied hierarchy and range of environmental and landscape areas; and
- To mitigate and minimise the effects of built development.

3.17 The areas for open space within the site have been heavily influenced through the need to provide suitable wildlife habitat, in connection with the land to the north of the hedgerow. Furthermore, there is an opportunity to promote dual use of the surface water attenuation areas which will provide usable open space for the majority of the year.

3.18 The LVIA provides a detailed consideration and analysis of land map data. The recommendations to mitigate for the landscape impact of the development are relatively simple to accommodate as part of the landscaping strategy and this has been done through a strengthening of the hedgerow that runs through the site and a further hedgerow planting to the southern boundary of the proposals.

3.19 Plot Landscaping will be more formal in its approach with mowed grass and structured planting framing vistas and forming amenity space. It would also form 'green wedges' between buildings and as part of circulation routes with adjacent buildings orientated to overlook circulation routes.

3.20 The proposed development includes the provision for a total of 1 ha of public open space across the application site. This is provided in addition to the local area of play that were provided on the northern site and the incidental open space that will also deliver.

Pre application advice

3.21 Pre-application meetings took place in respect of the whole area of land covered by the MG2 (46) allocation.

3.22 The pre application meeting took place in June 2013. The meeting was principally set up in order to establish preliminaries for a scope for a transportation assessment and some basic design principles for the site.

3.23 The key information established at the pre application stage was fed into the scope for the transportation assessment and specific chapters within the EIA such as air quality and agricultural land quality. It is not considered that EIA is required to support this application,

however, the information gleaned as part of the previous exercise has been used to inform and justify this latest proposal.

- 3.24 Information on the agricultural land quality within the wider site assisted to some extent in defining the application boundary, given that the extent of the best and most versatile agricultural land (identified by reports commissioned by the VOG and WG) was identified and subsequently excluded from the application boundary.
- 3.25 Clarity was also sought on the method of providing primary school accommodation for future residents of the application site. Feedback from the education department at the VOG indicated that primary school provision could be made through an extension to the existing Sully Primary School, as opposed to seeking to provide a new primary school on site. This position was maintained through the life of the recent application on land to the north of the hedgerow.
- 3.26 Pre-application meetings have taken place with NRW and the Council's ecologist. The discussions centred around the extent and location of land required to maintain newt habitat in association with the newt present on land north of the hedgerow. The position of the access road between the sites is also a topic of discussion. The conclusions reached have influenced the masterplan given that it now shows an area of open space that will be retained to satisfy NRW's requirements.

4. Planning Policy Context and Analysis

Introduction

- 4.1. This section reviews and analyses the Planning Policy Framework against which the planning application will be assessed. The aim of this section is to review policies which relate to the principle of developing this site for housing purposes both at a national and local level.
- 4.2. Policy at a national level is found at 2 main levels, Planning Policy Wales (PPW) (Edition 8) and the various technical advice note (TANs). At a local level, this chapter reviews the relevance of the now time expired Vale of Glamorgan UDP (adopted 2006) and the emerging LDP. For reasons sets out further below, it is considered that the Deposit Plan LDP (November 2013) which is the most relevant to support the principle of the proposals.

Planning Policy Wales- Edition 9

- 4.3. PPW forms the overarching national planning policy document within Wales, providing guidance to Local Planning Authorities ('LPAs') for the preparation of development plans and the determination of planning applications through their development management functions.
- 4.4. The principal objectives contained in PPW, which are relevant to this application are very well known and include:
- The promotion of high quality, sustainable, resource-efficient and safe settlement patterns that minimise land-take and urban sprawl;
 - A strong sequential preference for the best and most effective use of land in urban areas – and especially previously developed land which should be used before greenfield or undeveloped sites;
 - Protecting the natural and built environment;
 - Ensuring that all local communities have sufficient good quality housing for their needs;
 - Promoting access to employment, shopping, education, health, community, leisure and sports facilities and open and green space, maximising opportunities for community development and social welfare;
 - Locating developments to minimise the demand for travel, especially by private car; and

- Securing the provision of infrastructure to form the physical basis for sustainable communities (including water supplies, sewerage and associated waste water treatment facilities, waste management facilities, energy supplies and distribution networks and telecommunications).
- 4.5. National Planning Policy also outlines that Local Planning Authorities should promote sustainable residential environments that are:
- Mixed tenure communities;
 - Development that is easily accessible by public transport, cycling and walking, although in rural areas required development might not be able to achieve all accessibility criteria in all circumstances;
 - Mixed use development so communities have good access to employment, retail and other services;
 - Attractive landscapes around dwellings, with usable open space and regard for biodiversity, nature conservation and flood risk;
 - Greater emphasis on quality, good design and the creation of places to live that are safe and attractive;
 - The most efficient use of land;
 - Well designed living environments, where appropriate at increased densities;
 - Construction of housing with low environmental impact by using nationally prescribed sustainable building standards; reducing the carbon emissions generated by maximising energy efficiency and minimising the use of energy from fossil fuel sources, using local renewable and low carbon energy sources where appropriate; and
- 4.6. PPW continues to state that *'new housing developments should be well integrated with and connected to the existing pattern of settlements'* (Para. 9.3.1) and *'New house building and other new development in the open countryside, away from established settlements, should be strictly controlled'* (Para. 9.3.6).
- 4.7. PPW recognises the strength of urban communities and seeks to support sustainable patterns of development, which meet the needs of the economy and the environment. As such, guidance seeks to encourage the re-development of previously developed land and buildings in urban areas that minimise the need to travel or are well-served by a choice of transport modes, particularly public transport. It does not however preclude the development of greenfield land in appropriate situations.
- 4.8. National Policy on the use of agricultural land for development is set out under section 4.10 of PPW. This affords protection to land classified under grades 1, 2 and 3b of the DEFRA

Agricultural Land Classification system. The application site does not fall within these categories and consequently is not protected in this regard.

Accessibility

4.9. The Welsh Government's key objectives in terms of transport and accessibility are outlined in chapter 8 of PPW as being:

- Reducing the need to travel, especially by private car, by locating development where there is good access by public transport, walking and cycling;
- Locating development near other related uses to encourage multi-purpose trips and reduce the length of journeys;
- Improving accessibility by walking, cycling and public transport;
- Ensuring that transport is accessible to all, taking into account the needs of disabled and other less mobile people;
- Promoting walking and cycling;
- Supporting the provision of high quality public transport;
- Supporting traffic management measures;
- Promoting sustainable transport options for freight and commerce;
- Supporting sustainable travel options in rural areas;
- Supporting necessary infrastructure improvements; and
- Ensuring that, as far as possible, transport infrastructure does not contribute to land take, urban sprawl or neighbourhood severance.

Summary

4.10. It should be noted that planning policy at the national level seeks to inform local planning policy and guide, from a strategic / spatial level, the formation of LPA policies by setting out the land use planning policies of the Welsh Government.

4.11. One of the fundamental aims however of national policy is to regulate the development and use of land in the public interest. Furthermore, it should reconcile the needs of development and conservation, securing economy, efficiency and amenity in the use of land, and protecting natural resources and the historic environment, thereby contributing to sustainable development (Para. 1.2.1).

- 4.12. In addition, PPW outlines that the planning system must provide for an adequate and continuous supply of land, available and suitable for development to meet society's needs (Para. 1.2.2).
- 4.13. The proposal to develop the application site for housing purposes is considered to comply with the aims of the national guidance discussed above on the basis that:
- It will deliver housing in line with the established needs set out at the local level
 - It will deliver housing in the correct location, i.e. one that is adjacent to the existing urban area, promoting access to employment, shopping, education, health, community, leisure and sports facilities and open and green space, maximising opportunities for community development and social welfare.
 - It will provide mixed tenure development.
 - It will be located in a location where there is good access by public transport, walking and cycling facilities
 - It will not result in the loss of the best and most versatile agricultural land.
 - It will not result in any loss of important landscape or ecological habitat
 - It will not result in development within an area of flood risk.

Five Year Housing Land Supply

- 4.14. National planning policy requires local planning authorities to provide a supply of land for new housing. PPW contains advice in Chapter 9 on the need to demonstrate a 5-year supply of land and paragraph 9.2.3 states that LPAs must ensure that the land is genuinely available or will become available over the five year period. TAN 1: Joint Housing Land Availability Studies (Jan 2015) was published in January 2015. Like PPW, its clear aim is to ensure that sufficient housing land is available to stimulate an increase in housing development in Wales. Paragraph 2.1 states:

“The requirement to maintain a 5-year supply of readily developable housing land in each local planning authority across Wales remains a key planning policy requirement of the Welsh Government”

- 4.15. Paragraph 6.2 of TAN1 explains the implications of not having a 5-year supply. In such cases it states that:

“The housing land supply figure should also be treated as a material consideration in determining planning applications for housing. Where the current study shows a land supply below the 5-year requirement or where the local planning authority has been unable to undertake a study, the need to increase supply should be given considerable weight when dealing with planning applications provided that the development would otherwise comply with development plan and national planning policies.”

- 4.16. This paragraph has two main effects. The first comes from the first sentence and confirms that land supply is a material consideration for this application. This is important as planning law and PPW state that decisions on applications should be made in accordance with the development plan unless material considerations indicate otherwise. On this basis alone, as a material consideration, a failure to demonstrate a 5 year supply could justify a departure from the development plan and this is apparently accepted in a series of similar decisions made by the Council on land allocated within the LDP, but otherwise outside of settlement boundaries in the UDP.
- 4.17. The second effect comes from the remainder of the paragraph. It says that if a supply is below 5 years then the need to increase it is significant in determining applications, so long as they comply with the development plan and PPW.
- 4.18. The LPA cannot currently calculate a housing land supply figure on the basis that an adopted LDP is not in place and the UDP is time expired. The May 2016 Committee report (appendix 1) identifies a supply of only 3.6 years if a calculation were to be undertaken. Given that the position shows a less than 5 year supply, it was considered that this represented a very significant material consideration in favour of approving the 350 unit scheme in advance of the adoption of the LDP, in order to maintain a healthy supply as required by PPW and TAN 1.
- 4.19. The report went on to consider that whilst the need to maintain supply will not justify all new applications for residential development, in this case, in addition to the current housing supply position, the allocation/proposal is supported by a raft of information within the LDP background documents which is relevant to the application and are material considerations that demonstrate why the site has been included within the draft LDP.
- 4.20. This was deemed to be a material consideration that weighs heavily in favour of the development.
- 4.21. In light of the significant amount of background information that has led to the allocation within the LDP, the current housing supply and need to maintain adequate housing land at all times, and the need to deliver the LDP, it was considered on balance that the development of the land is acceptable in principle and outweighs any conflict with UDP policies.

- 4.22. The same arguments are highly relevant in this case, within the same allocation, and are in fact strengthened through the continuing support of the site through the published MAC changes.

Local Planning Policy Documents

Vale of Glamorgan Adopted Unitary Development Plan 1996 – 2011

- 4.23. The VOG UDP was adopted in 2005. It provides a policy framework for land use and movement for the period 1996 – 2011. Consequently, the UDP is now time expired and whilst it will continue to be used for development control purposes, it represents a dated policy document which will be superseded by the emerging LDP.
- 4.24. The UDP was based upon data and strategy devised in 1997, with housing land targets devised for 1998 to 2011.
- 4.25. Given the above and the fact that work on a replacement LDP has been taking place since 2006, an in depth analysis of the UDP is not undertaken. It is recognised that the application site lies outside of the residential settlement boundary and as such, housing development would be contrary to policy ENV1 – Development in the Countryside and HOUS3 – Dwellings in the Countryside. It is relevant that the site does not carry any other land use designations which would guard against development in principle, such as landscape or green wedge designations.

The Vale of Glamorgan Local Development Plan 2011 – 2026 – Preferred Strategy

- 4.26. The Vale of Glamorgan Local Development Strategy document was published in December 2007. This followed consideration of several options, the first three of which involved variations on the current UDP strategy and growth linked to the existing status and populations of settlements.
- 4.27. The draft Preferred Strategy was published in January 2008 setting out the following preferred option:

“To concentrate development opportunities in Barry and the South East Zone. The St Athan area to be a key development opportunity. Other sustainable settlements to accommodate further housing and associated development.”

- 4.28. The strategy is based upon the fact that the South-east Zone includes the main urban settlements and the highest concentration of the Vale's population, offering a range of services and facilities with easy access, thus providing greater opportunities for supporting future sustainable growth.
- 4.29. The Strategy required provision for the development of 7,500 new dwellings during the period 2011 -2026. It was stated that further information on the levels of growth anticipated for each settlement would be included through further Area Strategy Policies, detailing site specific allocations which would form part of the full Deposit Draft Plan.
- 4.30. The Strategy was considered to be in accordance with the Wales Spatial Plan (WSP) which sees the continued regeneration of the Waterfront in Barry as a key attraction, *'providing an alternative waterside location to Cardiff and offering opportunities to enhance attractiveness of the town in terms of leisure and strengthening the town centre. This, in combination with the proposed Defence Training Academy at St Athan and Cardiff International Airport places Barry in an important strategic location in association with Cardiff and the wider City/Coast Region. Accordingly, both Barry and St Athan are identified as being one of only three Strategic Opportunity Areas, which are of a sub-regional significance, providing opportunities for inward investment, regeneration and employment opportunities.'*
- 4.31. A challenge to the strategy took place in 2009 on the basis that the decision to endorse it had not been taken in the full light of sustainability appraisals available. The challenge was subsequently dismissed.
- 4.32. Following the challenge being dismissed, a further report on the LDP preferred strategy was considered by Cabinet on 3 February 2010. The Draft Preferred Strategy was endorsed by the Cabinet in the same form as it had been prior to the challenge.

The Vale of Glamorgan Local Development Plan 2011 – 2026 (Deposit Plan November 2013)

- 4.33. The LDP's Deposit Plan has been published for public consultation and is currently undergoing examination. The LDP is based upon the most up to date housing projection figures produced by Welsh Government and the endorsed Preferred Strategy.
- 4.34. The publication of the first Deposit draft plan in February 2012 was withdrawn in November 2012, principally due to a change in the political administration of the Council. The Preferred

Strategy remains valid and the aim of the revised Deposit Plan was to provide allocations in line with that Preferred Strategy.

- 4.35. For the reasons set out above, the LDP is considered to be more relevant to the future development needs of the VOG and in particular, its strategy to concentrate development within the settlements set out within the South West Zone (including Sully) is highly material to this application.
- 4.36. The February 2012 Deposit Plan contained a draft allocation for the application site referred to as Land West of Swanbridge Road. The reserve allocation was made under reference MG2(25) for 650 houses. The allocation included land south of the application site, extended as far as the dismantled railway line running broadly parallel to South Road.
- 4.37. The allocation has been revised as part of the 2013 Deposit Plan to effectively reduce the allocation from 30 Ha to 20 ha and from 650 houses to 500 houses. The allocation is made under reference MG2 (46).
- 4.38. The site therefore benefits from an allocation for housing development. The 'reserve' status of the site within the emerging LDP was removed as a result of focussed changes made prior to the examination and further endorsed through the latest MAC changes, published in September 2016. The MAC changes reflect the Inspectors requirements to increase the number of housing allocations. The allocation therefore has no restrictions on phasing or timing within the LDP and there is a recognition that the LDP needs to deliver on all allocated sites originally envisaged within the Deposit.

Policy Framework Summary

- 4.39. The planning policy framework relevant to the principle of development is contained at a national level under PPW and TAN1. It is evident that PPW supports sustainable forms of development, promotes the location of developments so as to minimise the demand for travel, promotes access to employment, education and other facilities and recognises the strength of urban communities to accommodate new development. The application site is in the correct location to satisfy these national requirements, as is evidenced by the allocation of the wider site for housing development within the two versions of the LDP.
- 4.40. PPW and TAN require a 5 year supply of housing land to be maintained, and where local plans are dated and/or housing land supply falls below the 5 year requirement, Local Authorities are required to take action to improve supply.

- 4.41. In this case, the VOG UDP is now time expired and there is an insufficient supply of housing land. This is material in the decision to bring forward the planning application, and equally, it is highly material that the site is compliant with the preferred strategy of the LDP. This is principally due to the fact that the site is located within the South East Zone of the Vale, is unencumbered by physical constraints and, has been identified as a site suitable for housing development through the LDP process.
- 4.42. The status of the site as an element of a proposed allocation within the emerging LDP establishes significant support for the principle of the development proposed.
- 4.43. The Committee Report (reproduced at Appendix 1) for the 2013 application considers the significance of the Local Development Plan, whether prematurity is an issue and the significance of the lack of housing land supply.
- 4.44. Pages 41 – 43 go into the issue of LDP context prematurity in some detail. It notes that the previous allocation for 350 dwellings would not go to the heart of the overall LDP strategy given that it represented only 3% of the total dwelling growth forecast for the Plan Period. It was also concluded that 350 units would not undermine the deliverability of strategic housing allocations or wider strategy of the plan. The conclusion being that although the proposal represented a relatively large extension of the settlement of Sully, it was considered that a refusal on the grounds of prematurity could not be sustained. Whilst these proposals are to add a further 190 units to the development, the same principles apply. The cumulative impact of a further 190 units on the plan strategy is insignificant. This position is further reinforced by the further advancements that have taken place in respect of the LDP, with the allocation remaining intact and supported through the MAC changes published in September 2016.
- 4.45. The overall conclusion of the Committee Report, which went on to be endorsed by the Planning Committee, is that there were sufficient material considerations to justify the residential development in advance of the adoption of the LDP.
- 4.46. The housing need and supply was considered as the same time. The report documents that a calculation of the housing land supply figure within the Authority concludes a 3.6 year supply. Whilst this is not an official calculation given that no formal figure can be presented under the

rules of TAN1, it is clear that a low housing land supply represents a very significant material consideration in approving residential development. This was taken on board by members and an exact same principles apply in this instance. Whilst material considerations in terms of the suitability of the site for housing development are considered in the following section but the situation is not materially changed since May in respect of the material consideration that a low housing land supply provides and the support that is provided by the emerging LDP for development in this location.

4.47. The conclusion on page 46 on this matter is relevant. This states that:

'Therefore in light of the significant amount of background information that has led to its inclusion, the current housing supply and need to maintain adequate housing land at all times, and the above assessment in terms of the deliverability of the LDP, is considered on balance that the development of the land is acceptable in principle and outweighs any conflict with UDP policies'.

4.48. The same arguments that allowed the Council to support the earlier application provide clear justification for this application, which seeks to deliver the remainder of the LDP allocation.

5. Detailed Considerations

Introduction

- 5.1. Having established the material considerations in support of the principle of developing this site for housing purposes in the previous sections, this section considers the detailed elements of the proposal and assesses the key development control considerations.
- 5.2. This section refers to the conclusions of the detailed reports submitted with the application, including the transport statement, the LVA, FCA and Ecology Reports/Mitigation Strategies. The accompanying DAS considers the design philosophy in detail and therefore will not be repeated within this document.
- 5.3. The principle justification in terms of the detailed matters are therefore contained within the supporting documents. This section provides a summary of their conclusions.

Reference to the application site within the 2013 LDP

- 5.4. Appendix 5 of the 2013 Deposit LDP considers the housing allocations under MG2 on a site by site basis.
- 5.5. The key points that the LDP raises are as follows:
 - Future development of the site would be subject to a development brief in order to ensure comprehensive approach to development and the provision of infrastructure.
 - The site (in total) could yield 500 dwellings with a minimum 35% affordable housing requirement.
 - Safe access points need to be provided and supported by a robust transport assessment.
 - Reference is made to flooding issues of properties to the south and west of the site due to overland flow of surface water. Reference is made to no water course being available for the discharge of surface water and therefore surface water disposal and management will need to be assessed.
 - DCWW have advised that a hydraulic modelling assessment will need to be undertaken to determine the connection point to the existing water supply system. A similar assessment will be required for the foul sewerage.

- A site specific agricultural land survey will be required to confirm land grading.
- GGAT have advised that an extensive archaeological evaluation of the site will be required.
- Future development would need to have regard to the listed buildings within the hamlet of Cog.

5.6. Each of these points are considered in turn below.

Consideration of the need for a development brief

- 5.7. Whilst the application refers to only a proportion of the total allocation, the DAS considers how the whole of the site could be developed in a comprehensive manner.
- 5.8. It has been confirmed that there is no need for any on site education provision. The mix of development on the site is therefore established as being residential and open space. A full analysis of the characteristics of the site, its surroundings and the design constraints / opportunities has been undertaken in parallel with a detailed analysis of the way in which the site can be accessed.
- 5.9. The DAS demonstrates that the development of the southern proportion of the allocation (the application area) is based upon the indicative masterplanning principles established through application reference 2013/01279. The indicative masterplan demonstrates that the allocation can be delivered comprehensively without the need for a development brief. Open space has been planned in order to tie in with the land north of the hedgerow. The quantum and location of the open space shown on the masterplan is based upon pre-application discussions with NRW.
- 5.10. Page 47 of the Committee Report at Appendix 1 considers this point, concluding that it is not unacceptable to consider the allocation in 2 parts.
- 5.11. The access points provided assessed within 2013/01279 have been sensitivity tested in order to confirm that they can accommodate traffic associated with the entire allocation and, a suitable vehicular access point has been designed into the indicative scheme to afford future access across the whole allocation. Pedestrian links across the hedgerow are not prejudiced, and neither are pedestrian links to the wider area by the indicative masterplan proposed.
- 5.12. In terms of infrastructure provision, the draft infrastructure plan does not raise any requirement for wider scale improvements which could not be delivered on a pro rata basis in line with the

development of the application site or the wider allocation. Consequently, it is considered that a development brief is not essential in order to ensure a comprehensive approach to development, given that this has been afforded within the plans submitted for each of the applications.

Site Yield

- 5.13. The application proposes circa 190 units which, together with the resolution to grant 350 units on the land north, will meet the allocation for 500 units. The site yield represents an increase of 40 units on the 500 units set out within the allocation within the emerging LDP. This represents an increase in the anticipated yield of 8 percent.
- 5.14. The original allocation for Sully included land to the south of the application site which was later found to be Grade 3a Agricultural Land. The allocation was reduced as a result of the impact upon best and most versatile agricultural land and not due to any concerns over capacity in relation to new developments within Sully.
- 5.15. The Council has recently considered an application for 200 new homes on the Sully Sports Ground (ref 2015/00843). The Committee Report considered the implications of the development of 200 new houses within Sully in full. An assessment of the impact of the development on local facilities, including schools and the highways network was undertaken.
- 5.16. Internal consultees did not raise any objection on any of these impacts and there was no indication that the introduction of 200 houses would have a negative impact upon the sustainable settlement.
- 5.17. The three reasons for refusal set out related to impacts upon the open countryside, green wedge and the coastal zone. No highway reasons were reported or reasons for refusal in relation to existing facilities.
- 5.18. Had there been concerns about the capacity of Sully to accommodate a further 200 dwellings these would have been raised. The proposal to provide a further 40 dwellings, over and above the LDP allocation should not therefore give rise to any concerns over impacts upon local facilities or the capacity of Sully to accommodate additional dwellings.
- 5.19. The basic characteristics of the site, in terms of its proximity to the existing built up area of Sully and its location within the preferred zone for development within the VOG mean that the site is suitable and capable of accommodating the 8% increase in yield proposed.

5.20. The Authority have accepted appropriate increases in yield on allocations within the LDP, namely:

- MG2 (12) Ysgol Maes Dyfan (80% increase);
- MG2 (20) Land to the north and west Darren Close, Cowbridge (21%);
- MG2 (21) Plas Newydd Farm, Llantwit Major (14%);
- MG2 (42) Ogmere Caravan Park (22%);
- MG2 (43) Land East of St. Nicholas (17%);
- MG2 (44) Land of St. Brides Road, Wick (24%)

5.21. These increases have come about as a result of planning permissions being granted (the majority) or revisions to the LDP yield. In each case, the increase in numbers has been welcomed in order to help to deliver a sustainable housing land supply and encourage sustainable levels of development in suitable locations.

5.22. A further material point to consider is policy MD7 of the LDP. This sets out a minimum requirement for 30 dwellings per hectare (dpha) within primary settlements such as Sully. The policy states that exceptions will only be permitted where it can be demonstrated that the prescribed density would have an unacceptable impact upon the character of the surrounding area, where a site has particular constraints or, on mixed use developments.

5.23. In the case of land to the north of the hedgerow, the extant permission for 350 dwellings represents a gross density of 28 dpha, or a net density of 37 dpha. The density will ultimately depend upon the reserved matters layout.

5.24. If this current proposal were to be developed at 150 dwellings (the remainder of the allocation), it would deliver a density of 22 dpha (gross) or 28 dpha (net).

5.25. As has been documented elsewhere, the site does have a number of constraints, including the need to set aside a large developed area to preserve newt habitat. Furthermore, on site attenuation is needed for surface water drainage. Nevertheless, a gross density of 22 dwellings per hectare is significantly below the density envisaged through policy MD7.

5.26. Increasing the yield of the site to 190 dwellings, as proposed, delivers not only a density commensurate with the permitted development on land to the north, but also a development which accords more with policy MD7.

5.27. The increase in dwellings will result in the proportional increase in contributions towards

education and community facilities. The increase in yield is therefore appropriate in terms of the characteristics of the site and the settlement.

- 5.28. Furthermore, the Council has an ongoing requirement to maintain housing land supply. The latest MAC changes to the LDP have yet to be examined. The changes respond to the inspectors concerns about the high reliance on windfall delivery and an appropriate buffer to the overall housing land requirement.
- 5.29. Increases in allocations and new allocations have yet to be examined and must therefore carry some doubt, particularly given the levels of opposition that have been raised.
- 5.30. Within this context, the increase in the yield of the site by 40 dwellings must be seen as reasonable and appropriate. The total increase in dwellings will also result in the proportion of increase in affordable housing and economic benefits through the construction process.
- 5.31. The landscape and visual assessment has been revised to assess the additional dwellings with no significant impacts concluded. The surface water drainage system will be devised at reserved matters stage and the addition of 40 dwellings does not have any significant bearing upon the strategy.
- 5.32. Potentially the most significant impact associated from the increase in numbers is the impact upon the highways network. The impact upon the highways network will be negligible in terms of overall capacity. The impact upon the nearest junctions has been scrutinised with the conclusions set out further below.
- 5.33. As with the many other allocations set out within the Deposit LDP and its further iterations, it is evident that the site can accommodate a marginally higher capacity than originally envisaged and that the additional 40 dwellings proposed is both appropriate and beneficial.

Safe Access and Transport Assessment Justification

- 5.34. The TA prepared by Vectos accompanies the application and should be read in full in order to understand the full justification for the access and the impact upon the highways network.
- 5.35. The TA takes in to account the two site access points proposed as part of application 2013/01279 and assessed the likely short term and long term impacts upon key junctions in the vicinity of the site and on the wider network. The assessment carried out in support of application 2013/01279 accounted for the impact of up to 500 dwellings, i.e. the soon to be consented scheme and the current proposals combined.

5.36. The assessment showed, and still shows, that the proposals will not result in any unacceptable impacts on highways capacity and that the local highway network can accommodate a residential development comprising 540 dwellings, including the current development proposals.

5.37. Measures were identified as part of the resolution to grant application 2013/01279 for pedestrian, cycle and junction improvements, which will be delivered through the legal agreement. These include:

- Off-site highway works at the junction of South Road and Cog Road to increase capacity at the junction for vehicles egressing from Cog Road onto South Road.
- To pay a contribution of £24,000 towards off site highway works at the roundabout junction at Cardiff Road/Sully Moors Road.
- Existing pedestrian Zebra crossings placed on new raised tables, with improved lighting;
- 'SLOW' markings and coloured surface dressing added to carriageway to increase driver awareness;
- A raised table at the South Road/Swanbridge Road junction; and
- A new Zebra pedestrian crossing close to the South Road/Cog Road junction.

5.38. The above forms part of a package of over £700,000 of contributions towards sustainable transport improvements within Sully.

5.39. The TA that supports this application identifies that further sustainable transport improvements will be delivered through the pro-rata contributions of £2,000 per house. Further improvements to specific junctions are not deemed necessary, over and above those that will be delivered through development of land to the north.

5.40. The TA considers that the measures set out above will increase driver awareness of pedestrian activity, leading to lower speeds and a more comfortable environment for pedestrian movement and the more vulnerable road users within the main route through Sully.

5.41. The TA concludes that the proposals will bring transport sustainability benefits for the existing local community, and no significant traffic impact. Therefore, there is good reason to encourage this scheme, and no good reason to resist this on transport grounds.

Drainage and Flood Risk

- 5.42. The LDP text refers to flooding issues of properties to the south and west of the site due to overland flow of surface water and to the fact that no water course is available for the discharge of surface water. Therefore surface water disposal and management will need to be assessed.
- 5.43. The application is accompanied by a Flood Consequences Assessment and Drainage strategy, prepared by Vectos. The report demonstrates that the site lies within EA Flood Zone 1 and Dam Flood Zone A, i.e. in an area of low fluvial flood risk and low flood risk from surface water, tidal, groundwater and artificial sources.
- 5.44. The overriding objective of the drainage strategy is to ensure that the site can be suitably drained without creating any new flood risk on or off-site while taking into account the effects of climate change; and where possible, to provide betterment over the current situation.
- 5.45. The proposed surface water drainage strategy will seek to replicate the existing drainage regime of the site as far as practicable, however; on-site SuDS (Sustainable Urban Drainage System) will be designed to accommodate the 1 in 100 year event plus climate change (+30%) rainfall event with no additional increase in flows over the existing 1 in 100 year rate, thus providing betterment in the future.
- 5.46. The strategy set out within the report suggest a detention basin to be located alongside the western boundary of the site. The basin will be designed to attenuate run off prior to controlled discharge to the drainage ditch at greenfield rates. This will essentially be a vegetated depression incorporated into the form of the site and designed to impound surface water run off from extreme storms and gradually releasing it. Importantly, this will temporarily hold water until it gradually drains through. They are not intended to be permanently wet features. The design allows for a smaller area to be suitable for wetland flora and fauna. There is also the opportunity to create a small, permanently wet pond to improve biodiversity.
- 5.47. Isolated flooding has been reported in the south western corner of the site. The drainage solution scenarios for the planning application would not result in any negative impact upon the way in which the land south of the hedgerow drains and may lead to betterment due the way in which surface water will be managed. Any existing flow routes off-site would be captured as part of the on-site proposals and discharge from the site in a controlled manner (via attenuation, conveyance and where possible infiltration), therefore providing betterment of the situation referred to by the council's drainage engineers and by anecdotal evidence from residents of Conybeare Road. Similarly, betterment can be achieved through the development of the entire allocation in the longer term through appropriate surface water management.

Foul Water Sewage and Water Supply

5.48. There will inevitably be an increase in the demand in usage of potable water and foul water sewer resulting from the Proposed Development.

5.49. Dwr Cymru Welsh Water (DCWW) have made representations to the LDP process to the following effect:

Water supply - A water supply can be made available to service the proposed development site. However, an assessment may be required, in particular for the larger densities, to understand the extent of off-site mains required.

Sewerage network - Our local sewer network is too small to accommodate the foul flows from this development. A hydraulic modelling assessment will be required to establish a point of connection to the public sewer system and / or any improvement work required. The site is crossed by a 150mm foul rising main and a 225mm foul public sewer for which protection measures in the form of an easement width and/ or diversion will be required.

Waste Water Treatment Works - Our Cog Moors WwTW can accommodate the foul flows from this proposed allocation.

5.50. DCWW have advised that they would need to complete a hydraulic modelling assessment to be undertaken.

5.51. This modelling assessment when complete will more accurately determine the available capacity in these systems for providing some or all of the Proposed Development, and also what improvement works would be required to ensure that sufficient capacity could be provided.

5.52. It should be noted that, subject to potential improvement works being carried out (as to be confirmed), this is not considered to be a constraint to development and is often dealt with following outline planning permission being granted, as was the accepted position on 2013/1279.

5.53. It is most likely that a phased approach to off site upgrades will be required, allowing early phases to be put in place whilst off site works and improvements are implemented.

Agricultural Land Quality

- 5.54. Reports commissioned by WG and the VOG have been provided as part of the pre-application process.
- 5.55. It is apparent that the quality of agricultural land within the application site 3B. This is not protected by PPW and the loss of the agricultural land is therefore not a constraint to development. The Grade 3A land is outside of the revised allocation and is unaffected by either the application.
- 5.56. The 2013 planning application was accompanied by an assessment of the impact of the loss of the agricultural land on the existing tenant. We are aware of a report submitted as part of the objection to the allocation to the site (and submitted in respect of the 2013 application) making reference to the land south of the hedgerow effected by this currently application. For the purposes of PPW, the land to be developed as proposed does not constitute best and most versatile agricultural land and is not therefore protected in planning policy terms.
- 5.57. The objection detailed that the Home Farm land holdings (to which this application relates in part) constituted an enterprise totalling around 1,000ha.
- 5.58. This application will result in the loss of circa 7ha of that land holding, but importantly circa 11 ha of higher grade land will be retained to the south of the application site.
- 5.59. The objection submitted references that the land south of the main hedgerow is used for feed for livestock for the much larger dairy farming operation. Whilst the loss of yield from this site will have an impact upon the ability to provide some self sufficiency in terms of feed for that operation, there are alternatives available and a large area of arable land will be retained following the development.
- 5.60. Therefore, whilst the circumstances of the existing uses of the land cannot be ignored, it is evident that the loss of 6.8ha out of a 1,000ha operation would not be material enough to outweigh the significant benefits associated with meeting housing (and affordable housing) need through the proposals.

Archaeological Significance of the Site

- 5.61. This has been assessed by Cotswold Archaeology as documented elsewhere within this statement and as set out within supporting documents.

5.62. The assessment has not identified any heritage constraints that would preclude development of the site, following the implementation of an appropriate archaeological mitigation strategy. Further geo-physical surveys have been undertaken. No probable or possible archaeology has been identified in the magnetic data. The results have been provided to GGAT for discussion.

5.63. The LVIA considers the wider setting of the application site but with the conclusion that there are no overriding concerns in terms of the impact upon heritage buildings.

Impact upon the Hamlet of Cog

5.64. The importance of the listed buildings has been recognised within the wider master plan to create lower density to development within the north eastern corner of the site and to create a buffer area of open space between the Model Farm and the development beyond. This key area lies outside of this application site and a transition throughout the allocation will occur, meaning that this element of the site will have little influence on that particular setting.

General Matters

5.65. Having established that the key considerations required as part of the allocation can be addressed, the more general considerations that are typical of any Greenfield site are considered in turn below.

Quality and Local Responsiveness

5.66. The scheme also responds very well to the general obligation on all developers to achieve high quality new development which reflects local context and improves our urban areas. This is made clear in the DAS which explains in some detail how the scheme has evolved and the assessments, principles and objectives it is based upon.

5.67. The DAS also sets out the vision, site analysis and parameters of the masterplan. This responds positively to the site's urban neighbours (broadly to the west) and the natural environment (that borders the site to the north and east), together with the site's key features. This context has guided the form and content of the scheme. The DAS sets out the different stages to the evolution of the masterplan and shows how the project will transform the appearance and performance of the whole site and, create a safe, attractive, high quality accessible and convenient environment.

5.68. The DAS also provides evidence of the quality of the development that the applicant proposes.

Environmental Acceptability

5.69. A rigorous approach has been taken to the softer environmental issues that the development of the site raises.

5.70. Detailed investigations in to the site have been discussed elsewhere within this document and within the supporting documents. An extended Phase 1 Habitat Survey has been carried out and in recognition of the findings, a detailed method statement for Great Crested Newts has been devised, along with a Reptile Mitigation Strategy. These are included within the submission and accounted for within the masterplan.

5.71. The Extended Phase 1 Habitat survey revealed that the site includes the northern part of a larger arable field and is surrounded by hedgerows on the western, northern and eastern boundary. With the exception of the boundary hedgerows, the habitats on site were generally considered to be of low intrinsic ecological value.

5.72. The network of hedgerows and trees around the field boundaries were considered of value in a local context and the indicative masterplan indicates the majority of these features would be retained with the exception of small breaches for highway/ pedestrian access. Retention of a buffer strip between any development and retained features that would allow adequate root protection for trees and shrubs would help to minimise the impacts of the development on existing wildlife using these boundary features.

5.73. To provide some enhancement as part of the proposed development and increase connectivity a new native hedgerow will be planted along the southern boundary of the site.

Great Crested Newt

5.74. Great Crested Newt are known to be present within a pond c.70m north of the site boundary. Great Crested Newt are a European Protected Species (EPS) and as such a licence from Natural Resources Wales would be required in order to undertake any works at the site. A Great Crested Newt Method Statement has been prepared to provide full detail on the mitigation measure proposed (Soltys Brewster Ecology, 2016) and details the measures required to prevent killing or injury of newts during the construction phase, as well as measures to retain or enhance habitat for Great Crested Newts. Mitigation measures include the exclusion of newts from the development site by the use of newt exclusion fencing, the retention/ enhancement of habitats on site for Great Crested Newts (to include creation of a

new pond) and the sensitive clearance of vegetation within the areas to be affected by development.

5.75. An area of c.1ha is to be retained and managed to provide continued aquatic and terrestrial habitat for newts along with retention of the northern hedgerow and all connections to it. The retained habitat will be protected from disturbance during the construction phase and newt exclusion fencing will be required to prevent the movement of newts into the construction zone where they could be at risk of killing or injury. Retained habitat will have on-going management/maintenance work to ensure it remains suitable for use by Great Crested Newt.

5.76. The required habitat area for GCN has been a major factor in the masterplanning exercise, driving the position of the development parcels and open space. The quantum of habitat has been agreed with NRW during pre-application discussions, subject to a mitigation and management strategy which has now been provided as part of the suite of application documents.

Reptiles

5.77. The hedgerow bases and narrow field margins were considered to have some, albeit limited, potential to support common species of reptile such as Slow Worm. No reptile survey has been undertaken to inform the planning application however a Reptile Mitigation Strategy (Soltys Brewster Ecology, 2016) has been produced to identify the measures to be employed to minimise the risk to any reptiles which may be present within the site. This approach has been agreed with the Local Authority Ecologist.

Bats

5.78. The automated bat monitoring undertaken at the site in 2016 recorded generally low levels of bat activity associated with the boundary hedgerows with activity dominated by Pipistrelle bats with small numbers of other bat species were recorded during both the 2016 and 2013 surveys. The hedgerows across the site are likely to act as locally important habitat for foraging and commuting bats. It is therefore recommended that these features be maintained as dark corridors and any development seeks to minimise impacts on the retained and proposed hedgerows through sensitive design of site lighting to limit light spill onto these habitats.

5.79. A number of trees around the boundary of the site were identified as exhibiting features with a Low potential to support roosting bats including areas of dead wood and Ivy cover.

5.80. Currently all these trees are identified for retention. However should felling or maintenance works such as pruning were required as part of the development it is recommended that they are felled in sections by a suitably experienced arborist. This will be resolved at the Reserved Matters stage.

Landscape

5.81. The LVIA provides a detailed consideration and analysis of land map data. The recommendations to mitigate for the landscape impact of the development have been accommodated in the masterplan through a strengthening of the hedgerow that runs through the site and a further hedgerow planting to the southern boundary of the proposals.

5.82. Given the above assessment of the environmental effects of the scheme and the allowances that have been made within the master planning it is evident that the proposals will be acceptable in terms of the environmental impacts.

Benefits

5.83. On one level the scheme responds to local concerns and conditions that arise from the physical and social infrastructure that the scheme will affect. These focus on the capacity of the surrounding road network and existing schools and other facilities to accommodate the development of the site. This has been assessed in detail and provision is to be made for improvements and new facilities through the contributions that the scheme will generate.

5.84. However, this rather defensive analysis masks a series of significant community and economic benefits that will be triggered by the development of a site that all concerned recognise needs to be redeveloped. In terms of the community these include:

- The provision of a large number of modern homes in a high quality new environment. These will satisfy a basic social need that the Council must plan for, on an accessible site, in a sustainable location;
- The creation and improvement of public open space in a variety of forms;
- Improvement to the local primary school and to secondary schools;

5.85. These are important benefits. However, they are complemented by a number of significant and very positive economic impacts. These mainly come from the preparation of the site and surrounding area, together with the construction and occupation of the new housing. This is because housing construction supports more jobs than investment in many other sectors of the

economy, because of the amount of economic activity that is connected to it (in the supply chain). Housing development therefore provides an important economic function by:

- Creating jobs which can be local, varied, skilled and durable;
- Providing for a variety of direct (on site), indirect and induced employment opportunities;
- Providing a major source of vocational training and education;
- Acting as a pump primer and funder of social and physical infrastructure; and
- Increasing housing supply and improving housing affordability.

Delivery

5.86. The fact that this can be achieved reliably - because of the use that is proposed and because of the company that is behind the application – is equally important. Demand for the housing that will drive the transformation for the site is predictable. Taylor Wimpey is a national house building company with a long and successful track record in housing development.

Privacy and residential amenity

5.87. The DAS explains how the privacy of existing residents along the western boundary of the site will be respected through the masterplan. Sufficient separation distances have been allowed for, which will be confirmed at reserved matters stage.

5.88. The wider impact in terms of amenity will principally arise from road traffic and Cog Road and, to a lesser extent, Swanbridge Road.

5.89. The Transport Assessment confirm that the impact related to increased traffic is within acceptable limits in terms of road capacity.

Air Quality

5.90. The EIA produced in support of application 2013/01279 included an Air Quality assessment (Chapter 11). This included undertaking an additional modelling scenario was to assess the cumulative impact of traffic generated by additional development on Phase 2, i.e. this current application site. The results indicated that with this Development in operation, concentrations of NO₂ and PM₁₀ will remain below the relevant statutory objectives at all receptors considered. Furthermore, the additional dwellings would result in either no discernible change or an imperceptible increase in NO₂ and PM₁₀ concentrations. Taking into consideration all of the above, the cumulative effect of the development of the entire allocation, plus the other

committed developments in the form of Barry Waterfront (1800 dwellings) and the Penarth Learning Academy, on local air quality was assessed to be direct, long-term, permanent and of neutral to negligible significance.

5.91. On that basis, a further air quality assessment has not been considered necessary undertaken.

Education Facilities Provision

5.92. Pre-application discussions determined that the allocation would not be required to deliver an on site primary school. Since those discussions took place, the allocation has been reduced from 650 to 500 units. The current application is for circa 190 units.

5.93. The education facilities background paper to the LDP considers the education facilities impacts of all allocations within the emerging LDP.

5.94. Sully is considered at page 72. The VOG's assessment concludes that the allocation of 500 units can be accommodated through the extension to the existing Sully Primary School. This application will provide a pro rata contribution towards the cost of the extension required to meet the needs of the development.

5.95. The costs of the extension are set out within the planning obligations SPG. The subject to contribution will be a detailed analysis of the existing or emerging capacity within the local primary school. Likewise, with secondary school provision, the education facilities background paper indicates that the capacity of catchment secondary schools has been reached, and any additional places generated by development will need to be covered through extensions and a pro rata contribution from the development.

5.96. In summary, in line with the LDP assessment produced by the VOG, the requirements associated with the development will need to be met through financial contributions towards extensions of existing facilities. Whilst the overall yield of the allocation would increase as a result of this proposal, the recent refusal of a 200 unit scheme at Sully Sports Ground considered the impact of a substantially higher number of new homes in Sully, concluding that the extra school places could be accommodated through contributions. The same principle is considered to be applicable here.

Other Planning Obligations

5.97. The planning obligations SPG produced by the VOG sets out a template for obligations associated with residential development.

5.98. These will be matters for detailed negotiations as part of the planning application, but the topics for the obligations are likely to include:

- Sustainable transport contributions – to improve existing bus, cycle or walking facilities. This would not only mitigate for the development proposed, but also inevitably lead to an improvement in facilities for existing residents of Sully.
- A contribution toward amenity facilities – as with the sustainability contribution, this would mitigate for the development on site, but also lead to improvements for existing residents.
- Open space – the indicative masterplan provides for the full extent of open space generated by the size of development proposed. The equipment and management of the open space will be subject to detailed discussion and to some extent be a matter of detail for the reserve matters stage.
- Public art – the SPG requires a 1% contribution of development costs towards public art. This can take the form of different initiatives which will be investigated during the life of the application.

6. Conclusions

- 6.1. This planning statement forms part of a series of documents that supports an outline planning application for the development of the Land West of Swanbridge Road (South), Sully for residential purposes.
- 6.2. The outline application has all matters reserved, but it is accompanied by an indicative masterplan showing how the broad layout of the site can be developed and indicating how access can be achieved through land to the north, also within the control of the applicants.
- 6.3. This statement captures a series of key messages from the supporting documents, which include a DAS, TA and LVIA and reviews planning policies for the site and the development proposed.
- 6.4. The analysis has demonstrated that the principle of developing the site for housing purposes can be supported for the following key reasons:
- The basic characteristics of the site, in terms of its proximity to the existing built up area of Sully and its location within the Preferred Zone for Development within the VOG mean that its development for housing is supported by National and emerging Local Planning Policy. There is strong support for the principle of housing development on the site given that it is identified within the emerging LDP as a site suitable for housing.
 - The site is suitable in terms of its environmental impact on both landscape and ecology. The masterplan demonstrates how the site can be developed in order to accommodate the limited ecological significance and habitats contained within it.
 - The DAS demonstrates that the scheme can respond well to the local context. The vision for the site responds positively to the site's urban neighbours and seeks to provide a development of high quality with ample open space.
 - The transportation assessment thoroughly investigates the impacts of the proposals on the highways network and the design of the access points proposed. The conclusions are that the impacts upon the local highways network and key junctions will be within acceptable parameters. Accessibility to public transport is acceptable and will be improved through the contributions that the development will generate.
 - There will be very important economic gains from the scheme.
 - The indicative masterplan demonstrates how the wider site allocated for development will not be prejudiced by bringing forward the site in two stages.

- Because of the type of development proposed and the organisation behind it, there can be confidence that the benefits will be delivered and that development will start quickly and follow the high standards set out in the application and the documents that support it.
- 6.5. The analysis recognises that the site lies outside of the development boundary set out in the current UDP, however, it concludes that the UDP is time expired and that the ongoing shortfall in housing land supply and the advanced stage of the Emerging LDP provides very significant justification for the site to come forward for development in advance of the programme adoption of the LDP in 2017.
- 6.6. In combination with the planning permission already granted on the north of the hedgerow, the proposals would bring the total dwellings yielded by the allocation to 540. Whilst this is 8% higher than the allocation envisaged within the LDP, there are sound reasons to support this increase as follows:
- Sully is a primary settlement lying within the South East zone of the Vale. This area is recognised for its inherent sustainability and capability of accommodating further housing growth within the LDP, reflected in the size of the original allocation for this site of 650 dwellings.
 - Although the Sully Sports Ground application was refused, the application underwent a great deal of scrutiny of the proposed increase of 200 dwellings within Sully. No reasons for refusal were put forward in relation to the ability of Sully to accommodate further growth. The addition of 40 units beyond the LDP allocation can therefore be supported.
 - Providing 190 dwellings as opposed to 150 results in a development which is closer to compliance with Policy MD7 which requires a minimum density of dpha in primary settlements. The density proposed is now directly comparable to the density approved on the land north of the hedgerow.
- 6.7. In this context, and in addition as a result of the insufficient 5 year Housing Land Supply, the application can be considered swiftly and positively in order to deliver much needed housing in an eminently suitable location.

Appendix 1 - Committee Report for Application
2013/01279/OUT

2013/01279/OUT Received on 24 December 2013

Taylor Wimpey plc
Mr Paul Williams Savills,, 12, Windsor Place,, Cardiff,, CF10 3BY

Land south of Cog Road, Sully

Residential development with associated access and associated works (max 350 dwellings)

SITE AND CONTEXT

The application site is land at Cog Road, Sully, and lies adjacent to the north eastern part of the village. The site measures approximately 420m wide x 320m deep and comprises agricultural fields (12.7 hectares in area). It is shown on the site plan below, in the context of the village:



The site is bounded by Cog Road to the north, Swanbridge Road and several existing dwellings to the east, a row of dwellings to the west and further fields to the south. There is a cluster of dwellings and buildings around the north eastern corner of the site, including a number of listed buildings, namely Nicells, the Barn at Home Farm, Cog House, the converted complex of barns and rickstands to the north of Cog Farm.

DESCRIPTION OF DEVELOPMENT

The application is in outline for up to 350 dwellings, with all matters reserved. Nevertheless, indicative details have been submitted which include access points and a potential layout:



The indicative access points are at the north west corner onto Cog Road and at the south east corner, onto Swanbridge Road. The layout above suggests a principal road through the site with a series of secondary streets off it, however, this is only indicative. The submissions include scale parameters which propose two and two and a half storey houses, of between 4.5m and 15m wide, between 7m and 9m deep and eaves heights of up to 7m, with roof pitches of between 30 degrees and 50 degrees.

The indicative layout shows areas of open space through the site, including an open area/buffer zone around the pond (relatively centrally along the southern half of the site), due to the ecological constraints relating to it (see ecology section below).

The application is accompanied by an Environmental Impact Assessment.

PLANNING HISTORY

2013/00489/SC1 : Land west of Swanbridge Road, Sully - Residential development - Environmental Impact Assessment (Screening) – EIA Required

CONSULTATIONS

Dinas Powys Community Council - Strong objection on the grounds that it is a green field site, with inadequate infrastructure to serve the development

Penarth Town Council - advised that they have comments to make but no detailed comments subsequently followed.

Sully Community Council - raised objections in January 2014 and August 2015 and the grounds are summarised as follows:

- The development would adversely affect high quality agricultural land.
- The development is contrary to policy in that the site lies outside of the village and would adversely affect the character of the countryside.
- The site is greenfield and such developments should be on brownfield sites.
- Inadequate road infrastructure.
- Exacerbation of flood risk.
- Pollution of the environment.
- Inadequate drainage facilities in the village and the treatment works is over capacity.
- The development is unsustainable.
- The development would adversely impact upon listed buildings.
- The submitted Environmental Statement is flawed.
- Inadequate pedestrian facilities.
- Absence of an archaeological field evaluation.
- Adverse impact on protected species.

A further letter was received on the 23rd February 2016, raising objections in respect of the timing of the application relative to the UDP and LDP, impacts on highway and pedestrian safety, loss of agricultural land, impact on tenant farmers, traffic, quality of public transport facilities, and the impact on the character of the area and the historic hamlet of Cog.

Highway Development - have provided advice and comments throughout the application, having considered highway safety and traffic impacts. There is now no objection to the development subject to conditions relating to details of site access points, the carrying out of works to increase capacity at the Cog Road/South Road junction and a financial contribution towards works at the McDonalds roundabout.

Public Rights of Way Officer - No objection raised since there are no rights of way within the site.

The Council's Education Section - has provided advice in respect of capacity in local schools. They have advised that contributions will be required to mitigate the impacts of the development (see planning obligations section below).

The Council's Drainage and Flood Risk Engineer - has considered the drainage strategy and raises no objection subject to conditions. It is considered by the Drainage Engineer that sufficient information has been submitted to enable the Council to determine that an acceptable detailed scheme can be designed, which would appropriately drain the site.

The Director of Legal and Regulatory Services (Environmental Health) - has raised no objection subject to a condition relating to a Construction Environmental Management Plan.

Dwr Cymru Welsh Water - have raised no objection subject to standard drainage conditions. They have also advised that a Hydraulic Modelling Assessment will need to be carried out in respect of water supply.

The Council's Ecology Officer - initially raised an objection due to the inadequacy of the submitted ecology documents. Following the submission of further reports, the ecology officer now raises no objection subject to conditions relating to the submission of a European Protected species licence, an Ecological Design Strategy (including measures for breeding birds) and compliance with the submitted Reptile Mitigation Strategy and Hedgerow Compensation Scheme

Waste Management - No representations received.

Crime Prevention Design Advisor - Advice is provided in respect of crime prevention.

The Council's Affordable Housing Enabler - has raised no objection subject to the necessary proportion of affordable housing being provided.

Local Ward Members - Councillor Penrose has requested the application be brought before planning committee.

Natural Resources Wales (NRW) - initially raised no objection subject to conditions relating to Great Crested Newt mitigation and monitoring and a clause in a Section 106 agreement relating to management of ecological areas.

Subsequently, further information was received including a Great Crested Newt Mitigation Statement, Hedgerow Compensation Plan and Reptile Mitigation Strategy. NRW maintained the request for conditions in response to this. Following the submission of a further Great Crested Newt Mitigation Statement (summer 2015), NRW amended their advice to require compliance with the submitted document (and clauses in the Section 106 agreement as summarised above).

Glamorgan Gwent Archaeological Trust (GGAT) - have responded to advise that there is a long and rich history of human occupation in the area, and that at present there is insufficient knowledge of either the exact nature or full extent of any archaeological resources present. Consequently, they have requested an archaeological evaluation prior to the determination of the application, citing the relevant advice in Planning Policy Wales (para. 6.5.1) and Welsh Office Circular 60/96 (Section 13). There has been on-going discussion with the applicant and GGAT on this issue, however, GGAT have maintained the above stance.

REPRESENTATIONS

The neighbouring properties were consulted and the application has been advertised on site and in the press. 407 letters of objection have been received and the grounds are summarised as follows:

- Adverse impact on ecology and wildlife, including newts
- Loss of open space and adverse impact on the character of the area
- Additional traffic and road congestion
- Insufficient school places
- Incursion into the countryside
- Unsuitable and unsafe access
- The application is premature pending consideration of the LDP
- The proposal represents development in the countryside
- Exacerbation of flood risk
- Adverse impact on the condition of roads
- Loss of high quality agricultural land
- Inadequate local infrastructure, services and facilities
- Inaccuracies in the submitted documents
- Adverse impact on the historic environment and archaeology
- The site is unsustainable
- The site only has reserve status in the LDP
- Inadequate sewerage infrastructure in the area
- Adverse impact on the setting of local listed buildings
- Insufficient need for this amount of housing
- Poor public transport links
- Adverse impact on highway safety
- Pollution and noise
- Invasion of privacy
- Inadequate drainage facilities
- Adverse impact on health
- Brownfield sites should be prioritised
- Danger to pedestrians and school children
- Road network is inadequate
- Insufficient employment opportunities
- Loss of village character- excessive increase in size
- Damage to crops
- Loss of productive farmland
- Adverse impact on Cog Farm and Home Farm
- Inadequate linkages to nearby settlements
- New dwellings would be overbearing
- Breach of Human Rights
- Emissions
- Health and safety implications if there were an accident at the industrial complex
- Inadequate telephone infrastructure
- Poor water pressure
- Loss of view
- The Council would be disregarding a duty of care to residents if approving the application
- Vibration
- Social exclusion
- Disproportionate extension of the village
- Population growth has been overestimated

- Coalescence of Sully and Cog
- The spine road through the site would be used as a rat run
- No railway links
- Inappropriate location for affordable housing
- Excessive vehicle speeds through the village
- Appeal decisions (submitted) suggest the development should not be approved (relating to 5 year land supply, listed buildings and flooding).
- Unsafe pedestrian access to the site.
- Contradictions between documents and inaccuracies
- Incorrect census data has been used
- The development should be considered in tandem with the sports club application
- Grassland has been categorised incorrectly
- No accident analysis has been undertaken on Swanbridge Road

A sample of 3 objection letters are attached as **Appendix A**.

Vaughan Gething AM - has submitted a letter querying the impact on listed buildings, flood management and sewerage infrastructure.

Eluned Parrott AM - has submitted three letters objecting on behalf of local residents on grounds relating to the impact on listed buildings, the overdevelopment of the site, the inadequacy of highway infrastructure, traffic impacts, drainage problems, public transport provision, the lack of an archaeological evaluation, prematurity pending the LDP process and environmental/ecological impacts.

Andrew RT Davies AM - has submitted a letter raising concerns in respect of the LDP process, public transport, infrastructure, landscape impact, the principle of developing on greenfield sites and the loss of agricultural land.

Steven Doughty MP - has raised concerns in respect of traffic and highway safety impacts (referring in particular to the Corun report submitted by objectors) and flood risk.

A sample of 2 of the above representations are attached as **Appendix B**.

REPORT

Planning Policies and Guidance

Unitary Development Plan:

Section 38 of The Planning and Compulsory Purchase Act 2004 requires that in determining a planning application the determination must be in accordance with the Development Plan unless material considerations indicate otherwise. The Development Plan for the area comprises the Vale of Glamorgan Adopted Unitary Development Plan 1996-2011, which was formally adopted by the Council on 18th April 2005, and within which the following policies are of relevance:

Strategic Policies:

POLICIES 1 & 2 - THE ENVIRONMENT
POLICY 3 - HOUSING
POLICY 8 – TRANSPORTATION
POLICY 11 - SPORT & RECREATION

Policy:

POLICY ENV1 – DEVELOPMENT IN THE COUNTRYSIDE
POLICY ENV2 – AGRICULTURAL LAND
POLICY ENV10 - CONSERVATION OF THE COUNTRYSIDE
POLICY ENV11 – PROTECTION OF LANDSCAPE FEATURES
POLICY ENV16 – PROTECTED SPECIES
POLICY ENV17 - PROTECTION OF BUILT AND HISTORIC ENVIRONMENT
POLICY ENV18 – ARCHAEOLOGICAL FIELD EVALUATION
POLICY ENV19 – PRESERVATION OF ARCHAEOLOGICAL REMAINS
POLICY ENV27 – DESIGN OF NEW DEVELOPMENTS
POLICY ENV28 – ACCESS FOR DISABLED PEOPLE
POLICY ENV29 – PROTECTION OF ENVIRONMENTAL QUALITY
POLICY HOUS2 - ADDITIONAL RESIDENTIAL DEVELOPMENT
POLICY HOUS3 - DWELLINGS IN THE COUNTRYSIDE
POLICY HOUS8 - RESIDENTIAL DEVELOPMENT CRITERIA – POLICY
HOUS 2 SETTLEMENTS
POLICY HOUS12 - AFFORDABLE HOUSING
POLICY REC3 – PROVISION OF OPEN SPACE WITHIN NEW
RESIDENTIAL DEVELOPMENTS
POLICY REC6 – CHILDREN’S PLAYING FACILITIES
REC7 – SPORT AND LEISURE FACILITIES
REC12 – PUBLIC RIGHTS OF WAY AND RECREATIONAL ROUTES
TRAN9 – CYCLING DEVELOPMENT
TRAN10 - PARKING

Whilst the UDP is the statutory development plan for the purposes of section 38 of the 2004 Act, some elements of the adopted Vale of Glamorgan Unitary Development Plan 1996-2011 are time expired, however its general policies remain extant and it remains the statutory adopted development plan. As such, chapter 2 of Planning Policy Wales (Edition 8, 2016) provides the following advice on the weight that should be given to policies contained with the adopted development plan:

DEVELOPMENT PLANS – CHAPTER 2 – Following extracts are also relevant:

2.8.1 The weight to be attached to an emerging LDP (or revision) when determining planning applications will in general depend on the stage it has reached, but does not simply increase as the plan progresses towards adoption. When conducting the examination, the appointed Inspector is required to consider the soundness of the whole plan in the context of national policy and all other matters which are material to it. Consequently, policies could ultimately be amended or deleted from the plan even though they may not have been the subject of a representation at deposit stage (or be retained despite generating substantial objection). Certainty regarding the content of the plan will only be achieved when the Inspector delivers 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 3.1.2).

2.8.2 Additionally, where an LDP is still in preparation, questions of prematurity may arise. Refusing planning permission on grounds of prematurity will not usually be justified except in cases where a development proposal goes to the heart of a plan and is individually or cumulatively so significant, that to grant permission would predetermine decisions about the scale, location or phasing of new development which ought properly to be taken in the LDP context. Where there is a phasing policy in the plan that is critical to the plan structure there may be circumstances in which it is necessary to refuse planning permission on grounds of prematurity if the policy is to have effect. The stage which a plan has reached will also be an important factor and a refusal on prematurity grounds will seldom be justified where a plan is at the pre-deposit plan preparation stage, with no early prospect of reaching deposit, because of the lengthy delay which this would impose in determining the future use of the land in question.

2.8.3 Whether planning permission should be refused on grounds of prematurity requires careful judgement and the local planning authority will need to indicate clearly how the grant of permission for the development concerned would prejudice the outcome of the LDP process.

2.8.4 It is for the decision-maker, in the first instance, to determine through monitoring and review of the development plan whether policies in an adopted LDP are outdated for the purposes of determining a planning application. Where this is the case, local planning authorities should give the plan decreasing weight in favour of other material considerations such as national planning policy, including the presumption in favour of sustainable development (see section 4.2).

With the above advice in mind, the policies relevant to the consideration of the application subject of this report are not considered to be outdated or superseded. However, there may be material considerations that outweigh the policy presumptions of the development plan and these are considered in more detail below.

The following policy, guidance and documentation support the relevant UDP policies.

Planning Policy Wales:

National planning guidance in the form of Planning Policy Wales (Edition 8, 2016) (PPW) is of relevance to the determination of this application.

Chapter 2 of PPW relating to local Development Plans, noting paragraphs:

2.1.1 The aim of the planning system is to make planned provision for an adequate and continuous supply of land to meet society's needs in a way that is consistent with sustainability principles (see section 4.3).

2.1.2 Up-to-date Local Development Plans (LDPs) are a fundamental part of a plan-led planning system and set the context for rational and consistent decision making in line with national policies. Planning applications must be determined in accordance with the adopted plan unless material considerations indicate otherwise (Section 38(6) of the Planning and Compulsory Purchase Act 2004). The LDP should show how places are expected to change in land-use terms to accommodate development needs over the plan period in order to provide certainty for developers and the public about the type of development that will be permitted at a particular location.

Chapter 4 of PPW deals with planning for sustainability – Chapter 4 is important as most other chapters of PPW refer back to it, and note in particular:

4.1.1 The goal of sustainable development is to “enable all people throughout the world to satisfy their basic needs and enjoy a better quality of life without compromising the quality of life of future generations.”

4.2.1 The planning system is necessary and central to achieving the sustainable development of Wales. It provides the legislative and policy framework (see Figure 4.3) to manage the use and development of land in the public interest in a way which is consistent with key sustainability principles (see 4.3) and key policy objectives (see 4.4). In doing so, it can contribute positively to the achievement of the Well-being goals.

4.2.2 The planning system provides for a presumption in favour of sustainable development to ensure that social, economic and environmental issues are balanced and integrated, at the same time, by the decision-taker when:

- preparing a development plan (see Chapter 2); and
- in taking decisions on individual planning applications (see Chapter 3).

4.2.3 This is supported through legislation (see Figure 4.3) and national policy (PPW). Local planning authorities, as public bodies subject to the requirements of the Well-being of Future Generations (Wales) Act, must exercise these functions as part of carrying out sustainable development.

Chapter 5 of PPW sets out the Welsh Government guidance for Conserving and Improving Natural Heritage.

Chapter 6:of PPW deals with Conserving the Historic Environment noting paragraphs:

6.1.1 It is important that the historic environment – encompassing archaeology and ancient monuments, listed buildings, conservation areas and historic parks, gardens and landscapes – is protected. The Welsh Government's objectives in this field are to:

- preserve or enhance the historic environment, recognising its contribution to economic vitality and culture, civic pride and the quality of life, and its importance as a resource for future generations; and specifically to;
- protect archaeological remains, which are a finite and non-renewable resource, part of the historical and cultural identity of Wales, and valuable both for their own sake and for their role in education, leisure and the economy, particularly tourism;
- ensure that the character of historic buildings is safeguarded from alterations, extensions or demolition that would compromise a building's special architectural and historic interest; and to • ensure that conservation areas are protected or enhanced, while at the same time remaining alive and prosperous, avoiding unnecessarily detailed controls over businesses and householders.

6.1.2 Local planning authorities have an important role in securing the conservation of the historic environment while ensuring that it accommodates and remains responsive to present day needs. This is a key aspect of local authorities' wider sustainable development responsibilities which should be taken into account in both the formulation of planning policies and the exercise of development management functions.

6.5.1 The desirability of preserving an ancient monument and its setting is a material consideration in determining a planning application, whether that monument is scheduled or unscheduled. Where nationally important archaeological remains, whether scheduled or not, and their settings are likely to be affected by proposed development, there should be a presumption in favour of their physical preservation in situ. In cases involving lesser archaeological remains, local planning authorities will need to weigh the relative importance of archaeology against other factors, including the need for the proposed development.

6.5.9 Where a development proposal affects a listed building or its setting, the primary material consideration is the statutory requirement to have special regard to the desirability of preserving the building, or its setting, or any features of special architectural or historic interest which it possesses.

Chapter 9 of PPW is of relevance in terms of the advice it provides regarding new housing, including:

9.1.1 The Welsh Government will seek to ensure that:

- previously developed land (see definition at Figure 4.3) is used in preference to greenfield sites;

- new housing and residential environments are well designed, meeting national standards for the sustainability of new homes and making a significant contribution to promoting community regeneration and improving the quality of life; and that
- the overall result of new housing development in villages, towns or edge of settlement is a mix of affordable and market housing that retains and, where practical, enhances important landscape and wildlife features in the development.

9.1.2 Local planning authorities should promote sustainable residential environments, avoid large housing areas of monotonous character and make appropriate provision for affordable housing. (Affordable housing is defined in 9.2.14.) Local planning authorities should promote:

- mixed tenure communities;
- development that is easily accessible by public transport, cycling and walking, although in rural areas required development might not be able to achieve all accessibility criteria in all circumstances;
- mixed use development so communities have good access to employment, retail and other services;
- attractive landscapes around dwellings, with usable open space and regard for biodiversity, nature conservation and flood risk;
- greater emphasis on quality, good design and the creation of places to live that are safe and attractive;
- the most efficient use of land;
- well designed living environments, where appropriate at increased densities;
- construction of housing with low environmental impact (see 4.12); reducing the carbon emissions generated by maximising energy efficiency and minimising the use of energy from fossil fuel sources, using local renewable and low carbon energy sources where appropriate; and
- 'barrier free' housing developments, for example built to Lifetime Homes standards.

9.1.4 Local authorities must understand their whole housing system so that they can develop evidence-based market and affordable housing policies in their local housing strategies and development plans. They should ensure that development plan policies are based on an up-to-date assessment of the full range of housing requirements across the plan area over the plan period. Local authority planning and housing staff should work in partnership with local stakeholders, including private house builders, to produce Local Housing Market Assessments (LHMA). LHMA's must include monitoring so that responses to changing housing requirements can be reflected in updated development plans and housing strategies.

9.2.3 Local planning authorities must ensure that sufficient land is genuinely available or will become available to provide a 5-year supply of land for housing judged against the general objectives and the scale and location of development provided for in the development plan. This means that sites must be free, or readily freed, from planning, physical and ownership constraints, and economically feasible for development, so as to create and support sustainable communities where people want to live. There must be sufficient sites suitable for the full range of housing types. For land to be regarded as genuinely available it must be a site included in a Joint Housing Land Availability Study.

9.3.1 New housing developments should be well integrated with and connected to the existing pattern of settlements. The expansion of towns and villages should avoid creating ribbon development, coalescence of settlements or a fragmented development pattern. Where housing development is on a significant scale, or where a new settlement or urban village is proposed, it should be integrated with existing or new industrial, commercial and retail development and with community facilities.

9.3.5 Where development plan policies make clear that an element of affordable housing, or other developer contributions, are required on specific sites, this will be a material consideration in determining relevant applications. Applicants for planning permission should therefore demonstrate and justify how they have arrived at a particular mix of housing, having regard to development plan policies. If, having had regard to all material considerations, the local planning authority considers that the proposal for a site does not contribute sufficiently towards the objective of creating mixed communities, then the authority will need to negotiate a revision of the mix of housing or may refuse the application.

Technical Advice Notes:

The Welsh Government has provided additional guidance in the form of Technical Advice Notes. The following are of relevance:

- Technical Advice Note 1 – Joint Housing Land Availability Study (2015)
- Technical Advice Note 2 – Planning and Affordable Housing (2006)
- Technical Advice Note 5 – Nature Conservation and Planning (2009)
- Technical Advice Note 6 – Planning for Sustainable Rural Communities (2010)
- Technical Advice Note 11- Noise

- Technical Advice Note 12 – Design (2016)
- Technical Advice Note 15 – Development and Flood Risk (2004)
- Technical Advice Note 16 - Sport, Recreation and Open Space (2009)
- Technical Advice Note 18 – Transport (2007)

Supplementary Planning Guidance:

In addition to the adopted Unitary Development Plan, the Council has approved Supplementary Planning Guidance (SPG). The following SPG are of relevance:

- Affordable Housing
- Vale of Glamorgan Housing Delivery Statement 2009 (which partly supersedes the Affordable Housing SPG above)
- Amenity standards
- Biodiversity and Development
- Design in the Landscape
- Model Design Guide for Wales
- Planning Obligations
- Public Art
- Sustainable Development - A Developer's Guide
- Trees and Development
- Parking Guidelines

The Local Development Plan:

The Vale of Glamorgan Deposit Local Development Plan (LDP) was published November 2013. The Council is currently at Deposit Plan Stage having undertaken the public consultation from 8th November – 20th December 2013 on the Deposit Local Development Plan and the 'Alternative Sites' public consultation on the Site Allocation Representations from 20th March – 1st May 2014. The Council has considered all representations received and on 24 July 2015 submitted the Local Development Plan to the Welsh Government for Examination. Examination in Public is currently taking place.

With regard to the weight that should be given to the deposit plan and its policies, the guidance provided in of Planning Policy Wales (edition 8, 2016) is noted. It states as follows:

2.8 Emerging or outdated plans

2.8.1 The weight to be attached to an emerging LDP (or revision) when determining planning applications will in general depend on the stage it has reached, but does not simply increase as the plan progresses towards adoption. When conducting the examination, the appointed Inspector is required to consider the soundness of the whole plan in the context of national policy and all other matters which are material to it. Consequently, policies could ultimately be amended or deleted from the plan even though they may not have been the subject of a representation at deposit stage (or be retained despite generating substantial objection). Certainty regarding the content of the plan will only be achieved when the Inspector delivers 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 3.1.2).

2.8.2 Additionally, where an LDP is still in preparation, questions of prematurity may arise. Refusing planning permission on grounds of prematurity will not usually be justified except in cases where a development proposal goes to the heart of a plan and is individually or cumulatively so significant, that to grant permission would predetermine decisions about the scale, location or phasing of new development which ought properly to be taken in the LDP context. Where there is a phasing policy in the plan that is critical to the plan structure there may be circumstances in which it is necessary to refuse planning permission on grounds of prematurity if the policy is to have effect. The stage which a plan has reached will also be an important factor and a refusal on prematurity grounds will seldom be justified where a plan is at the pre-deposit plan preparation stage, with no early prospect of reaching deposit, because of the lengthy delay which this would impose in determining the future use of the land in question.

2.8.3 Whether planning permission should be refused on grounds of prematurity requires careful judgement and the local planning authority will need to indicate clearly how the grant of permission for the development concerned would prejudice the outcome of the LDP process.

2.8.4 It is for the decision-maker, in the first instance, to determine through monitoring and review of the development plan whether policies in an adopted LDP are outdated for the purposes of determining a planning application. Where this is the case, local planning authorities should give the plan decreasing weight in favour of other material considerations such as national planning policy, including the presumption in favour of sustainable development (see section 4.2).

The guidance provided in Chapter 4 of PPW is noted above. In addition to this, the background evidence to the Deposit Local Development Plan (DLDP) that is relevant to the consideration of this application is as follows:

- Affordable Housing Background Paper (2013)
- Affordable Housing Viability Update Report (2014)
- Affordable Housing Delivery Update Paper (2015)
- Vale of Glamorgan Local Housing Market Assessment (LHMA) 2015
- Affordable Housing Delivery Statement 2009
- Designation of Landscape Character Areas (2013 Update)
- Habitat Regulations Assessment Appropriate Assessment Screening Report (2007)
- Habitat Regulations Assessment Screening Review (2009)
- Housing Supply Background Paper (2013)

- Open Space Background Paper (2013)
- Plan Preparation and Assessment of Flood Risk (2015)
- Population and Housing Projections Background Paper (2013)
- Rural Affordable Housing Needs Survey Report (2013 Update)
- Sustainable Settlements Appraisal Review (2013)
- Community Facilities Assessment (2013)
- Education Facilities Assessment (2013)
- Transport Assessment of LDP Proposals (2013)
- Joint Housing Land Availability Study (2014)
- Vale of Glamorgan Housing Strategy (2015-2020)
- Vale of Glamorgan Tourism Strategy (2011-2015)

Other Relevant Legislation / Guidance

- Manual for Streets (Welsh Assembly Government, DCLG and DfT - March 2007)
- Welsh Office Circular 13/97 - Planning Obligations
- Section 66(1) of the Planning (Listed buildings and Conservation Areas) Act 1990
- Welsh Office Circular 60/96 - Planning and the Historic Environment: Archaeology
- Welsh Office Circular 61/96 - Planning and the Historic Environment: Historic Buildings and Conservation Areas (as amended)
- Community Infrastructure Levy Regulations 2010 (as amended)

Issues

The primary issues to be considered with this application are considered to be the following:

- The principle of the development having regards to relevant Unitary Development Plan and National policies;
- Consideration of other material considerations that may outweigh Development Plan policies such as housing land supply, development viability, emerging planning policy etc.
- Issue of prematurity given the current stage in preparation of the Vale of Glamorgan Local Development Plan;
- The principle of developing part of the Draft LDP allocation.
- Visual impact of the development within the wider landscape.
- Impact on the character of the village
- Impact on the setting of listed buildings/the historic environment
- Density of the development.
- Design and layout.
- Highways issues, including highway safety, public transport, pedestrian movements.
- Traffic and congestion issues.
- Impact on residential amenity of existing residents.
- Amenity of the future occupiers of the site

- Drainage and flood risk.
- Ecology.
- Archaeology.
- Agricultural land quality.
- Impact of the development on the tenant farm(er)
- Trees and hedgerows
- EIA issues
- Public rights of way issues.
- S106 Planning Obligations to mitigate the impact of development (to include affordable housing provision).

Principle of the Development

Unitary Development Plan context

Section 38 of The Planning and Compulsory Purchase Act 2004 requires that the determination of a planning application must be in accordance with the Development Plan unless material considerations indicate otherwise.

In this case, the Development Plan comprises the Vale of Glamorgan Adopted Unitary Development Plan 1996-2011 (UDP). This Plan is technically time expired (as of 31st March 2011), though as yet there is no adopted replacement. Whilst the UDP remains the basis of local policy, as stated in PPW, where policies are outdated or superseded local planning authorities should give them decreasing weight in favour of other material considerations, such as national planning policy, in the determination of individual applications.

Policy ENV1 of the UDP states that in the delineated countryside, development will only be permitted in the interests of agriculture / forestry; for appropriate recreational uses; for the conversion of rural buildings; or for development approved under another policy of the UDP. In this case, as discussed in detail below, when solely considering this policy, the proposed development would not be considered as justified.

In considering the other policies of the UDP, Policy HOUS2 states that favourable consideration will be given to small-scale development (which constitutes the rounding off of the edge of settlement boundaries, where it can be demonstrated that the criteria of Policy HOUS8 are complied with). In this case, while the application site adjoins the existing settlement, it is considered that the scale of the proposed development (up to 350 dwellings) and the size of the site are such that the development could not be considered as “small scale” rounding off. Accordingly, it is considered that the proposed development could not be considered as compliant with the terms of Policy HOUS 2. Furthermore, policy HOUS 3 states that the erection of new dwellings in the open countryside will be restricted to those justified in the interests of agriculture or forestry. The proposals have no such justification and are not linked to any rural enterprise, such as those mentioned in Technical Advice Note 6 (Sustainable Rural Communities). As such, in terms of UDP local policy, the proposal for residential development would not be considered as a rounding-off development and would have no justification in

accordance with TAN 6 or Policy HOUS 3. Therefore, the proposed residential development is considered contrary to the relevant policies of the UDP.

Given that the principle of the proposed development is considered to be contrary to Policies ENV1, HOUS2 and HOUS 3 for the reasons given above, it is necessary to consider, given the age of this Development Plan, whether there are specific material considerations which should justify any departure from the development plan and outweigh the UDP policy objection.

Local Development Plan Context

The Draft Local Development Plan (DLDP, 2013) proposed this application site (and additional land to the south) as a reserve housing allocation. The Draft LDP states:

The site has been identified as a reserve site that could come forward during the plan period if required. Any future development of the site would be subject to a development brief in order to ensure a comprehensive approach to development and the provision of infrastructure.

However, the Schedule of Focused and Minor Changes proposes to amend Policy MG2 of the LDP to remove the 'reserve site' designation. The reason for doing so is *to provide certainty on the housing allocation and to ensure sufficient flexibility of the Plan*. Consequently, the site would be allocated under policy MG 2(46), for a total of 500 dwellings.

However, the weight to be attributed to the draft LDP is limited given that it has not been subjected to a completed examination at this stage. With regard to the weight that should be given to the deposit plan and its policies, the guidance provided in Planning Policy Wales (edition 8 January, 2016) is noted. It states as follows:

2.8.1 The weight to be attached to an emerging LDP (or revision) when determining planning applications will in general depend on the stage it has reached, but does not simply increase as the plan progresses towards adoption. When conducting the examination, the appointed Inspector is required to consider the soundness of the whole plan in the context of national policy and all other matters which are material to it. Consequently, policies could ultimately be amended or deleted from the plan even though they may not have been the subject of a representation at deposit stage (or be retained despite generating substantial objection). Certainty regarding the content of the plan will only be achieved when the Inspector delivers 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 3.1.2).

In this context, consideration should be given as to whether the proposals would be premature, considering the site's inclusion as an allocated site in the Draft LDP and the scale and location of the proposed development. On the issue of prematurity, PPW advises that:

2.8.2 Additionally, where an LDP is still in preparation, questions of prematurity may arise. Refusing planning permission on grounds of prematurity will not usually be justified except in cases where a development proposal goes to the heart of a plan and is individually or cumulatively so significant, that to grant permission would predetermine decisions about the scale, location or phasing of new development which ought properly to be taken in the LDP context. Where there is a phasing policy in the plan that is critical to the plan structure there may be circumstances in which it is necessary to refuse planning permission on grounds of prematurity if the policy is to have effect. The stage which a plan has reached will also be an important factor and a refusal on prematurity grounds will seldom be justified where a plan is at the pre-deposit plan preparation stage, with no early prospect of reaching deposit, because of the lengthy delay which this would impose in determining the future use of the land in question.

2.8.3 Whether planning permission should be refused on grounds of prematurity requires careful judgement and the local planning authority will need to indicate clearly how the grant of permission for the development concerned would prejudice the outcome of the LDP process.

2.8.4 It is for the decision-maker, in the first instance, to determine through monitoring and review of the development plan whether policies in an adopted LDP are outdated for the purposes of determining a planning application. Where this is the case, local planning authorities should give the plan decreasing weight in favour of other material considerations such as national planning policy, including the presumption in favour of sustainable development (see section 4.2).

Consideration should therefore be given to whether the proposals would be premature, considering the site's inclusion as an allocation in the Draft, the potential impacts on the LDP process of allowing the development at this stage, the overall strategy and the provision of housing with the Vale of Glamorgan.

Sully is identified in the Deposit Draft Local Development Plan (DLDP) as a 'Primary Settlement', as part of the settlement hierarchy. The Draft LDP states:

5.4 Where appropriate, the LDP Strategy will seek to promote new development opportunities in the 'South East Zone'. For the purposes of the LDP, the South East Zone includes the urban settlements of Barry, Dinas Powys, Llandough (Penarth), Penarth and Sully. The South East Zone accommodates the majority of the Vale of Glamorgan's population and benefits from a wide range of services and facilities including a choice of transport links to Cardiff, Bridgend and the wider region. The LDP Strategy seeks to maximise these benefits to facilitate sustainable development and attract new inward investment in these areas.

5.17 Notwithstanding St. Athan's strategic role, the primary settlements of Dinas Powys, Llandough (Penarth), Rhose, Sully, St. Athan and Wenvoe play an important role in meeting housing need and in providing some key local services and facilities. The primary settlements complement the role of the service centre settlements in that they provide for the needs of residents and also cater for the needs of the surrounding wider rural areas. They offer a number of key services and facilities, which are vital to their role as sustainable communities, as they reduce the need to travel to Barry or the service centre settlements for day-to-day

needs. These facilities include primary schools, small convenience shops, food and drink outlets, some small scale employment provision and regular public transport. Consequently, these settlements are also capable of accommodating a considerable proportion of additional residential development and have an important role to play in the successful delivery of the Strategy.

As noted above, Sully is classed as a Primary Settlement and this allocation is not one of the Strategic Housing Sites within the Draft plan. On the basis that the site is not a 'strategic allocation', is consistent with the DLDP Strategy and would provide for only approximately 3% of the total dwelling growth forecast in the DLDP between 2011-2026, it is considered the proposed development of 350 dwellings, would not 'go to the heart' of the overall LDP strategy. It is also considered that it would not go to the heart of the plan cumulatively with other LDP allocations that have been approved. It is also noted that it would not undermine the deliverability of the strategic housing allocations or wider strategy of the plan, in line with the guidance set out in Chapter 2 of PPW. With regard to the latter part of paragraph 2.8.2, while the plan is not at pre-deposit stage, it is still within the examination process and consequently, adoption of the plan remains some time away. Therefore, while the plan is more advanced than pre-deposit and while the proposal represents a relatively large extension of the settlement of Sully, it is considered that a refusal on the grounds of prematurity could not be sustained in this instance.

Nevertheless, while the site has been identified for a housing allocation in the Deposit Draft Local Development Plan it is recognised that this Draft plan remains un-adopted. Accordingly, the weight to be afforded to the plan alone must reflect the fact that it may be subject to change before it becomes an adopted Development Plan.

Consequently, notwithstanding the above and given that the proposals are not in accordance with the adopted UDP, there would still need to be sufficient material considerations to justify the proposed residential development of the site now in advance of the adoption of the LDP. This is considered further below with regard to the 5-year Housing Land Supply and the impact this development would have in this regard.

Housing Need and Supply

Firstly, consideration should be given to whether there is a need for additional housing within the Vale of Glamorgan. PPW (9.2.3) states that Local planning authorities must ensure that sufficient land is genuinely available or will become available to provide a 5-year supply of land for housing judged against the general objectives and the scale and location of development provided for in the development plan. As such, the housing land supply and the need for housing levels and mix are important factors that must be considered in the assessment of this application.

Members will be aware that Technical Advice Note 1 (TAN1) has been updated and a key change to the revised TAN1 guidance is that the use of JHLAS to evidence housing land supply is now limited to only those Local Planning Authorities (LPAs) that have in place either an adopted Local Development Plan or an adopted UDP that is still within the plan period. Previously, LPAs without an up-to-date adopted development plan were able to calculate housing land supply using a 10 year average annual past build rate. However, under the current TAN1 guidance the use of the past build rates methodology, which was based on the past performance of the building industry, is not accepted and those LPAs without an up-to-date development plan are unable to demonstrate a housing land supply for determining planning applications.

The adopted Vale of Glamorgan UDP expired on 1 April 2011, and the LDP has been submitted to the Welsh Government for independent examination by an appointed Inspector. As a consequence of the revised TAN1 guidance, it is not until the Council has formally adopted its LDP that the Council will be able to produce its annual JHLAS report. The 2014/15 JHLAS for the Vale of Glamorgan which indicated over seven years supply, expired at the end of March 2015.

Under the Council's LDP Delivery Agreement, adoption of the LDP is anticipated to take place in late 2016, but possibly later depending on the examination process. Local Planning Authorities that do not have either an adopted LDP or UDP will be unable to formally demonstrate its housing land supply position and will effectively be considered not to have a five year housing land supply and as such the need to increase supply would be given considerable weight (TAN 1, para 6.2).

In this regard officers will need to keep under review the housing land supply noting that it remains a material consideration (TAN 1, 3.3) in the determination of planning applications, particularly given the emphasis on evidencing a 5 year supply on adoption of its LDP. However, Welsh Government has advised that since the assessment will not be subject to the normal JHLAS process it will not carry the same weight for planning purposes as a formal study. Nevertheless, officers will need to assess how planning proposals will contribute to both supporting delivery of the emerging LDP and the provision of a 5 year housing land supply on its adoption, and these are themselves considered to be important material considerations.

The determination of planning applications for residential development in advance of the LDP Examination would also need to fully consider all other material considerations, such as the LDP background evidence and the wider environmental, social and economic benefits of the scheme (including meeting local housing needs and the provision of local infrastructure).

As noted above the Council's Joint Housing Land Availability Study 2014 (JHLAS 2014) indicated that the Council had a 7.3 year supply of housing land. Accordingly, the Council had a sufficient supply of housing land to comply with paragraph 2.2 of TAN1. However, this JHLAS has now expired (therefore that figure cannot be relied upon), and the Council must maintain a supply of housing land in excess of 5 years for when the LDP is adopted. It is, therefore, clear that the most recent housing figure cannot be relied on in perpetuity and does not imply that all further residential developments subsequent to that should be resisted, given the need to maintain sufficient supply at all times.

While the most recent JHLAS indicated in excess of five years, it appears from the most recent assessment using the new method of calculation set out in TAN1 that the current figure is now less than five years (approximately 3.6 years). While the approval of this development would not immediately alter the 'official' housing supply position (since the Council does not have an adopted LDP to enable it to produce its formal JHLAS report) TAN 1 is clear that housing land supply must nevertheless be kept under review, particularly if the Council should be able to evidence a five year supply on adoption of its LDP. It is considered that failure to have regard to the current housing supply figure (while not a formal JHLAS figure) would prejudice the Council's position in respect of housing supply at the time of LDP adoption.

Therefore, and given that the current position appears to be less than 5 years, it is considered that this represents a very significant material consideration in favour of approving this residential development in advance of the adoption of the LDP, in order to maintain a healthy supply as required by PPW and TAN 1.

However, whilst there is a need to maintain an adequate Housing Land Supply for future JHLAS and when the LDP is adopted, this does not necessarily outweigh in principle all other material considerations, particularly if a development is considered harmful in any other respect. For example, if it does not accord with national policies, or if it would be harmful to the deliverability or wider strategy of the LDP. Rather the need to maintain a TAN1 compliant housing supply is a material consideration that must be balanced against all other material considerations in any particular case for residential development. Therefore, this does not infer that all or any other new applications for residential development would be considered acceptable and Members will recall a number of recent applications for major housing developments outside UDP settlement boundaries that have been recommended for refusal and have been dismissed at appeal such as Primrose Hill, referred to above and Weycock Cross.

Conclusion on housing land supply and the principle of the development

The Council's most recent JHLAS (now expired) indicated in excess of five years housing land supply, however, this must be maintained and the Council must have careful regard to how that will be maintained. It appears that the current figure is less than five years and, therefore, the proposed development would make a significant contribution to increasing the available housing land supply.

As noted above, the need to maintain this supply will not justify all new applications for residential development, rather this is one of many factors that will dictate whether an additional residential development will be acceptable in this context, in advance of the adoption of an LDP.

In this case, in addition to the current housing supply position, the proposal is supported by a raft of information within the LDP background documents, and while the LDP itself is of very little weight, that information is relevant to the application and are material considerations that demonstrate why the site has been included within the draft LDP.

Alongside this, the need to maintain a healthy housing land supply is a very important material consideration and it is considered that in the absence of any other fundamental and overriding policy conflict, this is a material consideration that weighs heavily in favour of the development. Should the Council be unable to demonstrate a five year supply at the time of adoption of the Local Development Plan, that may have significant implications (and weaken the Council's position) should other sites come forward in locations where planning policy would suggest development should otherwise not be approved. Such a situation may also undermine the Council's proposed LDP strategy in terms of where housing should be delivered.

Therefore in light of the significant amount of background information that has led to its inclusion, the current housing supply and need to maintain adequate housing land at all times, and the above assessment in terms of the deliverability of the LDP, it is considered on balance that the development of the land is acceptable in principle and outweighs any conflict with UDP policies.

However, further applications for sites within the Draft LDP will each have to be considered on their merits, having regard to the housing land supply at that time, as well as how that specific development would affect the delivery of the LDP, and all other material considerations.

The principle of developing part of the site

The Draft LDP states as follows, in respect the allocation:

Any future development of the site would be subject to a development brief in order to ensure a comprehensive approach to development and the provision of infrastructure.

A development brief has not been prepared and it is, therefore, necessary to consider whether the approval of part of the allocation would in any way prejudice the development of the remainder, the delivery of the Draft LDP strategy or adversely impact upon infrastructure provision.

The application is accompanied by an illustrative master plan which, while only indicative, shows a layout with access points onto Cog Road and Swanbridge Road, and opportunities for connections through to the southern part of the allocation (outside of this application site). The detail of any layout would be considered at the reserved matters stage, however, it is considered that there is no reason in principle why a layout could not be achieved that makes appropriate provision for an access through to the remainder of the allocation. Therefore in this respect, it is considered that the current application would not prejudice the delivery of the remainder. In terms of access, there is no reason in principle therefore, why a further access point would be required onto Swanbridge Road, since the allocation as a whole can be served by the two points proposed by this application.

Ecology issues are considered in more detail below, however, Natural Resources Wales have confirmed that in principle a road can be achieved through the hedgerow into the southern part of the allocation without adversely impacting upon Great Crested Newts. It is considered that there are no other reasons relating to ecology which would prohibit the effective delivery of the whole allocation with the site being considered in two parts.

In terms of infrastructure, issues relating to Section 106 contributions are considered below, and the Council's Highways and Drainage Engineers have not raised any objection to the site being considered in two parts. Therefore, while there may be infrastructure issues associated with the second part of the site, it is considered that there is no reason in principle why infrastructure requirements associated with the development could not be adequately provided while considering the site in two sections. It should be noted however that traffic and highway works have been considered in the context of the whole allocation.

Consequently, while noting the supporting text in the Draft LDP, it is considered that it is nevertheless not unacceptable to consider the allocation in two parts.

Visual impact of the Development within the Wider Rural Landscape

It is accepted that the proposed development would fundamentally alter the character of the land, however, it is considered that this does not necessarily render the development unacceptable. Rather an assessment of the visual impact is required in the context of the surrounding landscape and how the development relates to the existing built environment.

The application site lies to the east of the existing settlement and would directly adjoin the existing residential area to the west. It is enclosed by Cog Road to the north and Swanbridge Road to the west and it is considered that these roads represent logical, physical and defensible boundaries to the site. While the development would extend the built form of this part of the village by some 400m to the east, the development would not extend the village any further to the east than the existing parts of the village further to the south, and it would not extend it materially further north (particularly given that it would be bounded by Cog Road). Consequently, and while the development is larger than that which could be considered as small scale rounding off (under policy HOUS2 of the UDP), it is nevertheless considered that it would appear as a relatively logical extension/expansion of the existing village, in terms of the wider built form/shape of the settlement.

In addition, while the cluster of dwellings at the Cog Road/Swanbridge Road junction does not have a particularly concentrated or urban form/character, the development would infill a gap between the existing estate to the west and this cluster, as opposed to extending arbitrarily into undeveloped rural landscape. Nevertheless, subject to careful design, it is considered that the development can in principle preserve a relatively rural setting to this cluster, such that it does not form an amalgamation with the main part of the village.

The fields between Cog Road and the railway line are approximately 750m in length and the allocation is about 500m in length, leaving approximately 250m between the southern boundary of the allocation. However, while the allocation would not extend as far as the existing residential development to the south (and save for the intervening railway), it would extend sufficiently close to it such that it would appear as a relatively logical extension of the village, with a consistent edge along the western side of Swanbridge Road.

Therefore, given the relationship of the site to the existing pattern of development in the town and the fact that the site is closely related to existing residential developments to the west and (to a lesser degree) the south, it is considered that the development would not appear as an unacceptable or excessive incursion into the countryside, in the context of the village as a whole and its wider shape/form. From the surrounding viewpoints it would largely be viewed against the backdrop of the existing dwellings and it would appear as a re-defined edge of the village, but integrally related to the existing built form that adjoins it.

It is considered that while local short distance views of the village would be altered there would not be a significant impact within the wider landscape beyond a local level. There would be some landscape impacts from wider viewpoints (in particular from the north- Cardiff Road and Dinas Powys Common), however, it is considered that due to the distance involved and the topography of the site, the development (while extending linear form of housing on the horizon) would not significantly or unacceptably alter the wider landscape from those positions. A neighbour objection has highlighted views from Dinas Powys Common (the submitted landscape impact with the application has appraised this viewpoint) however, it is considered that the development would not appear as a significant feature or intrusion into the landscape from the Common. From that position the frontage of the site would be partially visible, however, the land drops away beyond, therefore, the wider expanse of the development would not be appreciable from these positions.

While the site itself and the setting/surrounds of the village are essentially rural in character and appearance, the site clearly adjoins the village and it is therefore not remote or rurally isolated in appearance and context. In addition, the site does not form part of a Special Landscape Area or any other statutory landscape designation. Therefore, while the character of the land would fundamentally change, it is considered that the development would not unacceptably impact upon the wider rural landscape, and that the wider importance of the development (in terms of housing need) outweighs any limited negative visual impacts associated with the urbanisation of the site.

Having regard to the above, it is considered that the site represents an acceptable location for additional residential development, in terms of the impact on the landscape, and in terms of its physical relationship to the existing settlement. This is reflected in the fact that the site has been allocated in the Draft Deposit LDP.

Impact on the character of the village

Further to the above assessment in terms of wider landscape impact, objections have also been raised in respect of the impact of the character of the village. It is acknowledged that the development would result in a relatively large increase in the size of the village however, it is considered that in itself does not necessarily infer the character of the village would be unacceptably affected. There are approximately 1350-1400 dwellings in Sully and, therefore, the development would represent approximately a 37% increase in the size of the village (and the development would represent approximately 27% of the extended village). The shape of the village has grown over time and it is irregular in form. It is a relatively large village as it stands (compared to the majority of rural villages in the Vale) and it is considered that the north eastern part of the settlement, which comprises a sharp edge of relatively modern housing, is not of such character/historic value that there is a fundamental need to protect its alignment/form. The development is not closely related to a conservation area and it is considered that while the shape of the village would change, this would not result in the loss of a significant historic definition to any part of the village.

Furthermore, given the size of the village at present (and the composition of it), it is not considered that the development would fundamentally change the character of the village as a whole. Rather the development would consolidate and extend the western part of the village, adjacent to the existing residential area. Furthermore, the character and views of the vast majority of the village would remain unchanged. Therefore, while the size of the village would be materially increasing, it is considered that this would not unacceptably impact upon the character of the village.

Impact on the hamlet of Cog and the setting of the listed buildings/the historic environment

Section 66(1) of the Planning (Listed Buildings and Conservation Areas) Act 1990 states as follows:

In considering whether to grant planning permission for development which affects a listed building or its setting, the local planning authority or, as the case may be, the Secretary of State shall have special regard to the desirability of preserving the building or its setting or any features of special architectural or historic interest which it possesses.

In addition, there is relevant case law, namely the Court of Appeal decision regarding Barnwell Manor (February 2014) within which the court held that the effect of Section 66(1) quoted above was that the desirability of preserving the setting of listed building should be given considerable importance and weight.

As noted in the site description above, there are a number of listed buildings close to the site, including Nicells adjacent to the site and a number of buildings on the opposite side of Cog and Swanbridge Road. The application is accompanied by a heritage statement, which appraises the likely impact of the development on the setting of those listed buildings. Having considered the appearance and setting of the buildings, the representations of neighbouring properties and the submissions in the heritage statement, it is considered that the principal factor in the significance/character of the listed buildings is their physical fabric (i.e. the buildings themselves), rather than their setting. However, it is clear, when viewed in situ that they sit within a relatively rural context and that does, to a degree, contribute to their character and setting.

The development would bring the village closer to the group than it lies at present and that would, to a degree, erode the openness of the setting around the buildings and the hamlet as a whole. However, with the exception of Nicells, the listed buildings lie on the opposite side of the road and this immediately establishes a degree of physical and visual separation (to those other listed buildings). The rural setting to the north and east of them would not be affected by the development and these listed buildings at Home Farm and Cog Farm would not be widely viewed in the direct visual context of the development in the approach along Cog Road and Swanbridge Road.

Nicells would be more closely related to the development, however, it is considered that sensitive design and siting of buildings in this part of the site would ensure that it would not be significantly impacted upon. There is an open paddock directly to the north of the Nicells, and this lies outside of the application site. It is considered that the retention of this green space would contribute appreciably to the continued setting of Nicells (in the foreground from Sully Road and to the side/rear from Cog Road and Swanbridge Road. This area would also continue to contribute positively to the setting of the cluster of buildings north of Cog Road, since it would form the foreground to those views from Swanbridge Road, on the approach to Cog.

Notwithstanding this, it would still be essential for any development/buildings on the south side of Cog Road (and west of Swanbridge Road) to have particular and special regard to those listed buildings, in terms of their proximity, size, location and design. The submitted indicative layout shows an area of open space at the north east corner and this demonstrates an appreciation of the spacing required in this part of the site.

It is considered that a high standard of design, which provides a less dense and sensitive edge to the development in this north east corner, with sufficient visual and physical spacing, would still preserve a sufficiently open and semi-rural setting to these buildings. As noted above, in all other directions the buildings would continue to be surrounded by a very rural setting.

Even with a sensitive detailed design, it is considered that the setting of the buildings would be altered to a degree and in this regard, there would be a minor adverse impact on that setting. However, it is considered that the degree of impact would be relatively minor, such that the setting and character of the buildings would not be significantly affected. It is considered that subject to sensitive design (which the Council would retain full control of under a reserved matters application) the proposal would not significantly erode the traditional relationship between the listed buildings and associated agricultural land that provides the historic wider landscape context.

However, in assessing the acceptability of the proposal in this regard, as noted above special regard must be had to the desirability of preserving the setting of these buildings and furthermore, any harm to the setting of those buildings is a matter that must be given considerable importance and weight. Consequently, it is considered that any adverse impact on the setting is a significant material consideration and this must be balanced very carefully against the other material considerations.

In this case, it is considered that a detailed layout can be achieved that, while likely to alter the rural setting of these buildings to a degree, would minimise that impact such that the character of the buildings would not be significantly harmed. It should be stressed that while a minor degree of harm would result, this does not infer that this consideration is of 'minor' importance (or that this represents minor objection to the grant of planning permission), since for the reasons given above, any harm should be treated as having considerable weight.

To be weighed against that are the issues relating to housing need (including affordable housing need) and the delivery of the Council's land use planning strategy. It is considered that these are very significant considerations in their own right (those issues relating to housing need are also explored in detail in the sections above) and are critical in terms of the Council delivering a sustainable plan that meets the housing and social needs of the public.

It is considered that the issues listed above in favour of the development are so significant that, on balance, they outweigh the limited degree of harm that may be caused to the listed buildings (which is in its own right a significant material consideration). In reaching this conclusion, special regard has nevertheless been given to the desirability of preserving the setting of those listed buildings in the context of the above case law and guidance.

Objections have made reference to an appeal decision at Littleworth Lane, West Sussex, and those objections assert that the cases are effectively identical. It is accepted that the relevant issues are very similar, since in the Littleworth Lane case there was also a clear housing need and the site was in the countryside, with a potential impact on listed buildings. However, it is a basic premise of the planning system that each case must be treated on its merits, since the particular facts of each case will almost always vary from one another. For example, the impacts associated with each of the following issues will differ; the level of harm to the setting of nearby listed buildings, the impact on the character of the countryside, the severity of housing need, the number of dwellings being provided (and therefore the amount of weight to be afforded to the contribution made to housing supply). Therefore, while the appeal decision considers many of the same issues, the assessment of that case does not infer that this development is unacceptable (or acceptable), rather a specific appraisal of the impacts of this case is required.

Issues relating to archaeology are considered below.

Density of the development

In terms of density, PPW advises that 'Planning authorities should reassess development sites which are highly accessible to non-car modes and allocate them for travel intensive uses such as offices, shopping, leisure, hospitals and housing of sufficient density to fully utilise their accessibility potential. Sites which are unlikely to be well served by public transport, walking and cycling should either not be allocated for development or be allocated or reallocated for uses which are not travel intensive.'

The application proposes up to 350 units, whereas the Draft Deposit LDP identifies the whole site for 500 units. Given that the LDP is in draft form, the reference to 500 units is not definitively prescriptive for the allocation, however, it provides a basis to consider the appropriate density for the site. It is important to ensure that sites in sustainable locations are developed efficiently, and it is also necessary to consider the character of the area and whether the density would be appropriate and sympathetic to the surrounding context. The site is approximately 65% of the whole allocation and that would equate to approximately 325 units (based on 500 units for the whole). Therefore, while 350 units is marginally above the 'pro rata' number for this proportion of the allocation, it is not significantly more and it is considered that it does not amount to an overly dense/urban development in this context. It is considered that it would reflect the character and density of development on the adjacent existing residential area.

While the density (27.55 per ha.) for the allocation as a whole (gross developable area) would be just short of 30 per hectare, Policy MD7 of the Draft LDP requires this as a 'net' density. Given that the site contains an undevelopable section due to the pond and it is likely that the density in the north east section will be lower to ensure a sensitive transition with the hamlet of Cog, it is considered that the density of the developable area of the site is acceptable and in accordance with the aims of the Draft LDP and national planning policy.

Design and Layout

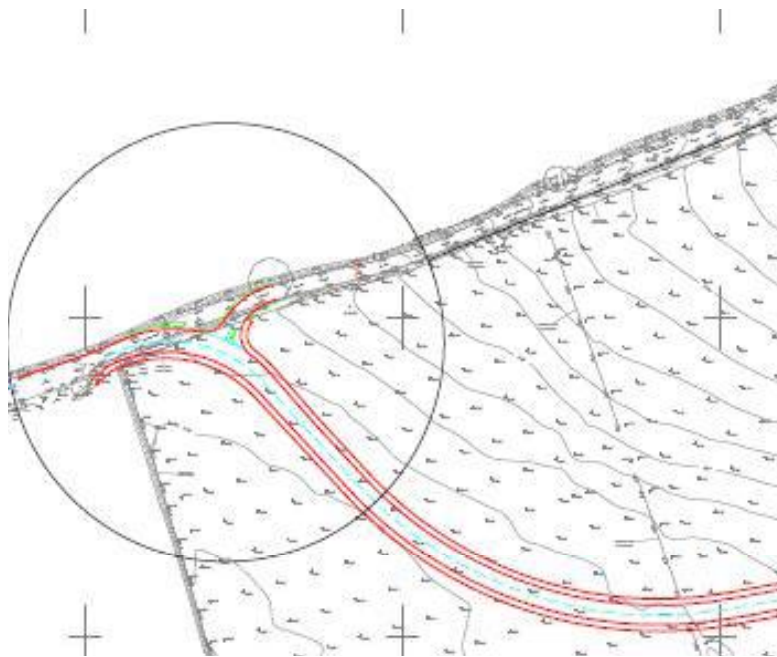
Internal Road and Footpath Layout, and house design

As noted above, the application is in outline with all matters reserved and consequently, the only information relating to an internal layout is the indicative masterplan. This indicates a central spine road with a series of secondary roads off it. Notwithstanding the indicative nature of the plan, it is likely that any detailed layout will have a central road of this form, which would allow connectivity between the Cog Road and Swanbridge Road junctions. This is not unacceptable in principle (in design terms) and there are a number of ways that the site could be developed from that point. The north east corner would have to be treated sensitively, given its close relationship to a number of listed buildings around the site perimeter and opposite at the Cog Road/Swanbridge Road junction, however, it is considered that in principle, a layout could be achieved which has due regard to their setting.

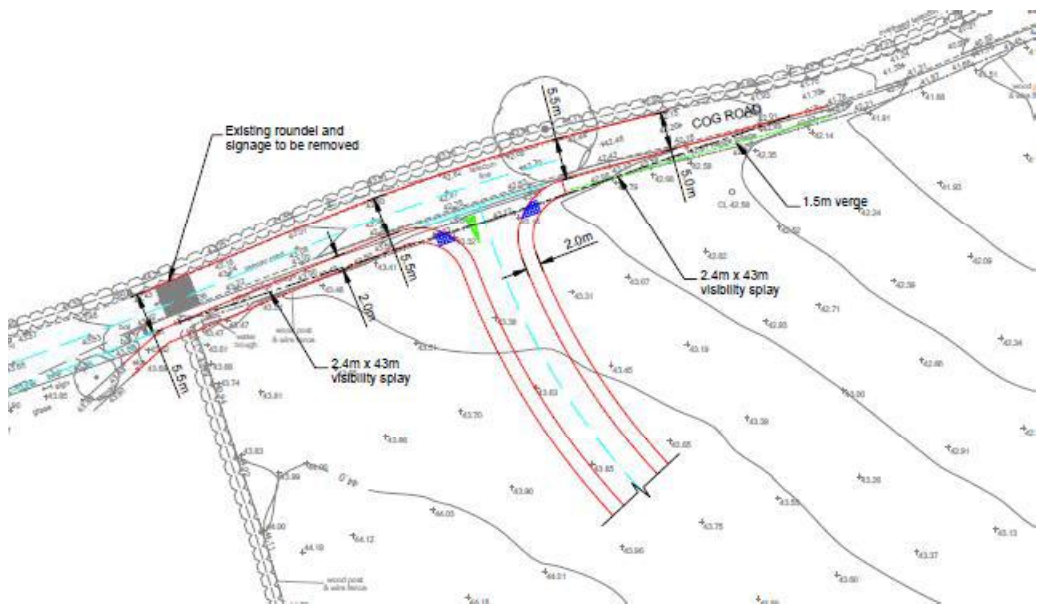
Scale parameters have been submitted, however, there are no definitive details of house design, size and materials. These would be issues for any reserved matters submission, if outline permission is granted. Issues relating to public open space are considered below in the planning obligations section.

Highway safety- the proposed access points

Access is a reserved matter, however, indicative access points have been submitted. The application initially proposed vehicular priority running through the site from Cog Road to the west, with a new spur off that road to provide the continuation of Cog Road- see plan below:

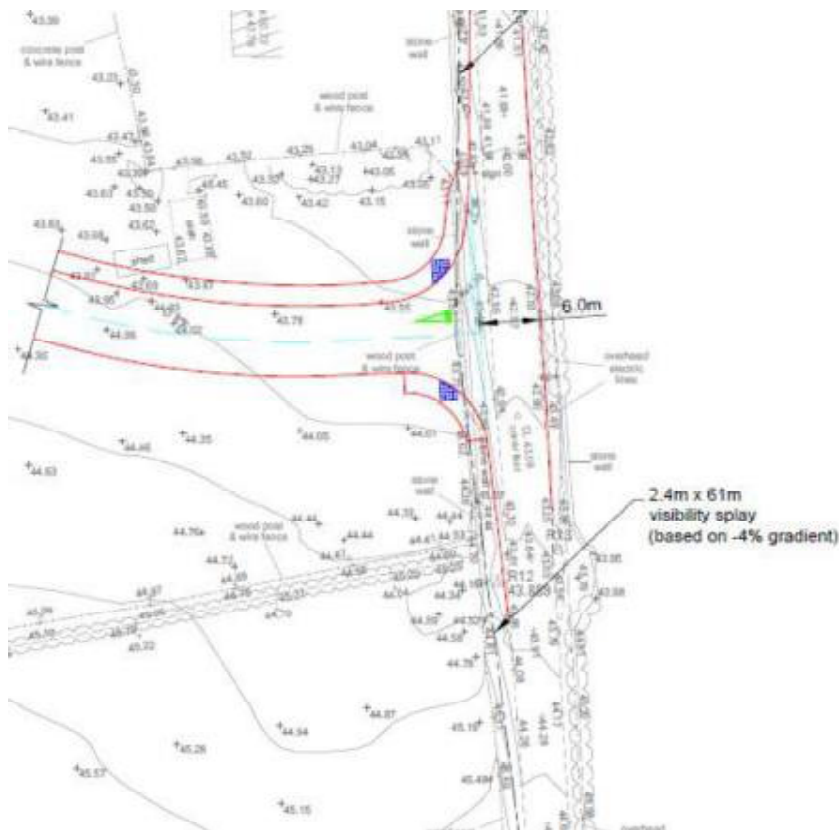


However, this has subsequently been amended, with Cog Road now retaining the priority flow. The junction of the site and the Cog Road indicative access is shown below:



The Council's Highways Engineers have assessed the proposed access points and initial comments received stated no objection subject to improvements to the road frontage, vision splays, provision of footways etc.

The highways engineers have also assessed the amended indicative access point onto Cog Road and have again raised no objection in principle to an access at this point and of this form. It should be noted that the detail of the access and its geometry would be fully considered at the reserved matters stage, however, there is no objection raised to an access point onto Cog Road in the general location shown. Similarly, there is no objection to the principle of an access point onto Swanbridge Road in the general location shown. It is considered that both access points can provide road users with sufficient visibility along the carriageway and a safe means of turning into and out of the site. The junction of the site with Swanbridge Road (also indicative) is shown below:



Highways issues associated with internal road layout and parking would be assessed at reserved matters stage, however, careful consideration would need to be given to the spine road in particular, to ensure it functions adequately and does not become a rat-running route.

Pedestrian links

In terms of pedestrian links, the indicative Cog Road junction shows a new footway linking up with the footway within the area of open space to the west. However, since the existing footway stops just short of the application site boundary, there is a short length of new footway indicated on the plan above that sits outside the application site and within what appears to be privately owned land. However, notwithstanding this, there is space within the adopted highway for a new footway to take a different alignment and to adjoin the existing footway from directly above/to the north (without using land outside of the applicant's/the Council's control). Consequently, an appropriate pedestrian link to the existing footpath network can be achieved.

The indicative plans suggest a footway either side of the access onto Swanbridge Road. There is presently no footway along Swanbridge Road and there is insufficient space for one to be provided all of the way between the site access and South Road. Consequently, any pedestrians walking along Swanbridge Road towards the site would only benefit from a footway at the point they turn into the site. While a footway along Swanbridge Road would have further assisted pedestrian movements, the site is located in a rural fringe location and the existing highway network (and land ownership constraints beyond) are such that one cannot be accommodated. It is therefore necessary to consider whether other pedestrian linkages between the site and services/the remainder of the village, are adequate to serve the development.

In addition to the link that would be provided onto Cog Road, there is an opportunity for a pedestrian footway to be provided at the south west corner of the site, linking through to the footpath at the rear of Kingsley Close. This route would take pedestrians through to the village centre more directly than a route along Swanbridge Road would and it is considered that this represents a preferable route to Swanbridge Road. Furthermore it is considered that the more direct nature of the route through the existing residential area and the absence of a footway on Swanbridge Road would largely discourage pedestrian movements along that highway.

Having regard to the above, it is considered that the site would be served by good pedestrian linkages to the existing footpath network and to services within the village, in accordance with the aims of policies 2 and 8 of the UDP and national planning policy.

Traffic/Congestion and off site highway works

The application is accompanied by a Transport Assessment (TA) which assesses the likely traffic / highways impacts that would result from the development in the context of the existing road network, the number of dwellings and the likely number of car movements and movements by alternative modes. The Council's Traffic Engineer has assessed the submitted Transport Assessment and is satisfied with the methodology used and considers it to be a robust representation of the impact of the proposed development on the immediate and surrounding highway network, which can be mitigated as proposed.

It should be noted the initial TA assumed 450 dwellings, however, in the interests of robustness, a further sensitivity test has subsequently been carried out, which models the development for a further 50 units, i.e. 500 in total. While this application is only for 350 dwellings, the traffic modelling now considers all of the proposed allocation, and the findings of this are discussed further below.

The 450 unit TA predicted 235 trips (inbound and outbound combined) in the AM peak hour and 265 trips (inbound and outbound combined) in the PM peak hour. It concludes that there would be less than a 5% impact on junctions in the wider area, with only minor increases in queuing experienced. However, based on the traffic data and modelling, the Council's Highways Traffic Engineer advised that mitigation would be required at the Cog Road/South Road junction. (It was further considered that a contribution would be necessary towards highway works at the 'McDonalds roundabout', given the capacity issues there- see section below). The applicant considered a series of options for how to mitigate capacity issues at Cog Road/South Road and has subsequently submitted indicative detail of a scheme to widen the priority junction. The Council's Traffic engineer considered the submissions and advised that this would satisfactorily mitigate against the impacts of the development to ensure that the junction does not operate unacceptably over capacity. The plan is shown below, however, full engineering details would be required by condition:



The additional sensitivity analysis referred to above has considered the impacts of a further 50 units (i.e. 500 instead of 450). The sensitivity test predicts 262 in the AM peak hour and 295 for the PM peak and assuming the same distribution as the TA, this would result in 13 additional vehicles exiting the site and going via the Cog Road/South Road junction in the AM peak, averaging approximately 1 vehicle every 4.5 minutes. The analysis models queuing at 15 minute intervals through the AM and PM peaks, with and without the junction capacity improvements, and for 350, 450 and 500 dwellings, and it concludes that the increase in 50 units would have negligible additional impact.

In summary, it suggests an additional 1 vehicle queuing between 8.00am and 8.45am if all 500 units were constructed now, or a maximum of 6 additional vehicles (8.30am-8.45am) queuing in the future year of 2026. It also concludes that the junction would operate within capacity with all 500 units in the current year (i.e. a ratio of flow to capacity of 0.852). It appears that the junction would be over capacity in the year 2026, however, that is principally due to background traffic growth, as evident within tables 2A and 2B of the sensitivity analysis.

It is considered that it would not be reasonable to expect the developer to account and mitigate for future background growth to the year 2026, when this would occur irrespective of whether the development were constructed. Rather the applicant should be required to mitigate, as far as is reasonable, the impacts of the development.

This has been assessed by the Council's Highways Engineer and they accept the methodology used, and have concluded that the impact of the additional 50 units would not be material to the assessment provided in the TA for the 450 units.

It should also be noted that the developer has agreed to a sustainable transport contribution of £700,000, however, the TA and sensitivity analysis do not factor in a traffic reduction as a consequence of a modal shift. It is considered that this substantial contribution would significantly improve sustainable transport and pedestrian facilities serving the development and the village and, therefore, it would not be unreasonable to assume that there may be an impact in terms of modal choice. In the interests of robustness, this has not been assumed, but it is relevant to note that any such shift would decrease the number of private vehicle trips and would partially mitigate against capacity issues

In respect of the McDonalds roundabout, a scheme has preliminarily been identified by the Council to increase capacity. Given that the development (of 350 units) would only be responsible for a proportion of the 'over capacity' (12% in this case), it is reasonable to require a financial contribution commensurate to that proportion. Having assessed the cost of the works and the proportion of traffic that the development would be responsible for, the applicant has submitted that a contribution of £24,000 would be commensurate and the Council's Highways Engineer has agreed that this is proportionate and reasonable.

The Council's review of the sensitivity analysis identifies that the whole site of 500 units would increase the impact to 16%, which would equate to £32,000, however, in order to mitigate for the 350 dwellings proposed here, the Council can only reasonably seek £24,000 at this stage. The remainder (or an amount commensurate to the impact) would be sought if and when an application is submitted for the second part of the proposed allocation. (It should be noted that a holistic approach was necessary in terms of the South Road Cog Road junction to demonstrate that the additional 50 dwellings wouldn't have required fundamental and wholesale works to the junction that couldn't have been viably provided by the second phase of the proposed allocation).

Therefore, subject to the works being carried out to the Cog Road/South Road junction being carried out and a contribution being made towards the works at the McDonalds roundabout, it is considered that the impacts of the development would be mitigated and that junctions in the surrounding area would continue to operate satisfactorily. The Highways Traffic Engineer has raised no further concerns in respect of other congestion within the highway network, either through the village or at the access points into the site (as a consequence of vehicles turning in and out).

Accordingly, it is considered that the TA and sensitivity analysis demonstrate satisfactorily that the existing highway network is capable of accommodating the proposed development's forecasted traffic, without resulting in an unacceptable traffic impact locally and in the within the wider highway network.

Highway/pedestrian safety issues associated with the increase in traffic

A significant number of objections have been raised by local residents in respect of whether the development would be a danger to highway/pedestrian safety.

In response to the original TA, the Council's Highways Traffic Engineer requested further information on collision data, the speed and volume of traffic along South Road and pedestrian activity along South Road. This was addressed in the addendum to the TA, which principally concluded that the majority of accidents along South Road were not attributable to excess speed. Observed 85th percentile and mean speeds were also not excessive. The submissions also refer to the scope for improvements to existing pedestrian crossings and pedestrian infrastructure generally, which would both encourage safe pedestrian use and calm traffic. A contribution of £700,000 towards sustainable transport facilities is proposed by the applicant and this could be used towards a number of the measures set out in the transport assessments (see planning obligations section below for further detail). Consequently, the Highways Engineer has raised no further concerns in these respects.

While it is understandable that an increase in traffic would cause concern from residents in terms of vehicular and pedestrian safety, it is considered that the submissions demonstrate that the proposed development would not have an unacceptable impact in this respect.

Public Transport

Objections have also been raised by residents in respect of the range and frequency of other transport modes/facilities in the village. It is asserted by residents that the site is insufficiently sustainable as a consequence of lacking good sustainable transport options.

Notwithstanding this, it is considered that the village is relatively well served. There are regular bus services to Cardiff, Penarth and Barry and a number of bus stops along South Road and through the village. It is accepted that these services are not as comprehensive as those that may be found in a larger settlement, however, Sully is a relatively large village and for a settlement of this size, it is considered that the transport options are not poor. Sully has two bus services, one that runs daily, twice per hour, between Cardiff and Barry, and another that runs Monday to Saturday, hourly. It is considered that this provides residents with good access to nearby settlements, and the facilities would be significantly improved by the sustainable transport contribution agreed to by the applicant.

It is acknowledged that the village does not have a train station, however, Sully is located close to a number of other settlements that are well served in terms of rail links. In addition to considering the range of options available in the settlement itself (transport and other services), it is also relevant to consider the proximity of other settlements and the transport options/services located there.

The road network is not prohibitive to cycling and there are good pedestrian links throughout the village. The planning obligations section of the report below considers how financial contributions would improve sustainable transport options within the village and mitigate the impacts of the development, however, it is considered that the existing settlement is sufficiently sustainable to accommodate additional residential development.

Public highways objections- the Corun report

As part of objections to the development, a report carried out by Corun Transport and Highway Engineering has been submitted. This report disagrees with the Council's Highways Officers' assessment and raises concerns in respect of highway safety, lack of pedestrian infrastructure and congestion. It concludes that there is inadequate network geometry, vehicular access options, excessive speed and a poor accident record in the area. It also states that occupiers would be heavily reliant on the car.

However, it is considered that the Council's Highways Engineers have carried out a thorough and robust assessment of the proposals and local context, leading to significant discussion and further requests for information through the application process. As detailed above, off site highway works have been agreed to mitigate against capacity issues at junctions and pedestrian movements have been fully assessed. A thorough technical assessment of the proposed junctions and approach roads has been carried out and the Council's officers have concluded the development would not have unacceptable impacts in these regards, notwithstanding the report submitted on behalf of objectors to the scheme.

Further representations have been submitted in respect of the sensitivity analysis, including objections relating to how the impacts will be mitigated, the absence of Ratio of Flow to Capacity (RFC) and congestion in the 2026 year. In response, it should be noted that the Council's engineers have given lengthy consideration to the mitigation proposed and consider that it soundly demonstrates the benefits to flow at the junction. RFC data has been produced for the 2013 year and while it has not been included for 2026, it is assumed, as discussed above, that it would show a junction over capacity. However, this would be fundamentally due to background traffic growth, since the impacts of the development alone can be satisfactorily mitigated.

Impact on residential amenity of existing residents

There are existing dwellings adjoining the site to the west, east and north. Presently, the occupiers of these dwellings have views over open fields, whereas the development would fundamentally alter the nature of that outlook. However, while it is understandable that existing residents would be concerned about a change of this nature to the rear of their properties, loss of view is not a planning matter and there is no statutory right to have such a view preserved. Rather it is necessary to consider whether the residential amenities and living conditions of those properties would be adequately protected.

The layout is reserved and, therefore, the detailed position and size of houses has not been determined. This will be a matter for any subsequent reserved matters application and the relationship of the new properties to those adjacent dwellings will be a key consideration, to ensure that they are not overbearing and would not unacceptably impact upon privacy. However, in principle, it is considered that a sensitive layout can be achieved.

The development would increase traffic through the village, however, it is considered that the increase in traffic, the bulk of which would be during the day time, would not demonstrably harm residential amenity. The Council's Environmental Health Officer has raised no objection and advised that a Construction Environmental Management Plan would be a requirement of any full application.

It is, therefore, considered that the development would in principle be able to adequately preserve the privacy and amenities of neighbouring residents, in accordance with Policy ENV27 of the UDP and the aims set out in Policy HOU8.

Amenity of the future occupiers of the site

Details of the layout, including distances between dwellings and levels of amenity space would be considered at the reserved matters stage. It is, therefore, considered that subject to careful design, the occupiers of the development would benefit from an acceptable level of residential amenity.

Other neighbour objections

Many residents have raised concerns in respect of the lack of amenities in the village, including local services, employment opportunities and bus services. It is considered that the proposed development would support and sustain the existing local services (shop, pubs etc.) and while the full range of day to day services are not present in Sully, the LDP strategy nevertheless recognises the need for new housing in such settlements, as well as in the larger more urban areas of population. While, therefore, occupiers of the new houses would need to travel to other settlements to access some services (and potentially in respect of employment opportunities), it is considered that this does not render the settlement of Sully or the development itself as unsustainable, since there are regular bus services and some basic local day to day services. There are also concentrations of potential employment opportunities in Barry and Penarth, a short distance, relatively, from the site.

In terms of buses specifically, the sustainable transport contribution discussed below can be spent on upgrading existing bus services/facilities/provision in the local area.

It is considered that there is no evidence to suggest the development would result in crime or anti-social behaviour and noise/disturbance/vibration from the construction phase can be minimised through compliance with a Construction and Environmental Management Plan.

A number of objections have been raised regarding infrastructure and as noted above, the development would be likely to sustain a number of services. In respect of medical services, it is considered that it is principally a matter for the local health board to ensure that adequate services are available to local residents. No evidence has been submitted regarding telephone infrastructure, however, this is also not considered to be a matter that fundamentally affects the planning merits of the proposal. The respective consultees have not raised objections in respect of drainage infrastructure.

There is no evidence submitted to demonstrate that the development would adversely impact health (noting also that the Council's Environmental Health section have not raised any objections in this respect) and it is considered that outside of the land that would be developed, the proposals would not fundamentally be harmful to crops. Loss of view is not a planning matter and there is no safeguarding objection due to the location. It is considered that the development would not breach human rights and in respect of Sully Sports and Social Club, this proposal must be treated on its own merits.

It is considered that the remaining points of objection have been addressed within this report.

Drainage, flood risk and water supply

The application sites lies within Flood Zone A as defined by the Development Advice maps with TAN 15.

Paragraph 6.2 of TAN 15- Development and Flood Risk, states the following:

6.2 New development should be directed away from zone C and towards suitable land in zone A, otherwise to zone B, where river or coastal flooding will be less of an issue.

There are no areas of the Assessment Site within Flood Zones B or C. The Flood Maps from Natural Resources Wales show the Assessment Site to be located within Flood Zone A, indicating a low level of flood risk from tidal or fluvial sources. The site is located at a relative high point and is some distance from watercourses, although the Council's drainage engineer has advised that there is a flood risk area to the south of the site. While residents have raised concerns in respect of flooding and while there is a flood risk area to the south, having considered the application documents the Council's Flood Risk and Drainage Engineer and Natural Resources Wales have raised no objections in respect of flood risk, either for the site itself or adjacent/other areas in the catchment.

In terms of surface water flows, the applicant's submissions identify the following:

The minor topographical ridge running east-west across the centre of the area separates the site into a northern and southern drainage catchment, with the site predominantly located within the northern catchment. There is a ditch located along the south-western corner of the site, with this discharging via a gully to an adjacent Dwr Cymru Welsh Water surface water sewer. Overland flow for the northern drainage catchment is conveyed north towards Cog Road and to a ditch in the north-eastern corner, with this ditch continuing north adjacent to Sully Road before discharging to the Sully Brook in the north. Overland flow for the southern drainage catchment is conveyed south and south west. The southern sub-catchment for the flow would continue south and flow overland via the existing farmland. The south-western sub-catchment for the flow discharges to the small ditch, and ultimately to the existing adopted DCWW surface water sewer.

The drainage strategy does not incorporate infiltration testing, therefore, in the interests of robustness, zero infiltration is assumed and the strategy is attenuation led- i.e. utilising Suds schemes, swales, basins etc. The strategy suggests that if infiltration is possible, the drainage strategy can be modified to reduce attenuation, but this is not relied upon for the purposes of the assessment.

The Council's Drainage Engineer has advised that the submitted drainage strategy indicates in principle that the site can be suitably drained without creating new flood risk on or off site (and may result in betterment). The drainage engineer is satisfied with the principle of the drainage strategy which gives enough information to determine that an acceptable detailed scheme can be achieved. Therefore, no objection is raised subject to a condition which requires a detailed scheme to be approved prior to the commencement of development.

In terms of foul sewerage, the drainage strategy advises that Dwr Cymru Welsh Water (DCWW) have stated there is currently sufficient sewage treatment capacity at the local waste water treatment work. In response to the Council's consultation, DCWW have raised no objection on foul sewerage grounds, rather conditions are requested for full details of the drainage scheme to be agreed. They also note in their response that no problems are envisaged with the Waste Water Treatment Works.

DCWW have advised that there are currently 'water supply problems' and that a Hydraulic Modelling Assessment (HMA) will need to be undertaken to establish what would be required to serve the site with an adequate water supply. It should be noted that DCWW do not object on these grounds.

Having regard to the above, it is considered that the development would comply with Policies ENV 7 and ENV 27 of the UDP in terms of drainage and flood risk.

Ecology

The submitted Environmental Statement (ES) contains a chapter on ecological impacts, which comprises an Extended Phase 1 Habitat Survey Report, Bat and Great Crested Newt Survey Report, Desk Study Information Received from SEWBREC, Target notes to accompany Phase 1 Habitat Survey Map and Advice Note on Bats and Street Lighting.

The ES concludes that the proposed development is unlikely to result in a significant adverse impact on existing site habitats of ecological value. It states that the mitigation measures proposed would allow for retention and/ or provision of hedgerow and pond habitat at a similar or greater scale to the existing resource and this in turn would provide a resource for continued use of the site by Great Crested Newts, birds and foraging bats. It suggests that for scrub nesting birds and bats, adverse impacts are likely to reduce over the long term as planting matures, although some loss of biodiversity at the site level is considered likely to arise at least in the short-medium term as a result of development. An adverse impact on scrub nesting bird species is considered probable as a result of increased disturbance at least in the short- medium term. An adverse impact on ground nesting bird species would also be considered unavoidable due to the loss of grassland habitat.

It goes on to state that given the nature and scale of the development a significant adverse impact on nesting bird species such as Skylark is considered unavoidable. This assessment is based on the loss of improved grassland fields which, although considered of negligible intrinsic interest, do provide habitat (albeit sub-optimal) for ground nesting species within the site boundary.

The Council's Ecologist and Natural Resources Wales (NRW) were consulted in respect of the submitted documents. The Council's Ecologist initially objected on the grounds that the ecological work was not adequate to allow the local planning authority to fully assess impacts on biodiversity. These objections related to hedgerows, newts, reptiles and breeding birds. NRW initially raised no objection subject to conditions relating to Great Crested Newt mitigation and monitoring and a clause in a Section 106 agreement relating to management of ecological areas.

Subsequently, further information was received including a Great Crested Newt Mitigation Statement, Hedgerow Compensation Plan and Reptile Mitigation Strategy. NRW maintained the request for conditions in response to this and the Council's Ecologist removed the objection, subject to conditions relating to the submission of a European Protected species licence, an Ecological Design Strategy (including measures for breeding birds) and compliance with the submitted Reptile Mitigation Strategy and Hedgerow Compensation Scheme.

Following the submission of a further Great Crested Newt Mitigation Statement (summer 2015), NRW amended their advice to require compliance with the submitted document. Furthermore, they have advised that a 'break through' point from the site into the southern part of the allocation would not adversely impact upon Great Crested Newt provisions, subject to it being sufficient distance from the pond. Consequently it is considered that the development of the southern part and a link through the hedge to achieve it, would not unacceptably impact upon ecology.

Notwithstanding the above, as a competent authority under the Conservation of Habitats and Species Regulations 2010 ('habitat regulations'), the Local Planning Authority must have regard to the Habitats Directive's requirement to establish a system of strict protection and to the fact that derogations are allowed only where the three conditions under Article 16 of the EC Habitats Directive are met (the 'three tests') (TAN5, 6.3.6). The three tests are:

- Test i) The derogation is in the interests of public health and public safety, or for other imperative reasons of overriding public interest, including those of a social or economic nature and beneficial consequences of primary importance for the environment.
- Test ii) There is no satisfactory alternative.
- Test iii) The derogation is not detrimental to the maintenance of the population of the species concerned at a favourable conservation status in their natural range.

If the tests cannot be satisfied, then refusal of planning permission may be justified. A proportional approach can adapt the application of the tests, i.e. the severity of any of the tests will increase with the severity of the impact of derogation on a species / population.

In terms of Test 1, it is considered that the proposed development is in the public interest, due to the contribution it would make towards meeting housing need in the area.

In terms of Test 2, the application site has been considered in the round in the context of a significant number of other candidate sites. Through that exercise and supported by background evidence, the Council has sought to allocate the site for housing. In doing so, when balancing all of the relevant planning issues, it has been concluded that the site is appropriate for housing and necessary to meet housing need, whereas the alternative sites (not proposed in the Draft LDP as allocations) are not considered to be satisfactory alternatives.

In terms of Test 3, NRW have advised that subject to the measures in the mitigation statement being adhered to, there is no objection and, therefore, the development would not be detrimental to the maintenance of the population of the protected species.

On this basis, there is no ecological objection to the development and it is considered that subject to those conditions, the proposal would satisfy the requirements of Policy ENV 16 of the UDP.

Trees and hedgerows

The application site does not contain any protected trees and the site does not lie within a conservation area. Consequently there are no trees within the site that are statutorily protected. The body of the site is devoid of trees and the only examples within the site area are two multi stemmed ash trees at the southern boundary. Since all matters are reserved, there is no specific proposal before the Council in terms of the location of buildings and specific tree protection, however, the applicant has stated that there is no reason why the trees and hedgerows could not be retained as part of any reserved matters layout, with buffer zones around the trees. The Council's Tree Officer has requested a condition relating to new tree planting, and raises no objection to the application.

A condition to require details to be submitted of new landscaping and all trees and hedgerows to be retained (along with details of measures to protect them during the course of development) is recommended. However, it is considered that none of the trees within the site are of such quality or contribution to visual amenity that they represent a constraint to the development.

Archaeology

Glamorgan Gwent Archaeological Trust (GGAT) have been consulted and a Heritage Desk Based Assessment has been submitted with the application. GGAT have responded to advise that there is a long and rich history of human occupation in the area, and that at present there is insufficient knowledge of either the exact nature or full extent of any archaeological resources present. Consequently, they have requested an archaeological evaluation prior to the determination of the application, citing the relevant advice in Planning Policy Wales (para. 6.5.1) and Welsh Office Circular 60/96 (Section 13)

The applicant has made attempts to gain access to the land to carry out the evaluation however, it appears that access has not been permitted by the tenant farmer on the land. Members are advised that information has been submitted by the applicant to evidence the attempts to gain access to the land and the nature of the responses, which resisted such access. It is considered that the applicant has demonstrated that all reasonable attempts have been made to carry out the evaluation requested by GGAT.

It should be noted that the applicant's position is that the guidance in PPW and the Circular does not necessarily suggest that a pre-determination evaluation has to take place, and that there is no evidence to suggest there will be 'significant' remains. However, GGAT are the Council's professional advisors on such matters and it is considered that GGAT's assessment of the case is not unreasonable given their knowledge of the history of the area.

This places the Local Planning Authority in the relatively unusual circumstance of having to consider whether the application should be refused due to the failure to carry out the evaluation, or whether there are material considerations that outweigh that position.

In this case, the applicant is unable to gain access to carry out the evaluation and based on the evidence submitted, it appears that there is no imminent prospect of that situation changing. Should the tenant maintain their position in respect of access to the land, this would potentially prevent the delivery of a significant residential development that the Council's background evidence suggests should be included as an allocation within the LDP. Consequently it is considered that this issue rests on a balance of potential harm to an archaeological resource versus the implication of failing to deliver housing.

It is considered that the negatives of failing to deliver up to 500 dwellings (on the proposed allocation as a whole) are significant, both in terms of the impact on the Council's ability to deliver the LDP strategy and meeting housing need in the Vale. Conversely, should permission be granted prior to the carrying out of a field evaluation, the Council would still be able to impose a condition requiring archaeological work to be carried out prior to the commencement of development. While the purpose of evaluations prior to determination is generally to protect archaeological resources and avoid scenarios where permission is granted but effectively cannot proceed due to the significance of a potential find, it is considered that in this case, an appropriately worded condition would enable the Council to retain control over ensuring the protection of any resource.

It is, therefore, considered that the potential harm from granting permission in advance of the evaluation is not as significant as the harm that would result from the failure to deliver a significant housing development that is important in meeting housing need.

It should be emphasised that the Council would not normally recommend overriding the advice of GGAT and the view above is reached in exceptional circumstances where the applicant has demonstrated significant attempts to carry out the evaluation, and where the balance of harm weighs in favour of doing so.

Therefore, it is considered that subject to the condition described, any archaeological resource would be adequately protected, in accordance with Policies ENV 18 and ENV 19 of the UDP and in accordance with the aims of PPW and Circular 60/96.

Agricultural land quality

Policy ENV 2 of the UDP states that the best and most versatile agricultural land (Grades 1, 2 and 3A) will be protected from irreversible development)

The application is accompanied by an agricultural land quality assessment, which concludes that the site is Grade 3B, and it is considered that there is no evidence submitted to dispute this assessment. It should be noted that the area of land between the proposed allocation and the dismantled railway to the south is Grade 3A, and this has been excluded from the proposed allocation.

A number of objections have been received in respect of agricultural land quality, however, in addition to the submissions made with the application, it should be noted that the LDP Agricultural Land Classification Background Paper advises as follows:

A Desk based review of October 2012 agricultural land classification report undertaken by Kernon Countryside Consultants Limited in March 2013. ALC identified as primarily Grade 3b with element of grade 4.

This supports the findings of the applicant's submitted report and consequently, it is considered that the development would not unacceptably or irreversibly impact upon the best or most versatile agricultural land, in accordance with Policy ENV 2 of the UDP. Objections have been received stating that while the land is 3b, it is still valuable to the local agricultural scene. However, the application could not be resisted on these grounds, given that grade 3b is not protected in the policy.

Impact of Development on the Existing Agricultural Holding and Tenants

The land is occupied as part of an agricultural holding and objections have been submitted regarding the impact on the tenant farms (Home Farm and Cog Farm) if the scheme were to be approved. A report has been provided by Reading Agricultural Consultants (RAC), which seeks to substantiate the reasons for the objections in this respect.

In considering the matter the local planning authority is mindful of a previous appeal decision at land adjacent to Darren Close, Cowbridge, in which at paragraph 7 of the decision letter, the Inspector stated: "The Planning Decision Committee of the Welsh Government (National assembly at that time) also agree that the proposal would harm the livelihood and amenity of the tenant farmer." This decision letter had considered the Planning Inspector's report where paragraph 12.28 stated: "...the personal circumstances of the tenant family cannot be ignored and the proposals would undoubtedly seriously harm their particular farming practices and way of life, as well as raising a concern that they could be asked to quit the holding. These are factors which represent a significant objection to the proposals."

In respect of Home Farm, the objection report states that the enterprise as a whole extends to some 1000 hectares. It explains that the land at the application site that forms part of Home Farm is productive arable land and that the fields are important for the disposal of manure. It goes on to assert that notwithstanding the small proportion of the whole enterprise that this 15 hectares represents, it would nevertheless have a significant impact on the business due to the loss of the arable land and the impact on livestock from not being able to spread manure here. However, the report doesn't seek to quantify the impact on the viability of the business.

It should be noted that this area lies outside the current application site, but part of the Home Farm tenanted land forms the remainder of the residential proposed allocation.

In respect of Cog Farm, the objection report states that the land provides ready access for grazing animals, in close proximity to where they can be monitored from. Agricultural enterprises here comprise rearing and finishing of store cattle and the report argues that the fields are the most appropriate within the unit for this purpose, since they are the closest and most visible to the farm buildings. It states, therefore, that the loss of these fields would be disproportionately large, having a major adverse impact on the farm, however, this impact is also not quantified/estimated, in terms of the impact on the continued viability of the unit. Other concerns are raised in respect of the likelihood of complaints from new residents about smells from the farm.

The application includes an appraisal of the impact of the development on the tenant farmers. The application site is approximately 12.7 hectares in size and the area farmed by the tenants is approximately 80 hectares, according to the objection report (i.e. the site is approximately 16% of it). The appraisal notes that if the land was lost to development, 0.27 of a full-time labour unit equivalent's work would be lost. This equates to less than 20% of the total farm's labour requirement. The report goes on to reason that the farm does not fully occupy two full-time equivalent workers, rather the requirement is closer to 1 full-time equivalent. On that basis, it is considered that the development would not fundamentally alter the farm's labour requirement, in terms of the number of workers.

The report concludes that the impact upon workload/labour requirement will be relatively minor and the financial impact will not be considerable. In addition, downward pressure on agricultural profitability is likely to increase (even without the development) as Single Farm Payments reduce post CAP reform in 2015 and beyond.

It is evident that the applicant's report and the RAC report disagree on the impacts of the development on the continued viability of the tenant farmers. However, while the RAC report argues that there would be a major adverse impact, this is not quantified in the way that the applicant's report appraises the likely impacts. There are clearly subjective elements to an appraisal of this kind and it would not be reasonable to expect a scientifically quantified assessment to be made, however, it is considered that the applicant's appraisal and quantification of the likely impacts is sound and well-reasoned. It is considered that this demonstrates, as far as could be expected, that the development would not have a significantly harmful impact on the farms in question.

It is considered that there are unlikely to be significant impacts on the business as a consequence of complaints due to smells. Potential occupiers of the dwellings would be aware of the general rural context that they are moving into and the site itself is not directly adjacent to farm buildings.

It is noted that the detailed appraisal relates to Cog Farm, since Home Farm lies outside of the application site area. An application on the southern part of the proposed allocation would need to be accompanied by a similar level of detail, however, even without that detail here (and while that land lies outside of the application area) it is notable that the land in question would form less than 10 hectares of an enterprise totalling around 1000 hectares.

In summary, it is considered that the proposed development would not impact so significantly on the tenants' livelihood and farming operation to justify refusing planning permission. It is also considered that the significant benefits of the development, including meeting housing (and affordable housing) need outweigh any harm in respect of the tenant operation.

Public rights of way (PROW) issues

The Council's Public Rights Of Way Officer has raised no objection to the proposal, noting that there are no PROW within the site.

Environmental Impact Assessment

As noted above, the application is accompanied by an Environmental Impact Assessment, and this provides an assessment of issues relating to socio-economics, traffic and transport, ecology, landscape impacts, hydrology, utilities and water resources and air quality. While the EIA screening opinion did not predict a significant impact in terms of pollutive impacts, the EA nevertheless considers these issues alongside transport and landscape impacts. It should be noted that EIA was principally required to allow a full assessment to be made of the potential urbanising effect of the development. This has now been done in full above.

In summary, the EIA concludes that there would not be unacceptable environmental impacts and, having regard to the assessments carried out above by consultees, and their responses, it is considered that there would not be any unacceptable impacts, or impacts that cannot be mitigated for. It should be noted in particular, in respect of environmental issues, that neither Natural Resources Wales nor the Council's Environmental Health officers have raised an objection.

Planning Obligations

The Council's approved Planning Obligations Supplementary Planning Guidance (SPG) provides the local policy basis for seeking planning obligations through Section 106 Agreements in the Vale of Glamorgan. It sets thresholds for when obligations will be sought, and indicates how they may be calculated. However, each case must be considered on its own planning merits having regard to all relevant material circumstances.

The Community Infrastructure Levy Regulations 2010 came into force on 6 April 2010 in England and Wales. They introduced limitations on the use of planning obligations (Reg. 122 refers). As of 6 April 2010, a planning obligation may only legally constitute a reason for granting planning permission if it is:

- (a) necessary to make the development acceptable in planning terms;
- (b) directly related to the development; and
- (c) fairly and reasonably related in scale and kind to the development.

The application seeks permission for the construction of a 350 dwellings and the following section of this report considers the need for planning obligations based on the type of development proposed, the local circumstances and needs arising from the development, and what it is reasonable to expect the developer to provide in light of the relevant national and local planning policies. It concludes that if the development were considered acceptable in all other regards, planning obligations would be required in respect of the following:

- Affordable Housing
- Education facilities
- Off-site Highway Improvements
- Sustainable Transport facilities
- Public Open Space and maintenance
- Community Facilities
- Public Art

Affordable Housing

TAN 2 defines Affordable Housing as housing provided to those whose needs are not met by the open market. It should meet the needs of eligible households, including affordability with regard to local incomes, and include provision for the home to remain affordable for future eligible households or, where stair-casing to full ownership takes place, receipts are recycled to provide replacement affordable housing. This includes two sub-categories: social rented housing where rent levels have regard to benchmark rents; and intermediate housing where prices or rents are above social rented housing but below market housing prices or rents.

UDP Policy HOUS12 requires a reasonable element of affordable housing provision on substantial development schemes, such as this. The supporting text to that policy also states: "The starting point for the provision of affordable housing will be an assessment of the level and geographical distribution of housing need in the Vale". In 2015, the Council undertook an update to the Local Housing Market Assessment (LHMA) in order to determine the level of housing need in the Vale of Glamorgan. The LHMA concluded that an additional 559 affordable housing units (for rent or low cost home ownership) are required each year over the next five years. The most needed properties are social rented properties where tenants pay benchmark rents set by the Welsh Government.

The Deposit Local Development Plan (October 2013) policy MG 4 required 35% affordable housing to be incorporated with any residential development of this site, based on an assessment of need and viability at the time. However, as part of the Local Development Plan process there has been an assessment of 'focused' and 'minor' changes to the draft Deposit Local Development Plan (DLDP). These changes are in response to subsequent consultations and the issues raised and are considered necessary to ensure that the LDP is sound. These focused changes include an amendment to the requirement for affordable housing as part of residential development. The latest viability evidence, contained within the Council's Affordable Housing Viability Update Report (2014), indicates a marked increase in viability within the Vale of Glamorgan (and more especially in some of the rural areas), and recommends that the Council should increase the affordable housing targets set out in Policy MG 4 from 35% to 40% in Sully.

In light of the evidence contained within the Council's Affordable Housing Viability Update Report (2014), the site should deliver **40% affordable housing**. The Council requires a 70/30 split on site between Social Rented and Intermediate properties. Based on 350 dwellings, 140 affordable dwellings would be required. This would require 98 social rented and 42 intermediate (LCHO). The applicant has agreed to this affordable housing provision.

In terms of the location and house type of the affordable dwellings, this is a matter to be agreed at the reserved matters stage. The Council's Housing section has advised that any future layout reflects a dispersion of affordable units, to ensure that the affordable units are appropriately integrated through the overall site, with a good degree of pepper potting which is in accordance with the Affordable Housing SPG.

In terms of phasing, the affordable housing will need to be delivered alongside the market housing on the site to ensure that it is fully integrated in the development and delivered in a timely manner to satisfy housing need in the area. Therefore, the Section 106 Agreement will include clauses requiring the appropriate percentage of affordable housing to be provided prior to beneficial occupation of a certain percentage of the market housing units, and this will be phased throughout the development.

Education Facilities:

UDP Policy HOUS8 permits new residential development within settlements, provided that, amongst other things, adequate community and utility services exist, are reasonably accessible or can be readily and economically provided. Education facilities are clearly essential community facilities required to meet the needs of future occupiers, under the terms of this policy. PPW emphasises that adequate and efficient services like education are crucial for the economic, social and environmental sustainability of all parts of Wales. It makes it clear that development control decisions should take account of social considerations relevant to land use issues, of which education provision is one.

The Council's rationale for calculating pupil demand contained in the Planning Obligations SPG (including 18% fees) indicates that the development of 350 dwellings would generate the need for education facilities for 35 nursery school age children, 97 primary school age children, 73 secondary (aged 11-16) school age children and 14 secondary (aged post-16). However, it is only reasonable to request contributions for those school places above and beyond existing spare capacity, and on that basis, the Council has requested the following Section 106 contributions for education facilities:

- Nursery school children – 35 children x £14,463.26 = £506,214.10
- Primary school children – 92 children x £14,463.26 = £1,330,619.92
- Secondary (aged 11-16) school children – 73 children x £21,793.42 = £1,590,919.66
- Secondary (aged post-16) school children – 14 children x £23,635.40 = £331,147.60

This totals **£3,758,901.28** and the applicant has agreed to this amount.

Sustainable Transport

UDP Policy 2 favours proposals which are located to minimise the need to travel, especially by car and which help to reduce vehicle movements or which encourage cycling, walking and the use of public transport. UDP Policy ENV27 states that new development will be permitted where it provides a high level of accessibility, particularly for public transport, cyclists, pedestrians and people with impaired mobility. These policies are supported by the Council's approved Supplementary Planning Guidance on Sustainable Development and the advice in Planning Policy Wales, TAN 18: Transport and Manual for Streets which emphasise the important relationship between land use planning and sustainability in terms of transport.

Having regard to the cost of providing and upgrading sustainable transport facilities, the Council's Planning Obligations SPG provides a basis to consider the type of contribution that may be likely to mitigate the impacts of a development of this size. This is a key aim embodied in national and local planning and transport policies, which the Council is keen to deliver. In this case, a sustainable transport contribution is required to ensure that the site is sufficiently accessible by a range of modes of transport other than the private car, such that it may be considered a sustainable site.

While the site is located adjacent to the existing settlement, linkages between the site and other parts of the village (principally the town centre and services through the village) should be improved to support the development and encourage pedestrian/cycling movement.

Given the scope of necessary infrastructure improvements in the area, it is considered that a contribution commensurate to the size of the development is justified and necessary. In this case, and in line with the rationale set out in the Council's SPG, a contribution of £700,000 was sought (based on 350 dwellings), as the basic contribution required to off-set the impacts of the development.

This could be spent in items including improving pedestrian routes between the site and the village centre, between the site bus stops in the village, access to areas of public open space, in respect of bus services and facilities serving the development, cycle provision in the village centre and vicinity of the site, upgrading pedestrian routes in the village centre, improving pedestrian crossings on South Road, signage and lighting of routes.

The applicant has agreed to this amount (£2,000 per unit) and it is considered that the improvements that would be implemented as a result would materially improve the degree to which the site and local services could be accessed by sustainable modes of transport, in accordance with local and national policy.

Public Open Space

UDP Policy REC3 requires new residential developments to make provision for public open space at a minimum standard of 2.40 hectares per 1000 population (0.6-0.8 hectares for children's playing space and 1.6-1.8 hectares for outdoor sport). This equates to 24² per person or 55.68sqm per dwelling (based on the average household size in the Vale of Glamorgan being 2.32 persons per dwelling). The Council applies this policy to all residential developments of 5 or more dwellings, in addition to the basic amenity space requirements necessary to meet the immediate amenity needs of occupiers (e.g. private garden space) as outlined in the approved Amenity Standards SPG.

Based on the Council's Planning Obligations SPG, the development of the whole site for 500 houses creates the need for 27,840sqm of open space. A development of 350 houses would require 19488sqm, including 2030sqm of equipped children's play space and 4466sqm of other children's play space. The LDP Public Open Space Background Paper (2013) identifies an existing shortfall of children's play space in Sully and sets out that children's play space must be provided for on all new development sites. The LDP Open Space Background Paper (2013) also identifies an overprovision of outdoor sport space within Sully (in terms of quantity).

The illustrative layout does not include any provision for outdoor sport facilities; however, as part of the assessment of the need for outdoor sport facilities, it is relevant to consider the availability, usability and quantity of existing outdoor sport provision in the ward. In this case, given the availability of outdoor sport facilities within the ward in reasonable proximity of the site (as evidenced in the LDP Open Space Background Paper), it is considered that a further on-site provision is not critically necessary to render the development acceptable in planning terms.

The site can make provision for the required amount of public open space (children's play) required by the SPG and it is considered that this would therefore meet the requirements of the SPG and Policy REC 3. The location and layout of the POS would be determined at reserved matters stage.

Public Open Space Maintenance

In terms of maintenance of the open space areas within the site, the applicant has not advised definitively whether the land will be retained and managed privately or offered to the Council for adoption. The legal agreement should therefore contain provision that if the applicant does subsequently intend to pass the land to the council to adopted, sufficient commuted sums are paid.

Community Facilities

UDP Policy HOUS8 permits new residential development where (inter alia) adequate community and utility services exist or can be readily provided. The Planning Obligations SPG acknowledges that new residential developments place pressure on existing community facilities and creates need for new facilities. Therefore, it is reasonable to expect new residential developments of this scale to contribute towards the provision of new, or enhancement of existing, community facilities.

The Council's SPG provides a basis to calculate reasonable levels of contributions for community facilities, derived from an analysis of the costs associated with providing such facilities, and consideration of the impact of new developments in terms of needs arising and what is considered to be reasonable to seek in relation to the scale of development proposals. The rationale set out in the Planning Obligations SPG ensures a fair and consistent approach to development proposals throughout the Vale of Glamorgan. It requires community facilities to be provided at a ratio of 0.75m² per dwelling or alternatively a contribution of £988.50 per dwelling towards the provision of community facilities.

The Draft LDP Community Facilities background paper identifies the site for the provision of 200m² of community space in a new building. As a point of comparison, the background paper proposes that contributions to enhance existing facilities within the ward would be appropriate for the majority of allocations, whereas a smaller number of the larger sites are identified for new facilities on site. However, while the requirement to provide community space on site in association with housing allocations is also reflected in Draft LDP Policy MG 7 (and the supporting text) in the cases of the other sites, the requirement for a new facility on this site is not specified in the draft policy.

Officers are aware that existing community facilities in the ward are potentially under threat, in terms of their long term viability. For example, the recent application at Sully Sports and Social Club has highlighted such problems and the Council's Library Review highlights issues regarding how this facility can function. Therefore, and having regard to the issues above relating to the Draft LDP, it is considered that the most appropriate approach in this case would be to require a financial contribution, to give the Council (in consultation with local ward members) maximum flexibility in determining what is the most appropriate way to support and develop communities facilities in the ward. This approach would allow the Council and local members to appraise the situation 'on the ground' at the relevant point in time, to decide how to prioritise and allocate funds.

In this case, a contribution is sought towards the upgrade and provision of community facilities serving the development such as community halls in the village, the sports and social club, the library, provision of mobile library services in the area and/or the provision of dual use facilities at the local primary school.

The applicant has agreed to the above and this would equate to amount of £345,975 based on 350 dwellings, and this would reflect the need that results from the development and accord with the guidance in the Council's SPG.

Public Art

The Council has a percent for art policy which is supported by the Council's adopted supplementary planning guidance on Public Art. The SPG requires that on major developments, developers are required to set aside a minimum of 1% of their project budget specifically for the commissioning of art and the public art should be provided on site integral to the development proposal.

S106 Administration

The Council requires the developer to pay an administration fee to monitor and implement the terms of the Planning Obligations. This fee covers the Council's costs to negotiate, monitor and implement the terms of the necessary Section 106 Agreement.

This cost is essential because the additional work involved in effectively implementing a Section 106 Agreement is not catered for within the standard planning application fee and the Section 106 Planning Obligations are deemed to be necessary to make the development acceptable. Therefore, the developer is reasonably expected to cover the Council's costs in this regard. In this case, that would equate to £96,097.52.

RECOMMENDATION

Subject to the relevant person(s) first entering into a Section 106 Legal Agreement or undertaking to include the following necessary planning obligations:

- Procure that at least 140 (40%) of the dwellings built pursuant to the planning permission are built and thereafter maintained as affordable housing units in perpetuity, of which at least 70% would be social rented properties, and the remaining 30% would be intermediate properties.
- Pay a contribution of £2000 per residential unit towards sustainable transport facilities in the vicinity of the site, minus the costs of the provision of a pedestrian footway link between the application site and footway in the area of open space immediately to the west of the site (and adjacent to Cog Road) where the construction costs shall be fully detailed and submitted and approval by the Local Planning Authority. The contribution is to be used on items including one or more of the following: improving pedestrian routes between the site and the village centre, between the site bus stops in the village, access to areas of public open space, in respect of bus services and facilities serving the development, cycle provision in the village centre and vicinity of the site, upgrading pedestrian routes in the village centre, improving pedestrian crossings on South Road, signage and lighting of routes.
- The provision of the pedestrian footway (referred to in the bullet point immediately above) to link the new pedestrian footway at the access into the site from Cog Road to the footway in the area of open space immediately to the west of the site (and adjacent to Cog Road)
- Public open space to be provided on site to equate to at least 18.56m² of children's play space per dwelling, of which at least 5.8m² per dwelling will be equipped play space. The public open space is to be provided in accordance with a scheme to be approved by the Local Planning Authority.

- The developer shall make appropriate provision for the future maintenance of the public open space or if the Developer and Local Authority agree, may transfer the public open space to the Council free of charge and pay commuted sums to cover the costs of future maintenance of the public open space for 20 years.
- Pay a contribution of £3,758,901.28 for education purposes for the provision or enhancement of educational facilities in schools serving the Sully catchment for Nursery, Primary and Secondary school children.
- Pay a contribution of £988.50 per residential unit to provide new community facilities in Sully including one or more of the following: community halls in the village, the sports and social club, the library, provision of mobile library services in the area and/or the provision of dual use facilities at the local primary school.
- The developer shall provide public art on the site to the value of 1% of the build costs or otherwise pay a contribution to the same value to the Council.
- The Legal Agreement will include the standard clause requiring the payment of a fee to monitor and implement the legal agreement.
- Off-site highway works at the junction of South Road and Cog Road, as set out (in principle) on plan W120604_A06 revision A, to increase capacity at the junction for vehicles egressing from Cog Road onto South Road.
- To pay a contribution of £24,000 towards off site highway works at the roundabout junction at Cardiff Road/Sully Moors Road.
- To agree details of financial measures to secure the management of retained habitats for Great Crested Newts and monitoring provisions, and details of management and monitoring of ecological areas.

APPROVE subject to the following conditions(s):

1. Approval of the access, layout, scale, appearance, and landscaping (hereinafter called "the reserved matters") shall be submitted to and approved in writing by the Local Planning Authority before any development is commenced.

Reason:

To comply with the requirements of Section 92 of the Town and Country Planning Act 1990.

2. Application for approval of the reserved matters hereinbefore referred to must be made not later than the expiration of three years beginning with the date of this permission.

Reason:

To comply with the requirements of Section 92 of the Town and Country Planning Act 1990.

3. The development to which this permission relates must be begun not later than whichever is the later of the following dates:

- (a) The expiration of five years from the date of this permission.

- (b) The expiration of two years from the date of the final approval of the reserved matters or, in the case of approval on different dates the final approval of the last such matters to be approved.

Reason:

To comply with the requirements of Section 92 of the Town and Country Planning Act 1990.

4. Plans and particulars of the reserved matters referred to in condition 1 above shall be submitted in writing to the Local Planning Authority and shall be carried out as approved.

Reason:

The application was made for outline planning permission and to comply with the requirements of Section 92 of the Town and Country Planning Act 1990.

5. Prior to the first beneficial occupation of any dwelling, a Travel Plan shall be submitted to and approved in writing by the Local Planning Authority and shall include a package of measures tailored to the needs of the site and its future users to widen travel choices by all modes of transport and encourage sustainable transport.

Reason:

To ensure the development accords with sustainability principles and that the site is accessible by a range of modes of transport in accordance with Policies 2, 8 and ENV27 of the Unitary Development Plan.

6. Prior to the commencement of construction of any part of the development a scheme, including details of the timing of such provision, for the provision and maintenance of the Public Open Space (including the children's play equipment) shall be submitted to and approved in writing by the Local Planning Authority, and the public open space shall thereafter be provided in accordance with the agreed details.

Reason:

To ensure the timely provision of open space in the interests of the amenity of future occupiers and the wider area and to ensure compliance with Policies ENV27, REC3 and REC6 of the Unitary Development Plan.

7. Prior to the first beneficial occupation of any dwelling hereby approved, full details of the public art strategy and the timing of its provision, shall be submitted to and approved in writing by the Local Planning Authority. The Public Art shall thereafter be implemented on the site in accordance with the approved details no later than 12 months following the substantial completion of the development.

Reason:

To ensure the delivery of Public Art on the site in accordance with the Council's Public Art Supplementary Planning Guidance.

8. Notwithstanding the submitted plans, full engineering details of the new vehicular / pedestrian access points in to the site, any new pedestrian footways within the adopted highway and internal roads within the site, incorporating turning facilities and vision splays, and including sections, street lighting, surface water drainage and the details of the location and design of all rumble strips, shall be submitted to and approved in writing by the Local Planning Authority before the commencement of development. The development shall be implemented thereafter in accordance with the approved details.

Reason:

In the interests of highway safety in accord with Policy ENV27 of the Unitary Development Plan.

9. Prior to the commencement of development and notwithstanding the submitted plans, a detailed scheme of the proposed works at the junction of South Road and Cog Road (to include engineering details and a schedule of timescales for implementation of the works), shall be submitted to and approved in writing by the Local Planning Authority. The works shall thereafter be carried out in accordance with the approved plans and timescales.

Reason:

To ensure that the surrounding highway network has capacity to accommodate the development and to ensure compliance with Policy ENV 27 of the Unitary Development Plan.

10. A landscaping scheme shall be submitted to and approved in writing by the Local Planning Authority which shall include indications of all existing trees and hedgerows on the land and details of any to be retained, together with measures for their protection in the course of development.

Reason:

To safeguard local visual amenities, and to ensure compliance with the terms of Policy ENV27 of the Unitary Development Plan.

11. All planting, seeding or turfing comprised in the approved details of landscaping shall be carried out in the first planting and seeding seasons following the occupation of the buildings or the completion of the development, whichever is the sooner; and any trees or plants which within a period of five years from the completion of the development die, are removed or become seriously damaged or diseased shall be replaced in the next planting season with others of similar size and species, unless the Local Planning Authority gives written consent to any variation.

Reason:

To ensure satisfactory maintenance of the landscaped area to ensure compliance with Policies ENV11 and ENV27 of the Unitary Development Plan.

12. The development shall be carried out in accordance with the following approved plans and documents:

Registered 24th December 2013:

- Site location plan.
- Transport Assessment.
- Design and Access Statement.
- Environmental Impact Assessment and Technical Appendices.
- Environmental Impact Assessment Non-Technical Summary.
- Agricultural Assessment.
- Planning Statement.
- Statement of Community Involvement.
- Heritage Desk Based Assessment.

19th June 2014

- Hedgerow Compensation Plan
- Supplementary Planning Statement.
- Highways response to VOG Highways comments.

9th July 2015

- Great Crested Newt Mitigation Method Statement.
- Extended Phase 1 Habitat Survey.
- Reptile Mitigation Strategy.
- Bat and Great Crested Newt Survey Report.
- Transport Assessment Addendum.
- Heritage Advice Note.
- Cog Road and Swanbridge Road Access Plans.
- Outline Masterplan Rev B.
- Access strategy Rev B.
- Landscape and open Space Strategy Rev B.
- Phasing Plan Rev B.

15th February 2016
- Highways Sensitivity Analysis

Reason:

For the avoidance of doubt as to the approved development and to accord with Circular 016:2014 on The Use of Planning Conditions for Development Management.

13. No development approved by this permission shall commence until the applicant, or their agents or successors in title, has secured the implementation of a programme of archaeological work in accordance with a written scheme of investigation which shall be submitted by the applicant and approved in writing by the Local Planning Authority. The programme and scheme shall be fully implemented as defined in the approved details.

Reason:

In order that archaeological operations are undertaken to an acceptable standard and that legitimate archaeological interest in the site is satisfied and to ensure compliance with Policies ENV18 and ENV19 of the Unitary Development Plan.

14. Prior to the commencement of development, details of the finished levels of the site and dwellings in relation to existing ground levels shall be submitted to and approved in writing by the Local Planning Authority and the development shall be carried out in full accordance with the approved details.

Reason:

To ensure that the visual amenity of the area is safeguarded, and to ensure the development accords with Policy ENV27 of the Unitary Development Plan.

15. No Development shall take place until there has been submitted to and approved in writing by the Local Planning Authority a Construction Environmental Management Plan (CEMP). The CEMP shall include details of how noise, lighting, dust and other airborne pollutants, vibration, smoke, and odour from construction work will be controlled and mitigated, and details of construction hours. The CEMP shall utilise the Considerate Constructors Scheme. The CEMP shall include a system for the management of complaints from local residents which shall incorporate a reporting system. The construction of the Development shall be completed in accordance with the approved Plan.

Reason:

To ensure that the construction of the development is undertaken in a neighbourly manner and in the interests of the protection of amenity and the environment and to ensure compliance with the terms of Policies ENV27 and ENV29 of the Unitary Development Plan.

16. Prior to the commencement of development, including any site clearance or ground works, a Construction Traffic Management Plan, including details of parking for construction traffic, wheel washing facilities, the proposed routes for heavy construction vehicles and timings of construction traffic to and from the site, shall be submitted to and approved in writing by the local planning authority and the management plan shall be implemented at the commencement of any site clearance or temporary access or development works on the site and shall thereafter be complied with for the duration of the construction and laying out of the development.

Reason:- In the interest of highway / Public Safety and the free flow of traffic along the adopted highway network and means of defining and controlling such traffic routes and timings and to meet the requirement of policies ENV27 and TRAN10 of the Unitary Development Plan.

17. No development shall commence until a scheme for the comprehensive and integrated drainage of the site, showing how foul water, surface water and land drainage (including highway drainage) will be dealt with, has been submitted to and approved in writing by the Local Planning Authority. The scheme as approved shall be implemented prior to the first beneficial occupation of any of the dwellings and so maintained at all times thereafter.

Reason:

To ensure that adequate drainage facilities are in place to serve the development and to ensure compliance with Policy ENV27 of the Unitary Development Plan.

18. The implemented drainage scheme for the site should ensure that all foul and surface water discharges separately from the site and that land drainage run-off and surface water shall not discharge, either directly or indirectly, into the public sewerage system.

Reason:

To prevent hydraulic overloading of the public sewerage system, pollution of the environment and to protect the health and safety of existing residents and ensure no detriment to the environment and to comply with the terms of Policy ENV27 of the Unitary Development Plan.

19. The information submitted in accordance with the requirements of Condition No. 17 of this consent shall include full details of the proposed perpetual management and maintenance of the drainage system serving the whole development, including provisions to be put in place in respect of individual dwelling houses and including a written declaration and plan to confirm the responsibility for the future maintenance and repair of the drainage system. The development shall at all times be carried out and maintained in accordance with the approved management and maintenance scheme.

Reason:

To ensure the effective maintenance of the site's drainage system and to ensure compliance with Policies ENV7 and ENV29 of the Unitary Development Plan.

20. Prior to the commencement of development, a hydraulic modelling assessment (HMA) shall be undertaken in liaison with Dwr Cymru Welsh Water, in order to assess the effect the proposed development on the existing water supply network and the need for any associated infrastructure works. None of the dwellings hereby approved shall be occupied until such time that any necessary water infrastructure works, as required by the HMA, have been completed and approved in writing by Dwr Cymru Welsh Water and the Local Planning Authority has been informed in writing of their completion (and Dwr Cymru Welsh Water's approval).

Reason:

In order to ensure that the development is served by an adequate water supply, to ensure that the development does not adversely impact on existing water supply, and to ensure compliance with policies ENV 27 and HOUS 8 of the UDP.

21. Notwithstanding the submitted plans, prior to the first beneficial occupation of any of the dwellings, full details of the lighting to be provided on the highways, footpaths and public open space areas within the the development, shall be submitted to and approved in writing by the Local Planning Authority. The lighting scheme shall thereafter be carried out in full accordance with the approved details and prior to the first beneficial occupation of any part of the site to which the lighting relates.

Reason:

To ensure satisfactory lighting is provided throughout the development, in the interest of public safety and security, in the interests of ecology and to accord with Policy ENV27 of the Unitary Development Plan.

22. Any vegetation clearance must be undertaken outside the nesting season, which is generally recognised to be from March to August inclusive, unless it can be first demonstrated that nesting birds are absent.

Reason:

In order to ensure that no protected species are adversely affected by the development and to ensure compliance with Policy ENV16 of the Unitary Development Plan.

23. All means of enclosure associated with the development hereby approved shall be in accordance with a scheme to be submitted to and agreed in writing by the Local Planning Authority prior to their use in the development, and the means of enclosure shall be implemented in accordance with the approved details prior to that part of the development being put into beneficial use.

Reason:

To safeguard local visual amenities, and to ensure compliance with the terms of Policy ENV27 of the Unitary Development Plan.

24. Notwithstanding the provisions of the Town and Country Planning (General Permitted Development) (Amendment) (Wales) Order 2013 and the Town and Country Planning (General Permitted Development) Order, 1995 (or any Order revoking, amending or re-enacting that Order) no gates, fences, walls or other means of enclosure (other than approved by conditions of this permission) shall be erected, constructed or placed on the application site without the prior written consent of the Local Planning Authority.

Reason:

To safeguard local visual amenities, and to ensure compliance with the terms of Policy ENV27 of the Unitary Development Plan.

25. Prior to the commencement of development, the local planning authority shall be provided with a copy of the licence (for Great Crested Newts) issued by Natural Resources Wales pursuant to Regulation 53 of The Conservation of Habitats and Species Regulations 2010 (as amended) authorising the specified activity/development to go ahead.

Reason:

In the interests of ecology and to ensure compliance with Policy ENV16 of the UDP.

26. The ecological works / enhancements detailed in the Reptile Mitigation Strategy and the Hedgerow Compensation Scheme shall be implemented in full accordance with the plans approved.

Reason:

In the interests of ecology and to ensure compliance with Policy ENV16 of the UDP.

27. No development shall take place until an ecological design strategy (EDS) addressing mitigation, compensation and enhancement has been submitted to and approved in writing by the local planning authority. The EDS shall include the following;
- a) Provision of bird breeding sites
 - b) Details of measures to ensure continuous, available habitat for small and medium sized terrestrial mammals.
 - c) Details of newt-friendly drainage within the development
 - d) Identification of unlit flight lines for bats to allow light-sensitive species to traverse the site and to be demonstrated through a lighting plan for the site.
 - e) Details of other measures to enhance biodiversity of the developed site.
- The EDS shall be implemented in accordance with the approved details and all features shall be retained in that manner thereafter.

Reason:

In the interests of ecology and to ensure compliance with Policy ENV16 of the UDP.

28. The development shall at all times be implemented in accordance with the submitted Great Crested Newt Mitigation Method Statement, dated 1st May 2015.

Reason:

In the interests of ecology and to ensure compliance with Policy ENV16 of the UDP.

REASON FOR RECOMMENDATION

In light of the significant amount of background information that has led to the site's inclusion within the Draft Local Development Plan, current housing land supply and the need to maintain adequate housing land at all times and the assessment of all other impacts and material considerations as set out above, it is considered that, on balance and subject to the mitigation as set out with regard to the proposed planning obligations and conditions, the development is acceptable in principle and outweighs the conflict with UDP policies relating to the location of new residential developments outlined above.

The decision to recommend planning permission has been taken in accordance with Section 38 of The Planning and Compulsory Purchase Act 2004, which requires that, in determining a planning application the determination must be in accordance with the Development Plan unless material considerations indicate otherwise. The Development Plan comprises the Vale of Glamorgan Adopted Unitary Development Plan 1996-2011. In accordance with Regulation 3(2) of the Town and Country Planning (Environmental Impact Assessment) (England and Wales) Regulations 1999, the Local Planning Authority has taken into account all environmental information submitted with this application

Having regard to the submitted documentation of the Environmental Impact Assessment and policies POLICIES 1, 2, 3, 8, 11 3 and ENV 1 – DEVELOPMENT IN THE COUNTRYSIDE, ENV2 – AGRICULTURAL LAND, ENV 10 - CONSERVATION OF THE COUNTRYSIDE, ENV 11 – PROTECTION OF LANDSCAPE FEATURES, ENV 16 – PROTECTED SPECIES, ENV 17 - PROTECTION OF BUILT AND HISTORIC ENVIRONMENT, ENV 18 – ARCHAEOLOGICAL FIELD EVALUATION, ENV 19 – PRESERVATION OF ARCHAEOLOGICAL REMAINS, ENV 27 – DESIGN OF NEW DEVELOPMENTS, ENV 28 – ACCESS FOR DISABLED PEOPLE, ENV 29 – PROTECTION OF ENVIRONMENTAL QUALITY, POLICY HOUS 2 - ADDITIONAL RESIDENTIAL DEVELOPMENT, HOUS 3 - DWELLINGS IN THE COUNTRYSIDE, HOUS 8 - RESIDENTIAL DEVELOPMENT CRITERIA – POLICY HOUS 2 SETTLEMENTS, HOUS 12 - AFFORDABLE HOUSING, REC 3 – PROVISION OF OPEN SPACE WITHIN NEW RESIDENTIAL DEVELOPMENTS, REC 6 – CHILDREN'S PLAYING FACILITIES, REC7 – SPORT AND LEISURE FACILITIES, REC12 – PUBLIC RIGHTS OF WAY AND RECREATIONAL ROUTES, TRAN9 – CYCLING DEVELOPMENT and TRAN10 – PARKING of the Vale of Glamorgan Adopted Unitary Development Plan 1996-2011, the Supplementary Planning Guidance 'Amenity Standards' and 'Planning Obligations', Planning Policy Wales (Edition 7) and Technical Advice Notes 1- Joint Housing Land Availability Studies, 2- Planning and Affordable Housing, 5-Nature Conservation and Planning, 10 – Tree Preservation Orders, 12-Design, 16-Sport, Recreation and Open Space, 18-Transport, and 22-Sustainable Buildings; it is considered that the proposals are acceptable, based on the material considerations set out within the report, by reason of a sustainable location and the requirement to address the need for new residential development and affordable housing within the Vale of Glamorgan. The proposals are also acceptable by virtue of a safe and suitable means of access with no unacceptable impact in terms of residential amenity, pollution, flood risk, impact on listed buildings or other historic assets or on ecology.

NOTE:

- 1. This consent does not convey any authorisation that may be required to gain access onto land not within your ownership or control.**
- 2. Please note that a legal agreement/planning obligation has been entered into in respect of the site referred to in this planning consent. Should you require clarification of any particular aspect of the legal agreement/planning obligation please do not hesitate to contact the Local Planning Authority.**
- 3. You are advised that there may be species protected under the Wildlife and Countryside Act, 1981 within the site and thus account must be taken of protecting their habitats in any detailed plans. For specific advice it would be advisable to contact: The Natural Resources Wales, Ty Cambria, 29 Newport Road, Cardiff, CF24 0TP
General enquiries: telephone 0300 065 3000 (Mon-Fri, 8am - 6pm).**

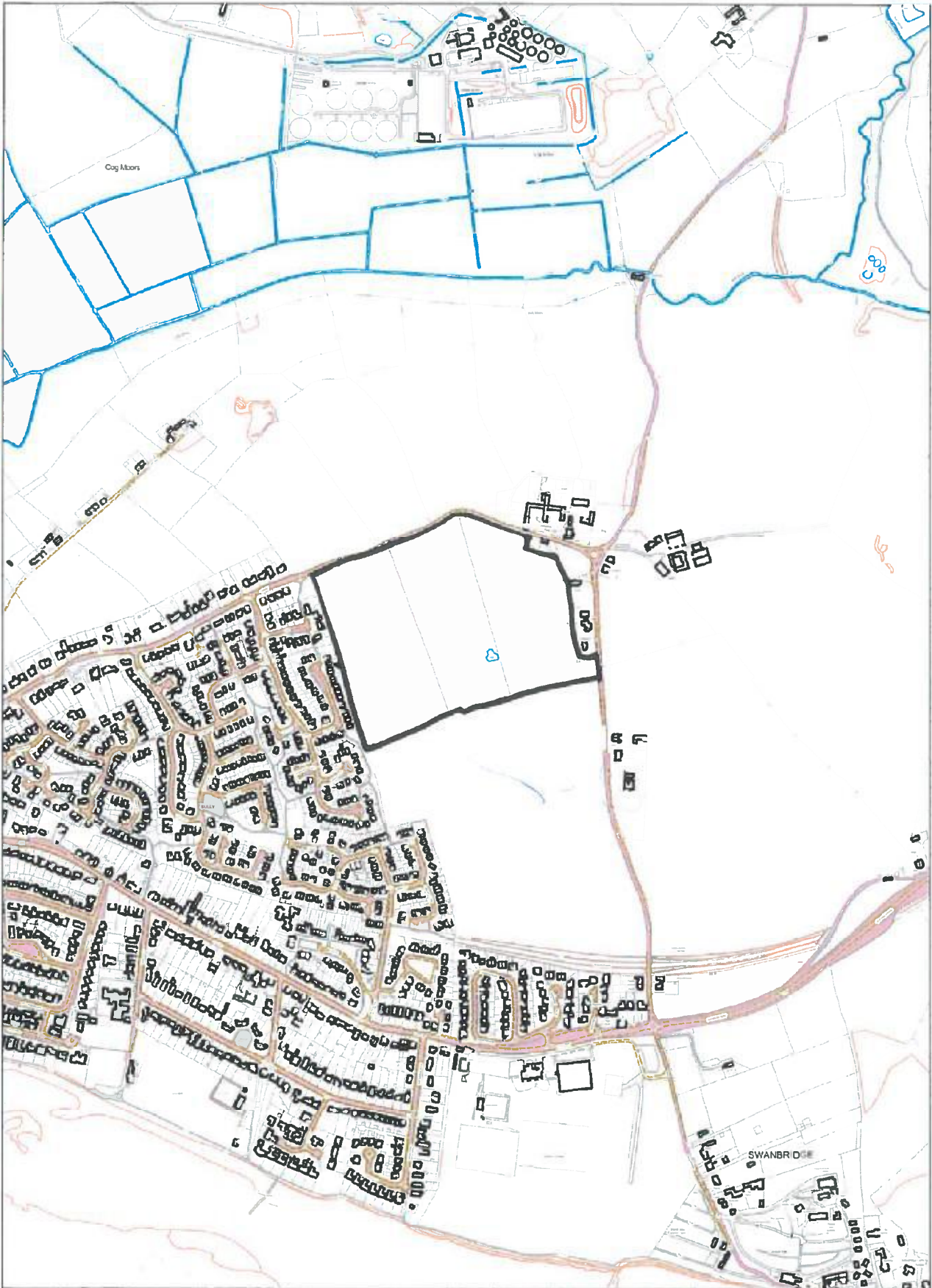
4. **The applicants are advised that all necessary consents / licences must be obtained from Natural Resources Wales (formerly Environment Agency Wales) prior to commencing any site works. The Natural Resources Wales, Ty Cambria, 29 Newport Road, Cardiff, CF24 0TP General enquiries: telephone 0300 065 3000 (Mon-Fri, 8am - 6pm).**
5. **Where the work involves the creation of, or alteration to, an access to a highway the applicant must ensure that all works comply with the appropriate standards of the Council as Highway Authority. For details of the relevant standards contact the Visible Services Division, The Vale of Glamorgan Council, The Alps, Wenvoe, Nr. Cardiff. CF5 6AA. Telephone 02920 673051.**
6. **In accordance with Regulation 3(2) of the Town and Country Planning (Environmental Impact Assessment) (England and Wales) Regulations 1999, the Local Planning Authority took into account all environmental information submitted with this application.**
7. **The attention of the applicant is drawn to the fact that a public sewer runs through the site and may be affected by the development.**

Please note that this consent is specific to the plans and particulars approved as part of the application. Any departure from the approved plans will constitute unauthorised development and may be liable to enforcement action. You (or any subsequent developer) should advise the Council of any actual or proposed variations from the approved plans immediately so that you can be advised how to best resolve the matter.

In addition, any conditions that the Council has imposed on this consent will be listed above and should be read carefully. It is your (or any subsequent developers) responsibility to ensure that the terms of all conditions are met in full at the appropriate time (as outlined in the specific condition).

The commencement of development without firstly meeting in full the terms of any conditions that require the submission of details prior to the commencement of development will constitute unauthorised development. This will necessitate the submission of a further application to retain the unauthorised development and may render you liable to formal enforcement action.

Failure on the part of the developer to observe the requirements of any other conditions could result in the Council pursuing formal enforcement action in the form of a Breach of Condition Notice.



2013/01279/OUT

01 February 2016

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