

APPLICANT: Taylor Wimpey Plc c/o Agent

AGENT: Paul Williams Savills,, 12, Windsor Place,, Cardiff,, CF10 3BY

Land West of Swanbridge Road, Sully

Residential development of up to 190 units with associated access and associated works

REASON FOR COMMITTEE DETERMINATION

The application is required to be determined by Planning Committee under the Council's approved scheme of delegation because the application is of a scale and / or nature that is not covered by the scheme of delegation.

EXECUTIVE SUMMARY

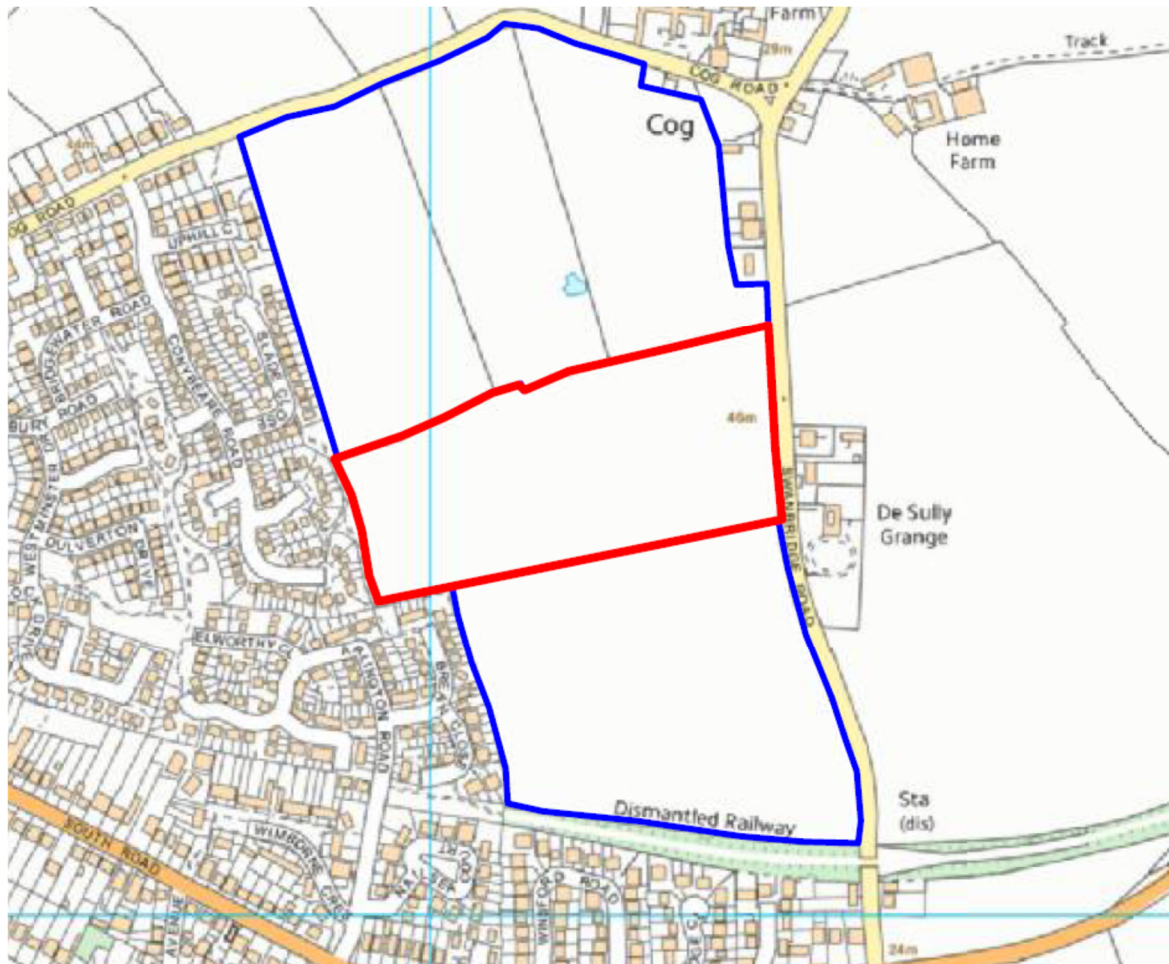
The application is for the construction of 190 dwellings at land west of Swanbridge Road, Sully. It is an outline application with all matters reserved. The site forms part of a housing allocation listed in Policy MG2 of the Council's Local Development Plan; the other part of the allocation already has outline planning permission (application 2013/01279/OUT). Vehicular access into the site would be through the northern part of the allocation and there is no direct vehicular access from this site to Swanbridge Road. The application also includes provision for a new cycleway/footway along Swanbridge Road.

The main issues are the principle of the development, visual impact, highway/pedestrian safety and traffic, impact on residential amenity, ecology, archaeology, drainage, impacts on the tenant farm, agricultural land quality and trees/hedgerows.

Approximately 100 objections have been received, including strong objections from Sully Community Council on grounds relating to visual impact, loss of agricultural land, highways impacts, lack of infrastructure in the village, drainage concerns and landscape/biodiversity impacts. The application is recommended for approval, subject to conditions and a Section 106 legal agreement.

SITE AND CONTEXT

The application site is land to the west of Swanbridge Road, Sully, and lies adjacent to the eastern part of the village. The site measures approximately 400m wide x 160m deep and comprises agricultural fields (6.5 hectares in area). It is shown in red on the site plan below, in the context of the village:



The site is bounded by Swanbridge Road to the east, existing dwellings to the west, fields to the south, and fields to the north. The application site forms part of a housing allocation under policy MG2(37) of the Vale of Glamorgan Adopted Unitary Development Plan 1996-2011 (LDP). The fields to the north of this application site (outlined in blue) form the remainder of the housing allocation. The allocation as a whole is approximately 20 hectares in size, and this site comprises approximately 6.5 hectares (about one third of the whole allocation). Planning permission has been granted in outline for the residential development of the land to the north.

The land in blue to the south of the site is other land in the control/ownership of the applicant, but it does not form part of this application, or the LDP allocation. There is a further small cluster of dwellings to the east of the site on the other side of Swanbridge Road.

There is a group of protected sycamore trees at the site's south east corner (TPO (No. 14) 2013).

DESCRIPTION OF DEVELOPMENT

The application is in outline for up to 190 dwellings, with all matters reserved. Nevertheless, indicative details have been submitted which include the access point from the northern part of the allocation, and a potential layout:

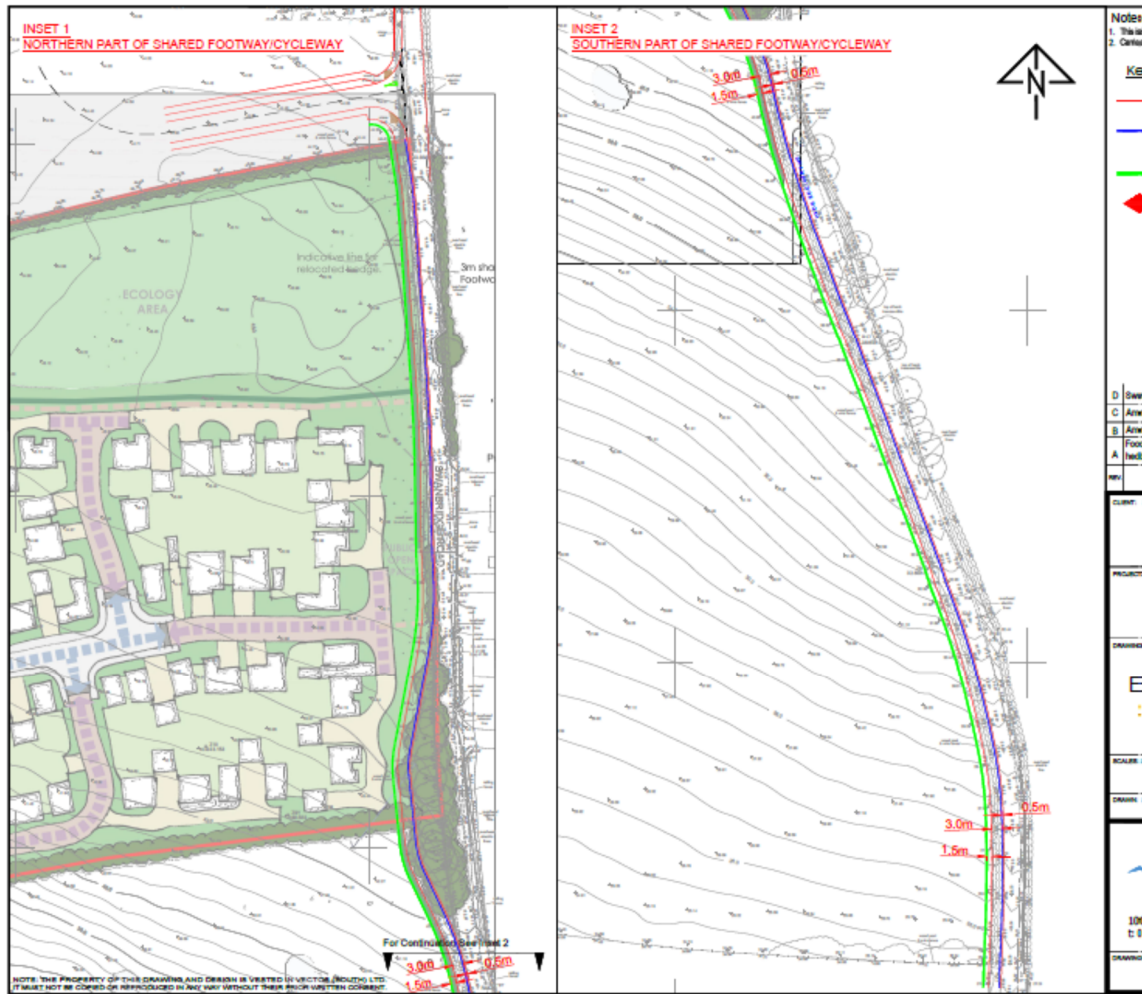


The site would only be accessed through the other part of the residential allocation and there would be no direct vehicular access to Swanbridge Road.

The Design and Access Statement includes scale parameters which propose two-three storey houses of between 4.5m and 6m wide, between 7m and 7.5m deep, with eaves heights of up to 7m and 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 in the north eastern part of the site due to ecological constraints (see ecology section below).

The proposal also involves the provision of a cycleway/footway between the site and the railway bridge to the south, approximately 300m away. The cycleway/footway would also extend across the site's frontage with Swanbridge Road and connect to the vehicular site access into the northern part of the allocation. It would be 3m in width and a relocated/replanted hedge would then be located behind the footway.

The land to the south of the residential allocation lies outside of the allocation, but it is land within the applicant's control. The footway (that is the subject of this application) would terminate at the railway bridge, given that the applicant does not control the land further south between the railway bridge and South Road. The indicative footway plan is shown below:



PLANNING HISTORY

Planning History: 2013/00489/SC1, Address: Land west of Swanbridge Road, Sully, Proposal: Residential development, Decision: Environmental Impact Assessment (Screening) - Required

2016/01086/SC1, Address: Land west of Swanbridge Road, Sully, Proposal: Screening opinion in respect of proposed residential development, Decision: Withdrawn,

2013/01279/OUT- Outline application for residential development- Approved.

Application 2013/01279/OUT adjoins this application site and comprises the other half of a Local Development Plan housing allocation.

CONSULTATIONS

Sully Community Council- raised objections to the original plans and the grounds are summarised as follows:

- A detrimental impact on the hamlet of Cog and its listed buildings.
- Loss of agricultural land and impact on the tenant farmer.
- Inadequate highway infrastructure.
- Congestion on the roads.

- Inadequate infrastructure within Sully (public transport and employment opportunities).
- Inadequate capacity in schools.
- Overloading of the sewerage network.
- Adverse impact on protected species.
- Lack of medical facilities in the area.

Further strong objections have been received to the amended plans, on the following grounds:

- Loss of mature hedgerow which may be protected.
- Adverse impact on pedestrian safety.
- Adverse impact on landscaping features and biodiversity.

Highway Development - have provided advice and comments throughout the application, having considered highway safety and traffic impacts. There is no objection subject to conditions relating to matters including the provision of the cycleway/footway, a Construction Traffic Management Plan, a green travel plan, 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 representations received.

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 a condition relating to the detail of how surface water would be drained from the site.

Shared Regulatory Services- No objection subject to contaminated land conditions.

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 – No objection subject to conditions relating to compliance with the reptile and bat recommendations contained in the submitted survey reports and mitigation strategy, and the submission of a plan for biodiversity conservation / enhancement.

Waste Management - No representations received.

South Wales Police have provided in respect of crime prevention and have recommended crime prevention features for the detailed development (relating to locks, windows, doors, overlooking of spaces etc).

The Council's Affordable Housing Enabler - has raised no objection subject to 40% affordable housing being provided.

Local Ward Members - Councillor Penrose has sought clarification regarding the application being considered by Planning Committee and objections have been received from Councillor Mahoney on the following grounds:

- Overdevelopment of the site.
- Too many additional houses for the village.
- Lack of adequate infrastructure (particularly highway infrastructure).
- Lack of social infrastructure- doctors, dentists, schools.
- Overloading of sewerage system.
- Loss of valuable farming land.

Natural Resources Wales (NRW) – No objection subject to a condition requiring an updated mitigation method statement for Great Crested Newts and a legal agreement which secures the long term monitoring and management of ecological areas.

Glamorgan Gwent Archaeological Trust (GGAT) – no objection subject to a condition which requires the approval of a written scheme of historic environment mitigation, and then the carrying out of that work.

Wales and West Utilities have responded to provide advice in respect of the location of their facilities. None appear to cross the site.

REPRESENTATIONS

The neighbouring properties were consulted and the application has been advertised on site and in the press. Approximately 100 letters of objection (approximately 50 from the initial consultation and approximately 50 from the amended plans re-consultation) have been received and the grounds are summarised as follows:

- Adverse impact on ecology and wildlife, including newts
- Inadequate mitigation for ecological impacts
- 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
- Exacerbation of flood risk
- Adverse impact on the condition of roads
- Loss of high quality agricultural land
- Inadequate local infrastructure, services and facilities- e.g. doctors.
- Inaccuracies in the submitted documents
- Adverse impact on the historic environment and archaeology
- The site is unsustainable
- 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
- Socio economic impacts

- Adverse impact on highway and pedestrian safety
- Pollution and noise
- Invasion of privacy
- Inadequate drainage facilities
- Wrong location for affordable housing
- Danger to pedestrians and school children
- Road network is inadequate
- Insufficient employment opportunities
- Loss of village character- excessive increase in size
- Adverse impact on air quality and the environment
- More dwellings proposed than allocated in the LDP.
- Adverse impact on hedgerows.
- New cycleway/footway would be unsafe
- Emissions
- Poor water pressure
- Loss of view
- Coalescence of Sully and Cog- loss of identity of Cog

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

REPORT

Planning Policies and Guidance

Local 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 Local Development Plan 2011-2026, which was formally adopted by the Council on 28 June 2017, and within which the following policies are of relevance:

Strategic Policies:

POLICY SP1 – Delivering the Strategy
 POLICY SP3 – Residential Requirement
 POLICY SP4 – Affordable Housing Provision
 POLICY SP7– Transportation
 POLICY SP10 – Built and Natural Environment

Managing Growth Policies:

POLICY MG1 – Housing Supply in the Vale of Glamorgan
 POLICY MG2 – Housing Allocations
 POLICY MG4 – Affordable Housing
 POLICY MG20 – Nationally Protected Sites and Species

Managing Development Policies:

POLICY MD1 - Location of New Development

POLICY MD2 - Design of New Development
POLICY MD3 - Provision for Open Space
POLICY MD4 - Community Infrastructure and Planning Obligations
POLICY MD5 - Development within Settlement Boundaries
POLICY MD6 - Housing Densities
POLICY MD7 - Environmental Protection
POLICY MD8 - Historic Environment
POLICY MD9 - Promoting Biodiversity

In addition to the Adopted LDP the following policy, guidance and documentation supports the relevant LDP policies.

Planning Policy Wales:

National planning policy in the form of Planning Policy Wales (Edition 9, 2016) (PPW) is of relevance to the determination of this application.

Chapter 4 of PPW deals with planning for sustainability – Chapter 4 is important as most other chapters of PPW refer back to it, part 4.2 in particular

Chapter 9 of PPW is of relevance in terms of the advice it provides regarding new housing.

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 12 – Design (2016)
- Technical Advice Note 13 – Tourism (1997)
- Technical Advice Note 14 – Coastal Planning (1998)
- Technical advice Note 15- Development and Flood Risk
- Technical Advice Note 16 - Sport, Recreation and Open Space (2009)
- Technical Advice Note 18 – Transport (2007)
- Technical Advice Note 24 – The Historic Environment (2017)

Supplementary Planning Guidance:

In addition to the adopted Local Development Plan, the Council has approved Supplementary Planning Guidance (SPG). Some SPG documents refer to previous adopted UDP policies and to ensure conformity with LDP policies, a review will be carried out as soon as is practicable following adoption of the LDP. The Council considers that the content and guidance of the adopted SPGs remains relevant and has approved the continued use of these SPGs as material considerations in the determination of planning applications until they are replaced or otherwise withdrawn. The following SPG are of relevance:

- Affordable Housing (2018)
- Biodiversity and Development (2018)
- Parking Standards (Interactive Parking Standards Zones Map)
- Planning Obligations (2017)
- Public Art in New Development (2018)
- Residential and Householder Development (2018)
- Sustainable Development - A Developer's Guide
- Travel Plan (2018)
- Trees, Woodlands, hedgerows and Development (2018)

Other relevant evidence or policy guidance:

- Manual for Streets (Welsh Assembly Government, DCLG and DfT - March 2007)
- Welsh Government Circular 016/2014: The Use of Planning Conditions for Development Management
- 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)

Well-being of Future Generations (Wales) Act 2015

The Well-being of Future Generations Act (Wales) 2015 places a duty on the Council to take reasonable steps in exercising its functions to meet its sustainable development (or wellbeing) objectives. This report has been prepared in consideration of the Council's duty and the "sustainable development principle", as set out in the 2015 Act. In reaching the recommendation set out below, the Council has sought to ensure that the needs of the present are met without compromising the ability of future generations to meet their own needs.

Issues

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

- The principle of the development.
- Density of the development.
- Visual impact of the development within the wider landscape.
- Impact on the character of the village.
- Impacts on the historic environment.
- 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.
- Trees and hedgerows.
- S106 Planning Obligations to mitigate the impact of development (to include affordable housing provision).

Principle of the Development

When planning application 2013/01279/OUT (relating to the northern part of the allocation) was approved, the Local Development Plan (LDP) had not been adopted and consequently, the assessment of the principle of the development relied upon a careful balance of a number of issues relating to 'prematurity' and the status/stage of progression of the LDP. It was concluded in that case that the material considerations weighed in favour of approving the application.

Since that time the LDP has been adopted and the site lies within part of one of the policy MG2 allocations as well as the settlement boundary for the village. Consequently, a proposed residential development is considered acceptable in principle. The application proposes 190 dwellings which, in addition to the 350 proposed in the northern part of the allocation, would result in a total of 540. While that exceeds the 500 envisaged in the LDP, that does not automatically infer that the development is unacceptable, rather an assessment of the specific impacts associated with that number of dwellings is required and carried out below.

The density of the development

The application proposes up to 190 units over an area of approximately 6.5 hectares, and this equates to approximately 29.3 units per hectare, which is very slightly under the density of 30 units per hectare set out in policy MD6 for primary settlements. However, the policy refers to a 'net' density of 30 dwellings per hectare and, without the undevelopable ecology area, the density of the developable areas would exceed 30 per hectare. This density would therefore accord with policy MD6 and would ensure that the land is developed efficiently. As noted above, the allocation as a whole would potentially accommodate 540 units and it would be for the developer to demonstrate at reserved matters stage that an acceptable layout and design could be achieved while accommodating that number. Notwithstanding the ecology areas, it should be noted that 540 units across 20 hectares (the size of the whole allocation) amounts to 27 per hectare and it is considered that the total number would not be unduly dense or represent fundamental overdevelopment of the site in principle.

Visual impact of the Development within the Wider Landscape

It is accepted that the proposed development would fundamentally alter the character of the land, however, 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 and an approved residential development to the north (albeit not yet constructed). It is enclosed by Swanbridge Road to the east and it is considered that this highway and the adjacent developments represent logical, physical and defensible boundaries to the site. While the development and the remainder of the allocation extend 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 the allocation is bounded by Cog Road). Consequently, it is considered that the site would appear as a logical extension/expansion of the existing village, in terms of the wider built form/shape of the settlement.

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 site. 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. 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. The northern part of the allocation would have limited landscape views from Dinas Powys Common for example, however, the topography is such that this application site would be screened.

Therefore, given the relationship of the site to the existing pattern of development in the village and the fact that the site is closely related to existing/approved residential developments to the west, north and (to a lesser degree) the south, it is considered that the development would not have an unacceptable impact on the character of the wider area. Notwithstanding this and as noted above, the site is within the village settlement boundary (and not countryside) and this wider landscape impact was also assessed through the LDP site selection process.

Impact on the character/form 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 allocation as a whole 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. 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.

The visual impact of the proposed cycleway/footway works is considered below in the highways section of the report.

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

The appraisal of application 2013/01279/OUT involved a careful assessment of the impacts upon the setting of a number of listed buildings that lie close to the north eastern part of the allocation. This site is located some 150m south of the nearest listed building at Cog and it is considered that this part of the allocation would not be viewed in the same visual envelope as those listed buildings. Having regard to the distance between the site and the listed buildings, the topography and the intervening dwellings that would be sited in the northern part of the allocation, this development would not have an adverse impact on the character and setting of the listed buildings (and County Treasures). It is, therefore, considered that the development would not conflict with Section 66(1) of the Planning (Listed Buildings and Conservation Areas) Act 1990, given that the setting would not be adversely affected. For reference, Section 66(1) reads 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.

The development would comply in this regard with policies SP10 and MD8 which seek to protect the historic environment.

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 singular vehicular link to the northern part of the allocation, pedestrian links through to the existing development to the west, pedestrian links to Swanbridge Road, a grid form of layout and parcels of open space.

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

The only vehicular access into the site would be from the northern part of the allocation and there are no direct vehicular links to Swanbridge Road or to the west of the site. The detail of the link to the northern part of the site (as an internal layout matter) would be dealt with at reserved matters stage. The access points in to the remainder of the allocation were considered acceptable when that outline application was assessed and there are conditions (on that permission) to control the detail of those junctions. Highway issues associated with internal road layout and parking would also be assessed at reserved matters stage.

Pedestrian/cycleway links

The indicative layout suggests at least two pedestrian links between this site and the northern part of the allocation, however, that would principally be a matter for the respective reserved matters applications.

The proposals include a cycleway/footway along the Swanbridge Road frontage and this would continue along the highway until the point of the railway bridge. The applicant has control of the land between the southern boundary of the site and the railway bridge, however, the land under the bridge and between the bridge and South Road lies outside of their control. Consequently the development cannot deliver a comprehensive link from the site to South Road, however, the proposed cycleway/footway would run for approximately 500m. There would be approximately 100m between the termination point of the cycleway/footway and South Road, and throughout that stretch there is intermittent highway verge.

When application 2013/01279/OUT was reported to Planning Committee it was not envisaged that a cycleway/footway would be provided along Swanbridge Road as part of the development. However, since the time of that application, Swanbridge Road has been identified as a potential Active Travel route and it forms part of the route on the Council's Integrated Network Map (INM) for the village. This means that the Council is working towards securing improved cycling and pedestrian facilities along this road and the provision of this cycleway/footway would significantly contribute towards those aspirations.

While the proposals would not result in a comprehensive link all the way to South Road, the 500m of new cycleway/footway would cover the majority of the route and it would represent a significant improvement to existing pedestrian and cycling facilities along Swanbridge Road. Presently there is no footway along this route and pedestrian journeys in particular would be unattractive, however, it is considered that this new provision would actively encourage walking and cycling journeys to and from the site, in support of sustainability objectives.

The cycleway/footway across the site frontage is considered to be a basic access requirement and this would be provided by the developer outside of Section 106 contributions, whereas the cost of the remainder between the site and the railway bridge would reasonably be funded from the sustainable transport contribution. The Highways Engineer has advised that the Council's Highways Section will work with Sustrans (a UK sustainable transport organisation) towards delivering a link south of the railway within the extent of the adopted highway. There is not presently a specific scheme designed, however, it appears that there is adequate width within the highway to accommodate a further footway link. Notwithstanding this, it is considered that the absence of a link for the first 100m would not be a significant deterrent to pedestrian and cycle movements, given the width of the carriageway, the degree to which it is overlooked by dwellings and the fact that it is less rural in character than the remainder of Swanbridge Road. It is possible that Section 106 contributions could assist with the delivery of this, however, the provision of this is not considered to be fundamentally essential to the acceptability of this application and consequently the Section 106 resolution does not contain a specific provision for this.

There is also an opportunity for a pedestrian link to be provided at the south west corner of the site, connecting through to the footpath at the rear of Kingsley Close. This route would take pedestrians through to the village centre and would represent an alternative to Swanbridge Road.

Having regard to the above, it is considered that the site would be served by strong and comprehensive pedestrian linkages to the existing footpath network and to services within the village, in accordance with the above policies.

Visual impact of the new cycleway/footway works

The provision of the new cycleway/footway would affect the rural character of Swanbridge Road; however, the character of this road will principally be altered by the housing allocation itself, which would adjoin most of its length between the site access and the railway bridge. While the cycleway/footway would further alter the existing character of the west side of this road, it is considered that in the context of the housing allocation that it would be serving, it would not have an unacceptable impact or appear at odds with its context (given that the road would no longer have the same appearance as a rural lane by virtue of the development as a whole).

The cycleway/footway would be adopted by the Council and consequently it will be lit. The hedge line will be re-located/re-planted at the back of the footway and that will serve to soften its impact (and that of the edge of the housing development). The section between the site and the railway would retain the traditional form of enclosure to the remaining fields. The cycleway/footway would take an alignment to the field side of the protected trees at the north eastern part of the site, and this would be a matter for detailed design to ensure that the surfacing does not adversely impact upon the health of the trees.

In summary, it is considered that subject to the re-planting of a hedgerow adjacent to the cycleway/footway and its appropriate lighting, this part of the development would not unacceptably impact upon the character of the area and any harm would be outweighed by the benefits in terms of pedestrian and cycle safety.

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 trips by alternative modes. While the previous application (2013/01279/OUT) only proposed 350 units on part of the allocation, it was accompanied by a TA which modelled the traffic for 500 units.

The Council's Highways Traffic Officer in that case raised no objection subject to works to increase capacity at the Cog Road/South Road junction and a contribution towards works to increase capacity at the McDonalds roundabout at the junction with Cardiff Road. This application would potentially result in an increase from 500 units to 540 in total and, therefore, it is necessary to consider the impacts of those additional 40 units.

The traffic modelling concludes that the 40 additional units are likely to result in 20 additional vehicle movements leaving the site in the AM peak hour and 24 additional movements in the PM peak hour. For the Cog Rd/South Road junction, this is estimated to result in an additional 10 vehicles per hour on the Cog Road approach arm in the AM peak (an average of one extra every 6 minutes). For the PM peak, the increase is 6 additional vehicles, which equates to 1 vehicle every 10 minutes on average.

The Highways Engineer has considered the TA and accepts these findings, which conclude that there is no requirement for further works at the Cog Road/South Road junction, given the limited additional traffic that would occur across the peak hours. It should be noted that Condition 9 of planning permission 2013/01279/OUT requires the approval of the detail of the works at this junction and the approval of a phasing plan for their implementation.

In respect of the McDonalds roundabout, a scheme has preliminarily been identified by the Council to increase capacity. In the case of the last application, the development (of 350 units) would be responsible for a proportion of the 'over capacity' (12% in that case), and it was considered 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, a contribution of £24,000 was considered commensurate and the Council's Highways Engineer agreed that this was proportionate and reasonable. Based on 540 units, the contribution would equate to £37,000 and the applicant has agreed to this.

It should also be noted that the developer agreed to a sustainable transport contribution of £700,000 for application 2013/01279/OUT and has agreed to a contribution of £418,000 for this development. The TA and modelling does not factor in a traffic reduction as a consequence of a modal shift and it is considered that this substantial contribution would significantly improve sustainable transport and pedestrian facilities serving the development and the village. Therefore, it would not be unreasonable to assume that there would be an impact in terms of modal choice. In the interests of robustness, this has not been taken into account, but it is relevant to note that any such shift would decrease the number of private vehicle trips and would also partially mitigate against capacity issues

Therefore, subject to the works being carried out to the Cog Road/South Road junction 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 demonstrates 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

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

In response of the original TA with application 2013/01279/OUT, 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 with that application, 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 referred to the scope for improvements to existing pedestrian crossings and pedestrian infrastructure generally, which would both encourage safe pedestrian use and calm traffic (to include the new cycleway/footway along Swanbridge Road).

A contribution of £1,118,000 towards sustainable transport facilities is proposed in total across the allocation and this can be used towards a number of the measures to improve pedestrian and other sustainable transport facilities.

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 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.

Impact on residential amenity of existing residents

There are existing dwellings adjoining the site to the west, across Swanbridge Road to the east and adjacent to phase 1 to the 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 a Construction Environmental Management Plan condition is recommended (Condition 14), which would minimise impacts during the construction period. A Construction Traffic Management Plan (see condition 17) would also mitigate against impacts during the construction phase.

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 MD2 of the LDP.

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 to other settlements 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 potentially 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. 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 remaining points of objection have been addressed within this report.

Drainage, flood risk and water supply

The application site does not lie within a zone that has a high risk of flooding and Natural Resources Wales have not raised any objections in respect of flooding. The Flood Maps from Natural Resources Wales show the 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 (compared to much of its surroundings) and is some distance from watercourses.

Nevertheless, a Flood Consequence Assessment (FCA) has been submitted with this application and it concludes that the development would not be at unacceptable flood risk or result in unacceptable flood risk to other areas. It concludes that:

- There are no known historical flood incident records for the site.
- The site is located in DAM Zone A – little or no risk of fluvial or tidal flooding.
- All sources of flooding have been assessed to represent a negligible or low risk.
- No specific flood mitigation is required to protect the site from flood sources.

The FCA suggests that the extent of surface water flooding is marginal across the site and notes that there is a drainage ditch the south western boundary of the site which discharges to a public sewer. The FCA assumes that rainfall that fails to

infiltrate drains to this ditch. While infiltration tests have not yet been carried out, it is apparent that in this location there is insufficient capacity within the soils and the drainage ditch to take the volume of water generated by the site. The FCA assumes that infiltration is not a viable option for surface water disposal due to this being the outcome for Phase 1 of the development on land immediately north of this site. Nevertheless, in accordance with appropriate guidelines, infiltration should be considered as the primary method of surface water disposal prior to any other method being considered. Therefore, the Council's Drainage Engineer has stated that prior to a drainage strategy being approved, evidence of porosity testing needs to be submitted.

The surface water strategy submitted within the FCA indicates that surface water will ultimately drain via the existing drainage ditch at the south west corner of the site. The Council's Drainage Engineer has also advised that prior to work commencing on site, consideration should be given to the capacity of the existing ditch to take flows into the existing public sewer, even at a restricted discharge rate.

The surface water strategy indicates that prior to draining to the existing ditch on the site, surface water shall be attenuated via a two-tier attenuation basin. This basin would either allow for infiltration or allow for a 'transient environment' in the lower tier which is suitable for wetland flora and fauna. It is proposed that the attenuation basin would not be positioned at the lowest point of the development site to allow for natural gravity drainage to the existing ditch on site. This means that land to the south of the attenuation pond would be raised to allow for natural overland flows to drain towards the attenuation basin on the site.

Notwithstanding these points, the Council's Drainage Engineer has raised no objection to the drainage strategy in principle, subject to a condition which requires a detailed scheme to be approved, including details of infiltration testing and the future management of the system (Condition 18).

In terms of foul sewerage, Dwr Cymru Welsh Water (DCWW) has raised no objection on foul sewerage grounds, rather conditions are requested for full details of the drainage scheme to be agreed. While it is noted that representations have been received which question the capacity of the system, the Local Planning Authority must rely on the response provided by DCWW.

DCWW have also advised that a Hydraulic Modelling Assessment (HMA) will need to be undertaken to establish whether any work is required to ensure that the site can be served by an adequate water supply. It should be noted that DCWW do not object on these grounds.

Ecology

The application was initially accompanied by a Bat and Great Crested Newt Survey Report and a Reptile Mitigation Strategy, Ecological Appraisal and a Great Crested Newt Mitigation Statement. The Reptile Mitigation Strategy and Great Crested Newt Mitigation Statement have been updated following the amendments to the proposals to include the new cycleway/footway.

The bat activity surveys demonstrated that the site is used by a variety of foraging and commuting bat species, dominated by Common Pipistrelle with a small number of other species also recorded. The majority of bat activity was associated with the boundary hedgerows and the reports recommend that any development should seek to retain hedgerows where practicable in view of their use as foraging and commuting habitat. The hedgerow that separates this site from the land to the north would be retained and supplemented to increase its depth (save for the links through between the two phases). The Council's Ecologist raised no objection to the original consultation and Natural Resources Wales similarly raised no issues in respect of bats. Both have been re-consulted in respect of the amended proposals (that involve re-locating/re-planting hedgerow adjacent to the new cycleway/footway) and there is no objection to these works, subject to conditions (which will include provision for dark vegetated corridors for bats).

The Council's Ecologist has advised that it is likely that a small population of reptiles are present on site, and a Reptile Mitigation Strategy has been developed to address this issue. The Ecologist has requested a condition (see condition 25) to require the Reptile Mitigation Strategy to be implemented.

A population of Great Crested Newts (GCN) has been recorded in 2013 and again in 2018 in the pond that lies in the phase of the allocation to the north of this site. The reports recommend the retention of the pond, an area around it and a connection to the hedgerow boundary to the south, to provide continued breeding and terrestrial habitat for Great Crested Newts.

NRW's initial response raised no objection and requested a condition for an updated Mitigation Method Statement for Great Crested Newts, to ensure specific mitigation measures are implemented, including: the size of the habitat area, details of additional areas of scrub planting, measures and/or alterations to the design of the retained habitat area to minimise the potential disturbance to the pond, and details of measures/commitments to monitor and manage the vegetation within the pond. NRW also requested that the Section 106 Legal Agreement contain provision to secure the long-term management of the retained habitat area as set out in the mitigation method statement.

NRW were re-consulted on the amended proposals, principally because the new cycleway/footway would break through the hedge at its eastern point. The amended proposal was also accompanied by an updated GCN mitigation method statement, which sought to provide the additional information listed by NRW in their first response.

NRW do not raise objection to the amendments in principle, however, the mitigation method statement will require updating further to include a revised drawing of the habitats to be created within the Ecological Areas. NRW have advised that this should include additional areas of scrub planting and/or habitat features that provide suitable resting places for great crested newts between the pond and scrub habitats on the boundary of the Ecological Area.

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 allocated 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 that the development would not be detrimental to the maintenance of the favourable conservation status of Great Crested Newts

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 Policies MG20 and MD9 of the LDP.

Trees and hedgerows

The application site contains protected sycamore trees at the south east corner. The proposals do not suggest removal of these trees and it is considered that the detailed site layout can be designed to ensure their retention. The proposed cycleway/footway would run past the group; however, this can be designed to ensure it does not adversely affect the health of the trees. The body of the site is generally devoid of trees.

The existing hedgerow that separates this site from the remainder of the allocation is to be supplemented (principally for ecology reasons) and while there would be breaks through for vehicular access between phases and for the cycleway/footway, it would remain a strong landscaping feature. The new hedgerow along Swanbridge Road would preserve the visual effect that this landscape feature has, albeit its new alignment would be set further back from the highway.

A condition to require details 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 (condition 9) and subject to this, it is considered that the development would not unacceptably impact upon trees and hedgerows.

Archaeology

Glamorgan Gwent Archaeological Trust (GGAT) has 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 this area. A geophysical survey has been carried out, which shows little evidence of human activity, however, given the tangible evidence of prehistoric occupation, GGAT have advised that it would be unsafe to make assumptions based on one geophysical methodology alone, particularly in respect of a negative result. In addition, there is substantial evidence of Medieval and Post-Medieval activity in and around the immediate area of the property, as evidenced by a number of Listed buildings. Consequently, GGAT have advised that there is a substantial likelihood that important archaeological remains from the prehistoric period may be present within the project area.

Consequently, GGAT have requested a condition (see condition 12) to require the developer to submit a written scheme of historic environment mitigation and then carry out the approved scheme of work. It should be noted that GGAT have not requested further investigative work in advance of the application being determined.

Agricultural land quality

Policies MD1 and MD7 of the LDP require developments to ensure no unacceptable loss of the best and most versatile agricultural land (Grades 1, 2 and 3A).

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 categories that are generally afforded protection.

It is, therefore, considered that the development would not unacceptably or irreversibly impact upon the best or most versatile agricultural land, in accordance with the above policies. This is also reflected in the fact that the site has been allocated for residential development in the LDP.

Impact of Development on the Existing Agricultural Holding and Tenants

The land is part of an agricultural holding and objections have been submitted regarding the impact on the tenant farm if the scheme were to be approved.

The enterprise as a whole extends to some 1000 hectares (albeit not at/adjacent to this site) and it is considered that the application site affects a very small proportion of that (less than 1% of the land). It is considered that the impact upon workload/labour requirement will be relatively minor and the financial impact would not be considerable.

It is also 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 semi-rural context that they are moving into and the site itself is not directly adjacent to farm buildings.

In summary, it is considered that the proposed development would not impact so significantly on a tenant's 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.

Planning Obligations

Supplementary Planning Guidance (SPGs) on Planning Obligations (adopted July 2018) and Affordable Housing (February 2018) provide the local policy basis for seeking planning obligations through Section 106 Agreements in the Vale of Glamorgan. They set thresholds for when obligations will be sought and indicate how they may be calculated. However, each case must be considered on its own planning merits having regard to all relevant material circumstances.

Given that this application was received in November 2016 (well before the adoption of the current SPGs), the financial obligations have been assessed against the previous formulae values set within those SPG at the time that the amounts were agreed. This is considered appropriate given how advanced negotiations had progressed and given that the applicant had agreed to those contributions at that point in time.

The application seeks permission for the construction of 190 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 planning obligations are 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.

LDP Policy MG4 requires 40% of residential developments in Sully to be affordable. The Council's Affordable Housing Enabler has confirmed that the required tenure split is 70% social rented and 30% Low Cost Home Ownership (LCHO). That amounts to 76 dwellings out of the 190 being affordable, of which 54 would be social rented and 22 would be LCHO. The applicant has agreed to this requirement.

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. This will principally be a matter for the reserved matters application.

Education Facilities:

LDP Policy MD5 requires developments to make appropriate provision for community infrastructure to meet the needs of future occupiers, and educational facilities are listed as such community infrastructure in policy MD4. 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 indicates that the development of 190 dwellings would generate the need for education facilities for 18 nursery school age children, 50 primary school age children, 39 secondary (aged 11-16) school age children and 7 secondary (aged post-16). Consequently, the Council has requested the following Section 106 contributions for education facilities, which the applicant has agreed to:

- Nursery - £314,028 (18 x £17,446)
- Primary - £872,300 (50 x £17,446)
- Secondary (11-16)- £1,025,271 (39 x £26,289)
- Secondary (16-18) - £199,577 (7 x £28,511)

Total £2,411,176

Sustainable Transport

Local and national policy supports, in principle, developments 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. 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 would 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 driven 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 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 £418,000 was sought (based on 190 dwellings), as the basic contribution required to off-set the impacts of the development.

This could be spent on (for example) part of the new cycleway/footway along Swanbridge Road, improving existing pedestrian routes between the site and the village centre, (and between the site and 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 the 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 (£2,200 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

Policy MD2 of the LDP requires open space to be provided in accordance with the Council's standards, and these are set out in the Planning Obligations SPG and policy MD3, as follows:

1. Outdoor sports provision at 1.6 hectares per 1,000 population
2. Children's equipped play space at 0.25 hectares per 1,000 population
3. Informal play space at 0.55 hectares per 1,000 population

Based on the Council's Planning Obligations SPG, the development of 190 dwellings creates the need for 10,579 sqm of open space, including 1102sqm of equipped children's play space and 2424sqm 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 policies MD2 and MD3. 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

Policy MD5 of the LDP permits new residential development where, amongst other things, appropriate provision for community infrastructure is made to meet the needs of future occupiers.

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. It requires community facilities to be provided at a ratio of 0.74m² per dwelling or alternatively a contribution of £1208 per dwelling towards the provision of community facilities.

Officers are aware that existing community facilities in the ward are potentially under threat, in terms of their long term viability. For example, the planning 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 the 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 (as opposed to delivering a community facility on site). 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 £229,520 based on 190 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 £26,600.

CONCLUSION

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 policies SP1 – Delivering the Strategy, SP3 – Residential Requirement, SP4 – Affordable Housing Provision, SP7– Transportation, SP10 – Built and Natural Environment, MG1 – Housing Supply in the Vale of Glamorgan, MG2 – Housing Allocations, MG4 – Affordable Housing, MG20 – Nationally Protected Sites and Species, MD1 - Location of New Development, MD2 - Design of New Development, MD3 - Provision for Open Space, MD4 - Community Infrastructure and Planning Obligations, MD5 - Development within Settlement Boundaries, MD6 - Housing Densities, MD7 - Environmental Protection, MD8 - Historic Environment and MD9 - Promoting Biodiversity of the Vale of Glamorgan Adopted Local Development Plan 2011-2026, the advice with Planning Policy Wales, Technical Advice Notes 1, 2, 5, 12, 16, 18 and 24 and the advice in the Council's SPG on Affordable Housing, Biodiversity and Development, Parking Standards, Planning Obligations, Public Art in New Development, Residential and Householder Development, Sustainable Development - A Developer's Guide, Travel Plans and Trees, Woodlands, Hedgerows and Development, Manual for Streets (Welsh Assembly Government, DCLG and DfT - March 2007), Welsh Government Circular 016/2014: The Use of Planning Conditions for Development Management, 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 and Welsh Office Circular 61/96 - Planning and the Historic Environment: Historic Buildings and Conservation Areas (as amended), it is considered that the development is acceptable in respect of the principle of the use, visual impact, highway/pedestrian safety and traffic, impact on residential amenity, ecology, archaeology, drainage, impacts on the tenant farm, agricultural land quality and trees/hedgerows

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 76 (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 Low-Cost Home Ownership properties.
- Pay a contribution of £2200 per residential unit towards sustainable transport facilities in the vicinity of the site, minus the costs of providing a cycleway/footway between the south east corner of the site and the railway bridge to the south, where the construction costs shall be fully detailed and submitted to and approved 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 procurement/provision of the cycleway/footway (referred to in the bullet point immediately above) between the vehicular access point on Swanbridge Road into the housing allocation and the railway bridge to the south, on the west side of Swanbridge 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. A Public Open Space contribution at a rate of £2551 per dwelling not provided for (based on a total requirement of 55.68m² of POS per dwelling).
- 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 £2,411,176 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 £1208 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.
- To pay a contribution of £13,000 towards off site highway works at the roundabout junction at Cardiff Road/Sully Moors Road (in addition to the £24,000 secured by the Section 106 agreement associated with application 2013/01279/OUT).
- Provision to secure the management of 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. 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 SP1 and MD2 of the Local Development Plan.

5. Prior to the commencement of the construction of any of the dwellings, a scheme, including details of the timing, for the provision and maintenance of the Public Open Space (including 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 Policy MD3 of the Local Development Plan.

6. 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.

Reason:

To ensure the delivery of Public Art on the site in accordance with the Council's Public Art Supplementary Planning Guidance, and to ensure compliance with Policy MD2 of the Local Development Plan.

7. Notwithstanding the submitted plans, full engineering details of the new vehicular / pedestrian access points in to the site, any new pedestrian footways and internal roads within the site, turning facilities and vision splays, sections, street lighting, surface water drainage and surface materials, shall be submitted to and approved in writing by the Local Planning Authority before the commencement of development. The development shall be implemented and maintained thereafter in accordance with the approved details.

Reason:

In the interests of highway safety in accord with Policies MD2 and MD5 of the Local Development Plan.

8. No dwelling shall be occupied until such time as that dwelling is served by a vehicular access route to the adopted highway at either Swanbridge Road or Cog Road.

Reason:

In order to ensure that the dwellings can be accessed appropriately and to ensure compliance with Policy MD2 of the Local Development Plan.

9. No development shall take place until there has been submitted to and approved in writing by the Local Planning Authority a scheme of landscaping. The scheme shall include indications of all existing trees (including spread and species) and hedgerows on the land, identify those to be retained and set out measures for their protection throughout the course of development.

Reason:

To safeguard local visual amenities, and to ensure compliance with the terms of Policies SP1 and MD2 of the Local Development Plan.

10. 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 5 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.

Reason:

To ensure satisfactory maintenance of the landscaped area to ensure compliance with Policies SP1 and MD2 of the Local Development Plan.

11. 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.

12. 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 and the programme and scheme shall be fully completed 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 SP1, SP10 and MD8 of the Local Development Plan.

13. No development shall commence until details of existing ground levels within and adjacent to the site and proposed finished ground and floor levels have been submitted to and approved in writing by the Local Planning Authority. The development shall be carried out in accordance with the approved details.

Reason:

To ensure that the visual amenity of the area is safeguarded, and to ensure the development accords with Policies SP1 (Delivering the Strategy) and

MD2 (Design of New Development) of the Local Development Plan.

14. No development shall commence, including any works of demolition, until a Construction Environment Management Plan (CEMP) has been submitted to, and approved in writing by, the Local Planning Authority. The CEMP shall include the following details:
- i) the parking of vehicles of site operatives and visitors;
 - ii) loading and unloading of plant and materials;
 - iii) storage of plant and materials used in constructing the development;
 - iv) the erection and maintenance of security hoarding;
 - v) wheel washing facilities;
 - vi) measures to control and mitigate the emission of dust, smoke, other airborne pollutants and dirt during construction;
 - vii) a scheme for recycling/disposing of waste resulting from demolition and construction works.
 - viii) hours of construction;
 - ix) lighting;
 - x) management, control and mitigation of noise and vibration;
 - xi) odour management and mitigation;
 - xii) any diesel and oil tank storage areas and bunds;
 - xiii) how the developer proposes to accord with the Considerate Constructors Scheme (www.considerateconstructorsscheme.org.uk) during the course of the construction of the development; and
 - xiii) a system for the management of complaints from local residents which will incorporate a reporting system.

The construction of the development shall be undertaken in accordance with the approved CEMP.

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 SP1 and MD7 of the Local Development Plan.

15. In the event that contamination is found at any time when carrying out the approved development that was not previously identified, it must be reported in writing within 2 days to the Local Planning Authority, all associated works must stop, and no further development shall take place unless otherwise agreed in writing until a scheme to deal with the contamination has been approved in writing by the Local Planning Authority. An investigation and risk assessment must be undertaken and where remediation is necessary, a remediation scheme and verification plan must be prepared and submitted to and approved in writing by the Local Planning Authority. Following completion of measures identified in the approved remediation scheme a verification report must be submitted to and approved in writing by the Local Planning Authority.

Reason:

In order to ensure that any contamination is appropriately dealt with and to ensure compliance with Policies MD2 and MD7 of the Local Development Plan.

16. Any topsoil (natural or manufactured), subsoil, aggregate (other than virgin quarry stone) or recycled aggregate material to be imported to the site shall be assessed for chemical or other potential contaminants in accordance with a scheme of investigation and sampling which shall be submitted to and approved in writing by the Local Planning Authority prior to its importation. Only material approved by the Local Planning Authority shall be imported. All measures specified in the approved scheme shall be undertaken in accordance with the relevant Code of Practice and Guidance Notes.

Reason:

To ensure that the safety of future occupiers is not prejudiced and to ensure the development accords with Policies MD2, MD5 and MD7 of the Local Development Plan.

17. Prior to the commencement of development, 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 and delivery 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 to meet the requirement of policies SP1 and MD2 of the Local Development Plan.

18. 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 details shall include details of infiltration testing and the future perpetual maintenance and management of the drainage system. 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 Policies SP1 and MD2 of the Local Development Plan.

19. 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 of 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 SP1 and MD2 of the LDP.

20. 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 open space areas within 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/use 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 Policies SP1, MD2 and MD9 of the Local Development Plan.

21. 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 in writing (with approval in writing by the Local Planning Authority) 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 MD9 of the Local Development Plan.

22. All means of enclosure associated with the development hereby approved shall be in accordance with a scheme to be submitted to and approved 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 the part of the development that they relate to being put into beneficial use.

Reason:

To safeguard local visual amenities, and to ensure compliance with the terms of Policy MD2 of the Local Development Plan.

23. 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 MD2 of the Local Development Plan.

24. Prior to the commencement of development, a plan for biodiversity conservation / enhancement shall be submitted to and approved in writing by the Local Planning Authority. The plan shall include biodiversity enhancement measures, including but not exclusively limited to: dark, vegetated bat flight paths around/through the site (provision of a lighting plan) gaps under fences and provision of bird nesting opportunities. The details approved shall thereafter be implemented and retained at all times.

Reason:

In the interests of ecology and to ensure compliance with Policy MD9 of the LDP.

25. The development shall be carried out in accordance with the recommendations and measures set out in the Soltys Brewster Reptile Mitigation Strategy July 2018 and Soltys Brewster Bat and Great Crested Newt Survey Report.

Reason:

In the interests of ecology and to ensure compliance with Policy MD9 of the Local Development Plan.

26. Prior to the commencement of development, an updated Great Crested Newt Mitigation Method Statement shall be submitted to and approved in writing by the Local Planning Authority. The development shall at all times thereafter be carried out and maintained in accordance with the approved Mitigation Method Statement.

Reason:

In the interests of ecology and to ensure compliance with Policy MD9 of the Local Development Plan.

NOTE:

- 1. Warning: An European protected species (EPS) Licence is required for this development.**
This planning permission does not provide consent to undertake works that require an EPS licence.
It is an offence to deliberately capture, kill or disturb EPS or to recklessly damage or destroy their breeding sites or resting places. If found guilty of any offences, you could be sent to prison for up to 6 months and/or receive an unlimited fine.
To undertake the works within the law, you can obtain further information on the need for a licence from Natural Resources Wales on 0300 065 3000 or at <https://naturalresources.wales/conservation-biodiversity-and-wildlife/european-protected-species/?lang=en>
- 2. This consent does not convey any authorisation that may be required to gain access onto land not within your ownership or control.**
- 3. 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.**
- 4. 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).**
- 5. 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).**
- 6. 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.**
- 7. The attention of the applicant is drawn to the fact that a public sewer may run 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.