

2015/00960/FUL Received on 6 October 2015

Bonvilston Vale Limited & Village Homes LLP C/o Agent.
Barton Willmore, Greyfriars House, Greyfriars Road, Cardiff, CF10 3AL

Land at Sycamore Cross, Pendoylan Lane and North of A48, Bonvilston

Development of 120 homes including affordable homes, new vehicle, pedestrian and cycle access, improvement works to Pendoylan Lane, regrading of site, drainage, landscape works, provision of public open space, demolition of existing modern timber stables and all 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 site as edged red comprises agricultural land of around 7.98 ha plus a section of the Pendoylan Lane from the junction with the A48 at Sycamore Cross towards the northern junction where the road splits to Pendoylan and Peterston Super Ely. The site lies adjacent to, but outside of the residential settlement for Bonvilston as defined in the Unitary Development Plan but is allocated for residential development in the Deposit Local Development Plan. The majority of the site also lies outside of the Bonvilston Conservation Area, although a small section which includes the outbuilding to the north of Sheep Court Farm is within the designated area. The site also lies close to two identified Special Landscape Areas, the Ely Valley and Ridge Slopes SLA to the east and the Nant Llancarfan SLA to the south. In addition there is a Tree Preservation Order relating to the western section of the site, TPO (No. 8) 1973. The Ely Valley Site of Special Scientific Interest (SSSI) is located approximately 1.8km to the north of the site.

This is an application for full planning permission for the construction of 120 No. dwellings, including affordable housing; the provision of public open space; a new vehicular access onto Pendoylan Lane; plus off-site highway improvement works.

To date objections to the application have been received from St Nicholas and Bonvilston Community Council; Pendoylan Community Council; Peterston Community Council; and St Georges and St Brides Community Council. In addition, the Council has received over 35 objections, including repeat objections following re-notification of amended plans.

This is an EIA application since the Council determined that an Environmental Impact Assessment was required following a screening request in 2014. Having regard to the key issues identified in Schedule 3 of the Regulations and WO Circular 11/99, it was concluded that the characteristics and location of the site made it a sensitive and vulnerable one and the potential impact of the development was such that an EIA was required.

Within this context the key issues are:-

- The principle of development bearing in mind the policy background, land quality, and other material considerations, including housing land supply and emerging policy.
- Design and visual impact, bearing in mind the setting of the Bonvilston Conservation Area and the countryside location adjacent to Special Landscape Areas.
- Public Open Space provision.
- Neighbouring and residential amenity.
- Highways and transportation, including parking provision.
- Ecology.
- Flood Risk and drainage.
- Archaeology and cultural heritage.
- Noise.
- Requirement for legal Obligations under S106 to mitigate the impacts of the development.

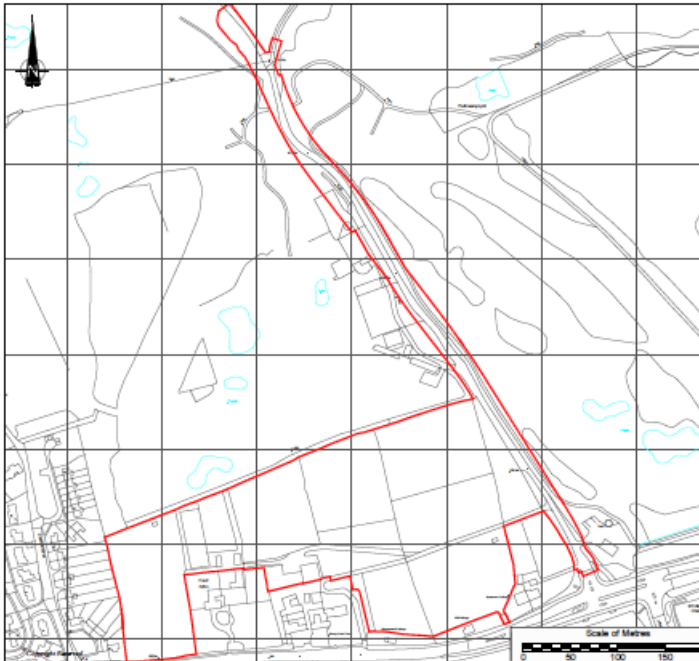
It is recommended that the application be APPROVED having regard to all the submitted environmental information in accordance with Section 3(2) of the Regulations, and subject to conditions, and a S106 legal agreement, relating to affordable housing; off-site highway improvements; off-site contribution to education; provision and maintenance of public open space; and a contribution to Welsh Water to increase foul sewage capacity.

SITE AND CONTEXT

The application site as edged red comprises agricultural land of around 7.98 ha plus a section of the Pendoylan Lane from the junction with the A48 at Sycamore Cross towards the northern junction where the road splits to Pendoylan and Peterston Super Ely. The agricultural land is made up of improved grassland subdivided by hedgerows and trees into a number of paddocks that are used for the grazing of horses. The ES has assessed the quality of the land and a soil survey has identified the land is of Agricultural Land Classification grades 2, 3a, 3b.

There are a number of existing buildings on the land, including, two modern stable blocks and a metal clad Dutch barn, plus a manege. An existing driveway to the rear of Sheep Court Farm is accessed onto the Pendoylan land to the east.

There are existing residential properties to the south and west of the site, including the residential barn conversions at Sheep Court Farm. To the north and east of the site is the Cottrel Park Golf Resort.



Site location plan

The site lies adjacent to, but outside of the residential settlement for Bonvilston as defined in the Unitary Development Plan but is allocated for residential development in the Deposit Local Development Plan (as amended). The majority of the site also lies outside of the Bonvilston Conservation Area, although a small section which includes the outbuilding to the north of Sheep Court Farm is within the designated area. The site also lies close to two identified Special Landscape Areas, the Ely Valley and Ridge Slopes SLA to the east and the Nant Llancarfan SLA to the south. In addition there is a Tree Preservation Order relating to the western section of the site, TPO (No. 8) 1973. The Ely Valley Site of Special Scientific Interest (SSSI) is located approximately 1.8km to the north of the site.

DESCRIPTION OF DEVELOPMENT

This is an application for full planning permission for the construction of 120 No. dwellings, including affordable housing; the provision of public open space; a new vehicular access onto Pendoylan lane; plus off-site highway improvement works.

The proposed layout of the site makes use of the existing field hedgerows and trees, which form a key component in the “green infrastructure” led approach to the design of the layout. The proposal will provide for four defined areas of Public Open Space (POS). These include, an area towards the eastern side of the site close to the new access, measuring 0.22 ha and providing a Local Area of Play (LAP); a central area of 0.12 ha; an area to the south close to Sheep Court Cottage and Sheep Court Farm, 0.07ha with a LAP; and the largest area in the south western corner of the site of 0.43 ha, which will include provision of a 37m x 55m playing surface (junior sports pitch), a LAP, and an equipped play area (LEAP).



Proposed site layout

A new vehicular access will be provided on the eastern end of the site onto Pendoylan lane. Internal access roads will be a mix of an adoptable carriageway through the site, 5.5m wide with 2m footpaths both sides, and private shared surfaces to small cul-de-sacs. A footpath link to the A48 will be provided in the south western corner. On site car parking will be provided in a mix of garaging, driveway, forecourt, lay-by and communal parking area.

The off-site highway works will include a 2.5m wide footpath and cycle link to the A48, plus improvements to the north along Pendoylan Lane, and the safeguarding of land beyond that up to the northern junction to allow for future highway improvements.

The proposed housing will provide for 96 No. open market housing and apartments, comprising eleven house types, providing 39 No. five bed houses, 36 No. four bed houses, 9 No. three bed houses, 4 No. two bed house and 8 No. one bed flats; and 24 No. affordable dwellings and apartments over five house types, providing 4 No. one bed flats, 14 No. two bed houses and 6 No. three bed houses. The various house types are traditional in design and include a mix of finishes, including render, stonework and tile hanging for both the market housing and affordable units. The affordable units are located in two areas within the site, one on the eastern boundary with Pendoylan lane, and the other more centrally on the eastern side of Sheepcourt Farm.

The proposed market housing generally has a traditional design approach, with 11 No. different house types. The development is mainly two storey with a mix of five, four, three and two bed houses, plus one bed flats. The houses are predominantly detached, however, there are several rows of terraces which reflect those existing in the village. With no presiding vernacular, influence has been taken from local materials, including stone and render. The house forms are diverse and include local features such as gables and dormer outshots, chimneys, porches and bays.

The design of the affordable housing reflects the approach taken for the market value housing designs. There are five differing designs types, with 4 No. one bed flats, 14 No. two bed houses and 6 No. three bed houses (6 No. low cost housing).



Examples of market housing house types



Examples of Affordable Housing house types

Supporting Documentation

The application has been identified as an Environmental Impact Assessment (EIA) application due to the scale and nature of the proposals and the location and characteristics of the site. As such an Environmental Statement has been provided. Members will note that the Non-technical Summary (NTS) of the environmental statement can be found at the following web link:

<http://vogonline.planning-register.co.uk/PlaRecord.aspx?AppNo=2015/00960/FUL>

The ES sets out the results of an Environmental Impact Assessment of the proposed development. The EIA process aims to ensure that any significant effects arising from a development are systematically identified, assessed and presented to help local planning authorities in determining planning applications. If measures are required to minimise or reduce effects then these should be clearly identified.

Following a screening request, reference 2014/01205/SC1, it was determined that an Environmental Impact Assessment was required. A further scoping request, reference 2014/01466/SC2, confirmed that the ES should covering the matters referred to in the scoping request. Thus the NTS considers the current conditions identified ('the baseline conditions'), and the potential effects of the development, and addresses the following matters:-

- Land use and soils
- Ecology and wildlife
- Archaeology and cultural heritage
- Landscape and visual impacts
- Geology and ground conditions
- Noise

The ES has been publicised in accordance with section 13 of the Town and Country Planning (Environmental Impact Assessment) (England and Wales) Regulations 1999 and Article 8 of the Town and Country Planning (Development Management Procedure) (Wales) Order 2012, with an initial press notice on 24 September 2015 in the Barry Gem, and on site notices on 20 October 2015.

The submitted documents include:

Environmental Statement and Technical Appendices, comprising Main Text, Drawing and Figures (July 2015), plus an Addendum to the Environmental Statement (October 2015) and a further Revision of 2015 Environmental Statement and 2015 Environmental Statement Addendum (Ecology) (May 2016).

Non-Technical Summary to Environmental Statement July 2015.

Design and Access Statement and Addendum January 2017.

Planning Statement 11 August 2015.

Transport Assessment Revision B August 2015.

Travel Plan Framework August 2015.

Flood Risk Assessment June 2015.

Drainage Strategy received 26 August 2015.

ArbTS Arboricultural Report July 2015.

Wardell Armstrong Arboricultural Report December 2014.

Members should note that this is not an exhaustive list of all documentation that has been submitted, but is intended as a guide as to the level of information and detail that has been submitted as part of the application.

PLANNING HISTORY

2014/01205/SC1 - Proposed residential development - Environmental Impact Assessment Screening Request - Required 3 November 2014.

2014/01466/SC2 – Proposed residential development - Environmental Impact Scoping opinion - No Further Information Required 8 April 2015.

Tree Preservation Order - TPO (No. 8) 1973 – Oak.

Relevant planning history on land adjoining site

2004/00187/FUL – Sheepcourt farm, located to the south of site - Conversion and alteration of existing farm outbuildings to provide three dwellings. Demolition of redundant outbuildings – Approved subject to conditions 30 July 2004.

2015/01030/FUL – Court Farm, located to south of site – Four detached dwellings – Withdrawn 12 January 2016.

2016/00258/FUL – Court Farm, located to south of site – Three detached dwellings – Refused 9 June 2016 for the following reasons:-

- “1. *The proposal represents an unjustified residential development in the countryside, appearing as a cramped, contrived and incongruous form of development, that will have a significant detrimental effect on the rural character and appearance of the site and its surroundings, including the spaciousness of the site, and its important tree coverage. As such the proposal would neither preserve nor enhance the character and appearance of the Bonvilston Conservation Area or its rural setting. It is therefore contrary to Policies ENV1-Development in the Countryside, ENV4-Special Landscape Areas, ENV10-Conservation of the Countryside, ENV11-Protection of Landscape Features, ENV17-Protection of Built and Historic Environment, ENV20-Development in Conservation Areas, ENV27-Design of New Developments, HOUS3-Dwellings in the Countryside, HOUS11-Residential Privacy and Space, and Strategic Policy 1-The Environment of the Vale of Glamorgan Adopted Unitary Development Plan 1996-2011; Supplementary Planning Guidance on Design in the Landscape, Trees and Development and the Bonvilston Conservation Area Appraisal and Management Plan; and national guidance contained in Planning Policy Wales, TAN10-Tree Preservation Orders, and TAN12-Design.*
2. *The proposal would have an unacceptable adverse impact on the residential amenities currently enjoyed by the occupants of existing properties contrary to Policies ENV27-Design of New Developments, and HOUS11-Residential Privacy and Space of the Vale of Glamorgan Adopted Unitary Development Plan 1996-2011; Supplementary Planning Guidance on Amenity Standards; and national guidance contained in Planning Policy Wales, TAN12-Design, and the Model Design Guide for Wales.”*

A subsequent appeal decision is awaited.

CONSULTATIONS

St. Nicholas and Bonvilston Community Council – Objection to the proposal on the following grounds:-

- Application premature and to consider before the LDP process is complete would be to ignore the detailed objections submitted and deny the community the right of representation.

- Development in the open countryside with the proposed development having a major negative impact on the existing character of the minor rural settlement of Bonvilston.
- Sustainability with limited local services, and a bus service that will encourage private car use. The Council's sustainability assessment suggests that the site is viable only if affordable housing is included, and the provision is below the required level of 40%.
- Scale of development, which would increase the core of the village by 89%, and at a density of 15 houses per hectare compared with 5.5 per hectare for the adjacent Conservation Area.
- Need with no net need for affordable houses in Bonvilston and the East vale.
- Access to the site, with the changes proposed to the north merely moving the traffic 'pinch' point.
- Public open space – the small size of the separate areas afford no substantial provision to support the development.
- Local facilities – substantial investment would be required to support the development.
- Public consultation – request that no weight is given to the questionnaire responses based on the 'closed question' nature of the form.
- Development timescale with no reference made in the application.

A full copy of the Community Council's comments is reproduced at **Appendix A**.

Pendolan Community Council – Support the objections of St Nicholas and Bonvilston Community Council. Their primary concern is the access to the site and the widening of the short section of country lane. They believe this will cause further difficulties for the residents of Pendoylan. They believe that the lane widening will create the illusion that the lane is suitable for access to the motorway. They also note that the application has been submitted prior to the agreement of the LDP, and the development will encroach into the countryside reducing green space and prime agricultural land. The housing density is more condensed than the existing community and would set a precedent for future green-space development.

St Georges and St Brides Community Council – Support the objections of St Nicholas and Bonvilston Community Council. Reference is made to prematurity in relation to the LDP, and further traffic difficulties at the junction.

Peterston Super Ely Community Council – Support the objections of St Nicholas and Bonvilston Community Council. Reference is made to the increase in traffic and associated highway problems and would like to see a proper traffic survey of the area.

Wenvoe Ward Member - No comments received to date.

Natural Resources Wales - No objections provided appropriate planning conditions and/or obligations that address a number of issues are attached to any planning permission. The issues raised relate to European Protected Species. They note from the ES that surveys have confirmed the presence of great crested newts in a number of ponds in close proximity. They highlight the legislative requirement in relation to European Protected Species in the Conservation of Habitats and Species Regulations 2010 and Planning Policy Wales and TAN5- Nature Conservation and Planning.

They welcome the principles of the mitigation measures proposed to conserve great crested newts and consider these measures provide an adequate basis upon which to make an informed assessment of the likely impact of the proposals on the favourable conservation status of the species. Notwithstanding this they advise that further detail will be required and suggest a number of conditions/S106 agreements, including:-

- A detailed great crested newt mitigation scheme to be submitted and agreed.
- A long term Management Plan for great crested newt habitats to be submitted and agreed.
- A monitoring scheme for great crested newt to be submitted and agreed.
- Details of financial measures to secure the above management and monitoring requirements.

They also advise that the applicant seek a European Protected Species licence from NRW before any works commence on site.

Dwr Cymru/Welsh Water – Have requested a number of conditions/advisory notes be attached to any consent. A full copy of the comments is reproduced at **Appendix B**, however, in summary the following observations are submitted.

The site would drain to Bonvilston East Wastewater Treatment Works which has limited capacity and would not be able to accommodate the foul flows deriving from the 120 units proposed. However, they have confirmed that they are able to accommodate 30 units in advance of any improvements to this asset.

The Feasibility Study of the WwTW commissioned by the applicants identified a solution to accommodate the site without detriment to the local environment. The most appropriate mechanism for securing the funding to deliver this solution at the WwTW is via a S106 Planning Obligation Agreement, of which Dŵr Cymru would be a signatory. Accordingly, subject to appropriate controls contained with a S106 Agreement which ensures the completion of the solution in advance of the communication of flows to the public sewerage network, they are content that an objection to this planning application can be removed. However, for the avoidance of doubt if the required works to upgrade Bonvilston WwTW's are not included within the Section 106 Agreement we would have no alternative but to object to the proposed development.

Notwithstanding the above and since the study was originally undertaken in June 2015, their preference would be to revisit the study and consider whether there are any possible improvements that can be made to the solution. Further, they recommend that a flow and load survey of the Works is undertaken now to provide greater assurance that the solution is appropriate. However, given the current position and timescales, provided the Authority and the Applicant are satisfied with the current solution then they support the inclusion of the current scope of improvement works within a S106 Planning Obligation Agreement. It is also confirmed that following completion of the scheme for the WwTW, any unspent funds would be returned to the Council. In addition they request a limitation of no more than 30 dwellings allowed to communicate with the public sewerage system.

As regards the satisfactory drainage of the site, they request a condition that no development commence until a full drainage scheme for the site is submitted and agreed. In addition advisory notes are requested in relation to the connection to the public sewer. Furthermore there is no objection in respect of a water supply to the development.

Glamorgan Gwent Archaeological Trust – They note that the site is on the line of a major Roman road and at the outskirts of a Medieval settlement, and therefore in an area that is likely to have been the focus for settlement or activity during these periods. As part of the ES an archaeological evaluation has been undertaken. The result was that no finds or features were encountered apart from one small undated pit.

They conclude that it is unlikely that the proposed development will encounter a buried archaeological resource and therefore have no objection to the application.

Crime Prevention Design Advisor – No objection to the application but makes a number of observations, including concerns over the excessive permeability of the site, with several direct links onto the golf course; and several plots designed with their side and rear gardens adjacent to footpaths making them vulnerable to burglaries. (It is noted that these comments refer to the earlier layout which envisaged a number of access points to the golf course). A number of recommendations are made, including, lighting to comply with BS 5489-1-2003; all homes are provided with defensible space to front; all parking areas to be overlooked and where possible on plot; residential road design to ensure maximum speeds no more than 20mph; public open space should be well overlooked; all pedestrian routes are well overlooked; excessive permeability should be avoided; and buildings are designed with security in mind, with secure rear gardens, ground floor windows and doors meeting PAS 24 2012 or equivalent, and external service meters.

SWALEC – Have been consulted on the application. No comments received to date.

The Council's Housing Strategy Section – Confirm there is a demonstrated need for affordable housing with considerable need in the Wenvoe and surrounding wards. On that basis they seek 40% affordable housing on-site equating to 48 No. units, with a tenure mix of 70% social rented and 30% intermediate, and with the expectation that these are pepper potted across the site to encourage integration and cohesion.

The Council's Ecology team - Support the findings and recommendations made in the Environmental Statements and therefore suggest a number of planning conditions to secure biodiversity protection measures outlined in the ES and other biodiversity conservation or enhancement measures. These include a request for a copy of the European Protected Species licence with the LPA having undertaken the three tests under the Habitat Regulations; site clearance to follow the methodology for reptiles identified in submitted survey work; sensitive site clearance for birds in accordance with recommendations; further survey work as identified for Japanese Knotweed; and a scheme for biodiversity and enhancement to be submitted and agreed.

The Council's Regulatory Services - Environmental Health – Recommend that the applicant submits a CEMP, with restriction on construction hours Monday to Friday 8am – 6pm, Saturday 8am – 1pm and no work on Sunday or Public Holidays. In addition no burning of any materials on site and any buildings to be demolished must be done in accordance with HSE guidance.

The Council's Highway Development team – Have submitted the following comments:-

In order to achieve the design parameters associated with the provision of the new junction serving the development and the highway improvement works Traffic Regulation Order will be required to be made to extend the speed limit of 40mph Northwards to a Point to be agreed with the Local highway Authority as part of the detailed design process together with additional Traffic Regulations within the junction area and along the improved section of highway to prevent in discriminant parking

The Highway Authority would inform the local Planning Authority that the “RED” line Boundary identified on drawing SCB/CAP 00-00-DR-CE-01 Rev P06 is based on achieving the alignment based on the width parameters on a horizontal plane with no surface water drainage strategy for dealing with surface run off from the highway and no Road signing proposals which could require additional land take outside the “RED” line boundary which needs to be allowed for with any proposed consent conditions.

In terms of the internal arrangements, the development has based the design parameters around Manual for Streets in order to reduce vehicular speeds and provide good sustainable links for pedestrian, cyclists, public transport facilities and the surrounding area.

No highway Objections would be raised to the proposals in **principle** subject to a number of conditions, including, the agreement of full engineering details (including drainage systems); no dwellings to be occupied until the internal estate roads have been provided and brought into full operational use; the proposed highway improvements along Pendoylan Lane for the full site frontage, inclusive of the site access for the first 20m shall be constructed and brought into use prior to beneficial occupation of the 1st dwelling, with the remaining length being constructed and brought into use before beneficial occupation of 2/3 of the total number of the development; the developer to enter into a legally binding agreement to secure the proper implementation of the proposed highway works along Pendoylan Lane; no obstructions inclusive of planting within the required vision splays; all parking area unless otherwise identified within drawing 3758-110 Rev F shall be surfaced in a bound material; no surface, roof water or other deleterious material from the site shall discharge or migrate onto the adopted highway; provision of a Construction Management/haulage route plan together with any Proposed Temporary Road Closures and other Temporary or Permanent Traffic Regulations required associated with the offsite Highway Improvement Works or the internal Roads; no Lorries shall deliver/leave the site during the peak am/pm hours and half hour either side of the times school commencing and ending; no materials whatsoever shall to deposited or stored within the limits of the adopted highway; provide and maintain facilities for wheel cleansing for the duration of the works; and the developer to carry out at their own cost a Condition survey prior to commencing any works, and a second along the agreed haulage route, with any remedial works identified undertaken.

The Council's Highways and Engineering section – Drainage – Note that the site is not located in a DAM zone at risk of tidal or fluvial flooding, and the NRW maps indicate that there is a very low flood risk across the site.

They refer to the submitted Flood Consequence Assessment and its findings and request a number of conditions, including, a scheme for surface water drainage; the scheme to identify existing surface water drainage and demonstrate that flows are maintained; and a written declaration detailing responsibility for the adoption and maintenance of all elements of the drainage system.

The Council's Strategic Property Estates section - No objection subject to Highways approval.

First Minister - Welsh Assembly Government – Has been notified of this EIA application.

Members please note that further consultations have been undertaken on 17th January (expiring on 7th February) regarding the most recent amended plans. If following the Committee meeting comments are received that are materially different from the comments summarised above the matter will be reported back to Planning Committee.

REPRESENTATIONS

The occupiers of neighbouring properties were initially notified of the application on 15 September 2015 and re-notified on the receipt of amended plans. In addition the application has been advertised in the press and on site, initially on 22 September and 20 October 2015 respectively, with re-advertising following receipt of amended plans. This includes advertisement as an EIA application.

To date the Council has received over 35 objections, including repeat objections following re-notification of amended plans. Whilst all the representations are available on file for Members inspection, the following is a summary of the concerns raised. In addition a sample of the representations are reproduced at **Appendix C** as being generally indicative of the points raised, which include:-

- Gross overdevelopment out of keeping with the village and would compromise community safety and lifestyle.
- Adverse impact on Bonvilston Conservation Area.
- 'Brownfield' site should be utilised first, with Llandow mentioned.
- Unsustainable development and site with lack of local employment and public transport.
- Local schools already oversubscribed.
- A significant increase in traffic, adversely affect the environment and highway safety.
- Proposed lane widening will not be sufficient to overcome existing difficulties.
- No housing shortage.
- Flood risk with surface water run-off already a problem.
- Local drainage problems.
- Impact to neighbour amenities including privacy and quiet enjoyment of property.
- Ecological impact with destruction of local habitat.
- Disruption during construction.
- Applicant's public consultation exercise was a sham.
- Ownership query re: line of boundary.
- Village has been dominated by wealthy landowner.

Alun Cairns MP has submitted a letter of objection to the proposed development, relating to the overwhelming scale of development in comparison to the existing village size; the irreversible impact on community life in the village; increase in traffic will cause disruption and could contribute to accidents; as a greenfield the plan will deprive a historic village and thriving community of a green piece of their countryside heritage; and site such as Bonvilston should not be considered while large brownfield sites within the authority go unexplored. A copy of the letter is reproduced at **Appendix D**.

Members please note that further consultations have been undertaken on 17th January (expiring on 7th February) regarding the most recent amended plans. If following the Committee meeting comments are received that are materially different from the comments summarised above the matter will be reported back to Planning Committee.

REPORT

Planning Policies and Guidance

Unitary Development Plan:

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

Strategic Policies:

- POLICIES 1 & 2 - THE ENVIRONMENT.
- POLICY 3 - HOUSING.
- POLICY 7 - TRANSPORTATION NETWORK IMPROVEMENT.
- POLICY 8 - TRANSPORTATION.
- POLICY 14 - COMMUNITY AND UTILITY FACILITIES.

Policy:

- POLICY ENV1 – DEVELOPMENT IN THE COUNTRYSIDE.
- POLICY ENV2 – AGRICULTURAL LAND.
- POLICY ENV4 – SPECIAL LANDSCAPE AREAS.
- POLICY ENV7 – WATER RESOURCES.
- POLICY ENV10 - CONSERVATION OF THE COUNTRYSIDE.
- POLICY ENV11 – PROTECTION OF LANDSCAPE FEATURES.
- POLICY ENV14 – NATIONAL SITES OF NATURE CONSERVATION IMPORTANCE.
- POLICY ENV15 – LOCAL SITES OF NATURE CONSERVATION SIGNIFICANCE.
- POLICY ENV16 – PROTECTED SPECIES.
- POLICY ENV17 - PROTECTION OF BUILT AND HISTORIC ENVIRONMENT.
- POLICY ENV18 – ARCHAEOLOGICAL FIELD EVALUATION.
- POLICY ENV19 – PRESERVATION OF ARCHAEOLOGICAL REMAINS.
- POLICY ENV20 – DEVELOPMENT IN CONSERVATION AREAS.
- POLICY ENV21 – DEMOLITION IN CONSERVATION AREAS.
- POLICY ENV27 – DESIGN OF NEW DEVELOPMENTS.
- POLICY ENV28 – ACCESS FOR DISABLED PEOPLE.
- POLICY ENV29 – PROTECTION OF ENVIRONMENTAL QUALITY.
- POLICY HOUS2 - ADDITIONAL RESIDENTIAL DEVELOPMENT.
- POLICY HOUS3 - DWELLINGS IN THE COUNTRYSIDE.
- POLICY HOUS8 - RESIDENTIAL DEVELOPMENT CRITERIA – POLICY HOUS 2 SETTLEMENTS.
- POLICY HOUS11 - RESIDENTIAL PRIVACY AND SPACE.
- POLICY HOUS12 - AFFORDABLE HOUSING.
- POLICY TRAN9 – CYCLING DEVELOPMENT.
- POLICY TRAN10 – PARKING.

POLICY REC3 – PROVISION OF OPEN SPACE WITHIN NEW RESIDENTIAL DEVELOPMENTS.
POLICY REC6 – CHILDREN’S PLAYING FACILITIES.
POLICY REC7 – SPORT AND LEISURE FACILITIES.

Whilst the UDP is the statutory development plan for the purposes of section 38 of the 2004 Act, some elements of the adopted Vale of Glamorgan Unitary Development Plan 1996-2011 are time expired, however its general policies remain extant and it remains the statutory adopted development plan. As such, both Chapters 2 and 4 of Planning Policy Wales (Edition 9, 2016) (PPW) provide the following advice on the weight that should be given to policies contained with the adopted development plan:

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

‘4.2.4 A plan-led approach is the most effective way to secure sustainable development through the planning system and it is important that plans are adopted and kept regularly under review (see Chapter 2). Legislation secures a presumption in favour of development in accordance with the development plan for the area unless material considerations indicate otherwise (see 3.1.2). Where:

- *there is no adopted development plan or*
- *relevant development plan policies are considered outdated or superseded or*
- *where there are no relevant policies*

there is a presumption in favour of proposals in accordance with the key principles (see 4.3) and key policy objectives (see 4.4) of sustainable development in the planning system. In doing so, proposals should seek to maximise the contribution to meeting the local well-being objectives.’

With the above advice in mind, the policies relevant to the consideration of the application subject of this report are not considered to be outdated or superseded. The following policy, guidance and documentation support the relevant UDP policies.

Planning Policy Wales:

National planning guidance in the form of Planning Policy Wales (Edition 9, 2016) (PPW) is of relevance to the determination of this application, in particular, Chapter 4-Planning for Sustainability including paragraphs 4.1.1, 4.2.2, 4.4.3, 4.10 – conserving agricultural land and 4.11-promoting sustainability through good design; Chapter 5-Conserving and Improving Natural heritage and the Coast, including paragraphs 5.1.1 and 5.2; Chapter 6-The Historic Environment, including paragraphs 6.2.1, 6.5.5, 6.5.20, and 6.5.21; Chapter 8-Transport; Chapter 9-Housing, including paragraphs 9.2.22, 9.3.1, 9.3.2, 9.3.4, 9.3.5 and 9.3.6; Chapter 11-Tourism, Sport and Recreation, including paragraph 11.1.13, and Chapter 13-Minimising and Managing Environmental Risks and Pollution, including paragraph 13.13, 13.14, and 13.15.

Technical Advice Notes:

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

- TAN 1 - Joint Housing Land Availability Study.
- TAN 2 - Planning and Affordable Housing.
- TAN 5 - Nature Conservation and Planning.
- TAN 6 - Planning for Sustainable Rural Communities.
- TAN 10 - Tree Preservation Orders.
- TAN 11 - Noise.
- TAN 12 - Design including paragraphs 2.6, 4.3, 4.8, 5.8-rural areas, 5.11-housing design and layout, and 5.17.1.
- TAN15 - Development and Flood Risk.
- TAN 16 - Sport, Recreation and Open Space.
- TAN 18 - Transport.
- TAN 23 - Economic Development.

Supplementary Planning Guidance:

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

- Amenity Standards.
- Affordable Housing.
- Biodiversity and Development.
- Design in the Landscape.
- Model Design Guide for Wales.
- Parking Standards.
- Planning Obligations.
- Trees and Development.
- Bonvilston Conservation Area Appraisal and Management Plan.

The Local Development Plan:

The Vale of Glamorgan Deposit Local Development Plan (LDP) was published November 2013. The Council is currently at Examination Stage having submitted the Local Development Plan to the Welsh Government for Examination. Examination in Public commenced in January 2016. Following the initial hearing sessions the Inspector gave the Council a number of Action Points to respond to. The Council has considered and responded to all Action Points and has produced a schedule of Matters Arising Changes, which are currently out to public consultation. Further hearing sessions will take place in January 2017.

It is noted that the application site is allocated for residential development under Policy MG2 of the Deposit Local Development Plan (as amended).

With regard to the weight that should be given to the deposit plan and its policies, the guidance provided in Paragraph 2.14.1 of Planning Policy Wales (Edition 9, 2016) (PPW) is noted. It states as follows:

*'2.14.1 The weight to be attached to an **emerging LDP** (or revision) when determining planning applications will in general depend on the stage it has reached, but does not simply increase as the plan progresses towards adoption. When conducting the examination, the appointed Inspector is required to consider the soundness of the whole plan in the context of national policy and all other matters which are material to it. Consequently, policies could ultimately be amended or deleted from the plan even though they may not have been the subject of a representation at deposit stage (or be retained despite generating substantial objection). Certainty regarding the content of the plan will only be achieved when the Inspector delivers the binding report. Thus in considering what weight to give to the specific policies in an emerging LDP that apply to a particular proposal, local planning authorities will need to consider carefully the underlying evidence and background to the policies. National planning policy can also be a material consideration in these circumstances.'*

In line with the guidance provided above, the background evidence to the Deposit Local Development Plan is relevant to the consideration of this application insofar as it provides factual analysis and information that is material to the issues addressed in this report in particular, the following background papers are relevant:

- Agricultural Land Classification background paper (2015) (Also see LDP Hearing Session 1 Action Point 12 response).
- Affordable Housing Viability Update Report (2014) (Also see LDP Hearing Session 6 Action Point 3 to 9 responses).
- Affordable Housing Delivery Update Paper (2016) (LDP Hearing Session 6 Action Point 2 response).
- Findings of the Site Assessment Background Paper (2013)
- Vale of Glamorgan Local Housing Market Assessment (LHMA) 2015.
- LDP Housing Land Supply Trajectory 2011-26 (September 2016).

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- (LDP Hearing Session 2 and 3, Action Point 4, 6, 7, 9 and 10 response) Housing Provision Background Paper (2015) (Also see LDP Hearing Session 2 and 3 Action Point 3 and 5 response).
- Housing Supply Background Paper (2013) (Also see LDP Hearing Session 2 and 3 Action Point 5 response).
- Joint Housing Land Availability Study (2014.)
- Vale of Glamorgan Housing Strategy - (2015-2020).
- Population and Housing Projections Background Paper (2013).
- VOGC and DCWW Statement of Common Ground (2016) (LDP Hearing Session 4, Action Point 2 response).
- Designation of Landscape Character Areas (2013 Update).
- Designation of Special Landscape Areas (2013 Update).
- Designation of SLAs Review Against Historic Landscapes Evaluations (2013 Update).
- Habitats Regulations Assessment - Appropriate Assessment Report of Deposit LDP (2013).
- Habitats Regulations Assessment Screening of Focused Changes (2015) and Matters Arising Changes (2016).
- Local Development Plan Highway Impact Assessment (2013).
- VOGC - Local Transport Plan (2015).
- Infrastructure and Site Deliverability Statement (2015.)
- Open Space Background Paper (2013).
- Community Facilities Assessment (2013).
- Education Facilities Assessment (2013).
- Sustainable Settlements Appraisal Review (2016).

Other relevant evidence or policy guidance:

- Delivering Affordable Housing Using Section 106 Agreements: A Guidance Update (Welsh Government, 2009).
- Welsh Office Circular 13/97 – Planning Obligations.
- The Community Infrastructure Levy Regulations 2010.
- Welsh Office Circular 61/96 – Planning and the Historic Environment: Historic Buildings and Conservation Areas (as amended).

- Welsh Office Circular 60/96 - Planning and the Historic Environment: Archaeology
- Section 72(1) of the Town and Country Planning (Listed Buildings and Conservation Areas) Act 1990, imposes a duty on the Council with respect to any buildings or other land in a conservation area, where special attention shall be paid to the desirability of preserving or enhancing the character or appearance of that area.
- 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 11/99 – Environmental Impact Assessment.
- Conservation of Habitats and Species Regulations 2010.

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

This is a major EIA application that proposes the development of a greenfield site for residential development of 120 houses and flats, including 24 (20%) affordable units. In considering a screening request in 2014, the Council determined that an Environmental Impact Assessment was required, having regard to the key issues identified in Schedule 3 of the Regulations and WO Circular 11/99. It was concluded that the characteristics and location of the site made it a sensitive and vulnerable one and the potential impact of the development was such that an EIA was required.

Within this context the proposal is assessed against the above policies and guidance, with many of the key issues identified within the supporting ES being considered of primary concern, including:-

- The principle of development bearing in mind the policy background, land quality, and other material considerations, including housing land supply and emerging policy.
- Design and visual impact, bearing in mind the setting of the Bonvilston Conservation Area and the countryside location adjacent to Special Landscape Areas.
- Public Open Space provision.

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- Neighbouring and residential amenity.
- Highways and transportation, including parking provision.
- Ecology.
- Flood Risk and drainage.
- Archaeology and cultural heritage.
- Noise.
- Requirement for legal Obligations under S106 to mitigate the impacts of the development.

Principle of development

Policy background

Section 38 of The Planning and Compulsory Purchase Act 2004 requires that the determination of a planning application must be in accordance with the Development Plan unless material considerations indicate otherwise. In this case, the Development Plan comprises the Vale of Glamorgan Adopted Unitary Development Plan 1996-2011 (UDP). This Plan is technically time expired (as of 31st March 2011), though as yet there is no adopted replacement. Whilst the UDP remains the basis of local policy, as stated in PPW, where policies are outdated or superseded local planning authorities should give them decreasing weight in favour of other material considerations, such as national planning policy, in the determination of individual applications.

In the context of this application it is relevant to note that the UDP is time expired (up to 2011) and as such most of its housing allocations under Policy HOUS1 have been built out. Therefore, it does not provide a sufficient framework to deliver enough housing to meet the requirements of the Vale of Glamorgan in 2017 and beyond. The draft LDP sets the framework for development in 2011-2026 but it is not adopted to date and therefore cannot be given significant weight in the determination of this application, an issue which is covered in more detail below.

The site is located in the countryside and outside of the residential settlement boundary for Bonvilston as defined in the UDP. The western boundary of the site lies adjacent to the settlement boundary. Policy ENV1 of the UDP seeks to protect the countryside from inappropriate development, and HOUS3 restricts new dwellings in the countryside to those that can be justified in the interests of agriculture or forestry. The proposal offers no such justification and is not linked to any rural enterprise, such as those mentioned under TAN 6-Planning for Sustainable Rural Communities. Furthermore, although HOUS2 allows for the rounding off of the edge of settlement boundaries, this is for small scale development defined as no more than five dwellings. In this case, whilst the application site adjoins the existing settlement, it is considered that the scale of the proposed development (120 dwellings), and the size of the site are such that the development could not be considered as “small scale” rounding off for the purposes of this policy. As such, in terms of the current development plan, the proposed residential development is considered contrary to the relevant policies of the UDP in terms of the principle of development.

Given the age of the current UDP, as noted above, Planning Policy Wales (PPW) advises that where development plan policies are outdated or superseded, local planning authorities should give them decreasing weight in favour of other material considerations in the determination of individual applications, which should be done in light of the presumption in favour of sustainable development. Thus it is necessary to consider whether there are specific material considerations which would justify a departure from the development plan to outweigh the objections set out in the UDP. In this regard, it is important to also consider the context of the proposed development against the on-going Local Development Plan (LDP) preparation and the need for more housing in the Vale of Glamorgan (housing land supply). These points are considered in detail below.

Housing land supply and housing need

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

Paragraph 6.2 of TAN1-Joint Housing Land Availability Studies states:-

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

TAN1 was updated in January 2015, with a key change being that the use of JHLAS to evidence housing land supply is now limited to only those LPAs that have in place either an adopted Local Development Plan or an adopted UDP that is still within the plan period. Previously, LPAs without an up-to-date adopted development plan were able to calculate housing land supply using a 10 year average annual past build rate. However, under the new TAN1 guidance the use of the past build rates methodology, which was based on the past performance of the building industry, is not accepted and those LPAs without an up-to-date development plan (such as the Vale of Glamorgan) are unable to demonstrate a housing land supply for determining planning applications.

In assessing the current proposal it is considered that the contribution that the development would make to the Council's housing land supply is a significant material consideration. Currently, as noted above, in the absence of an adopted LDP, the Council is unable to undertake a formal TAN 1 JHLAs assessment of its housing land supply, but is required to evidence a 5 year housing land supply at adoption of the LDP. The Council's LDP housing land trajectory (September 2016) (see Council's response to Hearing Session 2&3, Action Points 4, 6, 7,9 & 10) indicates that the Council currently has 5.1 years housing supply (at April 2016) which is forecast to increase over the years ahead. The housing trajectory paper makes assumptions about the continued supply of housing on LDP allocated sites in the years ahead, including the delivery of 120 dwellings on the application site during the first 5 years of the Plan's adoption.

In 2015, the Council undertook an update to the Local Housing Market Assessment (LHMA) in order to determine the level of housing need in the Vale of Glamorgan. The LHMA concluded that an additional 559 affordable housing units (for rent or low cost home ownership) are required each year over the next five years. Although the current proposal will provide only 20% affordable housing, as opposed to the required 40% due to viability issues (covered in the S106 section below), nevertheless, the site offers the opportunity to provide a level of affordable housing in Bonvilston and the rural Vale to meet local needs.

There is a need to maintain sufficient housing supply at all times. In considering the figures outlined above, this site would be important in securing a 5 year housing land supply at the time of adoption of the LDP. It is considered that the need to increase housing supply must be given considerable weight in favour of approving this residential development in advance of the adoption of the LDP, in order to maintain a healthy supply as required by PPW and paragraph 6.2 of TAN1. However whilst there is a need to maintain an adequate Housing Land Supply for future JHLAS and when the LDP is adopted, this does not solely outweigh all other material considerations, particularly if a development is considered harmful in other respects. Rather the need to maintain a TAN1 compliant housing supply is a single material consideration that must be balanced against all other material considerations in the case of any future application for residential development in this policy context.

Local Development Plan context

The Deposit Local Development Plan (DLDP) has been considered by the Council's Elected Members and was placed on Deposit on 8 November 2013, with a subsequent public consultation. In early 2015 the Council's Cabinet Members considered its responses to the representations made to both the Deposit and Alternative Site Plan Stages. The LDP was then submitted to the Welsh Government with an independent Planning Inspector conducting an Examination into the soundness of the Plan, with a series of Hearing Sessions taking place in 2016. Action Points as requested by the Planning Inspector have been undertaken and been returned for consideration and further Hearing Sessions will take place in January 2017 following which the Inspector will prepare his report. Until these stages have been completed the DLDP will remain an un-adopted document and is not envisaged to be adopted until later in 2017.

The deposit LDP (as amended) allocates the application site, along with a strip of adjoining land projecting to the south between Court farm and Sheeppcourt Farm, for residential development under policy MG2 (37) for 120 dwellings. At Hearing Session 11 (Housing Allocations 5) on the 9 March 2016 the site was considered by the Inspector. An Action Point was required (ref: HS11/AP1) to provide justification/rationale for the scale of the developments proposed at both Bonvilston and nearby St Nicholas (a site which was approved subject to conditions and a S106 legal agreement on 9 December 2016). The statement in response to this Action Point has been submitted back to the Planning Inspector for consideration. This justification is considered in the later section which examines the scale and layout of development.

Prematurity

Given that the LDP is in draft form, it is considered that an assessment should be made as to whether the proposals would be premature. On the issue of prematurity, PPW advises at paragraph 2.14.2:-

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

In view of this it is important to consider the potential impacts of allowing such a development at this stage, including its impact on the LDP process, the overall strategy, and the provision of housing supply with the Vale of Glamorgan. Bonvilston is defined as a “Minor Rural Settlement” in the LDP that is capable of accommodating further housing development. Whilst the allocation of 120 dwellings in Bonvilston is considered significant, hence one of the reasons for requiring an ES, it should be noted that this allocation is not one of the Strategic Housing Sites within the Draft LDP. In addition, the scale of development is considered such that it would not predetermine decisions about the scale, location or phasing of new development which ought properly to be taken in the LDP context. On the basis that the site is not a ‘strategic allocation’, it is considered that bringing this site forward for 120 dwellings would not ‘go to the heart’ of the overall LDP strategy. It is noted that the development of this site for 120 dwellings relates to a very small percentage of the overall housing land requirement for up to 9,460 new dwellings (as amended by MACs) over the plan period. It is also considered that it would not go to the heart of the plan cumulatively with other LDP allocations that have already been approved.

As paragraph 2.14.2 of PPW referred to above notes, a refusal on prematurity grounds will seldom be justified where a plan is at the pre-deposit plan preparation stage. It is noted that the Plan is nearing adoption, which is anticipated to be in the first half of 2017, and therefore there is unlikely to be a long delay before adoption. Notwithstanding this, for the reasons set out above, it is not considered that a refusal of planning permission on the grounds of prematurity could be sustained in this instance.

PPW and sustainability

The Welsh Government's key sustainability principles and key policy objectives are set out within PPW Chapter 4-Planning for Sustainability. Paragraph 4.2.2 states:-

"The planning system provides for a presumption in favour of sustainable development to ensure that social, economic and environmental issues are balanced and integrated, at the same time, by the decision-taker when: preparing a development plan; and in taking decisions on individual planning applications."

The village of Bonvilston is identified as one of twenty four sustainable rural settlements within the recently amended (February 2016) 'Sustainable Settlements Appraisal' which also forms part of the background evidence for the LDP. The appraisal indicates that such settlements score relatively highly in the sustainability ranking, although they do contain a more limited range of services. Some are in close proximity to each other or have links with the surround towns and villages, such as St Nicholas in this instance. In this respect they have an important functional role to play in sustainable rural communities. Thus although the scoring for Bonvilston has been reduced from 13 to 9 in the up-dated appraisal, it remains within the 'Sustainable Rural Settlements' category.

The 'Findings of the Site Assessments Process' (2013) a background paper to the LDP concludes that the site would be sustainable for reasons such as providing the opportunity for people to meet their housing needs, and to maintain, promote and enhance the range of local facilities. This assessment broadly reflects the sustainability objectives set out in section 4.4.3 of PPW whilst also ensuring sufficient good quality housing is provided within the area.

Overall the site is considered to be sufficiently sustainable and in accordance with the sustainability principles and objectives as set out in paragraph 4.2 of PPW. With the presumption in favour of sustainable development, which is set out as a key principle within PPW, it is considered that the proposals are in accordance with the national policy in this regard.

Loss of agricultural land

The application site comprises agricultural land which is primarily used for the grazing of horses. The ES has assessed the quality of the land and a soil survey has identified the land is of Agricultural Land Classification grades 2, 3a, 3b. Grades 2 and 3a are classed as the Best and Most Versatile (BMV) land, with approximately 3ha of the almost 8ha site comprising Grades 2 and 3a. The rest of the site is classed as grade 3b, which is considered to be locally important moderate quality agricultural land.

Policy ENV2 of the UDP relates to agricultural land and states that the best and most versatile agricultural land will be protected from irreversible development, unless an overriding need can be demonstrated. This is supported by PPW which states at paragraph 4.10.1:-

*“In the case of **agricultural land**, land of grades 1, 2 and 3a of the Department for Environment, Food and Rural Affairs (DEFRA) Agricultural Land Classification system (ALC) is the best and most versatile, and should be conserved as a finite resource for the future¹⁰. In development plan policies and development management decisions considerable weight should be given to protecting such land from development, because of its special importance. Land in grades 1, 2 and 3a should only be developed if there is an overriding need for the development, and either previously developed land or land in lower agricultural grades is unavailable, or available lower grade land has an environmental value recognised by a landscape, wildlife, historic or archaeological designation which outweighs the agricultural considerations. If land in grades 1, 2 or 3a does need to be developed, and there is a choice between sites of different grades, development should be directed to land of the lowest grade.”*

The ES concludes that the loss of both the BMV land and non-BMV is considered to be an impact of low adverse significance. In addition the submitted Planning Statement highlights the fact that site is an isolated fragment of land surrounded by existing urban land forms and the golf course. Notwithstanding this, it is considered that, in this instance, there is an overriding housing need and the safeguarding of future housing land supply levels, which has been demonstrated above. Whilst the loss of good quality land is regrettable, this is outweighed by the significant need to provide housing within the Vale of Glamorgan. This is in accordance with PPW, which allows for development of such land where there is “an overriding need for development”. Thus, bearing in mind the housing need, it is considered that the loss of the Grade 2 and 3a agricultural land alone would not justify a reason for refusal of the application.

Conclusion on the principle of the development

The proposal consists of the residential development of the site which lies in the countryside on the eastern edge of Bonvilston. In terms of the adopted Unitary Development Plan 1996–2011 (UDP), the site is immediately adjacent to, but outside the settlement boundary of Bonvilston, where housing development of this scale is out of accord with UDP policies. However, the fact that the UDP is time expired, with most of its housing allocations under Policy HOUS1 having been built out, it does not provide a sufficient framework to deliver enough housing to meet the requirements of the Vale of Glamorgan in 2017 and beyond. Therefore, in order to meet housing need and to sustain a 5 year housing supply, consideration must be given to housing developments that do not accord with the time expired UDP policies, with PPW noting that the planning system provides for a presumption in favour of sustainable development.

Whilst the emerging LDP cannot be afforded significant weight in the determination of this application, the background evidence gathered in preparation of the LDP should be afforded weight alongside other matters including national planning policy. The inclusion of the site as part of an allocation for residential development within the Deposit Local Development Plan indicates that this is considered to be 'in principle' a suitable site for development, due to the significant level of assessment that has been undertaken that has led to its continued inclusion up to this stage. A relevant background paper on this issue is the 'Findings of the Site Assessments Process' (2013). This includes the land at Bonvilston (2544/CS5, CS6 and CS7) and assesses it from a sustainability perspective. The background paper includes a matrix which colour codes each site under different sustainability indices. The application site shows a generally positive outcome to the sustainability appraisal, including positive scores to 'provide opportunity to meet housing need' and 'maintain, promote and enhance local facilities'. Furthermore, the 2016 revised 'Sustainable Settlements Appraisal' concludes that Bonvilston remains a sustainable minor rural settlement capable of accommodating housing growth.

In this context, the proposed dwellings would be considered a sustainable form of development, contributing new housing (including much needed affordable housing) in a location immediately adjacent to existing residential development. Furthermore the site will deliver a strategic playing field facility plus off-site highway improvements, with the partial widening of Pendoylan lane and the protection of additional land for future improvements. Given this, it is considered that the proposals are an appropriate form of sustainable residential development.

As such, it is considered on balance that the development of the land for residential use is acceptable in principle and outweighs any conflict with UDP policies cited above. However, it is important to note here that this does not set a precedent for further applications for sites within the Draft LDP to be approved. Each will have to be considered on the circumstances of their situation, having regard to the housing land supply at that time, as well as how that specific development would affect the delivery of the LDP, and all other material considerations.

Notwithstanding the above, as with all applications for residential development in advance of the adoption of the LDP, there is a need to fully consider all other material considerations, such as the wider environmental, social and economic impacts of the scheme, which is examined below.

Design and visual impact

The proposal relates to the development of greenfield land in the countryside which also lies part within and adjacent to the Bonvilston Conservation Area. The site also lies close to two identified Special Landscape Areas, the Ely Valley and Ridge Slopes SLA to the east and the Nant Llancarfan SLA to the south. In addition there is a Tree Preservation Order relating to the western section of the site, TPO (No. 8) 1973 and there is a network of existing hedgerows around and through the site. The development of the site for residential purposes will have an impact on these designations and the character of the village and its rural setting.

Scale of development and housing density

The issue of the scale of the housing allocation at Bonvilston within the Deposit LDP was raised at Hearing Session 1, in respect of minor rural settlements generally, and Hearing Session 11, with specific regard to Bonvilston. The Council's response (Hearing Session 11 – Action Point 1) considered these issues and provided justification for the Bonvilston allocation.

The development would be immediately adjacent to the eastern side of the village of Bonvilston. It would be positioned primarily to the north of, and at the rear of the existing dwellings that front the A48, and to the east of the dwellings at Maes-y-Ffynnon. It is considered that the proposal respects the pattern of built development in the vicinity and would be physically adjoining the existing settlement, representing a logical extension to the village. As the Council's response notes at paragraph 16 of "Hearing Session 11-Action Point 1":-

"The site effectively fills the gap between the existing village and the road to the east, filling the frontage of the A48 and continuing the linear form of the village."

It is acknowledged that the development of the site will increase the size of the village and extend the settlement limits further east and north of existing development into the countryside. The overall site area is significant, and indeed, an ES has been submitted with the application. Despite this, the proposal is considered to represent an appropriate increase to the village that would not unacceptably impact upon its character and rural setting. Paragraph 17 of Action Pointy 1 states:-

"The site is relatively large in the context of the existing settlement and will urbanise the undeveloped fields to the east of the settlement. The development will be clearly visible from the A48 (albeit partially screened by existing buildings along the A48 frontage) and the adopted highways to the north and east of the site. The development will also be visible more generally from the countryside (and Golf Course) to the north and east of the site and from the south. The development of the site will increase the size of the village and extend the settlement limits further east into the existing countryside, however, it does not extend as far north as the existing village. The Council contend that this will result in a logical extension to the village that takes its lead from the existing pattern of development in Bonvilston, which will help to retain the existing character of the area."

The neighbour representations received have raised concerns over the proposed density of housing on the site, which is considered to be overdeveloped in relation to existing housing in the village. It is accepted that much of the existing village is characterised by houses in spacious plots, with the overall density at Bonvilston of less than 8 dwellings per hectare (dph). However, the LDP and PPW seek to make better use of land in accordance with sustainability principles and the LDP has set a minimum density of 25dph in the minor rural settlements, such as Bonvilston. Some objectors have stated that this higher density would be out of character with the rest of the village, however, there are parts of the village, in particular the dwellings on Maes-Y-Ffynon immediately to the west of the allocation site, that are higher densities (circa 21dph).

The Planning Statement notes that density of the site is 20dph. This is below the minimum of 25dph identified in policy MD7 of the LDP for minor rural settlements. However, it is noted that part of the allocated site has been omitted from the current application. In addition, the MG2 (37) LDP allocation has allowed for a lower density to ensure the design of the site is sensitive to its location relative to the Bonvilston Conservation Area, and archaeological features on the site. The net developable area of the housing area of the application site (excluding the area of the off-site road works) is approximately 6.02ha. These issues are considered in more detail later in the report. Notwithstanding this, bearing in mind the drive for efficient use of land within housing development in both local and national planning policy, the density of proposal is considered acceptable within this sustainable rural settlement.

Impact on the Bonvilston Conservation Area

The site is on the edge of the village of Bonvilston. Apart from a small section which includes the outbuilding to the north of Sheep Court Farm, the majority of the site is outside of, but adjoining, the Conservation Area. As such the likely impact on the character of the Conservation Area and its setting must be fully considered.

The Planning (Listed Buildings and Conservation Areas) Act 1990 (the Act) sets out the principal statutory instruments which must be considered in the determination of any application affecting either listed buildings or conservation areas. Section 72 requires that in the exercise of planning duties special attention shall be paid to the desirability of preserving or enhancing the character or appearance of conservation areas.

Recent case law (see particularly *E Northants DC v Secretary of State for Communities and Local Government* [2014] EWCA Civ 137) makes it clear that the duty imposed in the Act means that in considering whether to grant permission for development that may cause harm (substantial or less than substantial) to a designated asset (listed building or conservation area) and its setting, the decision maker should give particular weight to the desirability of avoiding that harm. There is still a requirement for a planning balance, but it must be informed by the need to give weight to the desirability of preserving the asset and its setting.



LDP allocated Site in context with Conservation Area boundary. This includes the area of land between Court Farm and Sheepcourt Farm not included with the application site, and excludes the area of off-site highway works

Whilst there are no listed buildings adjacent to the proposed development site, it is noted that the existing dwellings that run along the frontage with the A48 are identified as 'Positive Buildings' within the Bonvilston Conservation Area Appraisal (CAMP). In addition, the Appraisal identifies a 'Significant Tree Group' in the south west corner of the site, with a number in the adjacent 'Court Farm' and others fronting the A48 within an existing hedgerow (shown as retained within the proposed planting), plus 'Significant Views' from the A48 north over the site between 'Sheepcourt Cottage' and 'Hill Cottage'. Of significance to the assessment of the application and its impact on the character and appearance of the Conservation Area, it is noted that part of the original designation has been omitted following the boundary review undertaken in 2009. This included some of the land on the allocated site between the village and Court Farm, which, as part of the character appraisal process, was found not to make a positive contribution to the special character of the Conservation Area.

The CAMP describes Bonvilston as a linear rural village with scattered development along the A48. It is located on an east-west ridge with views southwards towards the Severn Estuary. There is no village centre but the Red Lion Inn acts as a focal point to the village. The village comprises a mix of larger houses, worker's cottages and agricultural buildings, mostly now converted to residential use. It notes some post-war Council housing along Maes-y-Ffynnon immediately adjoining the allocated site. Much of the housing in Bonvilston is modern and the character of the Conservation Area arises from buildings sited behind high stone walls, or hedges, which are relatively close to their frontage and this is a repeating device. It is the walls, significant trees and hedges that unify the village, rather than the style of buildings which are either individual or in groups and range in scale and form.

It is acknowledged that the development will be clearly visible from the A48 and the adopted highways to the north and east of the site. The development will also be visible more generally from the countryside (including the golf course), to the north and east of the site and from the south. As such, the development will clearly be read against the part of the Conservation Area it adjoins. However, it does not automatically follow that the development of the site would harm the Conservation Area.

In terms of the detailed design approach it is considered that the development reflects many of the characteristics of the Conservation Area highlighted above. The finalised layout proposes the location of an area of public open space in the south west corner of the site adjacent to the A48. This will act as a partial buffer between the existing village and the new development, and helps to preserve the character of the Conservation Area by retaining a degree of visual separation between the properties at the front of Maes-y-Ffynnon still within the Conservation Area, and Court Farm to the east. It also serves to retain some of the character of the village in terms of its openness along the frontage of the A48.

The location of the proposed vehicular access on the eastern boundary of the site, serves to retain the existing features along the A48 and therefore the existing character of the Conservation Area in this location. In this regard the development site will be in a secondary position behind the main frontage of the A48.

It is considered that the layout complements the location and context of the site with the retention of a number of existing hedgerow boundaries. It is the significant trees and hedges that unify the village, rather than the style of buildings which are either individual or in groups and range in scale and form. It is also considered that the scale, design, form and mix of housing will reflect the existing buildings in the village. In addition, the proposed pallet of materials, predominantly slate, stone and render are representative of those existing in the village and the wider area, and, along with the areas of open space, should reinforce the rural character of the conservation area. However, there is one area of the proposal in relation to the boundary treatment that requires further consideration. This relates to the proposed acoustic fence along the eastern boundary facing Pendoylan Lane. Whilst it is accepted that the acoustic fence is required to mitigate against traffic noise, nevertheless, further consideration of the visual impact of this is required, see Condition 18.

Thus, it is considered the proposed development would not have an adverse impact on the designated Bonvilston Conservation Area. As such, the proposed dwellings and associated works would preserve the character and setting of the Conservation Area, in accordance with policies ENV17 and ENV20 of the adopted UDP and Section 72(1) of the Town and Country Planning (Listed Buildings and Conservation Areas) Act 1990.

Impact on Special Landscape Area and surrounding countryside

It has already been noted that the site lies close to two identified Special Landscape Areas, the Ely Valley and Ridge Slopes SLA to the east of Pendoylan Lane and the Nant Llancarfan SLA to the south of the A48. As such, it is important to consider the visual impacts of the development from a wider context.

The submitted ES has considered the Landscape and Visual Impact of the development, noting that the site sits within a locally sensitive landscape, and that there are significant landscape impacts as development is proposed on agricultural land. The accompanying Landscape and Visual Impact Assessment (LVIA) has been prepared by the 'Urbanists' following consultation with the Councils Landscape Architect and informal agreement over the viewpoints to be assessed. The LVIA shows that the development is set behind existing tree belts along the A48, and existing residential properties. The site is also located adjacent to the managed and maintained golf course. Within this context the site will be viewed, set against and screened by these features.

The ES identifies a number of mitigation measures, including the retention of existing boundary hedgerow, trees and vegetation where possible. This together with strengthening the existing planting will also provide additional mitigation and a landscape structure to the development which knits back into the existing landscape corridors and strategic the wildlife network. It is noted that the layout approach for the development and the landscape character areas have been designed to ensure a more naturalistic, open and semi-rural approach to planting. The LVIA notes that the new residential development, when complete, is likely to create a new landscape character in the area. However, the proposed development will not appear as an arbitrary incursion into the countryside given that it will be viewed against the existing backdrop of the village of Bonvilston and the highways infrastructure of the A48. The LVIA concludes at paragraph 2.3.155:-

“There will be moderate adverse effects to landscape character within the development area and, to some extent, on the surrounding landscape, which is designated as an SLA. It would not be possible to mitigate all moderate adverse landscape and visual effects but the green infrastructure setting for the development will considerably help assimilate the proposals and bring benefits of ecological enhancement, vegetation diversity and increased public accessibility. It is therefore considered that the landscape and visual effects of the development are acceptable when considered within the context of the emerging local plan policy.”

Thus, whilst the proposed development will alter the character of the site and its immediate surroundings, it is not considered that the impact will be so significant, and will not outweigh the benefits of delivering the residential development, and the associated open space and highway improvements. The wider character of the Special Landscape Areas shall be maintained due to the limited visual impacts of the proposed housing within the wider landscape. As such, the proposal is considered to accord with policies ENV4 and ENV10 of the UDP and national guidance.

Trees and hedgerows

The application is also accompanied by an Arboricultural Report prepared by Wardell Armstrong and another prepared by Arb TS. These indicate that the tree population of the site is variable. The largest trees with the highest retention value are distributed across the site and consist largely of mature pedunculate oak with some sycamore and beech. It notes that tree T19 should be monitored into the future, and that T20 is unsuitable for retention, with T5 and T13 also in advance states of senescence. The trees identified as Significant within the Conservation Area Appraisal are given a Category B classification and the proposed landscaping plan shows the existing hedgerow within which the trees are located as being retained. Furthermore, it indicates that any loss of hedgerow should be compensated for by replacing the length lost with locally native species to the same or greater length than lost.

The accompanying Design and Access Statement outlines the landscape strategy, which entails the establishment of a new landscape character and a 'Green Infrastructure'. This will include, 1350m of retained hedgerows, 510m of enhanced and new hedgerows, 26 retained trees, 47 new native trees, 103 non-native trees, 850m wildflower meadow planting, 6 new native trees and replacement hedgerow on Pendoylan lane.

Clearly the development will result in the loss of existing trees and hedgerows, however, it is acknowledged that this has been minimised and that extensive new planting is proposed. As the Arboricultural Report notes, those trees and hedgerows to be retained will be required to be protected during construction, and therefore full details will be required via condition. On that basis it is considered that the proposal would be in accord with policy ENV11 of the UDP.

Design and scale of proposed dwellings and internal layout/linkages

The submitted Design and Access Statement notes that the overarching character aim is:-

“A domestic scale residential development which draws on the grain and forms illustrated in the existing village and uses the locally used materials and devices to settle this new development against its existing counterparts.”

The proposed market housing generally has a traditional design approach, with 11 No. different house types. The development is mainly two storey with a mix of five, four, three and two bed houses, plus one bed flats. The houses are predominantly detached, however, there are several rows of terraces which reflect those existing in the village. With no presiding vernacular, influence has been taken from local materials, including stone and render. The house forms are diverse and include local features such as gables and dormer outshots, chimneys, porches and bays.

The design of the affordable housing reflects the approach taken for the market value housing designs. There are five differing designs types, with 4 No. one bed flats, 14 No. two bed houses and 6 No. three bed houses (6 No. low cost housing). It is considered that the design and materials proposed for the affordable units is acceptable, with a suitable mix of sizes and types.

It is considered that the scale, massing and height of the houses proposed are acceptable and would be similar to existing dwellings in Bonvilston. The limitation in height to no more than two storeys should serve to mitigate the prominence of the development within the context of the Conservation Area and wider rural landscape, and will appear as an appropriately scaled development when viewed in context with the existing village.

The submitted External Works plan identifies the details of enclosures across and around the site. This shows that the enclosures will be a mix of 1.75m high rendered block walls, 0.8m low stone walls, 1.5m and 1.8m acoustic fence, 1.8m close boarded timber public realm fence, 1.8m close boarded timber fence to rear gardens, and hedges. This is generally considered acceptable. However, it is noted that timber fencing is proposed in a number of locations which will be visible from a public vantage point. These are shown adjacent to existing hedgerows. Provided these hedgerows are retained and maintained they should serve to soften the impact of the close boarded fencing. Furthermore it is noted that two of the areas are proposed as acoustic fencing, which is required to mitigate the impact of traffic on the A48 and Pendoylan lane.

In relation to the internal layout and linkages it is noted that there is a single new vehicular access proposed to the site with additional pedestrian links. The new vehicular access is positioned on the eastern boundary of the site onto Pendoylan lane. The separate pedestrian links include a link to the golf course in the north eastern corner of the site, off the end of a cul-de-sac, plus a link in the south western corner from the proposed playing fields onto the A48. The original layout proposed several pedestrian access points from the site onto the golf course to the north. However, this level of permeability, and the position and width of the access points, were considered unacceptable from a community safety standpoint. Indeed, the Crime Prevention Advisor noted that such an arrangement would leave the site vulnerable to crime. Therefore the plans were amended as described above.

Circulation within the site follows a hierarchy of roads, with the housing served off two dead end primary circulation routes. The sub division of these two routes takes place close to the site entrance with priority given to the larger housing area route. The Design and Access Statement notes that a singular loop arrangement access was considered inappropriate for the quantum of development. This is also bearing in mind the proposed pedestrian access onto the A48, and the fact that buses would not be routed through the site. The hierarchy of roads includes shared surfaces and private drives, all of which adds to the informality of the layout. The plans show a change in surface materials at various points to denote a change from primary to secondary route and it is considered that this accords with the aims of Manual for Streets to create a hierarchy of routes through the site. Thus the layout and its pedestrian permeability is considered acceptable and in accordance with the guidance in Manual for Streets which states at paragraph 4.2.3:-

“Street networks should, in general, be connected. Connected, or ‘permeable’, networks encourage walking and cycling, and make places easier to navigate through. They also lead to a more even spread of motor traffic throughout the area and so avoid the need for distributor roads with no frontage development.”

As already noted above, there are 24 affordable units included in the development. Whilst not fully ‘pepper-potted’ through the whole of the site, they are separated into two areas, one close to the boundary with Pendoylan lane, and a larger cluster more centrally, between two areas of public open space. This is considered an acceptable distribution of affordable housing in this instance, particularly as its location towards the eastern end of the site should afford early delivery of the units.

Thus overall, the proposed layout, which incorporates the current hedgerow boundaries of the site, is considered acceptable. There is a mix of both house types and internal roads within the development, which adds to the character of the development. In addition, there is sufficient open space and linkages incorporated into the layout design. As such, the layout has due regard to the principles of Manual for Streets and would accord with the aims of Policies HOUS8 and ENV27 of the UDP.

Public Open Space

Policies HOUS8, REC3 and REC6 of the UDP require new residential developments to make provision for public open space and the Planning Obligations SPG provides further advice on the operation of certain standards. This is supported by national guidance including TAN16-Sport, Recreation and Open Space which notes that planning conditions and obligations can be used to provide open space, sport and recreational facilities, to safeguard and enhance existing provisions, and to provide for their management. In addition PPW indicates that local planning authorities will usually be justified in seeking planning obligations where the quantity or quality of provision for recreation is inadequate or under threat, or where new development increases local needs.

The layout provides for four formal areas of public open space. These include a Local Equipped Area of Play (LEAP), three Local Areas of Play (LAPs) and a 37m x 55m playing surface. The larger area, which includes the junior sports pitch, LEAP and LAP, is positioned in the south western corner of the site, adjacent to the existing housing on Maes-y-Fynnon. This allows for reasonable levels of natural surveillance, and provides for a buffer between the new development and existing village. The remaining three areas are located more centrally within the site, and the two LAPs offer reasonable access to the remainder of the housing site, particularly the affordable units. It is noted that full details of the actual equipment and surfacing will need to be agreed, including future maintenance (see Condition 20).

In relation to the allocated site, it is noted that policy MG25 (8) of the deposit LDP identifies a requirement for 0.55ha of 'strategic open space' within the development, to address a shortfall of outdoor sport space in the village. The Open Space background paper provides further detail on how this should be provided, and includes 5,419m² of outdoor sport provision, 847m² of children's play space, with a further 151m² of children's play space being provided off-site in a strategic location. The background paper also suggests that it would be preferable to locate the open space on the western part of the site in order to better integrate the facilities with the existing settlement. Essentially, the total public open space requirement is 0.8128ha.

The original scheme identified only 0.63ha of open space, and a mini soccer pitch for under 11s measuring 18.75m x 30m. This was not considered acceptable as it fell far short of the allocation requirements, and the size of the pitch related more to a facility for under 8s. Following negotiations with the developer and amended layout has been submitted. This now provides for a sports pitch measuring 37m x 55m, and a total open space provision of 0.84ha. This is now considered to meet the requirements of the Deposit LDP, and will be secured via the S106 legal agreement. This is further detailed under the Planning Obligations section of the report.

Neighbouring and residential amenity

A number of the objections received have raised concerns over the impact the development will have on their current levels of residential amenity. The particular concerns include increase in general noise and disturbance and loss of privacy. The proposed development is adjacent to existing dwellings, and, as such, there is likely to be some impact on the occupiers of those properties, which include the houses at Maes-y-Fynnon, and the properties to the south that front onto the A48.

The proposed houses on the western side of the site are positioned relatively close to the boundary with the houses on Maes-y-Fynnon, approximately 7m at the closest. However, it is not considered that this will result in any adverse impact in relation to privacy, overshadowing or of an overbearing nature, as the existing houses benefit from relatively long rear gardens.

As for the existing houses fronting the A48, again the new properties are positioned relatively close to the boundaries. However, in the majority of these the proposed dwellings are orientated so that their side, gable elevations face the existing houses. As such there is no adverse impact in relation to overlooking, and, being sited to the north, no overshadowing. The exception to this are the houses proposed on plots 32 and 33. The rear elevations of these houses will face south towards the existing barn conversions at Sheepcourt Farm. The neighbouring occupiers refer to the loss of privacy and note the difference in levels, with the application site being on a higher level. The developers have indicated that there will be some changes in gradient across the site, and full details will be required by way of a condition (see Condition 4). Notwithstanding this, it is noted that the houses are set a minimum distance of 11m from the boundary, with the distance window to window being over the 21m minimum guideline set out in the Council's Amenity Standards SPG.

It is acknowledged that the proposed development will change the outlook of neighbours to the site with their currently views over open fields. However, this alone is not considered a valid planning reason to refuse the application, particularly when considering the benefits to be provided with much needed housing.

As regards the provision of amenity space within the site, it has already been noted that an adequate level of public open space will be provided within the site. In relation to the private amenity for the proposed new houses themselves, it is noted that there is some shortfall on a number of the plots when assessed against the Council's minimum requirements as outlined in the Council's SPG on Amenity Standards. This shortfall relates to a relatively small number of plots, with only a few having a more significant shortfall. Despite this it is considered that all the properties are provided with sufficient garden space to meet the basic relaxation and functional needs of the occupiers such as sitting out, drying washing, etc. It is also considered that the provision of a significant amount of public open space within the development addresses the shortfall and will provide extended amenity opportunities for the residents. It should also be acknowledged that the drive for higher densities envisaged in the LDP will necessitate smaller garden spaces to ensure best use of land.

Of greater concern with the original layout was the level of privacy on some plots, both in relation to the window to window distances, and the overlooking of private rear gardens. The amended plans have addressed the majority of these concerns. There are still a number of plots where the minimum guidelines outlined in the Council's SPG are not met, including plots 105 and 106 overlooking plots 101 and 102, and 103 and 104 respectively. However, the SPG is only a guideline, and as the future occupier should be well aware of the position and orientation of the houses before purchase, it is not considered that this issue alone would justify a refusal of the application.

Thus, with regard to neighbouring and residential amenity, it is considered that the proposal is generally in accord with the SPG on Amenity Standards, and policies ENV27 and HOUS8 of the adopted UDP.

Highways and transportation

Off-site highway works

As part of the allocation of the site within the emerging LDP it is noted that off-site highway improvements are indicated. Policy MG16 (18) of the Deposit LDP identifies improvements north of the A48, with Appendix 5 noting that such improvements will contribute to the safe access to the site and serve to mitigate the harmful effects of the development on the local highway network. These improvements are further referenced in the LDP 'Infrastructure and Site Deliverability Statement' and the Draft Infrastructure Plan, which summaries that these as 'key' and 'strategic' in nature.

The scheme for the off-site highway works initially showed a number of passing places only along the Pendoylan lane. Following negotiations with the developer this was amended to identify a more substantial widening of the Pendoylan lane from the A48 up to the junction for Pendoylan/Peterston-Super-Ely. However, the cost of the improvements for the full length (circa 700m) would be around £2.4m, which has a significant impact on the viability of the scheme, and the ability to deliver Affordable Housing and other S106 contributions. As a result following further negotiations with the developer a further revision has been submitted which has reduced the overall length of the road improvements to approximately 400m. This is examined in detail below in the planning obligations section of the report.

The off-site highway works will include a 2.5m wide footpath and cycle link to the A48, plus the improvements to the north along Pendoylan Lane, and the safeguarding of land beyond that up to the northern junction to allow for future highway improvements.

The Highways Department have confirmed that they have no highway objections to the proposal in principle, however, they have requested a number of conditions requiring, amongst other issues, full engineering details (including drainage systems); no dwellings to be occupied until the internal estate roads have been provided and brought into full operational use; the proposed highway improvements along Pendoylan Lane for the full site frontage, inclusive of the site access for the first 20m shall be constructed and brought into use prior to beneficial occupation of the 1st dwelling, with the remaining length being constructed and brought into use before beneficial occupation of 2/3 of the total number of the development; and provision of a Construction Management/haulage route plan together with any Proposed Temporary Road Closures and other Temporary or Permanent Traffic Regulations required associated with the offsite Highway Improvement Works or the internal Roads. These matters are covered by Conditions 9, 10 and 11.

As regards the Council's Highways section requested condition relating to timing of the implementation of the highway works, this is covered more appropriately within the requirements of the S106, i.e. the developer to complete the highway improvements along Pendoylan Lane (chainage 400m) before the occupation of the 100th dwelling. Although Highways have requested that this be two thirds, it is considered a restriction relating to the occupation of the 100th unit, coupled with a 48 months completion timescale, is more reasonable in planning terms.

Ecology issues

Chapter 2 of the ES assesses the environmental effects of the development, with 2.4 specifically relating to ecology and wildlife. This is further examined in the addendum to the ES received in October 2015.

As already noted, the Ely Valley SSSI lies approximately 1.8km to the north of the site. In addition the ES identifies the Nant Whitton Woodlands SSSI approximately 2km to the south, plus 29 No. Sites of Interest for Nature Conservation (SINCs) within 2km of the development site. In policy terms relevant policies and guidance include policies ENV14-National Sites of Nature Conservation Importance, ENV15-Local Sites of Nature Conservation Significance and ENV16-Protected Species of the UDP, and national guidance contained in PPW and TAN5-Nature Conservation and Planning. Paragraph 5.1.3 of PPW states:-

“A key role of the planning system is to ensure that society’s land requirements are met in ways which do not impose unnecessary constraints on development whilst ensuring that all reasonable steps are taken to safeguard or enhance the environment. However, conservation and development can often be fully integrated. With careful planning and design, not only can the potential for conflict be minimised, but new opportunities for sustainable development can also be created. For example, new development on previously developed land provides opportunities to restore and enhance the natural heritage through land rehabilitation, landscape management and the creation of new or improved habitats.”

In summary the ES concludes that there are no direct impacts anticipated on the nearby SSSIs or SINCs. There may be indirect impacts on those sites which have public footpaths passing through them due to an increase in visitors from the new residential development but these are considered negligible. The majority of the application area is fields of improved grasslands, with the most notable ecological feature being the network of hedgerows and mature trees. It is noted that the majority of hedgerows will be kept, where possible, retaining a network of wildlife corridors. It is noted that areas retained will be managed to improve their nature conservation value and opportunities to increase the biodiversity of species within areas of public open space. An ephemeral pond will be lost but an off-site wildlife pond will increase aquatic habitat available in the local area. Areas of habitat will be lost but new replacement planting throughout the development and areas of open space will replace these habitats. Breeding birds, bats, great crested newts and reptiles use the site, in addition to other fauna such as small mammals. Measures are included to mitigate for the potential adverse impacts on these groups and to provide new habitat, which will be of value for wildlife. The disturbance/damage or loss of a low status soprano pipistrelle roost due to tree surgery works will require a licence from NRW. Finally, the ES notes that there are likely to be residual adverse impacts from the risk of road mortality to individual hedgehogs and other small mammals which may enter the roads in the site but it is probable that there could be an overall minor beneficial residual impact on local populations of species.

Natural Resources Wales (NRW) have been consulted on the proposal and have advised that they have no objections provided appropriate planning conditions and/or obligations that address a number of issues are attached to any planning permission. The issues raised relate to European Protected Species. They note from the ES that surveys have confirmed the presence of great crested newts in a number of ponds in close proximity. They highlight the legislative requirement in relation to European Protected Species in the Conservation of Habitats and Species Regulations 2010 and Planning Policy Wales and TAN5-Nature Conservation and Planning.

They welcome the principles of the mitigation measures proposed to conserve great crested newts and consider these measures provide an adequate basis upon which to make an informed assessment of the likely impact of the proposals on the favourable conservation status of the species. Notwithstanding this they advise that further detail will be required and suggest a number of conditions/S106 agreements, including:-

- A detailed great crested newt mitigation scheme to be submitted and agreed.
- A long term Management Plan for great crested newt habitats to be submitted and agreed.
- A monitoring scheme for great crested newt to be submitted and agreed.
- Details of financial measures to secure the above management and monitoring requirements.

They also advise that the applicant seek a European Protected Species licence from NRW before any works commence on site.

The Council's own Ecologist has also assessed the proposal and confirms support for the findings and recommendations made in the Environmental Statements. Similar to NRW, a number of planning conditions are recommended to secure biodiversity protection measures outlined in the ES and other biodiversity conservation or enhancement measures. These include a request for a copy of the European Protected Species licence with the LPA having undertaken the three tests under the Habitat Regulations; site clearance to follow the methodology for reptiles identified in submitted survey work; sensitive site clearance for birds in accordance with recommendations; further survey work as identified for Japanese Knotweed; and a scheme for biodiversity and enhancement to be submitted and agreed (see Conditions 12 to 15).

Policy ENV16 of the UDP relates to protected species and states that permission will only be given for development that would cause harm to or threaten the continued viability of a protected species if it can be clearly demonstrated that:- (i) there are exceptional circumstances that justify the proposals; (ii) there is no satisfactory alternative; and (iii) effective mitigation measures are provided by the developer. This is supported by the Council's SPG on Biodiversity and Development, and is in line with national guidance including the most recent Conservation of Habitats and Species Regulations 2010 ('habitat regulations'). This requires the establishment of a system of strict protection, with derogations allowed only where the three conditions under Article 16 of the EC Habitats Directive are met (the 'three tests') (TAN5, 6.3.6).

The ES identifies that evidence of a number of European Protected Species were recorded within and around the site, including a pipistrelle bat, birds, reptiles and, of particular significance, great crested newts.

The following points are noted in relation to the three tests for derogation.

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.

As outlined in the justification section of this report, and evidenced by the supporting documents, the site is an allocated housing site in the emerging LDP. It is considered that the proposal would have benefits in terms of providing much needed housing, including affordable housing in the wider public interest in providing a range of choice of housing within the Vale of Glamorgan. In addition, this particular site will provide much need strategic open space, plus off-site road improvements that can benefit not only local users but a wider socio-economic catchment. As such the proposal is considered to be of overriding public interest of a social and economic nature that offers long-term benefits of primary importance.

Test ii) - There is no satisfactory alternative

The allocation of the site within the emerging LDP has been through a process of sustainability assessments and alternative site selection. These have concluded that the site is a sustainable one that will serve to meet the Vale of Glamorgan's housing supply requirements.

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.

As regards this third test, both the Council's Ecologist and NRW have confirmed that they support the findings of the submitted survey work and ES.

NRW have advised that they welcome the principles of the mitigation measures proposed to conserve the great crested newt as outlined in Appendix 2.4.12 'Greta Crested Newt – Method Statement' and Drg. No. 2.4.15 'Great Crested Newt Mitigation Strategy (Indicative)'. They note that this includes measures to improve off-site habitats within the golf course as well as to conserve animals on site during the construction phase. They note that these measures provide an adequate basis upon which to make an informed assessment of the likely impact of the proposals on the favourable conservation status of great crested newts. Therefore, subject to the implementation of the proposed mitigation/compensation measures the proposed development will not result in detriment to the favourable conservation status of the species concerned.

Thus it is considered that as the proposal meets all three tests for derogation, and is in line with local and national policy, guidance and regulations, including, policy ENV16 of the UDP, the Council's SPG on Biodiversity and Development, and national guidance contained in TAN5 - Nature Conservation and Planning and the Conservation of Habitats and Species Regulations 2010.

Flood risk and drainage

A number of neighbour objections have raised concerns over flooding and drainage, with reference made to existing local problems in relation to surface water and drainage.

The application is accompanied by a Flood Consequence Assessment (FCA) which demonstrates that the proposed development site is at negligible risk of flooding from all sewers and water courses within close proximity of the site. It concludes that no mitigation measures are required, with no impact on flood risk to other land provided that the site levels are carefully designed. The report also noted that surface water from the proposed development will discharge to soakaways for storms up to and including the 100-year event plus 30% allowance for future climate change. It is suggested that this represents a significant betterment on the current situation and ensures that the proposed development is reducing flood risk to the downstream catchment. The report also indicates that attenuation storage will be provided within the soakaway systems. Furthermore foul water from the proposed development will discharge into the existing 150mm diameter public foul sewer close to the boundary of the site or the 150mm sewer located in the Quad development (Sheepcourt farm barn conversions). These flows will be conveyed to the improved Bonvilston East sewage treatment works with infrastructure upgrades to be provided thereafter at the treatment works.

The Council's Drainage section have confirmed that the site is not located in a DAM zone at risk of tidal or fluvial flooding as identified within TAN15- Development and Flood Risk. In addition, the NRW maps indicate that there is a very low flood risk across the site. However, in assessing the submitted FCA they have highlighted a number of issues that require further consideration.

The Drainage section note that soakaway tests have been carried out across the site, however the results have not been submitted, and will be required prior to technical approval of the drainage layout for the site (see Condition 6). The engineering layout indicates that infiltration basins will be used in three areas of open space. Again no details have been provided on the size or layout of these basins, which will be required in accordance with the SuDS manual. The microdrainage results indicate one potential flood risk on the network and the applicant's drainage engineer will need to demonstrate that this is an acceptable risk at this location, or that appropriate mitigation measures have been put in place prior to final approval of the drainage. Furthermore no details have been of the proposed private soakaways or those to be managed privately in the open space. As for the highway drainage arrangements, confirmation should be provided to demonstrate that a connection to the existing system is permitted.

As such the Drainage section have requested a number of conditions, including, a scheme for surface water drainage; the scheme to identify existing surface water drainage and demonstrate that flows are maintained; and a written declaration detailing responsibility for the adoption and maintenance of all elements of the drainage system (see Conditions 5 and 6).

As regards the foul drainage of the site, Welsh Water have advised that the Bonvilston East Wastewater Treatment Works currently has limited capacity and would not be able to accommodate the foul flows deriving from the 120 units proposed. However, they have confirmed that up to 30 units could be accommodated in advance of any improvements to the treatment works (see Condition 7).

Welsh Water acknowledge that a Feasibility Study of the WwTW commissioned by the applicants has identified a solution. They suggest that the most appropriate mechanism for securing the funding to deliver this solution is via a S106 Planning Obligation Agreement, to which Dŵr Cymru would be a signatory. This is explored in more detail within the planning obligations section of the report. Accordingly, they confirm that there is no objection to the application, however, if the required works to upgrade Bonvilston WwTW's are not included within the Section 106 Agreement, an objection would be raised.

Welsh Water also note that as the feasibility study was originally undertaken in June 2015, their preference would be to revisit this and consider whether there are any possible improvements that can be made to the solution. However, this is not a formal requirement, and provided the Authority and the Applicant are satisfied with the current solution then they support the inclusion of the current scope of improvement works within a S106 Planning Obligation Agreement. In addition, they have confirmed that following completion of the scheme for the WwTW, any unspent funds would be returned to the Council.

In addition to the above a number of conditions are requested relating to a limitation of no more than 30 dwellings allowed to communicate with the public sewerage system, and full details of a drainage scheme to be agreed for the site before commencement.

Archaeology

As part of the ES, and archaeological evaluation of the site has been undertaken. The survey work recorded a series of agricultural features, including land drains and plough furrows, some of which may relate to ridge and furrow cultivation of medieval or post-medieval date. A number of possible soil-filled features of unknown date were also detected within the northeastern part of the site. These were subsequently investigated with trial trenching and no features of any significance were detected which would preclude development.

The Council's archaeological advisors, Glamorgan Gwent Archaeological Trust, have been consulted on the proposal. They note that the site is on the line of a major Roman road and at the outskirts of a Medieval settlement, and therefore in an area that is likely to have been the focus for settlement or activity during these periods. Following an examination of the submitted ES they conclude that it is unlikely that the proposed development will encounter a buried archaeological resource and therefore confirm that they have no objection to the application. As such it is concluded that no further work or mitigation measures are required in respect of archaeology across the site.

Noise

The issue of noise is a material consideration in the determination of the application with policy ENV29 of the UDP being relevant and national guidance contained in PPW and TAN11-Noise.

When considering the requirement for an EIA, and the scoping of the issues to be assessed, the Council's Environmental Health section raised potential concerns over the impact of noise on the development, in particular from road traffic. As a result a Noise and Vibration Assessment has been undertaken as part of the ES. Prior to undertaking the survey work the methodology was approved the Council's Environmental Health section. It was agreed that the noise assessment would take into account current guidance within Wales; noise monitoring locations were agreed along with the timing of monitoring; that external and internal noise limits would be in accordance with the requirements of TAN 11 and World Health Organisation (WHO). Furthermore, in response to the scoping report the Environmental Health section noted that the area in question was designated a Round 2 Priority Area as part of the Welsh Governments obligation under the Environmental Noise Directive and that any noise action plan should include having regard to the location of designated priority areas and the risk of increasing them in size, or creating new priority areas, by permitting new housing development that fails to sufficiently protect future residents from noise in the way in which it is designed and constructed. Thus, the noise assessment has also considered the impact of future road traffic noise associated with the proposed development on the Priority Area in addition to specifying noise mitigation measures to protect the future occupants of the development.

The survey work considered the impact on existing properties as a result of increased traffic generated by the development and from construction works, plus the likely impact on future occupiers from road traffic. The ES concludes that the increase in road traffic noise will be below the threshold of perception and is therefore considered to be negligible in its impact on existing residents. As such mitigation measures are not considered necessary.

In respect of the earthworks and construction phase of the development, the ES notes that subject to the implementation of best working practice and restriction on working hours, the noise and vibration impacts of earthworks and construction phases will be generally negligible.

Finally, in considering the likely impact on the occupiers of the proposed dwellings, the ES indicates that mitigation measures will need to be incorporated to meet the required guidelines for noise sensitive rooms. To that end, a glazing and ventilation scheme has been created to achieve the required guideline values. The glazing and ventilation scheme will allow for passive ventilation to be provided in noise sensitive rooms with windows closed. In addition the ES notes that purge ventilation can be provided via extractor fans in kitchen/bathrooms and through the occasional opening of windows as required. Furthermore the ES refers to the installation of acoustic fencing which is identified on the proposed layout plan. These requirements can be secured by way of a condition on any consent (see Condition 21).

Planning obligations and viability issues

The Council's approved Planning Obligations Supplementary Planning Guidance (SPG) provides the local policy basis for seeking planning obligations through Section 106 Agreements in the Vale of Glamorgan. In addition the updated Draft Planning Obligations SPG (approved by Cabinet on 14 December, 2015) is now used as a material consideration in the Development Management process. It sets thresholds for when obligations will be sought, and indicates how they may be calculated. However, each case must be considered on its own planning merits having regard to all relevant material circumstances.

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

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

In this case, the application seeks full planning permission for the development of 120 dwellings/flats on a greenfield site adjoining the settlement of Bonvilston.

Officers have considered 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.

The relevant planning obligation issues are outlined below followed by analysis of the development viability issues affecting the deliverability of such obligations.

Affordable Housing

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

UDP Policy HOUS12 requires a reasonable element of affordable housing provision in substantial development schemes. The supporting text to that policy also states: '*The starting point for the provision of affordable housing will be an assessment of the level and geographical distribution of housing need in the Vale*'.

The Deposit Local Development Plan (October 2013) policy MG 4 required 35% affordable housing to be incorporated with any residential development of this site, based on an assessment of need and viability at the time. However, as part of the Local Development Plan process there has been an assessment of 'focused' and 'minor' changes to the draft Deposit Local Development Plan (DLDP). These changes are in response to subsequent consultations and the issues raised and are considered necessary to ensure that the LDP is sound. These focused changes include an amendment to the requirement for affordable housing as part of residential development.

In response to representations on affordable housing, the Council has commissioned a review of its viability evidence base to September 2014, taking account of matters raised by the Home Builders Federation (HBF) and the Welsh Government (WG). The latest viability evidence, contained within the Council's Affordable Housing Viability Update Report (2014), indicates a marked increase in viability within the Vale of Glamorgan, and recommends that the Council should increase the affordable housing targets set out in Policy MG 4 from 35% to 40% in the area of Bonvilston. The Council has produced further evidence to support this position following the recent examination in Public of the LDP which is contained in the Action Point Responses for Hearing Session 6.

The Vale of Glamorgan Local Housing Market Assessment (2015) provides the latest evidence on affordable housing need. The LHMA identifies a net annual need for 559 Affordable Housing Units.

In light of the evidence contained within the Council's Affordable Housing Viability Update Report (2014) and the focussed change to Policy MG 4, a Draft SPG for Affordable Housing was approved by Cabinet on 14th December 2015 (Cabinet Minute C3022) and at the Council's Economy and Environment Scrutiny Committee on 5th January 2016. The SPGs are now being used as a material consideration in the Development Management process.

On a 120 unit development, **40% affordable housing** should be provided on site, in line with the Council's latest viability information and the draft Supplementary Planning Guidance on Affordable Housing, which equates to 48 dwellings. The Council also require the affordable housing tenure to be provided at a ratio of 70% social rented, 30% intermediate, consistent with the local housing needs identified in the Council's LHMA.

Education

All new residential developments which are likely to house school aged children create additional demand on places at existing schools. PPW (ed. 9, January 2016) Paragraph 4.4.3 emphasises that in order to achieve a 'More Equal Wales', development should promote access to services like education. PPW recognises that education is crucial for the economic, social and environmental sustainability for 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.

UDP Policy HOUS8 permits new residential development within settlements, provided that, amongst other things, adequate community and utility services exist, are reasonably accessible or can be readily and economically provided. Education facilities are clearly essential community facilities required to meet the needs of future occupiers, under the terms of this policy. Whilst the Council's Unitary Development Plan (1996-2011) is time-expired, this policy remains in line with national guidance contained within PPW.

Whilst 120 residential units are proposed, 12 of the units are 1 bed bedrooms flats, which would not accommodate children of a school age. Therefore 108 dwellings would generate the need for education facilities comprising of the following :

- 11 Nursery,
- 30 primary
- 26 secondary age pupils (22 pupils aged 11-16 and 4 post 16)

Based upon the Council's formula and capacity at local schools, the Council would under normal circumstances seek to secure the following as a section 106 contribution for Education provision:

- Nursery school children – 11 children x £14,463.26 = £159,095.86
- Primary school children – 30 children x £14,463.26 = £433,897.8
- Secondary (aged 11-16) children – 20 children (English Medium) x £21,793.42 = £435,868.4
- Secondary (aged post-16) children – 4 children (English Medium) x £23,653.40 = £94,613.6

In total, the Council would require the developer to pay a contribution of £1,123,475.66 towards education facilities (based on the SPG requirement at the time the application was submitted).

School Transport

Given the location of the site, there is also a requirement for contributions towards school transport, as set out in the Planning Obligations SPG, in order to meet the additional pressure (for 3years).

There will be 33 primary school children, 24 secondary school children and 5 secondary school (post 16years) children who will require subsidised school transport to reach school at a cost of £650.00 per pupil per annum. Therefore a contribution of £120,900 is required for school transport.

Public Open Space

UDP Policies REC3 and REC6 require new residential developments to make provision for public open space. The Planning Obligations SPG and LDP Open Space Background Paper (2013) provide further advice about how these standards should operate in practice, and specifically in relation to this LDP allocated site.

The site lies within the ward of Wenvoe. The LDP Open Space Background Paper (2013) indicates the ward of Wenvoe has an under-provision of children's play space of 0.41ha and an over-provision of 1.89ha of outdoor sport space. However, there is no outdoor sport provision within Bonvilston itself. Therefore, LDP Policy MG 25 (8) allocated 0.55 hectares of land to the east of Bonvilston alongside the residential land as part of mixed use allocation, to ensure that adequate outdoor sport land was being provided in Bonvilston to meet the growth identified in the LDP.

In total, under public open space requirements as defined within the LDP Open Space Background Paper (2013), the standard can be broken down to a minimum square metre requirement per person as follows:

Standard for Children's Outdoor Play = No of dwellings X average household size (2.32) X standard per person (2.5sqm)

Other children's play space = No of dwellings X average household size (2.32) X standard per person (6sqm)

Outdoor Sport = No of dwellings X average household size (2.32) X standard per person (16sqm)

The development of 120 dwellings creates the need for 696sqm of children's play facilities, 1670sqm of other children's play space and 4,454sqm of outdoor sport. The site also needs to accommodate the windfall Public Open Space for Bonvilston (for 26dwellings), equalling 151sqm of children's play facilities, 362sqm for other children's play space and 965 sqm for outdoor sport. In total, the site needs to deliver 8,298sqm (0.83hectares) of Public Open Space, including 3 Local Areas for Play (LAPs), 1 Local Equipped Area for Play (LEAP) and outdoor sport space (equating a Junior Football Pitch or equivalent).

As already noted, the proposed layout will provide for four defined areas of Public Open Space (POS). These include, an area towards the eastern side of the site close to the new access, measuring 0.22 ha and providing a Local Area of Play (LAP); a central area of 0.12 ha; an area to the south close to Sheep Court Cottage and Sheep Court Farm, 0.07ha with a LAP; and the largest area in the south western corner of the site of 0.43 ha, which will include provision of a 37m x 55m playing surface (junior sports pitch), a LAP, and an equipped play area (LEAP). This amounts to a total open space provision of 0.84ha.

In terms of maintenance, if the POS is to be transferred to the Council, a 20 year commuted sum would be required. This figure cannot at present be calculated until full details of the play equipment is provided. This matter can be dealt with within the Section 106 agreement, requiring this to be agreed once full details are submitted for approval.

Community Facilities

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

The Community Facilities contribution for the scale of development indicated would be based on the formula of 0.75sqm of community floor space per dwelling or £988.50 per dwelling if not provided on site. Given the scale of development proposed, it is not considered appropriate to require a building on site, which would be too small to provide a meaningful community facility.

The Council's LDP Community Facilities Background Paper (2013) confirms that within the Wenvoe Ward, there is an existing deficiency of community facilities and additional space is required to accommodate the projected housing growth over the plan period.

A community facilities contribution at £988.50 per dwelling is required, in lieu of on-site provision. Based a scheme for 120 dwellings, this would amount to **£118,620** arising from the development for community facilities.

Sustainable Transport

Increasing importance is enshrined in local and national planning policies emphasising the need for developments to be accessible by alternative modes of transport than the private car.

Planning Policy Wales (PPW) (Ed. 9, November 2016), Paragraph 4.4.3 recognises that in order to create sustainable and cohesive communities within Wales, improvements to transport facilities and services are required. Paragraph 4.7.4 seeks to ensure that new developments are integrated appropriately within existing settlements, to minimise the need to travel by private car.

National policy contained within Technical Advice Note 18 'Transport' (March 2007) Paragraph 9.20 allows local planning authorities to use planning obligations to secure improvements to the travel network, for roads, walking, cycling and public transport, as a result of a proposal.

In terms of local policy, UDP Policy 2 favours proposals which are located to minimise the need to travel, especially by car and which help to reduce vehicle movements or which encourage cycling, walking and the use of public transport. UDP Policy ENV27 states that new development will be permitted where it provides a high level of accessibility, particularly for public transport, cyclists, pedestrians and people with impaired mobility. Whilst the Council's Unitary Development Plan (1996-2011) is time-expired, these policies are supported by the advice in PPW, TAN 18: Transport and Manual for Streets and therefore remain relevant.

The Sustainable Transport Assessment (2013) and Transport Assessment of LDP Proposals (2013) identified the transport implications of growth planned in the LDP and outlined proposals for improvements to highway and sustainable transport infrastructure to address the increased demand for travel.

The Council has based the Sustainable Transport contribution for this site on the adopted Planning Obligations SPG, given that the application was received by the Council some time before the 5th January 2016. The proposed development would result in an increased impact to the local highway infrastructure. With the policies promoting alternative modes of transport to the private car, an assessment will be conducted as to how the sustainable transport provision could be improved in Bonvilston and within the vicinity of the site. This includes identifying potential pedestrian routes from the proposed development.

In particular enhancements would include bus and cycle improvements along the A48 and along Pendoylan Lane. Potential enhancements could then be funded by any sustainable transport contribution.

In accordance with the adopted Planning Obligations SPG, the Council require a financial contribution of £2,000 per residential unit to provide sustainable transport facilities in the vicinity of the site. For 120 units this would result in a requirement for **£240,000**.

Community facilities

Community facilities are important for meeting a range of social needs and must be provided locally to serve the needs of the local community and reduce the need to travel. All new residential developments place pressure on existing facilities.

Chapter 4 'Planning for Sustainability' of PPW (Ed. 9, January 2016), promotes the importance of equal and cohesive communities, and access to services such as community facilities. Paragraph 4.6.1 of PPW recognises that development can help to arrest the decline in community facilities.

UDP Policy HOUS8 permits new residential development where (inter alia) adequate community and utility services exist or can be readily provided. The SPG on Planning Obligations 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 Community Facilities contribution for the scale of development would be based on the formula of 0.75sqm of community floor space per dwelling or £988.50 per dwelling if not provided on site (based on the SPG requirement at the time the application was submitted). Given the scale and location of the development it is considered appropriate to require an off-site contribution of £97,861.50 (based upon a net gain of 99 dwellings). This could be used to provide improved facilities off site, such as enhancements at Wenvoe Library; St. Nicholas Church; St. Nicholas Church Hall, and Bonvilston Reading Rooms. The developer has agreed to this obligation.

The Council's LDP Community Facilities Background Paper (2013) confirms that within the Wenvoe Ward, there is an existing deficiency of community facilities and additional space is required to accommodate the projected housing growth over the plan period.

A community facilities contribution at £988.50 per dwelling is required, in lieu of on-site provision. Based a scheme for 120 dwellings, this would amount to £118,620 arising from the development for community facilities.

Public Art

Technical Advice Note (TAN) 12 'Design' (March 2016) Section 5.15 recognises the importance role of public art, in creating and enhancing '*individuality and distinctiveness*' within a development, town, village and cities.

Public Art can bring distinctiveness and material and craft quality to developments, enable local people to participate in the process of change and foster a sense of ownership. It is therefore an important part of achieving design quality.

The Council introduced a 'percent for art' policy in July 2003, which is supported by the Council's adopted SPG on Public Art. It states that on major developments, developers should set aside a minimum of 1% of their project budget specifically for the commissioning of art and, as a rule, public art should be provided on site integral to the development proposal.

Planning obligations administration fee

In addition the above and separate to any obligation, the Council normally 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.

Development Viability

During negotiations on the planning application the applicant has argued that the Council's requirements for planning obligations are threatening the economic viability of the development. In addition to this there are a number of additional costs required to develop the site, in terms of infrastructure costs.

The reduced planning obligations offer would only be considered acceptable in view of the development viability issues balanced against the need for housing and the sustainable credentials of the site.

In accordance with national guidance, the Council's Affordable Housing SPG 2016 outlines in section 6.2 (Prioritising Planning Obligations) that where an applicant robustly demonstrates that planning obligations would adversely affect the viability of a development, the Council would negotiate obligations in the following order: -

1. Works required to secure a safe environment for the community and future occupiers of the proposed development or which are necessary to meet statutory obligations (e.g. satisfactory access arrangements, off-site highway improvements, natural or built environment and flood risk prevention).
2. In the case of residential development, the provision of affordable housing to meet the needs of the local community.
3. Measures required to meet the needs of the future occupants of the proposed development where the failure to provide the measure would impose unacceptable impacts on the local community (e.g. public open space provision and education).
4. Measures required to mitigate the impact of the proposed development on the local community or matters of acknowledged importance (e.g. community safety, public art, employment and training).

Bonvilston East Welsh Water Treatment Works

The developer commissioned Welsh Water to undertake a Feasibility Study (Development Impacts Assessment) as the Bonvilston East Welsh Water Treatment Works (WwTw) is currently overloaded and cannot accept any further flows until the improvement works are undertaken. The purpose of the study was to identify a viable and deliverable solution to accommodate the increased flows to the site resulting from the proposed development.

Whilst the foul flows from 30 dwellings can be accommodated, the developer will have to secure funding to carry out the required improvements for the remaining 90 dwellings. The costs of the works has been set out in the Development Impacts Assessment report as circa £1.2m.

Therefore in order for the site to be developed for 120 dwellings, the improvements works would have to be undertaken and have to form part of the accepted development costs.

Pendoylan Lane Improvements

As previously stated, the development of the application site will deliver local highway improvements to the existing highway north of the A48 (north of Sycamore cross). LDP Policy MG16, identifies the land to secure such improvements. The developer in his Viability Assessment Report, fully costed up the works to undertake the full scope of the required improvements.

Viability Review

Welsh Government advice contained in “Delivering Affordable Housing Using Section 106 Agreements: A Guidance Update” (2009) makes it clear that development viability is a material consideration in determining planning applications. The burden of proof in such cases falls with the developer to prove that viability is an issue for their development.

The developer has submitted a viability appraisal, which includes details such as development revenue, development costs, abnormal development costs, professional fees, finance costs, build contingency, land value and in particular, infrastructure costs. The viability appraisal tested a number of scenarios, based on the costs of the Sewage Treatment Works and the Pendoylan Lane Improvements, with a varying provision of affordable housing and S106 contributions. This is confidential and contains commercially sensitive information and consequently cannot be released to the public, but is available on file for Member’s Inspection under member privilege.

Based on the need to prioritise Planning Obligations, as set out above, the Council agreed that that the Sewage Treatment Works (to ensure a safe environment for the community and future occupiers) and to enable the development of the site to the required density and the off-site highway improvements, are necessary and should be prioritised in any viability testing.

The District Valuer (DV) was appointed as an independent expert to scrutinise, analyse and review the submitted information and advise the Council on the development viability. The DV’s Report looked at a number of development scenarios, with varying percentage provision of affordable housing and S106 contributions, based on the fixed inputs of the costs of the Sewage Treatment Works and the full scope of Pendoylan Lane Improvements.

1. Based on a 35% AH provision (less than the required 40%) in addition to the S106 contributions, the residual value of land would be well below the benchmark land value and the scheme would not be viable.
2. With a reduced provision of AH provision to 20%, in addition to the S106 contributions, whilst this improves viability, it would still be unviable based on the residual value of land.
3. Based on 20% AH provision, but without any S106 contributions, the scheme would be viable, on the assumption that the road costs remain the same.

It is maintained that the site could be developed meeting the required 40% AH provision and S106 contributions, if it was not for the infrastructure works (Sewage Treatment Works and the Pendoylan Lane Improvements) impacting on the scheme viability. Given that the development could not be mitigated in terms of providing any s106 financial contributions (as set out above), officers undertook further discussions in relation to the scope and costs of the necessary Sewage Treatment Works and the Pendoylan Lane Improvements, in order to reduce the development costs to release value in the site.

Following further discussion with Welsh Water they have confirmed that whilst their duty is to improve, maintain and extend water and sewerage systems, their capital investment is managed in a rolling 5 year Asset Management Plan (AMP). This is to ensure appropriate large scale water and sewerage infrastructure works are undertaken to provide capacity for growth. In light of this and the next available AMP programme, confirmation of whether a scheme to upgrade capacity can be included would not be known until 2019. In light of this, the development of the site is reliant on the developer funding these improvements, to cost of circa £1.2m.

In relation to Pendoylan Lane Improvements as originally reviewed, related to the the full length (circa 700m), which include the realignment of the road and the provisions of a new combined cycleway/footway. The agreed costs of these improvement works would be circa £2.4m. Given the impact of these costs on the viability of the scheme, a shorter (circa 400m) length of the improvements was costed, on the basis that the remainder of the road improvement could be undertaken at a later date, on the proviso that the and to provide the improvements is safeguarded for an agreed period (10 years). The acceptability of this reduced length of road improvement detailed earlier in the report and in summary the costs of the reduced scheme is circa £1.2m.

Further to the above the house type mix has been amended to satisfy the requirement of the Council's Housing section (see below). The DV has tested the applicants proposed 20% Affordable mix (with the major Pendoylan Road works costs as now agreed, updated unit types (which has reduced the overall development value of the site). As such, the revised scheme remains unviable as it produces a residual land value which is far lower than the adopted benchmark land value. The DV states that if a 20% level of Affordable housing is agreed it is their opinion that no S106 sums can be paid.

Whilst it was assumed that the savings in the road cost would release value to provide an element of education contribution, in light of the amended housing mix, the savings in the reduced off-site road improvements have been offset by the lower development value of the site. However, it is considered necessary to mitigate the impact of the development on the education demands, and therefore the applicant was requested to contribute towards this and a sum of £500,000 has been agreed.

On this basis, and in line with the guidance set out in the adopted SPG on Planning Obligations and at a national level by WG, a reduced section 106 package has been negotiated.

Consideration was given to increasing the provision of AH to the required 40%, which would be reliant on utilising AH off site contributions from other sites. However, the housing department are not supportive of the use of what would be all of the other off site contributions secured, given the valuations of properties, the level of unmet need and the fact that there is uncertainty on the timings of the receipt of these contributions.

Having regard to the particular circumstances of this development in this location, officers consider that the contribution should mainly be prioritised towards the provision of education needs arising from the development, which strikes an appropriate balance against the AH provision on site.

Therefore, officers recommend a reduced s106 package of planning obligations reflecting the viability constraints of the site as follows:

Affordable housing - the viability evidence shows that 40% affordable housing cannot be achieved. In this instance it is considered that the best balance would be to secure 20% AH, which comprises of 24 units with the following splits:

Social Rented

4No. 1 bed flats
11No. 2 bed houses
3No bed houses

Intermediate

3No. 2 bed
3No. 3 bed

The mix equates to 75:25 split in favour of social rented. Whilst this is not in accordance with the latest tenure split as set out previously, the Council's Affordable Enabling Officer is supportive of the mix and tenure type on the basis of the viability.

The developer has agreed to this obligation and is detailed in the amended planning layout.

Education - the evidence shows no viability, however, the applicant has agreed a contribution of £500,000 to use for education purposes, with priorities identified in consultation with the Council's Education department to meet the needs of the development as identified at the time.

Sustainable Transport : The viability demonstrates that there is no funding for sustainable transport contributions. However Members will note that a cycleway/footway along 400 metres of Pendoylan Lane is being provided by the developer. The first 150 metres is considered to form the site frontage and would have to be provided by the developer in order to provide access into the site from the A48. However the continuation of the cycleway footway from 150m to 400m is an additional element secured as part of the improvement works to Pendoylan Lane which have been costed as being £36,853.

Implementation

The viability review was undertaken in January 2017, based on current market values and build costs. In accepting the viability case presented by the applicant, and as agreed by the DV, it is considered necessary to reduce the timescale for implementation, in line with the DV advise. The applicant has agreed that the development will be implemented within one year of the grant of planning permission (see Condition 1).

Whilst the above only requires implementation and not completion, the S106 does require the delivery of the off-site highway improvements prior to the occupation of the 100th dwelling, or within 4 years of the commencement of development. As such the applicant is obliged in any case to build the road with the associated costs, which will be funded by the sale of the proposed houses.

Conclusion

The application includes an Environmental Statement (ES) which sets out the results of an Environmental Impact Assessment ('EIA') of the proposed development. This has been carried out due to the scale and nature of the proposals and the location and characteristics of the site. The ES (July 2014) and Addendum (October 2015) have considered the current conditions identified (the baseline), and the potential effects of the development, and identify a range of both adverse and beneficial effects from the development.

The ES notes that in each case where adverse environmental effects of the proposed development have been identified, measures to avoid or mitigate these effects have been identified and described. The principal mitigation measures included in the development proposals and recommended in the Environmental Statement are summarised in Table 3.1 of the ES. The principal environmental effects of the proposed development after the implementation of the mitigation measures which have been identified and proposed, that is the "residual environmental effects" of the proposed development, are summarised in Table 3.2.

It is concluded therefore that, subject to the implementation of the relevant mitigation measures outlined in the ES, the environmental impacts identified are acceptable.

It should also be noted that officers have entered negotiations with the applicant to secure planning obligations through a Section 106 Agreement. Whilst these are limited due to the viability issues associated with the site, nevertheless, there are benefits arising from development. These include the contribution towards the Vale's required housing supply and the delivery of affordable housing; the provision of public open space; and off-site highway improvements.

It is therefore concluded that the application should be approved subject to conditions and subject to a Section 106 Legal Agreement.

RECOMMENDATION

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

- Procure that 20% (24 No.) of the dwellings built on the site pursuant to the planning permission are built and thereafter maintained as affordable housing units in perpetuity, of which at least 75% would be social rented properties, and the remaining 25% would be intermediate properties.
- To require the developer to enter into a highway legal agreement under the Highways Act 1980 with the Council, to provide the identified improvements to Pendoylan Lane (to chainage 400 metres) as approved under this application, which be fully completed prior to the occupation of the 100th dwelling or within 48 months from the commencement of development and to secure any required Traffic Regulation Orders appropriate to the highway safety of the scheme as a whole in accordance with a scheme which shall first have been submitted to and agreed in writing by the Local Highway Authority.
- The landowner shall safeguard the land (identified to undertake the remainder of the highway improvements to Pendoylan Lane) and not at any time dispose of or carry out any development of the land, in order to allow the Council the option to undertake highway improvements (for a period of 10 years).
- Pay a contribution of £500,000 for the provision or enhancement of education facilities towards meeting the needs of future occupiers.
- A scheme to ensure appropriate provision for future maintenance for the on-site public open space.
- The developer shall pay a contribution of £1.2m to Dwr Cymru Welsh Water to increase capacity at the Bonvilston East Wastewater Treatment Works to accommodate an additional 90 dwellings,
- In the event that the final costs of Bonvilston East Wastewater Treatment Works is less than £1.2m, Dwr Cymru Welsh Water shall pay the Council the difference.

APPROVE having regard to all the submitted environmental information in accordance with Section 3(2) of the Regulations and subject to the following condition(s):

APPROVE subject to the following condition(s):

1. The development hereby permitted shall be begun before the expiration of one year from the date of this permission.

Reason:

To ensure that the development is implemented and progresses in a timely manner with specific regard to the current economic circumstances and state of the housing market which have been important material considerations in the determination of this application and the related legal agreement and in accordance with Welsh Assembly Government advice contained in Delivering Affordable Housing Using Section 106 Agreements: A Guidance Update (2009).

2. The development shall be carried out in accordance with the following approved plans and documents:-
 - Site Boundaries, Drg. No. CA10624-018D, 27 September 2016, amended plan received 29 September 2016;
 - Proposed Site Plan, Drg. No. SP411-P01 Rev D, July 2015, amended plan received 12 January 2017;
 - Proposed Site Plan-Plot Locations, Drg. No. SP411-P05 Rev D, August 2015, amended plan received 12 January 2017;
 - Proposed External Works, Drg. No. SP411-P04 Rev C, August 2015, amended plan received 12 January 2017;
 - House type plans for variations:-HA1, HA2,HA3, LCHO2, LCHO3, and Types A-H and J-L, as identified in Key to House Types and Elevational Variations, Drg. No. SP411-P20, August 2015, amended plans received 12 January 2017;
 - Engineering layout, Drg. No. 3758-110 Rev F, June 2015, amended plan received 12 January 2017;
 - General Arrangement Developed Design, Drg. No. SCB-CAP-00-00-DR-CE-001 Rev P06, 24 February 2016, amended plan received 12 January 2017;
 - Drainage Layout, Drg. No. SCB-CAP-00-00-DR-CE-002 Rev P01, 24 February 2016, amended plan received 12 January 2017;
 - Longsection, Drg. No. SCB-CAP-00-00-DR-CE-003 Rev P01, 24 February 2016, amended plan received 12 January 2017;
 - Cross sections (1 of 2), Drg. No. SCB-CAP-00-00-DR-CE-004 Rev P01, 24 February 2016, amended plan received 12 January 2017;
 - Cross sections (2 of 2), Drg. No. SCB-CAP-00-00-DR-CE-005 Rev P00, 24 February 2016, amended plan received 12 January 2017;
 - Vehicle Swept Path Analysis: Refuse Vehicle, Drg. No. SCB-CAP-00-00-DR-CE-006 Rev P00, 23 May 2016, amended plan received 12 January 2017;
 - Street Lighting Layout, Drg. No. SCB-CAP-00-00-DR-CE-007 Rev P00, 23 May 2016, amended plan received 12 January 2017;

- Typical Detailed Section, Drg. No. SCB-CAP-00-00-DR-CE-008 Rev P00, 6 September 2016, amended plan received 12 January 2017;
- Soft Works Layout-Residential Scheme, Drg. No. UG1504-LA-202 Rev 04, 6 January 2017, amended plan received 18 January 2017;
- Soft Works Layout - Pendoylan Lane, Drg. No. UG1504-LA-203 Rev 04, 13 July 2015, amended plan received 12 January 2017;
- Environmental Statement and Technical Appendices, comprising Main Text, Drawing and Figures (July 2015), plus an Addendum to the Environmental Statement (October 2015) and a further Revision of 2015 Environmental Statement and 2015 Environmental Statement Addendum (Ecology) (May 2016);
- Non-Technical Summary to Environmental Statement July 2015;
- Design and Access Statement and Addendum January 2017;
- Planning Statement 11 August 2015;
- Transport Assessment Revision B August 2015;
- Travel Plan Framework August 2015;
- Flood Risk Assessment June 2015;
- Drainage Strategy received 26 August 2015;
- ArbTS Arboricultural Report July 2015; and
- Wardell Armstrong Arboricultural Report December 2014;

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.

3. Prior to their use in the construction of the development hereby approved, a schedule of the proposed materials to be used, including samples, shall be submitted to and approved in writing by the Local Planning Authority and the development shall thereafter be carried out in accordance with the approved details.

Reason:

In the interests of visual amenity and the character and appearance of the rural setting and Bonvilston Conservation Area, in accordance with Policies ENV4-Special Landscape Areas, ENV10-Conservation of the Countryside, ENV20-Development in Conservation Areas, ENV27-Design of New Developments and HOUS8-Residential Development Criteria of the Unitary Development Plan.

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

Reason:

In the interests of neighbouring and visual amenity and the character and appearance of the rural setting and Bonvilston Conservation Area, in accordance with Policies ENV4-Special Landscape Areas, ENV10-Conservation of the Countryside, ENV20-Development in Conservation Areas, ENV27-Design of New Developments and HOUS8-Residential Development Criteria of the Unitary Development Plan.

5. No development shall commence until a drainage scheme for the site has been submitted to and approved in writing by the local planning authority. The scheme shall provide for the disposal of foul, surface and land water, and include an assessment of the potential to dispose of surface and land water by sustainable means. Thereafter the scheme shall be implemented in accordance with the approved details prior to the occupation of the development and no further foul water, surface water and land drainage shall be allowed to connect directly or indirectly with the public sewerage system.

Reason:

To prevent hydraulic overloading of the public sewerage system, to protect the health and safety of existing residents and ensure no pollution of or detriment to the environment in accordance with Policies ENV27-Design of New Development and ENV29-Protection of Environmental Quality of the Unitary Development Plan.

6. The detailed drainage scheme shall pay particular regard to the following:-
 - Surface water drainage, showing how road and roof/yard water will be dealt with. If infiltration techniques are used, then the plan shall include the details of field percolation tests. Any calculation for onsite attenuation or discharge should also be included. The scheme shall be designed so that flooding does not occur on any part of the site for a 1 in 30 year rainfall event plus climate change and not in any part of any building for the 1 in 100 year rainfall event plus climate change;
 - Scheme to provide an appropriate level of runoff treatment and will follow the principles identified within the submitted Flood Consequence Assessment;
 - An implementation/construction plan of the drainage systems to be provided;
 - Identification of all existing surface water drainage structures within the site and demonstrate that they are still utilised for their intended use, or that alternative provision is made;
 - Scheme shall demonstrate that flows within said structures are maintained during construction works and thereafter;
 - A written declaration detailing responsibility for the adoption and maintenance of all elements of the drainage system prior to beneficial occupation;
 - A maintenance schedule for the surface water system, including soakaways and infiltration basins; and
 - Provision of as-built drawings for the surface water drainage system.

Reason:

To minimise the risk of flooding and prevent hydraulic overloading of the public sewerage system, to protect the health and safety of existing residents and ensure no pollution of or detriment to the environment in accordance with Policies ENV7-Water Resources, ENV27-Design of New Development and ENV29-Protection of Environmental Quality of the Unitary Development Plan.

7. No more than 30 dwellings shall communicate with the public sewerage system until the necessary improvements to Bonvilston East Wastewater Treatment Works to accommodate the foul flows from the development hereby approved have been completed and confirmed in writing by the Local Planning Authority.

Reason:

To prevent hydraulic overloading of the public sewerage system, to protect the health and safety of existing residents and ensure no pollution of or detriment to the environment in accordance with Policies ENV27-Design of New Development and ENV29-Protection of Environmental Quality of the Unitary Development Plan.

8. Notwithstanding the submitted plans, full engineering details of the proposed highway works, including highway drainage, shall be submitted to and agreed in writing with the Local Planning Authority before their implementation on site. The development shall be implemented thereafter in accordance with the approved details.

Reason:

In the interests of highway safety in accordance with Policy ENV27-Design of New Developments of the Unitary Development Plan.

9. The approved access (including the associated works to Pendoylan Lane with the site frontage), internal road layout and car parking provision, including private curtilage parking and on road bays, as identified on Drg. No. SP411-P01 Rev D shall be implemented in full before the first beneficial occupation of their associated residential units. The car parking provision shall thereafter be retained and maintained for use exclusively in connection with their associated residential units.

Reason:

To ensure adequate access and off-street parking in the interests of highway safety in accordance with Policies ENV27-Design of New Developments, and TRAN10-Parking of the Unitary Development Plan.

10. The development hereby permitted shall be implemented in accordance with the Travel Plan Framework dated August 2015 and prepared by Capita.

Reason:

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

11. Prior to the commencement of any works within the site or associated with new access, a Construction Traffic Management Plan, which shall include, details of construction site access (haulage routes); traffic management; hours of delivery; etc., shall be submitted to and approved in writing with the Local Planning Authority. All construction works shall fully accord with the agreed CTMP and no other local roads shall be used by construction traffic other than that agreed 'Construction Traffic Access Route'

Reason :

In the interests of maintaining highway efficiency and public safety and in accordance with Policy ENV27-Design of New Developments of the Unitary Development Plan.

12. The development hereby permitted shall be implemented in accordance with the recommendations contained in the Environmental Statement and Technical Appendices (July 2015), plus Addendum to the Environmental Statement (October 2015) and a further Revision of 2015 Environmental Statement and 2015 Environmental Statement Addendum (Ecology) (May 2016).

Reason:

In the interests of ecology and biodiversity and to ensure adequate mitigation for protected species in accordance with Policy ENV16-Protected Species of the Unitary Development Plan, TAN5-Nature Conservation and Planning, and the Conservation of Habitats and Species Regulations 2010.

13. The clearance of the site shall be carried out in accordance with the Method Statement in Appendix 2.4.13 and the Methodology in Section 2.4.361 of the Environmental Statement.

Reason:

In the interests of ecology and biodiversity and to ensure adequate mitigation for protected species in accordance with Policy ENV16-Protected Species of the Unitary Development Plan, TAN5-Nature Conservation and Planning, and the Conservation of Habitats and Species Regulations 2010.

14. Before the commencement of development, a scheme for the protection and enhancement of biodiversity on site shall be submitted to, and approved in writing by the Local Planning Authority. The scheme shall consider, but not be exclusively limited to:-
- Wildlife friendly (newt friendly) drainage;
 - Mammal/amphibian underpasses (dependent upon topography);
 - Wildlife kerbs;
 - Provision of bird nesting boxes on 25-50% of new residential units on site (target species are Swift, Starling, House Sparrow and House Martin);
 - Provision and protection of vegetated Dark flight corridors for light sensitive species of bat;
 - Retention of mature and semi-mature trees;
 - Retention of water features in a natural condition;
 - 7m buffer to water features;
 - 100mm gaps under all fences;
 - Native species in the planting scheme; and
 - Native wild flowers mix for open areas, rather than low diversity grass mixes.

The approved scheme shall be implemented on site and thereafter retained at all times in line with any agreed timescales.

Reason:

In the interests of ecology and biodiversity enhancement in accordance with Policy ENV16-Protected Species of the Unitary Development Plan, TAN5-Nature Conservation and Planning, and the Conservation of Habitats and Species Regulations 2010.

15. Before the commencement of development, a Japanese Knotweed strategy shall be submitted to, and approved in writing by the Local Planning Authority. The strategy will detail measures to be implemented to prevent the spread of Japanese Knotweed. The development shall be implemented thereafter in accordance with the approved scheme.

Reason:

In the interests of the environment in accordance with Policy ENV29-Protection of Environmental Quality of the Unitary Development Plan, and to address Schedule 9 of the Wildlife and Countryside Act 1981 (as amended).

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

Reason:

In the interests of visual amenity and the character and appearance of the rural setting and Bonvilston Conservation Area, in accordance with Policies ENV4-Special Landscape Areas, ENV10-Conservation of the Countryside, ENV11-Protection of Landscape Features, ENV20-Development in Conservation Areas, ENV27-Design of New Developments and HOUS8-Residential Development Criteria of the Unitary Development Plan.

17. In line with the ArbTS Arboricultural Report (July 2015), a scheme providing for the fencing of the trees and hedgerows to be retained, and showing details of any excavations, site works, trenches, channels, pipes, services and areas of deposit of soil or waste or areas for storage shall be submitted to and agreed in writing with the Local Planning Authority prior to the commencement of development. No development shall be commenced on site until the approved protection scheme has been implemented and the scheme of tree/hedgerow protection shall be so retained on site for the duration of development works.

Reason:

To ensure the existing trees/hedgerows to be retained are safeguarded and in the interests of visual amenity and the character and appearance of the rural setting and Bonvilston Conservation Area, in accordance with Policies ENV4-Special Landscape Areas, ENV10-Conservation of the Countryside, ENV20-Development in Conservation Areas, ENV27-Design of New Developments and HOUS8-Residential Development Criteria of the Unitary Development Plan.

18. Notwithstanding the submitted plans, further details of the means of enclosure associated with the development hereby approved, shall be submitted to and agreed in writing by the Local Planning Authority. The details shall pay particular regard to the external boundaries of the site, including the relationship between the proposed acoustic fencing and retained hedgerows, to ensure that the development reflects its rural location. The means of enclosure shall be implemented in accordance with the approved details prior to the first beneficial occupation of the associated residential units, and thereafter retained and maintained as such.

Reason:

In the interests of visual amenity and the character and appearance of the rural setting and Bonvilston Conservation Area, in accordance with Policies ENV4-Special Landscape Areas, ENV10-Conservation of the Countryside, ENV20-Development in Conservation Areas, ENV27-Design of New Developments and HOUS8-Residential Development Criteria of the Unitary Development Plan.

19. 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 Orders revoking or re-enacting those Orders with or without modification), no gates, fences, walls or other means of enclosure, other than those approved under Condition 17, shall be erected, constructed or placed on plot No.s 1, 2, 8, 13, 14, 18-21, 43, and 45-50 without the prior written consent of the Local Planning Authority.

Reason:

In the interests of visual amenity and the character and appearance of the rural setting and Bonvilston Conservation Area, in accordance with Policies ENV4-Special Landscape Areas, ENV10-Conservation of the Countryside, ENV20-Development in Conservation Areas, ENV27-Design of New Developments and HOUS8-Residential Development Criteria of the Unitary Development Plan.

20. Full details of the layout of the public open space areas, including details of surfacing, enclosures, play equipment, seating, and the future management and maintenance of the sites to allow public access, shall be submitted to and approved in writing by the Local Planning Authority. Each area of public open space shall be implemented in accordance with the agreed details before the first beneficial occupation of any one of the neighbouring residential properties hereby permitted.

Reason:

In the interests of visual and neighbouring amenity, and the adequate provision of public open space, in accordance with Policies ENV27-Design of New Developments, REC3-Provision of Public Open Space for New Developments, REC6-Children's Play Facilities, and REC7- Sport and Leisure Facilities of the Unitary Development Plan.

21. The development shall be implemented in accordance with the proposed noise mitigation measures outlined in the accompanying Environmental Statement prior to the first beneficial occupation of any individual dwelling for which the mitigation measures have been identified.

Reason:

To ensure that adequate noise mitigation is implemented for those properties adversely affected in accordance with Policies ENV27-Design of New Developments, ENV29-Protection of Environmental Quality of the Unitary Development Plan and national guidance contained in TAN11-Noise.

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

Reason:

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

23. No construction work associated with the development hereby approved shall take place on the site on any Sunday or Public Holiday or on any other day except between the following hours:

0800 – 1800 Mon – Fri
0800-1300 Saturday

Unless such work –

- (a) is associated with an emergency (relating to health and safety or environmental issues);
- (b) is carried out with the prior written approval of the Local Planning Authority.

Reason:

To safeguard the amenities of local residents, and to ensure compliance with the terms of Policy ENV27-Design of New Developments of the Unitary Development Plan.

REASON FOR RECOMMENDATION

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.

It is considered that the development complies with the sustainable development principle and satisfies the Council's well-being objectives in accordance with the requirements of the Well Being of Future Generations (Wales) Act 2015.

Having regard to Policies ENV1-Development in the Countryside, ENV2-Agricultural Land, ENV4-Special Landscape Areas, ENV7-Water Resources, ENV10-Conservation of the Countryside, ENV11-Protection of Landscape Features, ENV14-National Sites of Nature Conservation Importance, ENV15-Local Sites of Nature Conservation Significance, ENV16-Protected Species, ENV17-Protection of Built and Historic Environment, ENV18-Archaeological Field Evaluation, ENV19-Preservation of Archaeological Remains, ENV20-Development in Conservation Areas, ENV21-Demolition in Conservation Areas, ENV27-Design of New Developments, ENV28-Access for Disabled People, ENV29-Protection of Environmental Quality, HOUS 2-Additional Residential Development, HOUS3-Dwellings in the Countryside, HOUS8-Residential Development Criteria, HOUS11-Residential Privacy and Space, HOUS12-Affordable Housing, TRAN9-Cycling Development, TRAN10-Parking, REC3-Provision of Public Open Space for New Developments, REC6-Children's Play Facilities, REC7- Sport and Leisure Facilities, and Strategic Policies 1 & 2-The Environment, 3-Housing, 7-Transportation Network Improvement, 8-Transportation and 14-Community Facilities of the Vale of Glamorgan Adopted Unitary Development Plan 1996-2011; Supplementary Planning Guidance on Amenity Standards, Affordable Housing Draft, Biodiversity and Development, Design in the Landscape, Model Design Guide for Wales, Parking Standards, Planning Obligations, Trees and Development, and the Bonvilston Conservation Area Appraisal and Management Plan; and national guidance contained in Planning Policy Wales (Edition 9, 2016) and TAN1- Joint Housing Land Availability Study, TAN2-Planning and Affordable Housing, TAN5-Nature Conservation and Planning, TAN6-Planning for Sustainable Rural Communities, TAN10-Tree Preservation Orders, TAN11-Noise, TAN12-Design, TAN16-Sport, Recreation and Open Space, TAN18-Transport, and TAN23-Economic Development, it is considered that, based on the material considerations outlined within the report, the proposal represents an acceptable and sustainable form of residential development, that justifies a departure from the current development plan. In addition it is considered that, subject to appropriate conditions, the proposal should have no significant adverse impact on highway safety; the character and appearance of the area, including the Bonvilston Conservation Area and the surrounding rural landscape of the nearby Special Landscape Areas; neighbouring and general amenities; and other issues such as ecology, drainage, flood risk, noise, and archaeology. The proposals therefore comply with the relevant national planning policies and supplementary planning guidance.

NOTE:

- 1. 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.**

- 2. 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.**
- 3. In accordance with Regulation 3(2) of the Town and Country Planning (Environmental Impact Assessment) (England and Wales) Regulations 1999, the Local Planning Authority took into account all environmental information submitted with this application.**
- 4. Surface water run-off from the proposed development must not connect either directly or indirectly (i.e. via any existing or proposed private drainage system) to the public foul sewer under any circumstances.**
- 5. Any works to watercourses, including ditches and streams where defined by the Land Drainage Act 1991, require Land Drainage Consent by the relevant drainage body (Lead Local Flood Authority – Vale of Glamorgan Council). Works include permanent and temporary works, including temporary crossings during construction phases.**
- 6. Where any species listed under Schedules 2 or 5 of the Conservation of Habitats and Species Regulations 2010 is present on the site, or other identified area, in respect of which this permission is hereby granted, no works of site clearance, demolition or construction shall take place unless a licence to disturb any such species has been granted by the Welsh Assembly Government in accordance with the aforementioned Regulations.**

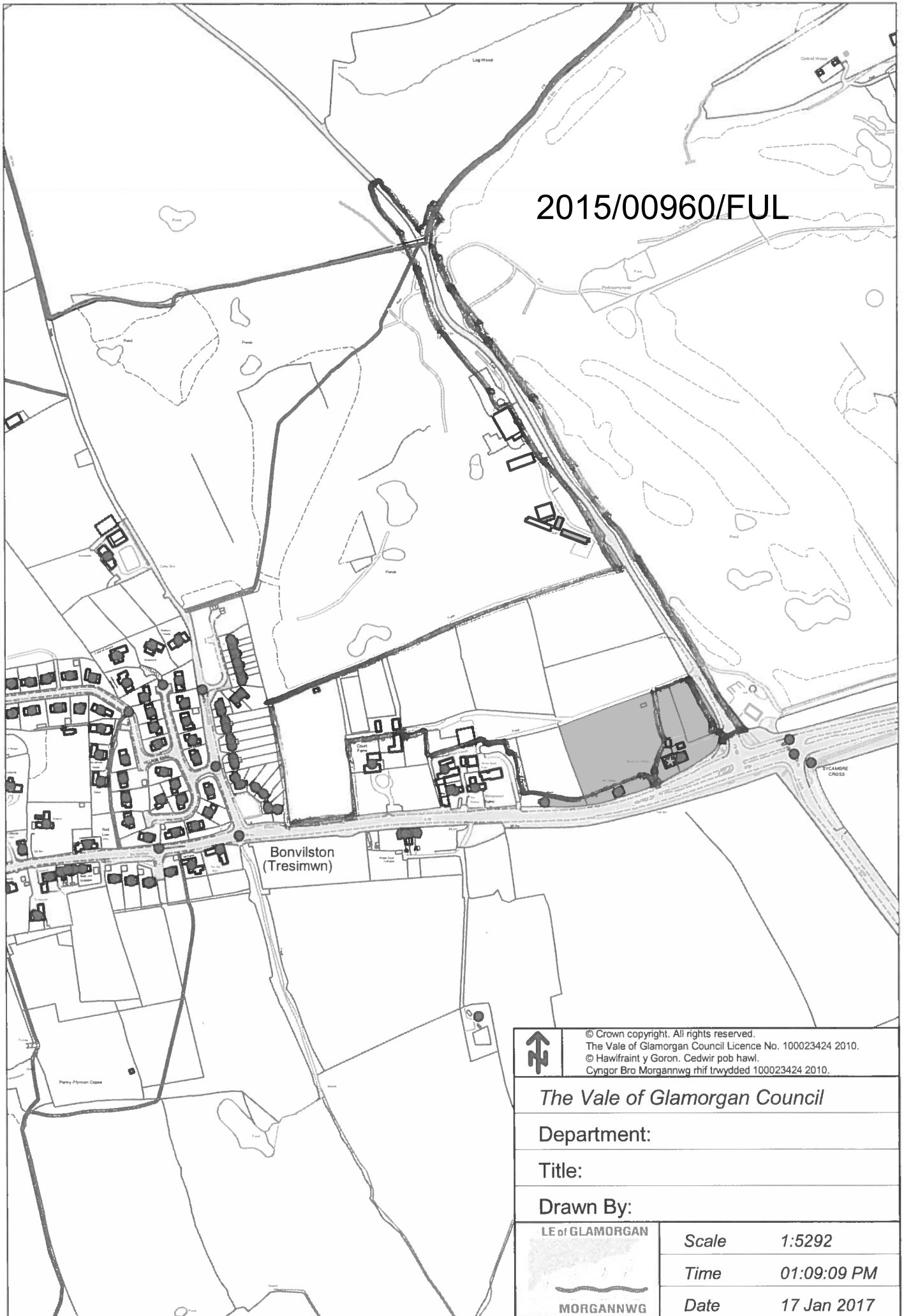
Please note that this consent is specific to the plans and particulars approved as part of the application. Any departure from the approved plans will constitute unauthorised development and may be liable to enforcement action. You (or any subsequent developer) should advise the Council of any actual 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.

2015/00960/FUL



Bonvilston
(Tresimwn)

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	<i>The Vale of Glamorgan Council</i>	
Department:		
Title:		
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	Time	01:09:09 PM
	Date	17 Jan 2017



15/00960/FUL 'A'

St Nicholas with Bonvilston Community Council

CLERK: D. Meirion Evans, Glan-y-Nant, Peterston-super-Ely, CARDIFF, CF5 6LG

Telephone: [REDACTED]

Email: [REDACTED]

6 Oct 2015

Chief Planning Officer
Planning Department
The Vale of Glamorgan Council
Dock Office
Barry CF63 4RT

Dear Sir

Planning Application by Bonvilston Vale Ltd and Village Homes Ltd : Land to the East of Bonvilston

Your Ref: 2015/00960/FUL

1. Application Premature

This application by Bonvilston Vale Ltd and Village Homes Ltd to build 120 houses is premature. Many representations and objections to the proposals contained in the LDP with regard to the land east of Bonvilston (LDP MG 2 - 37) have been submitted. To consider a planning application before the LDP process is complete would be to ignore the detailed objections submitted and deny the community the right of representation. With reference to PPW paragraph 2.6.3 this development is substantial in terms of Bonvilston and will have a significant impact on the settlement.

2. Development in Open Countryside

The proposed site is on agricultural land and would represent a major incursion into the open countryside. Paragraph 4.7.8 of Planning Policy Wales recognises that minor extensions in the countryside to existing settlements may be acceptable. An increase of 89% in the number of houses in the core of the village of Bonvilston cannot be described as a "minor extension". This proposed development would have a major negative impact on the existing character of the minor rural settlement of Bonvilston.

3. Sustainability

Local services in the Community of Bonvilston are limited to a small shop and public house. There is also a church and village hall and regular bus service.

The location of the proposed development would encourage the use of vehicles to gain access to these services. A bus service, which is expensive for short journeys, would encourage residents to make frequent car journeys to access all other services.

The preferred form of transport to access to all other services will be by private car given the high cost of public transport. This will be counter to the Sustainability Objectives defined by PPW, Section 4.4 which are to:

- i. Promote resource efficient and climate change resilient settlement patterns
- ii. Locate developments so as to minimize the demand for travel, **especially by private car.**

15 / 00960 / TML 'A'₂

The summary of the Council's assessment of the allocated site (page 883 of the Sustainability Appraisal Report) shows a positive impact for only two sustainability objectives and shows a negative impact for 5 objectives if those related to accessibility are included. The appraisal shows that there is a net negative impact that demonstrates the site is unsustainable.

The summary states "*assessment generates a negative result given the loss of good quality agricultural land and the proximity of the site to features within the historic environment. Positive scores are generated as a result of affordable housing provision and the possibility of improved local services and facilities as a result of s106/CIL.*" This would suggest that the site is viable only if affordable housing is included. This application includes only 25 affordable homes a level of 21% somewhat below the LDP requirement of 35% and well below the recently proposed level of 40%. Additionally the level of improvements to local services and facilities are not made clear within this planning application.

4. Scale of Development

The application relates to 120 new houses. This proposal would increase the core of the village by 89%. The proposed development at a density of 15 houses per hectare is of a completely different scale compared with the adjacent Conservation Area where the average density is 5.5 houses per hectare.

The Welsh Assembly Government in a response to the Vale of Glamorgan Council regarding the draft LDP dated 20 December 2013 stated "*Allocations in some minor rural settlements, for example, 100 units at St Nicholas and 120 units at Bonvilston appear disproportionate to current services and facilities.*"

This scale of development is totally out of proportion to the existing settlement of Bonvilston and in contravention of paragraphs 4.5 and 7.5 of the Deposit LDP.

5. Need

The proposed development includes 20 affordable homes. While the need for affordable houses in the main settlements of the Vale of Glamorgan is recognised, Table 6.13 of the *Local Housing Market Assessment Report* confirms that there is no net need for affordable houses in Bonvilston and the East Vale.

6. Access to Site

To the North of the proposed entrance to the development, is a narrow section of road, which only allows single track movement. It would be advantageous to all if the width of this short section of road could be increased by at least a vehicle width. This would relieve the existing problem of queuing at the A48 traffic lights and blocking access to the North.

The changes as proposed merely move the traffic 'pinch point' 100 metres to the North.

7. Public Open Space

While the areas of POS marked in the submission total the required 0.63 ha the small size of each of these plots affords no substantial open space to support the development. At the minimum level this could provide facilities for the proposed development while leaving the established settlement with no equivalent facility. There has been no adequate outdoor facility in the village since the loss of the playing fields

15/09/2016/FM 'A'₃

8. Local facilities – Sustainability

Substantial investment would be required to provide adequate facilities to support such a development. There is no public open space in the village. The village only has a church, a small shop and a public house.

9. Public Consultation

Reference is made in the DAS to a public consultation. Based on the 'closed question' nature of the questionnaire it is very difficult to see how the statements included have been arrived at. We would ask that no weight be given to the responses in determining this application. A copy of the questionnaire is included for your reference.

10. Development Timescale

The LDP indicated a timescale for the 120 houses in Bonvilston - 60 houses over the period 2016 – 2021 and 60 houses 2021 – 2026. There is no reference in the application as to timescales for the development.

St Nicholas with Bonvilston Community Council object to the planning application, for the reasons stated above, and request that planning permission be refused.



D Meirion Evans

Clerk, St Nicholas with Bonvilston Community Council



Dŵr Cymru
Welsh Water

15/00960/FUL 'B'

Developer Services
PO Box 3146
Cardiff
CF30 0EH

Tel: +44 (0)800 917 2652
Fax: +44 (0)2920 740472
E.mail: developer.services@dwrcymru.com

Gwasanaethau Datblygu
Blwch Post 3146
Caerdydd
CF30 0EH

Ffôn: +44 (0)800 917 2652
Ffacs: +44 (0)2920 740472
E bost: developer.services@dwrcymru.com

Vale of Glamorgan County Council
Dock Office
Holton Road
Barry Docks
Barry
CF63 4RT

Date: 03/01/2017
Our Ref: PLA0014202
Your Ref: 2015/00960/FULL

Dear Sir

Site: Land at Sycamore Cross, Pendoylan Lane north of A48 Bonvilston
Development: 120 Homes including affordable homes, new vehicle, pedestrian and cycle works, improvement to pendoylan lane, drainage, landscape works

I refer to the above proposed development and I acknowledge that it is your intention to report the application to your Planning Committee shortly. I can therefore provide an updated response to our original consultation response dated 19th October 2015.

As you will be aware the site would drain to Bonvilston East Wastewater Treatment Works which has limited capacity and would not be able to accommodate the foul flows deriving from the 120 units proposed. However, we have since confirmed to you and the Applicant that we are able to accommodate 30 units in advance of any improvements to this asset.

The Applicant commissioned a Feasibility Study of the WwTW which identified a solution to accommodate the site without detriment to the local environment. This solution primarily consists of the installation of a new inlet screen, new trickling filter and a new settlement tank. The most appropriate mechanism for securing the funding to deliver this solution at the WwTW is via a S106 Planning Obligation Agreement, of which Dŵr Cymru would be a signatory. Accordingly, subject to appropriate controls contained with a S106 Agreement which ensures the completion of the solution in advance of the communication of flows to the public sewerage network, we are content that an objection to this planning application can be removed. However, for the avoidance of doubt if the required works to upgrade Bonvilston WwTW's are not included within the Section 106 Agreement we would have no alternative but to object to the proposed development.

Notwithstanding the above and since the study was originally undertaken in June 2015, our preference would be to revisit the study and consider whether there are any possible improvements that can be made to the solution. Further, our recommendation is that a flow and load survey of the Works is undertaken now to provide greater assurance that the solution is appropriate. However, given the current position and timescales, provided your Authority and the Applicant are satisfied with the current solution then I am content to support the inclusion of the current scope of improvement works within a



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We welcome correspondence in
Welsh and English

Dŵr Cymru Cyf, a limited company registered in
Wales no 2366777. Registered office: Pantwyn Road,
Nelson, Treharris, Mid Glamorgan CF46 6LY

Rydym yn croesawu gohebiaeth yn y
Gymraeg neu yn Saesneg

Dŵr Cymru Cyf, cwmni cyfyngedig wedi'i gofrestru yng
Nghymru rhif 2366777. Swyddfa gofrestru: Heol Pantwyn
Nelson, Treharris, Morgannwg Ganol CF46 6LY

S106 Planning Obligation Agreement. I can also confirm at this stage that following completion of the scheme the WwTW, any unspent funds would be returned to you.

Conditions

In order to secure the delivery of the WwTW upgrade scheme in advance of the occupation of more than 30 properties at the site, I respectfully request that the following condition is included as part of any planning consent granted for the development to sit alongside the obligations under the S106 Agreement.

No more than 30 dwellings shall communicate with the public sewerage system until the necessary improvements to Bonvilston East Wastewater Treatment Works to accommodate the foul flows from the development hereby approved have been completed and confirmed in writing by the Local

Reason: To prevent hydraulic overloading of the public sewerage system, to protect the health and safety of existing residents and ensure no pollution of or detriment to the environment.

I also request the following condition (and advisory notes) is included to secure the submission of a drainage strategy to serve the site;

No development shall commence until a drainage scheme for the site has been submitted to and approved in writing by the local planning authority. The scheme shall provide for the disposal of foul, surface and land water, and include an assessment of the potential to dispose of surface and land water by sustainable means. Thereafter the scheme shall be implemented in accordance with the approved details prior to the occupation of the development and no further foul water, surface water and land drainage shall be allowed to connect directly or indirectly with the public sewerage system.

Reason: To prevent hydraulic overloading of the public sewerage system, to protect the health and safety of existing residents and ensure no pollution of or detriment to the environment.

Advisory Notes

The applicant may need to apply to Dwr Cymru / Welsh Water for any connection to the public sewer under S106 of the Water industry Act 1991. If the connection to the public sewer network is either via a lateral drain (i.e. a drain which extends beyond the connecting property boundary) or via a new sewer (i.e. serves more than one property), it is now a mandatory requirement to first enter into a Section 104 Adoption Agreement (Water Industry Act 1991). The design of the sewers and lateral drains must also conform to the Welsh Ministers Standards for Gravity Foul Sewers and Lateral Drains, and conform with the publication "Sewers for Adoption"- 7th Edition. Further information can be obtained via the Developer Services pages of www.dwrcymru.com

The applicant is also advised that some public sewers and lateral drains may not be recorded on our maps of public sewers because they were originally privately owned and were transferred into



Welsh Water is owned by Glas Cymru – a 'not-for-profit' company
Mae Dŵr Cymru yn eiddo i Glas Cymru – cwmni 'nid-er-elfw'

We welcome correspondence in
Welsh and English

Dŵr Cymru Cyf, a limited company registered in
Wales no 2366777. Registered office: Pentwyn Road,
Nelson, Treharris, Mid Glamorgan CF46 6LY

Rydym yn croesawu gohebiaeth yn y
Gymraeg neu yn Saesneg

Dŵr Cymru Cyf, cwmni cyfyngedig wedi'i gofrestru yng
Nghymru rhif 2366777. Swyddfa gofrestredig: Heol Pentwyn
Nelson, Treharris, Morgannwg Ganol CF46 6LY

public ownership by nature of the Water Industry (Schemes for Adoption of Private Sewers) Regulations 2011. The presence of such assets may affect the proposal. In order to assist us in dealing with the proposal the applicant may contact Dwr Cymru Welsh Water on 0800 085 3968 to establish the location and status of the apparatus. Under the Water Industry Act 1991 Dwr Cymru Welsh Water has rights of access to its apparatus at all times.

I trust the above is helpful and provides clarification on our current position. Should you require any further information please do not hesitate to contact me.

Yours faithfully,



Owain George
Planning Liaison Manager
Developer Services



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Mae Dwr Cymru yn eiddo i Glas Cymru – cwmni 'nid-er-elw'

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Nghymru rhif 2366777. Swyddfa gofrestruedig: Heol Pentwyn
Nelson, Treharris, Morgannwg Ganol CF46 6LY.

15) 00960/FUL C!

The Malthouse
47 Village Farm
Bonvilston
CF5 6 TY

8 November 2015

Head of Planning and Transportation
Vale of Glamorgan Council
Dock Office
Barry Docks
CF63 4RT

D.E.E.R
RECEIVED
ACTION BY: jmc/ylp.
NO: 1
ACK:

RECEIVED

10 NOV 2015

ENVIRONMENTAL
AND ECONOMIC
REGENERATION

Planning application no 2015/00960/FUL

Dear Sir / Madam

I fully endorse the Council's desire to provide more housing, including affordable housing, in the Vale of Glamorgan. However it is my opinion, based on everyday observation, that the problem is being approached from the wrong angle.

The situation requires an over-view which seems to be lacking in the various proposals throughout the Vale. As I understand it, the various planning applications from Bridgend eastward will result in a massive increase in the volume of traffic, particularly on the A48. Transportation for the goods and services to serve these developments will exacerbate the situation. As I am sure you are already aware, the congestion on the A48, particularly in the morning and evening, is currently a matter of concern for residents and commuters in the area.

With regard to the development in Bonvilston, the application refers to an area which is not within walking distance of any facilities of any kind. Each of the 120 houses will be obliged to own at least one car and drive to schools, shops, medical facilities etc. This begs the question about the affordability of such housing for many families. This application alone will have a significant effect on the traffic issues in the area adding to present traffic queues at Culverhouse Cross.

An additional traffic problem will arise on the lanes between the A48 at Sycamore Cross and the villages of Peterston and Pendoylan. Both roads can be used to access Cardiff and the M4 and both are single track roads with passing places. The lanes are now more likely to be used as an access route, given the predictable increase in congestion at Culverhouse Cross already mentioned, thus increasing the volume of traffic on these lanes and resulting in further congestion.

I would therefore request that you start the planning application process with a proposal to improve the infrastructure, particularly regarding roads and transport, before embarking on any of these developments.

15/00960/FUL 'C'₂

I am also concerned about what is known as ribbon development which I understand is anathema to the building application process and which would be ignored were this application to succeed. Various other plots have been sold adjacent to this one. One can see a pattern of development for the future which would be difficult to refuse, once acceptance for this site has set a precedent.

I would also like to draw attention to the fact that the application falls within a Conservation Area and would request an answer to the question: 'what do we need to conserve in this area?', before this application goes ahead.

Some 100 years ago, a development plan, known as Garden Suburbs, was implemented and is still held in high esteem today. We have here an ideal opportunity to design a model village complete with amenities, instead of a ramshackle and ad hoc scattering of houses on green belt land. The site at Llandow would have as its principal advantage access to a rail service, thus having less impact on our precarious road network. Modern and full facilities, included in the overall design, would be to the advantage of all. The Vale Council has an opportunity to lead the way in ecological housing and community development for the 21st century, as did the developers a century ago.

Please do not consider this a complaint from a NIMBY. I fully appreciate the current housing shortage and the need to solve the problem. We all need the security of a roof over our heads but let us look again at all the proposals with fresh eyes and find a more imaginative solution to the problem.

Yours sincerely,

A large black rectangular redaction box covering the signature of Anne Hughes.

Anne Hughes

15/00960 FVLC¹₃

3 Cottrell Drive
Off Village Farm
Bonvilston
CARDIFF
CF5 6TY

RECEIVED

Head of Planning and Transportation
The Vale of Glamorgan Council
Dock Office
Barry Docks
BARRY
CF63 4RT

D.E.E.R
RECEIVED
ACTION BY: Jmc/yp.
NO: 7
ACK

10 NOV 2015

ENVIRONMENTAL
AND ECONOMIC
REGENERATION

Ref: 2015/00960/FUL

6 November 2015

OBJECTION TO THE PROPOSED DEVELOPMENT OF 120 HOMES IN BONVILSTON

Dear Sir/Madam,

I felt the need to write this letter to highlight to you the feelings of the real families living in Bonvilston and the impact that this proposed development will have on us all here. This is a small village with a close-knit community and we are all very concerned at the moment. I rarely put pen to paper but feel very strongly about our community and the fact that it may be changed for the worst forever if something is not done now about this extreme proposal.

There are main 3 issues which need to be raised regarding the development proposal. They are as follows:

- 1. The Size and Scope of the Development.** The proposal to build 120 homes effectively doubles the size of the current village! This number of homes does seem very excessive indeed and will put a real strain on the community and the very modest facilities currently available to it. Perhaps the community could take up to 30-40 new homes but 120 is an extreme figure and is completely out of proportion for any small, rural community to absorb.
- 2. The Current Road Situation in and around Bonvilston.** You are probably already aware that the A48 is severely congested in the mornings and evenings. This is a very busy road and the pinch points for congestion are generally Bonvilston, St Nicholas and Culverhouse Cross. The road layouts in these areas are struggling to cope with the current amount of traffic, adding 120 new homes and new vehicle access around Sycamore Cross is going to make this even more congested at one of the worst pinch-points on the A48— not a clever place to put a new, large development!

Pendoylan Lane is also woefully inadequate and will likely be a prime route to the M4 for the people living in this new development. I see that there are plans for 'improvement works' to Pendoylan Lane but I expect that they would not go all the way to the end of the lane near the M4 junction. I suspect the improvements would only go as far as the limits of the Cottrell Park Golf Course and thus move the current bottleneck further down the lane toward Pendoylan. If this is the case, then it makes the situation in the lane far worse.

The further strains caused by this new development on an already inadequate A48 and Pendoylan Lane will make life even more difficult for the current residents who struggle to get onto the A48 most of the time due to the constant flow of traffic.

15/00960/FULC4

3. **The Education and Schooling of our Children.** My youngest son has to go to Pendoylan School at the moment, which is not particularly convenient or nearby. The only Schools within relatively near proximity from Bonvilston are St Nicholas Primary School and Pendoylan CIW Primary School. These schools already struggle to cope with the amount of students in the Bonvilston/St Nicholas areas so what is the plan if an additional 120 families move into Bonvilston? Where are all these new children going to go to school? No doubt there will be considerable travel involved on already congested roads to get them to a school somewhere – not ideal really?

Thank you for taking the time to read this letter. Most of us who live in Bonvilston understand that more houses need to be built in the Vale of Glamorgan and do not mind having our fair share – but 120 houses is absolutely ridiculous and will change our community and our lives for the worse forever.

I hope you see some sense in the issues I have listed above. Most families in Bonvilston feel the same way and are very nervous about this project. You are in a position of authority and influence with the Council and we do have faith in you to act in the best interests of us all.

Kind regards,


Mark & Kimberley Williams and Family

15/00960/FUL'C'S

We wish to object to the proposed development of 120 houses at Bonvilston / Sycamore Cross on the following grounds —

- The development will take place in a Conservation Area. What is the point of designating it as a Conservation Area if it will be developed in this way and not conserved? Surely there are brownfield sites available which would be suitable alternatives?
- The size of the development and density of housing on the proposed site is totally out of character for a village setting. 120 houses will almost double the size of this small village which has already had a development of modern houses placed in its centre at Village Farm.
- There will be a significant increase in traffic and associated congestion in the narrow lanes in the vicinity, especially the roads towards Peterston-super-Ely and Pendoylan. Considering the target demographic of the intended residents, this is likely to be particularly problematic at peak hours with residents travelling to and from work and school.
- The developer has proposed to widen the lane to its junction with the roads to Pendoylan and Gwern-y-Steeple. Those of us that use the lane on a daily basis to get to work and school and are already familiar with the daily bottlenecks know that this will not be enough to alleviate traffic congestion and the lanes would have to be widened right down to the other villages. This development would therefore alter the character of not only the village of Bonvilston but also several of its surrounding villages notably Pendoylan and Peterston.
- Traffic resulting from the development which is not using those lanes will need to use the A48 and again at peak times, the junction at Sycamore Cross can be heavily congested with long tailbacks.
- There is little local employment and insufficient public transport options. Council cuts have resulted in the recent withdrawal of the bus services to Barry and Cardiff via Peterston. Walking and cycling options are limited along the country lanes so most households would require at least one car for each working person in order to travel to work and to get their children to school.
- Local schools are already oversubscribed so there will be no capacity for additional pupils from this development. No additional provision has been made for this nor requirements put on the developer to contribute to any community, educational and amenity facilities on the site.
- The proposal for the site is a dense development of houses with little green space. This is totally out of character with the existing residential units which are well separated and have significant areas of green space and trees surrounding them.
- Combined with the proposed planning application for 79 houses in St Nicholas and 4 new houses at Court Farm, the resulting 200 new houses in one Community Council area will change the area from semi rural to urban sprawl. This will inevitably result in an almost continuous strip of ribbon development along the A48 between Bonvilston and Culverhouse Cross within a few years.
- The plans give the impression that that the area to the south of Court Farm will remain as green space but a separate application (2015/01030/FUL), if approved, would result in this being lost to 4 executive houses.
- We would have reservations about surface water drainage from the site. In times of heavy rainfall in the past, the main A48 road has been on occasions, reduced to a single lane in width by flood water. Building on the land will further reduce its ability to soak up excess rainwater.
- Any provision of cycle paths within the development would be largely redundant since neither the narrow local roads nor the busy A48 are particularly suitable for cyclists.
- Good agricultural land, hedgerows, flora and fauna will be lost for future generations. This development is not about fulfilling the Vale Council's housings needs but more about profiting the developer and landowner.

We urge the Council to reject this application.

RECEIVED

09 NOV 2015

15/00960/FUL D

Alun Cairns MP
Vale of Glamorgan



HOUSE OF COMMONS
LONDON SW1A 0AA

Cabinet Officer
Vale of Glamorgan Council
Civic Offices
Holton Road
Barry
CF63 4RU

SS 4

17 October 2015

Planning objection: 2015/00960/FUL

Dear Mark

I am writing on behalf of my constituents in Bonvilston in objection to the plan to build new 120 new houses at Sycamore Cross as outlined in 2015/00960/FUL.

Sycamore Cross is an inappropriate site for this number of new dwellings. The size of the development at 120 houses, would overwhelm the existing village of Bonvilston, which has 166 dwellings. The development represents an extreme increase in the size of the village by 72%.

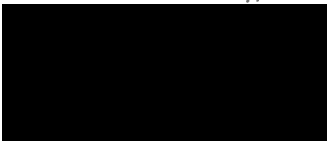
The impact on the character and community life in the village will undoubtedly be changed significantly and irreversibly.

There is also likely to be an even larger rise in the number of vehicles situated in Bonvilston. There is a real possibility of localised gridlock at peak commuting times as new residents attempt to join the A48. This will cause disruption and could contribute to accidents.

As a greenfield site, this plan will necessarily deprive a historic village and thriving community in the Vale of Glamorgan of a green piece of their countryside heritage.

Sites such as Sycamore Cross should not be considered while large brownfield sites within the authority boundary go unexploited.

Yours sincerely,



Alun Cairns MP
Vale of Glamorgan