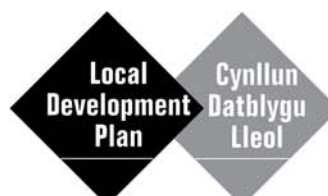


Vale of Glamorgan Council Examination Statement

February 2016



**Question 3. Policy SP7: 'Transportation' sets out the Key Priorities for the delivery of Strategic Transport Infrastructure. These priorities include: various highway schemes (Policy SP7 - 1, 2, 3, 4); the electrification of the Rail Network (Policy SP7 - 5); improvements to the cycle network (Policy SP7 - 6, 7); a park and ride facility (Policy SP7 - 8); and bus priority measures (Policy SP7 - 9).**

**Question 3a. Do the identified priorities reflect the need to reduce the reliance on the private car and promote sustainable forms of transport? Will the priorities deliver the aims of LDP Objective 3?**

3.1 Yes. Outlined below for Policy SP7 Transportation is the current position with each of the Schemes as at February 2016.

#### **Barry Island Link Road**

3.2 The Barry Island Link Road is currently under construction and funded by the developers of the Waterfront, Barry and is due for completion later in 2016.

#### **Northern Access Road St Athan Enterprise Zone**

3.3 This is a Welsh Government Scheme and will be delivered either as part of the adjacent housing allocations (MG2 sites 6 and 7) or when the Aerospace Business Park is further developed as referenced in the Strategic Development Framework (document SD13). Welsh Government has previously indicated that the road will be a scaled back and a lower specification link road when compared to the 2009 access road proposals for the St Athan Defence Technical College (summarised at page 76 of the planning application committee report, document ED23).

#### **Improvements to A4226 Between Waycock Cross, Barry and Sycamore Cross, A48 (Five Mile Lane)**

3.4 The Council has agreed the funding route with Welsh Government for this scheme following negotiations. The funding available from Welsh Government is £25.8m but there are various clauses of the agreement to allow for a staged review of costs.

3.5 The Council submitted the Scoping Application for the Environmental Impact Assessment (EIA) in 2015 and Parsons Brinkerhoff, working to the Welsh Government, has now completed the scheme design and the necessary EIA documentation. It is expected a planning application will be submitted by the Council shortly. Full constructional drawings

are not yet available as the contract is for design and build for the main works procurement.

- 3.6 The Council is currently reviewing a number of framework arrangements in order that an Employers Agent will be appointed shortly. External Valuers to aid the Compulsory Purchase Order process and land valuations/compensation claims will also be appointed shortly. The draft Compulsory Purchase Order and the required Side Road Order documents were agreed by Council on 25<sup>th</sup> January 2016. A detailed draft programme for works is in place but is dependent on the timelines for the planning application and the Compulsory Purchase Order. At present it is anticipated taking forward the works procurement exercise over Summer 2016. Works are due to commence on site in early 2017.

#### **Improvements to B4265 at Gileston – Old Mill**

- 3.7 This scheme is complete.

#### **Electrification of the Vale of Glamorgan Line**

- 3.8 The electrification of the railway mainline to Cardiff Central Station is planned for completion by 31<sup>st</sup> December 2018. Following this the next step will be electrification of the mainline from Cardiff to Swansea between 2019 and 2024.
- 3.9 In terms of any electrification of the Vale of Glamorgan Rail Line, the Valley Lines Modernisation Programme is currently being considered by the Welsh Government and this programme will inform whether electrification of the Vale of Glamorgan Line is likely to happen or whether an alternative programme of upgrading for the rail line is more appropriate.
- 3.10 In light of this recent evidence it may be more appropriate to reference in the Policy and text that the Vale of Glamorgan Line will be modified although this may not be in the form of electrification. In addition the timescale for this work have slipped and any work is more likely to happen towards the end of the Plan period (2024- 2026).

#### **Cycle Routes at: A4050 Culverhouse to Cardiff Airport**

- 3.11 Works have been mostly completed or are currently under construction on the corridor from Culverhouse Cross to Waycock Cross. Funding for these schemes has been provided by Welsh Government and developers. The final phase of this Corridor,

(Weycock Cross to Cardiff Airport), has been submitted for funding to Welsh Government to be delivered from April 2016 onwards.

#### **Cycle Routes at: A48 Culverhouse Cross to Bridgend via Cowbridge**

- 3.12 Improvements for this Corridor include cycle and pedestrian junction improvements at Sycamore Cross as part of its signalisation.
- 3.13 Currently a Feasibility Study is being progressed by the Council's Highway Construction and Design Team to consider the options for providing pedestrian/ cycle facilities on this key public transport corridor. It is anticipated that the funding for the implementation of improvements will come from sustainable development contributions at Culverhouse Cross and St Nicholas, Bonvilston and Cowbridge.

#### **Cycle Routes at: Barry Waterfront to Dinas Powys**

- 3.14 Feasibility for this Scheme was undertaken in 2010 and is currently under review. Once a Scheme is finalised there is likely to be a need for land purchase with funding being sought from the Welsh Government's Local Transport Grant Fund. In addition, there is likely to be funding available from residential developments within Dinas Powys.

#### **Bus Park and Ride at Cosmeston, Penarth**

- 3.15 Feasibility needs to be undertaken on this scheme in conjunction with the future demands of Cosmeston Country Park. Currently no further work has been undertaken, however, there is currently a car park and land available at this location which could in the week Monday to Friday be used for a park and ride facility with a connecting bus. This is directly connected to the provision of a bus across the barrage which we are pursuing with Cardiff Council.

#### **Bus Priority Measures at: A4050 Culverhouse to Cardiff Airport**

- 3.16 Works have commenced on bus priority improvements from Culverhouse Cross to Waycock Cross corridor. Funding for the bus priority measures has been provided by Welsh Government and developers. These works include upgrades to bus stops along the corridor, a dedicated bus lane at the Barry Docks Link junction, bus lane from Wenvoe to Culverhouse Cross including signal priority. It is anticipated that these works will be completed before 2017. Further minor bus stop improvement works on this corridor will be funded within the Plan period from developer contributions.

### **Bus Priority Measures at: A48 Culverhouse to Bridgend via Cowbridge**

- 3.17 The corridor experiences an excellent generally commercial high quality frequent bus service operated by First Cymru.
- 3.18 Improvements to bus facilities have been undertaken on this corridor since 2010. These improvements include bus stop upgrades and bus improvements at Sycamore Cross as part of its signalisation.
- 3.19 Opportunities for further bus improvements on this corridor will be considered as part of and funded by the residential developments at St Nicholas, Bonvilston and Cowbridge.

### **Bus Priority Measures at: Merrie Harrier Cardiff Road Barry to Cardiff via Barry Road**

- 3.20 A Cabinet report was approved on 7<sup>th</sup> September 2015 detailing the Metro proposals (document ED24). Within this Report at paragraph 6 is a link to the Metro proposals for the Dinas Powys corridor.
- 3.21 Improvements to this Corridor were originally intended to be delivered as part of Welsh Government Metro Phase 1, however, more modelling work is required to ensure that any proposals do not have a detrimental impact on the highway network. Once this work has been carried out (currently underway) we will be in a position to submit a bid for funding to Welsh Government.

### **Bus Priority Measures at: Leckwith Road, Llandough to Cardiff**

- 3.22 This Scheme will be a further extension of the Merrie Harrier Cardiff Road Barry to Cardiff via Barry Road. Currently no further work has been undertaken on this Scheme until the Merrie Harrier Cardiff Road Barry to Cardiff via Barry Road is determined (document ED24).

### **Bus Priority Measures at: Lavernock Road to Cardiff via the Barrage**

- 3.23 As above under Bus Priority Measures at: Merrie Harrier Cardiff Road Barry to Cardiff via Barry Road, this Scheme has been considered and improvements identified will be staged first at Cogan and then across the barrage.

### **Question 3b. Are the proposals supported by the Regional Transport Plan?**

- 3.24 Yes. The Regional Transport Plan since 2015 has been superseded by The Local Transport Plan but both contain the same vision, aims and objectives. The Directive from

Welsh Government, whilst compiling the Local Transport Plan, was to incorporate all relevant policies and proposals within the regional transport plan, local development plan and other existing relevant strategies.

**Question 3c. How would the schemes be funded?**

- 3.25 A mixture of S106 funding / S278 works / Community Infrastructure Levy / Welsh Government Transport Grants / Creative Rural Communities Grant / Council's own Capital Funding dependent upon the nature of the scheme. Some schemes will be funded through existing mechanisms supported by the Welsh Government / National Government e.g. rail electrification / modification, Metro Bus Priority and subsequent pedestrian / cycle facilities attached to Metro Corridors. Many schemes are already completed or under construction and funding has already been identified to deliver the schemes.

**Question 3d. Are there any barriers to the delivery of the proposed infrastructure schemes? Would they be delivered within the Plan period?**

- 3.26 No. Given that the large majority of the schemes are either currently being designed, built or are completed the Council does not consider that there are any significant barriers to the delivery of the schemes detailed in Policy SP7. The Council also considers that they are capable of delivery during the plan period.
- 3.27 Notwithstanding the above, the Council acknowledges that the realisation of two schemes identified within Policy SP7 will also be dependent on the success and commitment of Government to deliver upon their policy objectives, namely the Northern Access Road and the electrification of the Vale of Glamorgan Line.
- 3.28 Welsh Government is committed to making Wales the natural choice for business investment and has designated/identified St Athan and Cardiff Airport as one of seven Enterprise Zones across Wales. Benefiting from established aerospace businesses, the Enterprise Zone is focused on the aerospace and defence sectors centred on Cardiff Airport and at St Athan. The Strategic Development Framework (SD13) will guide future development proposals for the Enterprise Zone and the Council will work Welsh Government to adopt the document as a development brief. The progress shown to date, as set out within the Enterprise Zone Strategic Plan (ED12), and the ongoing business and investment enquiries for the St Athan Aerospace Business Park (as referenced at the Economy and Employment Hearing Session and in the Council's Statement) illustrates the ongoing investment and commitment to the Enterprise Zone.

- 3.29 Therefore, the Council has no reason to believe that the Welsh Government's commitment to delivering this strategically important economic driver for the South Wales region will diminish and is confident that a new northern access road can be delivered to support the growth of the Enterprise Zone. The access road will be funded by Welsh Government and it is understood that the development of Welsh Government owned residential allocations at St Athan could fund the cost of the road.

**Question 3e. What are the implications of such schemes not being delivered as anticipated?**

- 3.30 The Council considers that it is unlikely that the schemes will not be delivered. Many of the schemes are already under construction or completed. While SP7 includes two schemes (Northern Access Road / electrification of the Vale of Glamorgan Railway Line) which are national priorities and allied to large scale economic / employment initiatives, the Council is confident that these schemes will ultimately be delivered, or replacement modifications will be delivered in respect of the Vale of Glamorgan Railway Line.
- 3.31 Should any of the schemes fail to be implemented, there will be an obvious adverse impact on local highway network resulting from new development.

**Question 4. Policy MG16: 'Transport Proposals' allocates land for the proposed transportation schemes, including those identified as priorities in Policy SP7.**

**Question 4a. Are the allocated schemes consistent with national policy/ the Plan's strategy, free of significant constraints, supported by necessary funding and deliverable within the Plan period?**

- 4.1 Yes. Some schemes have already been completed or are under construction, others are at feasibility and design stages, some are partially completed but are long term projects that will be progressed when opportunities arise.

**Question 4b. Are the schemes with definitive route alignments appropriately allocated on the Proposals Map? How are those schemes without definitive alignments spatially defined within the Plan?**

- 4.2 Yes. With the exception of the NCN88 route the transport schemes illustrated on the proposals map are in the view of the Council appropriately allocated. With regard to the NCN 88, the route shown on the proposals map illustrates the route that was identified within an earlier feasibility study and includes a number of alternative routes that could be considered at detailed design stage. As the route is extensive it was felt appropriate to

illustrate all possible options rather than to show only those sections where improvements had already been made as opposed to leaving the route unidentified on the map.

**Question 4c. Policy MG16 identifies a number of infrastructure schemes required to mitigate the impacts of development proposed through the Plan (Highway Impact Assessment, Doc Ref: SD64). How will such schemes be funded/ delivered? Have such requirements been factored into the overall viability of the developments proposed?**

- 4.3 The highway schemes identified in Policy MG16 (13 – 19) are considered to be necessary and deliverable as part of site allocations of the Plan and these have been included within the Policy.
- 4.4 Paragraph 6.91 clearly identifies that the schemes will be delivered via a number of funding options including development contributions and Community Infrastructure Levy. The below comments are made on the remaining identified schemes that have not yet been covered in this statement.

#### **Cross Common Road Junction Improvements**

- 4.5 The Junction improvements will be required as part of development of site MG2 (29) Land at Cross Common Road as referenced at Appendix 5 of the Plan. The scheme has been included as integral part of current outline planning application for residential development (2015/00392/OUT refers) which was approved subject to a Section 106 agreement on 11<sup>th</sup> February 2016. A separate application providing full planning permission for the proposed new junction was also approved on 11<sup>th</sup> February 2016 (2015/00928/RG3 refers). Copies of the Planning Committee Reports are attached at Appendix 1. The junction is being funded via a mix of developer/ Council funding.

#### **North of A48, Bonvilston Road Improvements**

- 4.6 Junction and road improvements will be required as part the development of site MG2 (37) Land to the East of Bonvilston as referenced at Appendix 5 of the Plan. These are currently under consideration as part of planning application (2015/00960/FUL refers).

#### **Link Road between A48 and Llantwit Major Road, Cowbridge**

- 4.7 Junction and road improvements will be required as part of the development of site MG (20) Land to the north and west of Darren Close, Cowbridge as referenced at Appendix 5



of the Plan. The link road is included as an integral part of a current planning application which has been approved subject to a Section 106 agreement (2014/01505/OUT refers).

- 4.8 The Council therefore considers that the deliverability and viability of the identified schemes is not in question. With regards to the Welsh Government funded schemes, the Council considers these can be delivered during the Plan period and whilst these will be subject to funding from Welsh Government the Council is unaware of any issues that will prevent the deliverability of these schemes.

4.9 The Highway Impact Assessment (SD64) has identified the links and junctions that will be at or over capacity (red for over capacity, green for under capacity) as a result of the LDP by the year 2026. The list of links and junctions required by Policy MG 16 to mitigate the impact of development on the highway network are as follows, together with the current position on each:

LDP Scheme No.	Link No.	LDP Scheme Name	2012 AM %	2012 PM %	2026 AM %	2026 PM %	Highway Officer Notes
1.	205	A. Windsor Road, Penarth	69	121	71	124	No road improvement scheme identified. Limited opportunity to improve capacity for travel by private car. Focus on improving public transport, walking and cycling infrastructure.
2.	204	B. Pontypridd Road, Barry	102	65	116	73	No road improvement scheme identified. Opportunity to improve capacity for travel by private car, although no great need or justification. Focus on improving public transport, walking and cycling infrastructure.
3.	226	C. Port Road (South Wenvoe)	90	68	110	76	Opportunity to improve capacity for travel by private car. However, heavily restricted by junction operation (particularly Culverhouse Cross) which ultimately dictates capacity of the Port Road corridor. Scheme currently under construction that will encourage travel by cycle and bus including off carriageway cycle path and sections of dedicated bus lane/priority.
4.	214	D. Cardiff Road (Gwenllian Street)	67	87	76	105	No road improvement scheme identified. Limited opportunity to improve capacity for travel by private car. Although no great need or justification. Focus on improving public transport, walking and cycling infrastructure.
5.	226	E. Port Road (South Wenvoe)	66	85	75	105	Opportunity to improve capacity for travel by private car. However, heavily restricted by junction operation (particularly Culverhouse Cross) which ultimately dictates capacity of the Port Road corridor.

LDP Scheme No.	Link No.	LDP Scheme Name	2012 AM %	2012 PM %	2026 AM %	2026 PM %	Highway Officer Notes
							Scheme currently under construction that will encourage travel by cycle and bus. Including off carriageway cycle path and sections of dedicated bus lane/priority.
6.	213	F. Barry Docks Link Road (North Of Signals)	83	63	104	85	Opportunity to improve capacity for travel by private car. However, restricted by junction operation (Roundabout and signals). Focus on improving public transport, walking and cycling infrastructure.
7.	227	G. Port Road (VOG Depot)	69	80	79	102	Opportunity to improve capacity for travel by private car. However, heavily restricted by junction operation (particularly Culverhouse Cross) which ultimately dictates capacity of the Port Road corridor. Scheme currently under construction that will encourage travel by cycle and bus. Including off carriageway cycle path and sections of dedicated bus lane/priority.
8.	214	H. Cardiff Road (Gwenllian Street)	85	69	101	78	No improvement scheme identified. Limited opportunity to improve capacity for travel by private car. Focus on improving public transport, walking and cycling infrastructure.
9.	224	I. Port Road (Merthyr Dyfan Road)	68	83	78	102	Opportunity to improve capacity for travel by private car. However, heavily restricted by junction operation (particularly Culverhouse Cross) which ultimately dictates capacity of the Port Road corridor. Scheme currently under construction that will encourage travel by cycle and bus. Including off carriageway cycle path and sections of dedicated bus lane/priority.
10.	225	J. Port Road (Wenvoe Golf Club)	64	82	73	101	Opportunity to improve capacity for travel by private car. However, heavily restricted by junction operation (particularly Culverhouse Cross) which ultimately dictates capacity of the Port Road corridor. Scheme currently under construction that will

LDP Scheme No.	Link No.	LDP Scheme Name	2012 AM %	2012 PM %	2026 AM %	2026 PM %	Highway Officer Notes
							encourage travel by cycle and bus. Including off carriageway cycle path and sections of dedicated bus lane/priority.
10.	225	J. Port Road (Wenvoe Golf Club)	82	65	101	72	Opportunity to improve capacity for travel by private car. However, heavily restricted by junction operation (particularly Culverhouse Cross) which ultimately dictates capacity of the Port Road corridor. Scheme currently under construction that will encourage travel by cycle and bus. Including off carriageway cycle path and sections of dedicated bus lane/priority.
11.	219	K. Broad Street, Barry	57	41	101	71	No improvement scheme identified. Limited opportunity to improve capacity for travel by private car. Focus on improving public transport, walking and cycling infrastructure.
12.	227	L. Port Road (VOG Depot)	82	67	100	76	Opportunity to improve capacity for travel by private car. However, heavily restricted by junction operation (particularly Culverhouse Cross) which ultimately dictates capacity of the Port Road corridor. Scheme currently under construction that will encourage travel by cycle and bus. Including off carriageway cycle path and sections of dedicated bus lane/priority.
13.	204	M. Pontypridd Road, Barry	56	80	68	92	No road improvement scheme identified. Opportunity to improve capacity for travel by private car, although no great need or justification. Focus on improving public transport, walking and cycling infrastructure.
14.	219	N. Broad Street, Barry	25	48	53	90	No improvement scheme identified. Limited opportunity to improve capacity for travel by private car. Focus on improving public transport, walking and cycling infrastructure.

LDP Scheme No.	Link No.	LDP Scheme Name	2012 AM %	2012 PM %	2026 AM %	2026 PM %	Highway Officer Notes
15.	223	O. Port Road West (Tesco)	68	46	88	55	Limited opportunity to improve capacity for travel by private car. Scheme recently completed that will encourage travel by cycle. Focus on improving public transport infrastructure.

### Junctions

NB – different order to summary in Highway Improvement Assessment

LDP Scheme number	Junction No.	LDP Scheme Name	2026 AM	2026 PM	Progress
1.	5	A. A4232/Cowbridge Road W/A4050/A48 Roundabout			No improvement scheme identified . Critical junction. Not under Vale ownership. Major interchange that has significant impact on two of the key corridors accessing the Vale (A48 and A4050). Major improvement scheme required (needs Welsh Government and Cardiff CC involvement).
2.	8	B. Cardiff Road/Murch Road/Millbrook Road Junction	With Peds	With Peds	No improvement scheme identified . Signal controlled junction. Over capacity. Limited opportunity to improve junction operation due to land constraints and third party ownership. Focus on Modal shift.
3.	4	C. A48/A4226/Road To North Priority Junction	With Peds	With Peds	No improvement scheme identified . Junction is now under signal control. Limited opportunity to improve operation further due to land constraints and third party ownership. Focus on Modal shift.
4.	10	D. Penarth Road/Cogan Spur/Windsor Road/Barry Road Junction	With Peds	With Peds	No improvement scheme identified. Critical junction. Significant interchange

LDP Scheme number	Junction No.	LDP Scheme Name	2026 AM	2026 PM	Progress
					that has impact on the A4055 a key corridor accessing the Vale.
5.	16	E. Waycock Road/Port Road W/Pontypridd Road Roundabout			No improvement scheme identified. Important junction on the western side of Barry. Improvements to be considered in conjunction with Five Mile Lane improvement scheme.
6.	9	F. Penlan Road/Barry Road/Andrew Road/Cardiff Road And Cardiff Road/Redlands Road Junctions			Merrie Harrier. No improvement scheme identified. Complex junction along the A4055. Limited opportunity to improve junction operation due to land constraints and third party ownership. Focus on Modal shift.
7.	12	G. Leckwith Road/Pen-Y-Turnpike Road Priority Junction			No scheme identified. Poor junction performance primarily due to substandard junction layout. Opportunity to improve capacity. However, this is a b-class route being used by commuters wishing to avoid a-class roads (to and from Cardiff). Do not wish to encourage a significant increase in traffic.
8.	24	H. A4050 Port Road/Caerau Lane/Nant Isaf Roundabout	Port Road	Port Road	No scheme identified. Peak hour delay primarily due significant volume of traffic travelling along Port Road corridor (Barry-Cardiff). Focus on Modal shift.
9.	1	I. A48/B4268/Road To North Priority Junction	B4268		No scheme identified. Opportunity to improve operation and capacity. Funding and 278 improvements to be secured as a result of developments. The Cowbridge West (Darren Farm) development includes a new 40 mph link road between the A48 and the B4270. The new road will provide

LDP Scheme number	Junction No.	LDP Scheme Name	2026 AM	2026 PM	Progress
					good standard, realistic and viable alternative for traffic, reducing traffic flow along the B4268.
10.	19	J. A4050 Port Road/Morfa Lane/Old Port Road Roundabout			No scheme identified. Peak hour delay primarily due significant volume of traffic travelling along Port Road corridor (Barry-Cardiff). Focus on Modal shift.
11.	7	K. A4231/A4055 Cardiff Road/B4267 Sully Moors Road Roundabout			Three potential schemes identified which will improve capacity and operation. To be implemented on the back of developer funding.
12.	13	L. Palmerston Road/Cardiff Road Junction			No scheme identified. Poor junction performance primarily due to volume of traffic long A4055. However, Palmerston Road is not a primary route and we do not wish to encourage a significant increase in traffic.
13.	6	M. A4050/A4231/Port Road Roundabout	A4050/A4231	A4050/A4231	Opportunity to improve capacity for travel by private car. However, heavily restricted by junction operation (particularly Culverhouse Cross) which ultimately dictates capacity of the Port Road corridor. Scheme currently under construction that will encourage travel by cycle and bus. Including off carriageway cycle path and sections of dedicated bus lane/priority.
14.	2A	N. A4222/B4270 Priority Junction	B4270		No Scheme Identified. The Cowbridge West (Darren Farm) development includes a new 40 mph link road between the A48 and the B4270. The new road will provide good standard, realistic and viable alternative for traffic, negating the need to

LDP Scheme number	Junction No.	LDP Scheme Name	2026 AM	2026 PM	Progress
					travel through Llysworney or Cowbridge unnecessarily
15.	26	O. Aberthin Road/Cardiff Road/St. Athan Road/Eastgate Junction	With Peds		No improvement scheme identified . Signal controlled junction. Limited opportunity to improve junction operation due to land constraints and third party ownership. Focus on Modal shift.
16.	17	P. Port Road/Colcot Road Roundabout	Port Road (W)	Port Road (W)	No scheme identified. Potential for small capacity and operational improvements. Peak hour delay primarily due significant volume of traffic travelling along Port Road corridor (Barry-Cardiff). Focus on Modal shift.
17.	18	Q. B4265/Gileston Road Priority Junction (E)	Gileston Road (N)	B4265(E)	No scheme identified. Opportunity to improve operation and capacity. Funding and 278 improvements to be secured as a result of developments
18.	23	R. Gladstone Road/Broad Street/Gladstone Bridge/ Roundabout	Broad Street (W)	Gladstone Bridge / Broad Street (W)	No road improvement scheme identified. Opportunity to improve junction operation and performance. Possible signalisation. Focus on Modal shift.
19.	14	S. Ffordd Y Mileniwm/A4055/Cardiff Road Roundabout	Ffordd Y Mileniwm (west)	Ffordd Y Mileniwm (west)	No road improvement scheme identified . Opportunity to improve junction operation and performance. Focus on Modal shift.
20.	21	T. Pontypridd Road/Jenner Street / Park Crescent/Gaen Street R/A	P'pridd Road (N)		No scheme identified. Opportunity to improve junction capacity and operation.
21.	11	U. Cogan Hill/Approach From Terra Nova Roundabout		Cogan Hill (S)	Potential scheme identified. Linked to the operation of Barons Court signals and the electrification of railway line. Expensive.



**Question 5. Are any alternative transport schemes necessary to ensure Plan soundness? If so, why is the submitted Plan unsound (with particular reference to an Alternative Site proposal identified within the Alternative Site Register)?**

- 5.1 No. The Council has considered all road schemes necessary for the sites being proposed. Sustainable transport schemes have been considered and requested where the Council believes they would better contribute to the network and where these schemes are a more affordable, deliverable and sustainable option to building new roads.
- 5.2 Detailed feasibility and design within specific sites and access to these sites are included in Policy SP7 where it is identified that all new developments that have a direct impact on the strategic transportation infrastructure will be required to deliver appropriate improvements to the network. In accordance with the Active Travel (Wales) Act 2013, the Council has a legal duty to ensure that walking and cycling routes are embedded into any new planned developments, as well as implementing upgraded measures on the existing highway networks. It should be noted that this is already an approach taken by this Council when preparing new schemes and negotiating S106 Agreements.
- 5.3 In respect of Alternative Sites submitted the Council's position is as follows:

**Llysworney Bypass**

- 5.4 In support of the Deposit LDP the Council engaged independent specialist consultants to prepare a Transport Assessment (September 2013) to consider the impact of the LDP residential allocations on the strategic highway network within the Vale of Glamorgan. The study seeks to identify capacity issues of junctions and roads as a result of the proposed new developments. The Council considers that the study and LDP appropriately identifies future highway infrastructure requirements as a result of the proposed site allocations. Notwithstanding the above, Policy MG2 includes a housing allocation at Darren farm which will provide for houses on the western edge of Cowbridge. The development of the site will be informed by a master plan/development brief and will deliver key local infrastructure including a new medium primary school and a new road on the western edge of the site running between the A48 and Llantwit Major Road which will alleviate pressure both in Cowbridge and at Llysworney. The suggested Llysworney highway scheme is therefore not considered to be required.

## **Dinas Powys Bypass**

- 5.5 In respect of the Dinas Powys by-pass the Council is of the view that while the provision of a by-pass would partially address through traffic issues within Dinas Powys, it would not address the primary issues which cause the congestion i.e. the constraints imposed by the Merrie Harrier and Barons Court junctions and would merely transpose the issue to another location. Therefore, the inclusion of the by-pass scheme in the LDP is not considered to be required. With regard to the protection of the previous by-pass route, the Council considers that the route identified in previous development plans is largely protected by the area to the east of Dinas Powys having been designated as a Green Wedge. Further the area lies outside any designated residential settlement boundary in open countryside where development proposals would be resisted. The specific protection of a route for the Dinas Powys by-pass is therefore not considered to be necessary.

### **Question 6. Does the Plan provide robust monitoring and review mechanisms that will enable it to respond effectively and efficiently to changing circumstances, including the failure to deliver transport infrastructure as anticipated?**

- 6.1 The Plan will be underpinned by a robust Monitoring Framework which will be used to monitor the implementation of policies and proposals contained in the Plan. This will directly feed into the Annual Monitoring Report (AMR) and, in turn, will be used to inform any future Plan reviews.
- 6.2 The Council is prepared to make minor changes to the Monitoring Framework to ensure it provides the best possible mechanism to monitor and take advantage of evolving best practice as incorporated in recently adopted LDPs.
- 6.3 In response to earlier requests for further information (ED03) the Council propose that a revised monitoring framework is submitted in advance of Hearing Session 23. Any required changes will be incorporated within a revised monitoring framework to take account of any matters arising from Hearing Sessions.

## **Appendix 1 –**

**11<sup>th</sup> February 2016 Planning Committee Reports for Land at Cardiff Road/Cross Common Road, Dinas Powys (2015/00392/OUT and 2015/00928/RG3)**

Mrs. K. F. Lee, Executors of M. Lee, Trustees of K. Lee Family Trust and, Trustees of M. Lee., c/o Mr. D. Davies., Grosvenor House., 8 Park Grove., Cardiff., CF10 3BX

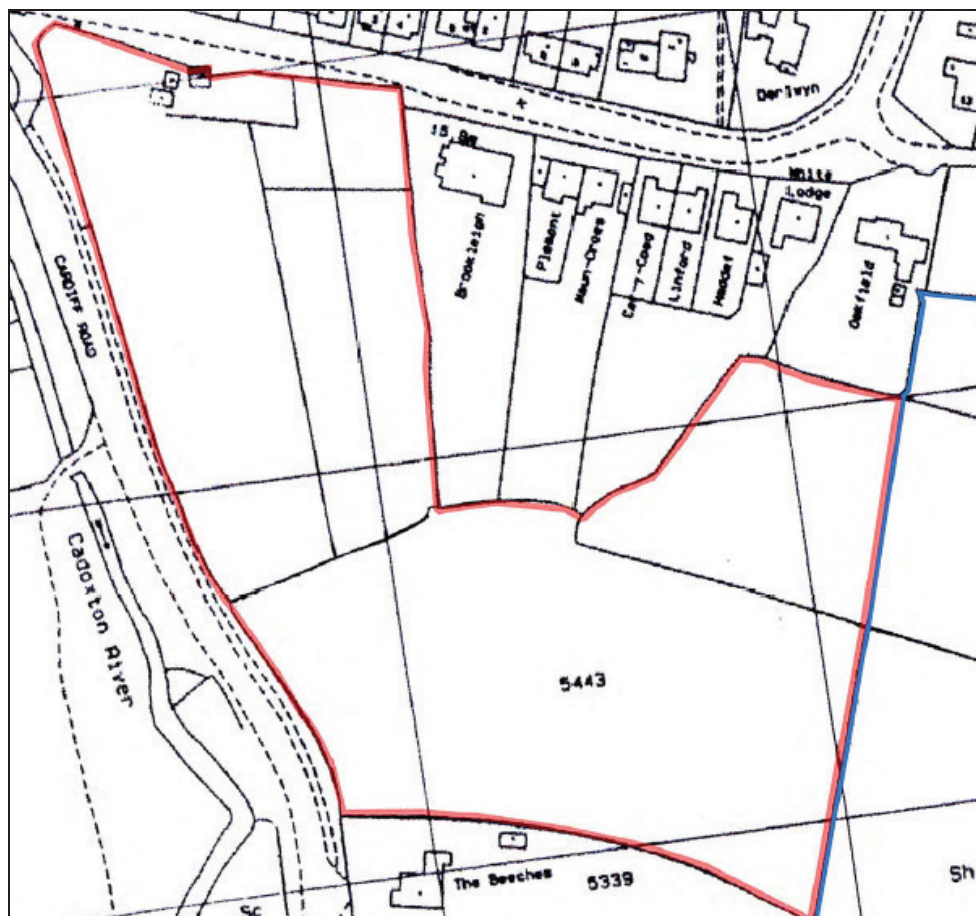
Mr. Laurence Forse, Harmers Limited., 39, Lambourne Crescent., Cardiff Business Park., Llanishen., Cardiff., CF14 5GG

**Land at Cardiff Road/Cross Common Road, Dinas Powys**

Outline application for residential development for up to 50 dwellings, together with alignment of initial section of highway linking Cardiff Road and Cross Common Road

**SITE AND CONTEXT**

The site is an area of agricultural land on the southern edge of Dinas Powys. The site area is approximately 2.3ha and is bounded by Cardiff Road to the west, the residential property The Beeches to the south, agricultural fields to the east, and Cross Common Road (and the rear of residential properties that front Cross Common Road) to the north. There are mature hedgerows to the boundaries with some trees. There are also trees protected by 'Tree Preservation Orders' within the site. This includes two protected groups of trees and three individual trees (Tree Preservation Orders 405, 2014). The site is not within a flood zone, with the nearest being located to the west of Cardiff Road away from the site area.



## Figure 1 – Site Location Plan

### DESCRIPTION OF DEVELOPMENT

The proposal is a residential development of up to 50 dwellings within the site area. This is an outline application with all matters reserved other than access. Access into the site includes a new junction between Cross Common Road and Cardiff Road.

The layout of the site is shown on the submitted indicative plan below:



**Figure 2 – Indicative Plan**

As illustrated from the plan above, access to the site is off Cardiff Road, which runs along the western edge of the site. The new access would also form a new connection with Cross Common Road to the northern edge of the site. This new section of connecting road splits the site into a smaller triangular area to the northern edge of the site, with the larger irregular shaped remainder of the site to the south, which wraps around the rear of the houses along the southern side of Cross Common Road.

The layout is shown on the indicative plan as residential blocks along the site of an internal road that runs through the larger section of the site. 'Hammerhead' turning areas are indicated within the site. A residential area is also proposed within the triangular section with access and turning off Cross Common Road.

The proposed layout looks to maintain the majority of the trees within the site, several of them being protected under Tree Preservation Orders. Additional landscaping towards the boundaries of the site has also been indicated. The site has indicated an area of public open space, being a Locally Equipped Area of Play (LEAP).

Towards the southwest corner of the site a drainage attenuation basin is proposed. It appears on the plan as a pond, although it is understood to be a dry basin that would fill in a storm event, with an attenuated flow to the Cadoxton River to the west, to allow drainage.



**Figure 3 – Access layout details**

Access into the site, including the connection road between Cross Common Road and Cardiff Road, has been shown in detail and is not a reserved aspect of the proposals. This is shown on the plan extract above.

The provision of the new access road and link to Cross Common Road will result in the existing junction and bridge be stopped up with the deck removed. Off-site highway works have also been indicated, such as the 'build-out' to form the new junction between the lower section of Cross Common Road and the new link section. Also, a holding lane will have to be formed within Cardiff Road to allow safe access onto the new section of road.

The submitted Design and Access Statement (DAS) contains some indicative details of the proposed houses. This is described with the following extract, which includes the size and height parameters:

*'The development will comprise mainly of 2-2.5 storey houses but there may be potential for some bungalows and 3 storey development to meet affordable housing requirements. Roof pitches are likely be between 30 and 45 degrees and roofing treatments will include bargeboards and fascia details. The scale of the development will reflect the character of the neighbouring residential areas, and the traditional architectural styles of the village, ensuring that the new development integrates well with the locality. The upper and lower limits for height, width and length of buildings is likely to fall within the following ranges:- height : 3.5-12m; width: 4m-13m; length: 4m-42m, this will potentially allow for the provision of some terraced housing development.'*

*Materials will be determined at a later stage but will reflect the traditional materials of the locale. Materials are likely to include brick or render, with stone or brick detailing, with grey or brown roof tiles. Road surfaces will be finished in a range of materials, and may include the use of raised traffic calming platforms and rumble strips. The mix of surfaces will provide a contrasting feature in the street scene that will help to alert drivers to potential hazards and add further visual interest to the development.'*

The DAS also states that the dwellings will generally incorporate side parking provision and private garages.

## PLANNING HISTORY

2015/00928/RG3 – Proposed new junction and road section – Application to be reported to February Planning Committee;

2013/01104/SC1: Land at Cardiff Road/Cross Common Road, Dinas Powys - Residential development - Environmental Impact Assessment (Screening) - Not Required 11/12/2013

1981/01558/OBS: Cardiff Road/Cross Common Road Junction, Dinas Powys - Development under Reg. 4, T & C P Gen. Regs. 1976, road junction improvement and bridgeworks - Permitted (OBS - no objections :request conditions) 16/09/1981

## CONSULTATIONS

**Dinas Powys Community Council** were consulted and made the following comments –

*“Dinas Powys Community Council supports the provision of a new junction at Cross Common Road with the A4055 but objects to any housing on the adjacent land.*

*Danger of flooding – too close to the flood plain. Only room for 40% of runoff water from the proposed development.*

*Housing too close to the A4055 with its huge queues of traffic at peak times with a build up of toxic gases.*

*See figures of November 2014 traffic count.*

*Cross Common Road, Longmeadow and Plas Eryllt are too narrow to take the extra traffic that 50 houses would cause.”*

**The Council’s Highway Development** were consulted and made the following comments –

*The Traffic Engineer has assessed the Transport Statement submitted in December 2014 together with the updated version submitted in January 2015 and has confirmed acceptance of the conclusion that the proposed junction of the new link road with the A4055 will have sufficient capacity for both existing traffic and trips generated by the proposed development with no detriment to the surrounding highway network.*

*There are, therefore, no highway objections to the proposed development subject to the following highway requirements being fully satisfied:-*

- *Junction and link road to be designed in accordance with the requirements of TAN 18 and the Design Manual for Road and Bridgeworks (DMRB)*
- *The design to satisfy Stage 1 and Stage 2 Safety Audits carried out in accordance with DMRB HD 19/03*
- *Stage 3 and Stage 4 Safety Audits to be carried out in accordance with DMRB HD 19/03 at the appropriate times.*
- *Notwithstanding the submitted plans no works whatsoever shall commence until full engineering details of the junction layout and link road with sections, vertical and horizontal alignments, lighting, drainage ,lining, signing and construction details etc have been submitted to and approved by the Highway Engineer.*
- *No development works whatsoever will commence until the junction and link road has been fully constructed to the satisfaction of the Highway Engineer.*
- *Internal road layout to be in accordance with the principals of Manual for Streets to include 5.5m wide carriageway and 2m wide footways, appropriate drainage and street lighting to enable construction to an adoptable standard.*
- *A maximum of 5 properties off a private drive.*



*Shared surfaces to be a minimum width of 6.8m.*

- *Off road parking provision to be in accordance with the requirements of CSS Wales Parking Standards 2008.*
- *Drainage Strategy and Flood Risk Report to be approved by the Council's Drainage Engineer.*

**The Council's Public Rights of Way Officer** was consulted and stated that there were no public rights of way shown on Definitive Map for the site;

**The Council's Highways and Engineering (Drainage)** responded that there would need to be more detail submitted including calculations to show the capacity of the existing ditch or pipe which connects with the River Cadoxton. No objection subject to a condition for full drainage strategy, to include a SuDs management plan. The strategy should show that in various rainfall events the site would not flood.

**Glamorgan Gwent Archaeology Trust** were consulted and stated that the proposed development will not impact upon known archaeology resource in the area. However, if archaeological material is disturbed during the course of the works the Trust should be contacted.

**Dinas Powys Ward Members** were consulted and made the following comments:

Cllr Christopher Williams – "I strongly object to this application as it will inevitably lead to more road congestion from the extra traffic generated by the residents. I welcome the new junction and originally asked for it in 2002 as the local Member of the Dinas Powys Plaid Cymru Group on the Vale and was supported by the rest of the Group but do not want it at the expense of extra housing. I believe that the Council should provide the new junction for the safety of the road users of the Vale but it should not be conditional on the provision of more unnecessary housing. I intend to speak against the application at the meeting."

Cllr Christopher Franks – Questioned whether attenuation basin would be a pond or dry pit. Stated the dwellings opposite the entrance to Hebron Hall appeared a cramped addition". Concerned with loss of parking along Cross Common Road.

**Dwr Cymru/Welsh Water** were consulted and raised no objections subject to standard drainage conditions to ensure separate surface and foul drainage from the site. Also highlights a 150mm public sewer pipe through a section of the site that needs to be considered by the developer.

The **Council's Ecology Officer** was consulted and there were no objection raised, subject to conditions relating to site clearance during nesting season, a survey for Great Crested Newts being undertaken, a survey of all trees to be felled for bats to be undertaken, and the requirement for an Ecological Mitigation report to be submitted if reptiles, Great Crested Newts or a European Protected Species are discovered;

**The Council's Estates (Strategic Property Estates) Department** were consulted and raised no objections

**The Council's Waste Management** - No comments received

**Crime Prevention Design Advisor** made the following comments following consultation:

*'South Wales Police have no objection to the development and welcome the references made to community safety in the Design and Access statement but would also ask that the developer includes the following features to bring the development up to Secured by Design standards (SBD). SBD requirement of any affordable/social housing under the Welsh Housing Quality standards. SDB developments have been shown to reduce crime levels by up to 70% making developments far more sustainable.*

*In addition to design features mentioned in the Design and access Statement, detailed plans should include the following,*

*External service meters **reason** to design out opportunities for distraction type crime (bogus callers).*

*Rear gardens are enclosed and gated by secure fencing /walling to 1.8m **reason** to prevent unauthorised access to rear of property a common entry point for burglary.*

*Main external entrance doors to meet PAS24 standards **reason** considered as minimum acceptable security standard for domestic dwellings to prevent burglary. All ground floor windows to meet PAS24 standards **reason** as above in third condition*

*An appropriate lighting scheme is developed **reason** to enhance personal safety and security and reduce fear of crime.'*

**The Council's Housing Strategy** were consulted and made the following comments:

*There is a demonstrated need for additional affordable housing in the Vale of Glamorgan, as evidenced by the 2015 Local Housing Market Assessment (LHMA) which determined that 559 additional affordable housing units were required each year to meet housing need in the area.*

*In addition to this research, the Homes4U waiting list, which provides the most accurate and up to date picture of local need, shows there is considerable current need in Dinas Powys and its surrounding wards:*

	Dinas Powys	Llandough Ward	Penarth Wards
1 Bed Need	59	38	204
2 Bed Need	35	17	117
3 Bed Need	15	8	34
4+ Bed Need	3	0	13
Total	112	63	368

*In line with the current Supplementary Planning Guidance for Affordable Housing:*

*We will seek 40% of the total number of units to be provided onsite as affordable housing – equating to 20 units;*

*We ask for a tenure mix of 70% social rented and 30% Intermediate – 14 social rented and 6 Intermediate for Low Cost Home Ownership (based on 50 dwellings).*

*All affordable units must be DQR compliant.*

*Affordable units should be pepper potted throughout the site to encourage community cohesion and integration.*

*It is also important to note that there is a need for smaller first time buyer market properties within the Vale of Glamorgan, particularly in a large settlement such as Dinas Powys and we recommend that the market units include 1 and 2 bedroom flats/ houses for open market sale.*

**Natural Resources Wales (NRW)** were consulted and comments received to date state that the approach to the ecology issue would be that there is a requirement for a full mitigation strategy and a licence to be obtained from NRW. The strategy produced will be submitted to NRW for their comments.

**Environmental Health (Pollution)** were consulted and required a Construction Environmental Management Plan via condition, to include restricted construction times;

**South Wales Fire and Rescue Service** commented that the developer should consider the need for adequate water supplies for firefighting and access for emergency firefighting appliances;

## REPRESENTATIONS

The neighbouring properties were consulted on 21 April 2015. A site notice was also displayed on the 28 April 2015. The application was also advertised in the press on the 1 May 2015. There have been 19 representations received. All but 1 of the representations object to the proposals, citing issues as follows:

The impact of increased traffic to the highway network;  
Danger of increased traffic to pedestrians including school children  
Development would put significant additional strain on outdated infrastructure  
Loss of greenfield countryside site  
Development contributing to Dinas Powys losing its village identity  
Compromised outlook for neighbours towards the site  
Concern related to potential overlooking impact  
Loss of parking provision due to alterations proposed at Cross Common Road  
Noise pollution from additional traffic  
Development within the Green Wedge  
Concerns over potential flooding as a result of the development  
There is a lack of facilities within the village to provide for 50 additional dwellings  
The LDP has not been adopted and so the development should not be considered  
Loss of wildlife in the site as a result of the proposed development  
Capacity issues as Cog Moors Waste Treatment Plant for foul sewerage  
Excessive number of proposed houses  
Light pollution from headlights facing towards existing houses

There has been one email of support, regarding the improvements proposed to the junction as part of the development.

Copies of three letters of representation received from neighbours to the site, being generally representative of the views expressed and attached at **Appendix A**.

There has also been a letter received from Alun Cairns MP who highlights the main two concerns residents have raised in regards to these proposals. They are the issues of increased traffic levels and potential flood risk increase. This letter is attached at **Appendix B**.

## REPORT

### Planning Policies and Guidance

#### **Unitary Development Plan:**

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

## Strategic Policies

POLICIES 1 & 2	- THE ENVIRONMENT
POLICY3	- HOUSING
POLICY8	- TRANSPORTATION
POLICY11	- SPORT & RECREATION

## UDP Part 2 Policies

ENV1	- DEVELOPMENT IN THE COUNTRYSIDE
ENV2	- AGRICULTURAL LAND
ENV 3	- GREEN WEDGES
ENV10	- CONSERVATION OF THE COUNTRYSIDE
ENV11	- PROTECTION OF LANDSCAPE FEATURES
ENV16	- PROTECTED SPECIES
ENV18	- ARCHAEOLOGICAL FIELD EVALUATION
ENV19	- PRESERVATION OF ARCHAEOLOGICAL REMAINS
ENV27	- DESIGN OF NEW DEVELOPMENTS
ENV29	- PROTECTION OF ENVIRONMENTAL QUALITY
HOUS2	- ADDITIONAL RESIDENTIAL DEVELOPMENT
HOUS3	- DWELLINGS IN THE COUNTRYSIDE
HOUS8	- RESIDENTIAL DEVELOPMENT CRITERIA
HOUS12	- AFFORDABLE HOUSING
TRAN9	- CYCLING DEVELOPMENT
TRAN10	- PARKING
REC3	-PROVISION OF OPEN SPACE WITHIN NEW RESIDENTIAL DEVELOPMENT
REC4	- PROVISIONS FOR THE DISABLED AND ELDERLY
REC6	- CHILDREN'S PLAYING FACILITIES
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 8, 2016) provide the following advice on the weight that should be given to policies contained with the adopted development plan:

*'2.8.4 It is for the decision-maker, in the first instance, to determine through monitoring and review of the development plan whether policies in an adopted [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 8, 2016) (PPW) is of relevance to the determination of this application.

#### *Chapter 2:*

In addition to the advice mentioned above with regard to weight to be attached to emerging draft LDP, chapter 2 of PPW provides advice in cases where development plan policies are considered to be outdated or superseded. The following advice is given:

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

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

#### *Chapter 4:*

Chapter 4 of PPW deals with planning for sustainability. Paragraph 4.2.2 states that ***'The planning system provides for a presumption in favour of sustainable development to ensure that social, economic and environmental issues are balanced and integrated, at the same time, by the decision-taker when:***

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

Paragraph 4.2.4 states that *'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 (see 2.6) or*
- *relevant development plan policies are considered outdated or superseded or*
- *where there are no relevant policies (see 2.7)*

*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.*

Part 4.3 of chapter 4 sets out the principles that underpin the Welsh Governments approach to planning policy for sustainable development, whilst part 4.4 sets out the sustainability objectives that derive from the principles; it states that planning policies, decisions and proposals should accord with the objectives.

Paragraph 4.7.8 of Chapter 4 relates specifically to development in the countryside and states that such development should *'be located within and adjoining those settlements where it can be best be accommodated in terms of infrastructure, access and habitat and landscape conservation. Infilling or minor extensions to existing settlements may be acceptable, in particular where it meets a local need for affordable housing, but new building in the open countryside away from existing settlements or areas allocated for development in development plans must continue to be strictly controlled. All new development should respect the character of the surrounding area and should be of appropriate scale and design.'*

PPW advice on brownfield or previously developed land is of relevance in this case. Paragraph 4.9.1 states:

*4.9.1 Previously developed (or brownfield) land (see Figure 4.4) should, wherever possible, be used in preference to greenfield sites, particularly those of high agricultural or ecological value. The Welsh Government recognises that not all previously developed land is suitable for development. This may be, for example, because of its location, the presence of protected species or valuable habitats or industrial heritage, or because it is highly contaminated. For sites like these it may be appropriate to secure remediation for nature conservation, amenity value or to reduce risks to human health.*

CHAPTER 9 – Housing:

Finally the advice on housing in chapter 9 of PPW is of relevance, particularly the following extracts:

*The Welsh Government will seek to ensure that:  
previously developed land (see definition at Figure 4.4) is used in preference to greenfield sites;  
new housing and residential environments are well designed<sup>2</sup>, meeting national standards for the sustainability of new homes and making a significant contribution to promoting community regeneration and improving the quality of life; and that  
the overall result of new housing development in villages, towns or edge of settlement is a mix of affordable and market housing that retains and, where practical, enhances important landscape and wildlife features in the development.*

*9.1.2 Local planning authorities should promote sustainable residential environments, avoid large housing areas of monotonous character and make appropriate provision for affordable housing. Local planning authorities should promote:*

*mixed tenure communities;*

*development that is easily accessible by public transport, cycling and walking, although in rural areas required development might not be able to achieve all accessibility criteria in all circumstances;*



*mixed use development so communities have good access to employment, retail and other services;*

*attractive landscapes around dwellings, with usable open space and regard for biodiversity, nature conservation and flood risk;*

*greater emphasis on quality, good design and the creation of places to live that are safe and attractive;*

*the most efficient use of land;*

*well-designed living environments, where appropriate at increased densities;*

*construction of housing with low environmental impact by using nationally prescribed sustainable building standards; reducing the carbon emissions generated by maximising energy efficiency and minimising the use of energy from fossil fuel sources, using local renewable and low carbon energy sources where appropriate; and*

*'barrier free' housing developments, for example built to Lifetime Homes standards.*

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

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

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

*9.3.3 Insensitive infilling, or the cumulative effects of development or redevelopment, including conversion and adaptation, should not be allowed to damage an area's character or amenity. This includes any such impact on neighbouring dwellings, such as serious loss of privacy or overshadowing.*

*9.3.4 In determining applications for new housing, local planning authorities should ensure that the proposed development does not damage an area's character and amenity. Increases in density help to conserve land resources, and good design can overcome adverse effects, but where high densities are proposed the amenity of the scheme and surrounding property should be carefully considered. High quality design and landscaping standards are particularly important to enable high density developments to fit into existing residential areas. Details of the procedure to be followed in dealing with housing applications identified as **significant residential development** under the notification direction are given in paragraph 3.12.2.*

#### **Technical Advice Notes:**

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

Technical Advice Note 1 – Joint Housing Land Availability Study (2006)

Technical Advice Note 2 – Planning and Affordable Housing (2006)

Technical Advice Note 5 – Nature Conservation and Planning (2009)

Technical Advice Note 10 – Tree Preservation Orders (1997)

Technical Advice Note 11 – Noise (1997)

Technical Advice Note 12 – Design (2014)

Technical Advice Note 15 – Development and Flood Risk (2004)

Technical Advice Note 16 - Sport, Recreation and Open Space (2009)

Technical Advice Note 18 – Transport (2007)

#### **Supplementary Planning Guidance:**

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

Affordable Housing

Amenity Standards

Design in the Landscape

Planning Obligations

Public Art

Trees and Development

Biodiversity and development

Model design guide for Wales

## The Local Development Plan:

The Vale of Glamorgan Deposit Local Development Plan (LDP) was published November 2013. The Council is currently at Deposit Plan Stage having undertaken the public consultation from 8th November – 20 December 2013 on the Deposit Local Development Plan and the 'Alternative Sites' public consultation on the Site Allocation Representations from 20 March – 1 May 2014. The Council has considered all representations received and on 24 July 2015 submitted the Local Development Plan to the Welsh Government for Examination. The examination in Public has commenced in January 2016.

With regard to the weight that should be given to the deposit plan and its policies, the guidance provided in Paragraph 2.6.2 of Planning Policy Wales (Edition 8, 2016) is noted. It states as follows:

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

The Deposit Local Development Plan (October 2013) includes the following draft policies that relate to the proposals:

- *Policy MG2 sets out the Housing allocations to meet the housing requirement identified in Policy SP3. This Policy sets out a hierarchy of allocated sites relating to Strategic Housing Sites, Key Settlement Sites, Service Centre Settlements, Primary Settlements and Minor Rural Settlements.*
  
- *Policy MG2 (29) identifies the application site within the Primary Settlement of Dinas Powys and states that the site could accommodate a total of 50 dwellings, the construction of which is shown to be a delivered within the first and second phase of the Plan, between 2011 and 2021.*

The guidance provided in Paragraph 4.2 of PPW is noted above. In addition to this, the **background evidence** to the Deposit Local Development Plan that is relevant to the consideration of this application is as follows:

Affordable Housing Background Paper 2013  
Affordable Housing Viability Study 2013 Update  
Housing Supply Background Paper 2013  
Local Housing Market Assessment 2015  
Open Space Background Paper 2013  
Sustainable Settlements Appraisal Review 2013  
Joint Housing Land Availability Study 2014 (July 2014)  
Green Wedge Background Paper 2013  
Findings of the site assessment 2013  
Population and Housing Projection Background Paper 2013  
Transport Assessment of LDP Proposals 2013  
Educational Facilities Assessment 2013

**Other relevant evidence or policy guidance:**

Manual for Streets (Welsh Assembly Government, DCLG and DfT - March 2007)  
Welsh Office Circular 13/97 - Planning Obligations  
Community Infrastructure Levy Regulations (As amended) 2010

**Issues**

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

The principle of the development in the context of the statutory development plan being the Vale of Glamorgan Adopted Unitary Development Plan 1996-2011 (UDP), and any other material considerations.  
Consideration of other material considerations which may outweigh Development Plan policies  
Visual impact of the development,  
Impact to the designated Green Wedge;  
Issues related to the highways impact as a result of the proposed development;  
Consideration of the potential impact to neighbour amenities;  
Consideration of whether the proposals constitute an efficient use of land;  
Resultant loss of protected trees should the proposed development be approved;  
Other issues including drainage; ecological and environmental impacts.  
S106 Planning Obligations to mitigate the impact of development;

**Principle of Development**

**Adopted Unitary Development Plan Policies and PPW**

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).

The Council's policies relating to development in the countryside must be considered. Policy ENV1 seeks to strictly control development within countryside locations and indicates at criterion (i) and (ii) that development will only be permitted that is essential for uses appropriate in the countryside. This proposal does not fall within the definition of such a use. The principle of Policy ENV1 is supported in PPW where, at paragraph 4.7.8, it sets out that new building in the open countryside, away from existing settlements should be strictly controlled. Criterion (iv) of policy ENV1 makes provision for development that is approved under other policies of the plan. As such, consideration will be given to those relevant policies.

The proposals consist of a residential development of the site on the edge of Dinas Powys, adjacent to the junction of Cardiff Road and Cross Common Road. In terms of the adopted Unitary Development Plan 1996 – 2011 (UDP), the site is immediately adjacent to the Settlement Boundary of Dinas Powys as defined in Policy HOUS2 of the UDP. As such, the development is not within the settlement boundaries and does not, therefore, benefit from the provisions of the first part of Policy HOUS2.

Notwithstanding the provision of the first part of policy HOUS2, the policy goes on to state that favourable consideration will be given to small scale development which constitutes the rounding off of the edge of settlement boundaries where it can be demonstrated that the criteria of Policy HOUS8 are complied with. Policy HOUS8 permits development which is *'closely related to the defined settlement boundaries'* providing the development complies with all of the criteria of that policy. However, the proposal for up to 50 dwellings cannot be considered 'small-scale' and so could not be considered as a 'rounding off' development under Policy HOUS 2. Furthermore, the site falls within the designated 'Green Wedge' (Policy ENV 3 refers), which seeks to restrict development to prevent urban coalescence and to retain 'openness' in rural areas. It is also noted that the provisions of HOUS 2, with regard to small-scale 'rounding off' of settlements, cannot in every case be considered within areas identified as Green Wedge. As such the proposed development could not be considered as a rounding off of a settlement and would be contrary to these policies in the UDP.

#### Local Development Plan Context

The draft 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 June 2015 the Council's Cabinet and Full Council considered and approved 'Focussed and Minor Changes' to the DLDP as part of the 'Report of Consultation and Submission for Independent Examination'. The DLDP was submitted to Welsh Government and an independent Planning Inspector is conducting an examination into the soundness of the Plan with public hearings, which commenced January 2016. Until these stages have been complete the DLDP will remain an unadopted document and is not envisaged to be adopted until late 2016.

In the DCDP the application site has been included as a housing allocation site, under policy MG 2 (29). It is estimated that the site would have capacity for up to 50 dwellings. The DLDP also indicated a requirement for 40% affordable housing for the site, following recent 'Focussed Changes'. The DLDP also raises issues of junction improvements and safe means of access to the site, the need for suitable drainage, potential ecology in the areas of unimproved grassland, and that a public sewer crosses the site.

The guidance provided in paragraph 2.6.2 of PPW with regard to the weight that should be given to the policies of emerging LDP, as mentioned above, is noted. The guidance does, however, state that - "*Certainty regarding the content of the plan will only be achieved when the Inspector delivers the binding report. Thus in considering what weight to give to the specific policies in an emerging LDP that apply to a particular proposal, local planning authorities will need to consider carefully the underlying evidence and background to the policies. National planning policy can also be a material consideration in these circumstances (see section 3.1.2)*". With the above guidance in mind, the background evidence gathered in preparation of the LDP can be afforded some weight in its relevance to the development proposed, particularly the background evidence.

The inclusion of this site as an allocated site within the Draft Deposit Local Development Plan is a positive indication that this is a suitable site for development, due to the significant level of assessment that has been undertaken leading to its inclusion in the Draft Plan. A relevant background paper on this issue is the 'Findings of Candidate Site Assessments Process Paper' (2013). This catalogues all the sites that have been rejected, though includes this site as one that has been selected based primarily on sustainability criteria.

This site was assessed in the above background paper (noting that the original Candidate Site was larger than the site now proposed) and shows a generally positive outcome to the sustainability appraisal for this site. This includes a 'positive impact on sustainability' within the assessment on the basis of providing housing to meet people's needs. This is represented by the potential for the site to accommodate 50 dwellings with an affordable housing proportion. The assessment also finds that a residential development of this site would provide 'some positive sustainability impact' for improved access, reduced car based travel needs and contributing to efforts against climate change. The positive responses for both climate change and reducing needs for travel opportunities of sustainable transport are due to the site being positioned immediately adjacent to the edge of the existing settlement, in close proximity to shops schools, public transport and other facilities. The positive sustainability aspect, as highlighted in this background paper, is an important background evidence that has been considered with assessing this proposal.

## Housing Need and Supply

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

Members will be aware that Technical Advice Note 1 (TAN 1) has been recently updated and that a key change to the revised TAN1 guidance is that the use of JHLAS to evidence housing land supply is now limited to only those Local Planning Authorities (LPAs) that have in place either an adopted Local Development Plan or an adopted UDP that is still within the plan period. Previously, LPAs without an up-to-date adopted development plan were able to calculate housing land supply using a 10 year average annual past build rate. However, under the 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 are unable to demonstrate a housing land supply for determining planning applications.

Members will be aware that the adopted Vale of Glamorgan UDP expired on 1st April 2011, and the LDP has been submitted to Welsh Government for independent examination by an appointed Inspector. As a consequence of the revised TAN 1 guidance, it is not until the Council has formally adopted its LDP that the Council will be able to produce its annual JHLAS report. Moreover, the 2014/15 JHLAS for the Vale of Glamorgan which indicated over 7 years supply, expired at the end of March 2015.

Under the Council's LDP Delivery Agreement, adoption of the LDP is anticipated to take place in September/October 2016. Local Planning Authorities that do not have either an adopted LDP or UDP will be unable to formally demonstrate its housing land supply position and will effectively be considered not to have a five year housing land supply and as such the need to increase supply would be given considerable weight (TAN 1, para 8.2).

In this regard officers will need to keep under review the housing land supply noting that it remains a material consideration (TAN 1, 6.2) in the determination of planning applications, particularly given the emphasis on evidencing a 5 year supply on adoption of its LDP. However, Welsh Government has advised that since the assessment will not be subject to the normal JHLAS process it will not carry the same weight for planning purposes as a formal study. Nevertheless, officers will need to assess how planning proposals will contribute to both supporting delivery of the emerging LDP and the provision of a 5 year housing land supply on its adoption, and these are themselves considered to be important material considerations.

As noted above the Council's Joint Housing Land Availability Study 2014 (JHLAS 2014) indicated that the Council had a 7.3 year supply of housing land. Accordingly, the Council had a sufficient supply of housing land to comply with paragraph 2.1 of TAN 1. However, this JHLAS has now expired (therefore that figure cannot be relied upon), and the Council must maintain a supply of housing land in excess of 5 years for when the LDP is adopted. It is, therefore, clear that the most recent housing figure cannot be relied upon and does not imply that all further residential developments subsequent to that should be resisted, given the need to maintain sufficient supply at all times.

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

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

However, whilst there is a need to maintain an adequate 'Housing Land Supply' for future JHLAS and when the LDP is adopted, this does not solely outweigh in principle all other material considerations, particularly if a development is considered harmful in any other respects, if it does not accord with national policies, or if it would be harmful to the deliverability or wider strategy of the LDP. Rather the need to maintain a TAN 1 compliant housing supply is a 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. Therefore, this does not infer that any new applications for residential development would be considered acceptable.

### Green Wedge Impact

As noted above, the site is located within the open countryside and also the designated Green Wedge as defined by the UDP. Policy ENV3 of the UDP has a presumption against development within Green Wedges that prejudices the open nature of the land. Paragraph 4.8.14 of chapter 4 of PPW recognises the importance of Green Wedge designation and states that when considering applications for planning permission in Green Wedges there should be presumption against inappropriate development. In this context, the proposal would fail to comply with the aims and objectives of the Green Wedge and this would be contrary to policy ENV 3 and PPW.



However, in preparing the LDP growth strategy and identifying appropriate sites for new residential development, it was recognised that development required during the plan period cannot be solely accommodated on brownfield land either within or on the periphery existing settlements. It is therefore inevitable that development will occur outside existing settlements on greenfield land and most likely in those areas already under significant development pressure i.e. those areas previously designated as Green Wedges.

With this in mind it is important to note that the Green Wedge background paper prepared for the Vale of Glamorgan Local Development Plan for 2011-2026 removed some designated Green Wedges whilst adding other sites. The site subject to this application is currently within the designated Green Wedge, and this background paper concludes that it should be omitted from the Green Wedge under the re-defined boundaries. This is justified within the paper on the basis that the Green Wedge was initially defined by the indicative layout of the proposed Dinas Powys by-pass. The road scheme has not been allocated with the DLDP and so the associated building pressure associated with the by-pass is less likely. The background paper states that the Green Wedge to the south of Dinas Powys “has therefore been rationalised and realigned to the more permanent and defined boundaries of the highway network and the defined residential settlement boundaries”. As such, it is important to consider that the DLDP would rationalise the Green Wedge boundary and that this site to the south of Cross Common Road would not be within an area designated as Green Wedge.

The site has been assessed and incorporated as an allocated site within the Deposit Local Development Plan. Its inclusion as an allocated site demonstrates that this would not be a sporadic development under the DLDP. The development of this site would be a logical extension to Dinas Powys which should integrate with the village.

In conclusion, the proposed residential development is within the designated Green Wedge. The development would clearly fail to comply with UDP policy ENV 3, as dwellings in this location would not preserve the openness of the site, which is currently greenfield land. However, as stated above, there is a requirement to address the need for housing development within the Vale of Glamorgan, which cannot be met by brownfield sites and infill plots alone. It is this demand for housing that is considered to outweigh the policy objections of the UDP, noting that the site area is recommended to be removed from the Green Wedge as part of the emerging LDP and the associated background paper.

## Planning Policy Wales and Sustainability Issues

The key sustainability principles and the key policy objectives of PPW are clearly set out as the Welsh Government's '*Vision for sustainable development and the outcomes [they] seek to deliver across Wales*' (paragraph 4.41). Paragraph 4.2.2 states that '*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.'*

As discussed above, the 'Findings of Candidate Site Assessments Process Paper' (2013) background paper for the LDP concludes that the site would be sustainable for reasons such as providing much needed housing provision to meet local needs and being close to essential services. Furthermore, the location of the site is immediately adjacent to the village and within walking/cycling distance to shops and services. This promotes sustainable practices has a positive contribution to limit climate change and reducing needs for travel by use of private vehicles. This assessment reflects the sustainability objectives set out in section 4.4 of PPW.

Overall the site is considered to be in a sustainable location and is in accordance with the sustainability principles and objectives as set out in Part 4.3 and 4.4 of PPW. With the presumption in favour of sustainable development, as is set out as a key principle within PPW, is considered that the proposals are in accordance with general national policy.

## Conclusion on the Principle of the Development

The proposals consist of a residential development of agricultural land to the southern edge of Dinas Powys. In terms of the adopted Unitary Development Plan 1996 – 2011 (UDP), the site is immediately adjacent to but outside of the Settlement Boundary of Dinas Powys. Furthermore, the site falls within the designated 'Green Wedge' (Policy ENV 3 refers).

In the DLDP the application site has been included as a housing allocation site, under policy MG 2 (29), indicating 50 dwellings with 40% affordable housing. As stated above, the DLDP has not been adopted at the present time. However, the background papers are a material consideration and issues such as the impact on the designated Green Wedge and sustainability factors are assessed within these documents.

Thus, although the development is not in full accordance with UDP policies, the DLDP background papers and national policies (especially those within PPW) have also been fully considered in assessing these proposals, as is demonstrated above. In this context, the proposed dwellings would be considered as a sustainable development, immediately adjacent to an existing settlement and contributing new housing (including much needed affordable housing). The substantial need for new housing within the Vale of Glamorgan is considered to outweigh the UDP policy objections of developing a site within the Green Wedge in this particular location.

Whilst the principle of the development is accepted, there are other issues to be addressed in following paragraphs.

### Access to the site

The access into the site is not a reserved matter with this outline application and is therefore considered in detail. The proposals include a new section of road, which links Cardiff Road with Cross Common Road. This road would split the site, with the majority of development being to the south, with a triangular section of land to the north of this road. The new section of road would provide access into the main area of the development to the south. A holding lane would be formed in the centre of this new section of road for vehicles wishing to turn right into the development. Access to the triangular area of land, also proposed for housing development, is to be directly off Cross Common Road.

The new section of road would result in a significant improvement to highway safety and free flow of traffic compared to the existing junction between Cardiff Road and Cross Common Road. The improvement would be in terms of enhanced visibility, with suitable holding lanes proposed in Cardiff Road and the avoidance of the need for any further bridge structure. Other stated advantages include:

improved vehicle and pedestrian safety;

improved turning radii and movements for larger vehicles and buses, reducing potential for collision risk, with the proposed junction arrangement;

a right hand turn 'ghost island' from Cardiff Road onto Cross Common Road;

continuous footway link along Cardiff Road to the Bryn-y-don playing fields.

The existing junction has no formal holding lane (resulting in traffic being held up by vehicles waiting to turn right into Cross Common Road) and is not constructed to current standards.

Access to this northern section of Cross Common Road and also Wellwood Drive, Kings Court and Hebron Hall would be via the new section of road with a new junction formed here also. The roads have been orientated to form a junction with suitable visibility and widths. It is also considered that this section of Cross Common Road would see a significant reduction in traffic through flow as a result of the new layout with traffic connecting with Cardiff Road being diverted across the new section of road.

The submitted Transport Statement (Traffic and Transport Planning – December 2014) also acknowledges the transport/highway benefits of the scheme and proposed junction layout, with an improvement over the existing junction arrangement. Furthermore, based on 50 dwellings proposed, there is capacity for both existing traffic and traffic relating to the proposed development with the proposed junction.

No objections have been raised by the highways development Officers after considering the proposed junction layout and the capacity calculations of the submitted Transport Statement.

The junction of the new stretch of road with the existing Cross Common Road will include a 'build-out' from the northern side, roughly in front of No 3 and 4 Cross Common Road. This will limit some on-street parking currently available along this section of Cross Common Road. However, this affects only a relatively small section of this road, with significant amounts of on-street parking also available. It is also considered that the considerable benefits of the new junction arrangement outweigh any minor loss of on-street parking. Also, this arrangement is needed to ensure highway safety at this junction, which is crucial to the acceptability of this layout.

There is indication of a footpath connecting the site with Cross Common Road, along the section of land beside the property Oakfield. This footpath is outside the site area of the application and so cannot be considered with this proposal. If there is an update to this aspect of the indicative layout an update will be provided to Members at Planning Committee.

### Indicative Layout

The proposed development responds to the site's irregular shape, with a central road running through the development, with housing either side. The road finishes with a 'hammerhead' turning area near the rear of the property Oakfield. There are only parameters and indicative details of the houses proposed though the plan does show where the blocks of housing are to be positioned. These housing blocks are in suitable locations within the site, adjacent to the roadway through the proposed development.

The layout is described within the Design and Access Statement as follows:

*The Concept Plan envisages that a high proportion of the dwellings will be orientated to have a south/south west facing front or rear elevations and the development will therefore benefit from solar gain. Orientation of other dwellings will be selected to secure active frontages, maximising overlooking of streets in the interests of community safety and an efficient use of the land.*

In terms of the housing proposed, the Design and Access states that the housing would generally be 2 or 2.5 storey, and maybe 3 storey “to meet affordable housing requirements”. There is also the possibility of terraces of houses to ensure an efficient use of land. It appears from the Design and Access Statement that the concept is for a range of house types and sizes, which is an approach that is supported. The design and detailing is to reflect local characteristics which is considered a suitable approach. However, these issues would be considered in detail with any subsequent Reserved Matters applications.

The triangular area of land to the northern area of the site (to the north of the new section of road) would also provide for a small area of housing, with access off Cross Common Road.

In the south-west corner of the site there is proposed an attenuation basin and a ‘Local Equipped Area of Play’ (LEAP). The land falls towards the proposed area of the attenuation basin and is considered a suitable location for such a drainage facility, from the information supplied. It is proposed that this would drain surface water into the adjacent Cadoxton River (see later drainage section).

There is a requirement to provide 290sqm of children’s play space within the site as ‘Public Open Space’ (POS) which has been indicated in the form of the LEAP positioned adjacent to the drainage basin. There are potentially other areas of open space within the proposed development, between the housing blocks and around the bases of protected trees. The provision of POS is an important element of residential developments with the concept drawing including such a provision. Full details and composition will have to be submitted with any subsequent Reserved Matters application.

In terms of the wider landscape impact, the site would appear as an extension to Dinas Powys and would adjoin residential areas. As such, the site would not appear as an isolated development in the countryside. However, this does not negate the fact that the site is within the open countryside and the designated Green Wedge. The proposal of up to 50 dwellings on the site would clearly have an impact on the Green Wedge as it would develop a greenfield site within this designated area. However, as explained in the sections above, the need for housing within the Vale of Glamorgan has to be considered. To mitigate the visual impact of this development there would need to be landscaping to the perimeters of the site, to screen the housing from adjacent countryside areas and also soften the visual impact. Landscaping is a Reserved Matter and will be considered in detail at this later stage if planning permission is granted.

#### Impact to neighbour amenities

Members should note that the proposals are in outline only, as such the masterplan indicates existing houses in close proximity to the areas for new housing. Subject to a good design and compliant with the Amenity Standards SPG, there is no reason to believe that the proposed houses would lead to undue impact to the amenities of these neighbours.

The siting, layout and design of the proposed houses would be assessed against adopted relevant guidelines, including the Council's Supplementary Planning Guidance 'Amenity Standards', at the time of any subsequent Reserved Matters.

### Impact to Trees and Hedgerows

The site currently contains perimeter tree and hedgerows, with trees and hedges (both individual and groups) set within the site area. The residential development and the new section of connecting road would result in the loss of sections of hedges and trees.

The site has been surveyed with a report submitted (James Pinder - Treecare Consulting). The report categorises all the on-site trees and hedgerows based on their quality and state. The submitted layout has considered the position of the higher grade trees and hedgerows within the site and indicated that these will be maintained with the tree survey advising root protection areas and safeguarding measures. This includes the oak trees within the site, which are covered by a Tree Protection Order (TPO).

There will be some removal of groups of trees, including the group of poplar trees towards the western boundary of the site which are also protected under the TPO. There is also a single poplar which is covered by a TPO to the western boundary with Cardiff Road, which is also to be removed. Whilst protected it has been shown that these trees and woodland group are of low quality and would not be suitable for retention as part of a residential development.

The most important trees, such as the protected oaks around the perimeter of the site, are to be retained with root protection areas indicated. It is also considered that some areas of new planting, including hedgerows, are indicated on the submitted layout plan, which could compensate for the loss of existing TPO trees and hedgerows. The retention of the most significant trees, together with a mixture of retained trees and proposed landscaping to the perimeters of the site, should screen much of the development and soften the visual impact within this rural setting.

The removal of any trees or hedgerows, especially those designated under a TPO is unfortunate. However, the supporting information submitted with this application has clearly demonstrated that the trees and hedgerows of high value can be retained and co-exist with the proposed development, subject to tree protection measures. The existing trees and hedgerows, particularly examples such as the TPO Oaks, would benefit the development and soften the visual impact of the housing from outside of the site. The need for the housing development towards the housing land supply within the Vale of Glamorgan is demonstrated in previous sections and it has been shown that this development can be achieved without any significant loss of high quality trees or hedgerows.

On this matter the Council's Tree Officer has commented that the mature poplars (protected under TPO No 5, 2014) are "not a good specimen to retain on land being developed residentially" and "they should be removed as required for the development subject to replacement trees being planted". The Tree Officer concludes that there is no objection to the proposed tree removal as part of the proposed development subject to a landscaping scheme that includes tree planting to mitigate the tree loss. Landscaping is a Reserved Matter, though it would be expected that the landscaping to be proposed with any Reserved Matters application should include suitable compensation for tree loss resulting from the proposed development. An arboricultural watching brief condition is recommended based on these comments.

In conclusion, there is no objection to the proposals on the basis of the tree works proposed, though details of the landscaping would be required as a Reserved Matter if this outline application is approved.

### Ecology Issues

A 'Preliminary Ecological Appraisal' (Celtic Ecology – February 2014) has been produced and submitted with the application. The report has concluded that the site is of "low ecological value". However, Natural Resources Wales initially did not accept the report and stated the need for further survey work prior to determination of the application, including surveys for Great Crested Newts and Dormice. Correspondence was submitted from Celtic Ecology to NRW stating that as there are Dormice known to be in the area following survey works undertaken at another nearby site and therefore there is no need for further survey work and mitigation can be planned on the assumption that dormice are at the site. Celtic Ecology also argue the chance of great Crested Newts at the site is unlikely as known habitats are to the far side of the adjacent Cardiff Road and the River Cadoxton from the site, which would be generally impassable barriers for this species.

Following this correspondence NRW have agreed to the approach put forward by Celtic Ecology and advised that it was in agreement to moving forward to a mitigation strategy. Celtic Ecology has produced a framework mitigation ecological strategy for the site, which has been forwarded to NRW. This includes some additional planting to the boundaries of the site, to improve the existing hedgerow boundaries, and provide a tree corridor within the site. There is also some compensation in the form of ecology-benefiting planting outside of the red line site area, on land also owned by the applicant. An ecological licence is required from NRW if the application is approved.

As a competent authority under the Conservation of Habitats and Species Regulations 2010 ('habitat regulations'), the Local Planning Authority must have regard to the Habitats Directive's requirement to establish a system of strict protection and to the fact that derogations are allowed only where the three conditions under Article 16 of the EC Habitats Directive are met (the 'three tests') (TAN5, section 6.3.6). In order to comply with its duty under the Habitats Regulations, the LPA will need to take all three tests into account in its decision. It is essential that planning permission is only granted when the Local Planning Authority is satisfied that all three tests are likely to be met. If not, then refusal of planning permission may be justified (TAN5, section 6.3.6).

A proportional approach can adapt the application of the tests: the severity of any of the tests will increase with the severity of the impact of derogation on a species/population.

Test 1 requires that the derogation be 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. 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.

Test 2 requires that there is no satisfactory alternative to the development. In this case there is an imperative to develop the site for housing in this location, as the site has been assessed as sustainable and can provide housing needed within the Vale of Glamorgan, with mitigation and enhancement shown as possible with the submitted documentation.

Finally, test 3 requires that the derogation is not detrimental to the maintenance of the population of the species concerned at a favourable conservation status in their natural range. This is addressed in submitted surveys and information and their recommendations, which have been agreed in writing by NRW, subject to conditions.

#### Loss of Agricultural Land

Much of the site is covered with groups of trees/hedges (approximately 40%) though the remaining land is in agricultural use. It is recognised that much of the northern section of the site has been used for many years as a paddock, though the land could be reverted to agricultural use and so the potential is there.

An agricultural land classification assessment has been undertaken by 'Agricultural Land Considerations' (Kernon Ltd – February 2015) which concludes that all the land that could be of agricultural use is Grade 4 (poor quality), due to slowly permeable sub-soils that would lead to working and grazing restrictions.

Policy ENV 2 (Agricultural Land) of the Unitary Development Plan states that on high quality land (Grade 1 to 3a) development that would result in the irreversible loss of this land for agriculture would be resisted, unless an overriding reason can be demonstrated. In this case, the land is Grade 4 and so there would be no loss of high grade agricultural land if the site was developed for housing. As such, there is no conflict with policy ENV 2.

#### Drainage Issues

The application is supported by a 'Drainage Strategy and Flood Risk Report' (Spring Design – October 2014). The site is shown to be partially within Zone A Flood Zone, which indicates little or no risk of flooding. However, the submitted report advises that this be taken into account with the final layout design and integrated into the surface water drainage strategy. It is noted that the attenuation basin proposed is in the area of the site with the greatest risk of surface water flooding, which is considered appropriate by the Council's Drainage Engineers.



In terms of foul drainage the report identifies a sewer line through the site, though the majority of the proposed houses would not be able to connect with this sewer. Instead it is recommended that a new adoptable foul water system would connect with the combined sewer system at Cardiff Road. No objections have been raised by Welsh Water.

With regards to surface water drainage, there has been a Phase 1 geotechnical investigation conducted and soakaway infiltration tests undertaken. These initial tests indicate that soakaways would not be feasible. This has led to a surface water strategy which indicates that a post-development maximum surface water runoff rate of 14l/s (which is the existing rate) should be set. The strategy includes both permeable surfacing and an attenuation basin adjacent to the POS, with the attenuation basin connecting (via a pipe under Cardiff Road) with the Cadoxton River.

Full details and calculations of the drainage strategy have not been included at this stage and would be required by condition to show how suitable levels of foul and surface water drainage can be achieved without increasing flow rates over existing levels or causing increased flood risk. Also, the Council's Drainage Engineer has raised management issues that need addressing with the final scheme, including how any potential blockage of the pipe under Cardiff Road would be addressed, with the need for the detention basin to be able to store water sufficiently if the River Cadoxton is flooded. It is considered that this would be achievable, although further works may be required above and beyond those suggested in the submitted Drainage Strategy. A Construction Environmental Management Plan is also required for the protection of the adjacent watercourse/ditch from pollution during the course of construction.

#### Planning Obligation (Section 106) Matters

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

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

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

In this case, the application relates to the development of up to 50 dwellings on a site adjoining the settlement boundary of Dinas Powys. 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 and having regard to the Welsh Office Circular 13/97 – Planning 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. 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”.

In the DLDP the allocated site is stated to require 35% affordable housing provision. However, the Council has commissioned a review of its viability evidence base in September 2014, taking account of matters raised by the Home Builders Federation (HBF) and the Welsh Government (WG). The latest viability evidence 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 30% to 35% in the Rural South, whilst increasing the affordable housing requirement in the Rural east Vale and Penarth from 35% to 40%. Dinas Powys is included under the Penarth sub-market and as such, based on this latest viability evidence, it is considered appropriate for this site to incorporate 40% affordable housing in response to this focused change to the DLDP.

On this basis the Affordable Housing Enabling Officer has confirmed that based on 50 dwellings the following will be required:

20 Affordable Units (based on 40% requirement)  
A tenure mix of 70% social rented and 30% Intermediate

The applicant/agent has confirmed that this would be provided on site, based on the 50 dwellings indicated. The affordable housing should be dispersed throughout the site, rather than clustered together in one part of the development, and would be considered in detail with any subsequent Reserved Matters application.

## Education

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. Planning Policy Wales emphasises that adequate and efficient services like education are crucial for the economic, social and environmental sustainability of all parts of Wales. It makes it clear that development control decisions should take account of social considerations relevant to land use issues, of which education provision is one.

The Council's formula for calculating pupil demand is contained in the Planning Obligations SPG. Based on 50 houses, this would generate demand for 5 nursery, 14 primary and 12 secondary pupil places. These are split proportionally between English, Welsh and denominational provision.

At nursery level there is no spare capacity to accommodate the development (current and projected) within all types of provision.

Of the 14 spaces required for primary age children generated, 9 would be allocated to English medium, 3 to Church in Wales, 1 to Welsh Medium and 1 to Roman Catholic provision. In terms of the English medium, Roman Catholic and Church in Wales sector there is limited surplus capacity overall, current and forecast, also taking into account residential developments in the area. The local authority would therefore seek contributions accounting for 13 of the 14 child places required.

At secondary level, based on the percentage split above in terms of the 12 secondary children generated, 10 would be allocated to English medium, 1 to Welsh medium and 1 to denominational education. However, there is surplus capacity in the English and Welsh medium sector over the next five year period and the authority would not be seeking contributions, with no provision required for the 1 space for denominational schools.

Considering the above, based on the anticipated additional pupil numbers and based on the cost of a school place as outlined in the Supplementary Planning Guidance plus other costs need to be factored in, such as professional and legal fees, and would total as follows:

Nursery - 5 children at £14,463.26 per child = £72,316.30  
Primary – 13 children at £14,463.26 per child = £188,022.08  
Total contribution required : £260,338.58

These figures are based on 50 dwellings and would vary if the number of dwellings changed with any subsequent reserved matters. The applicant/agent has agreed to this planning obligation requirement.

## Sustainable Transport

UDP Policies 2 and 8 favour proposals which are located to minimise the need to travel, especially by car and which help to reduce vehicle movements or which encourage cycling, walking and the use of public transport. UDP Policy ENV27 states that new development will be permitted where it provides a high level of accessibility, particularly for public transport, cyclists, pedestrians and people with impaired mobility. These policies are supported by the Council's approved Sustainable Development SPG and Planning Obligations SPG and the advice in Planning Policy Wales, TAN 18: Transport, and Manual for Streets, which emphasise the important relationship between land use planning and sustainability in terms of transport.

In particular TAN 18 states that "Planning authorities may use planning obligations to secure improvements in roads, walking, cycling and public transport, whether as a result of a proposal on its own or cumulatively with other proposals and where such improvements would be likely to influence travel patterns, either on their own or as part of a package of measures". (9.20 refers) At paragraph 9.21 it continues "Circular 13/97 sets out the way in which planning obligations can be applied, but practical examples relating to influencing movement to a site include the funding of additional or improved bus services, commuted sums towards new or improved bus and rail interchanges, and improvements to pedestrian or cycle routes which go near the site or make it easier to access the site."

The Council has developed formula to calculate reasonable levels of contributions for off-site works to enhance sustainable transport facilities, which has been derived from an analysis of the costs associated with providing enhanced sustainable transport facilities, and consideration of the impact of new developments in terms of needs arising and what is considered to be reasonable to seek in relation to the scale of development proposals. The formula set out in the Planning Obligations SPG ensures a fair and consistent approach to development proposals throughout the Vale of Glamorgan. It requires a contribution of £2,000 per dwelling to be used to improve access to the site, local employment opportunities and other facilities and services likely to be required by the future occupiers, by more sustainable transport modes. In this case, this would equate to up to £100,000, based on the indicated 50 dwellings.

There are examples where such a contribution could be suitably used to benefit the future occupants of the development and also the local community. This includes a potential contribution towards a scheme to provide a pedestrian/cycling/bridleway link between Dinas Powys to Cosmeston, which could then link in with routes to Cardiff. Also, it is understood that there is a demand for safer walking/cycling facilities along Cardiff Road in the vicinity of the site, which would have clear benefits for future occupiers of the proposed housing.

The agent, on behalf of the applicant has agreed to this planning obligation requirement.

## Public Open Space

UDP Policies HOUS8, REC3 and REC6 require new residential developments to make provision for public open space and the Planning Obligations SPG provides further advice about how these standards should operate in practice. TAN16: Sport, Recreation and Open Space (2009) states Planning conditions and obligations (Section 106 Agreements) can be used to provide open space, sport and recreational facilities, to safeguard and enhance existing provisions, and to provide for their management. PPW states that planning obligations should only be sought where they are necessary to make a proposal acceptable in land use planning terms. 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. An assessment of need and an audit of existing facilities, will enable local planning authorities to use planning obligations to provide a benefit for the land and/or the locality by providing open space and suitable facilities, particularly in relation to housing, retail and employment developments” (paragraph 4.15 refers).

The Supplementary Planning Guidance ‘Planning Obligations’ requires an overall on site provision of 55.4 sq. m. public open space per dwelling. This site lies within Dinas Powys ward. For this ward the LDP Open Space Background Paper (2013) indicates there is an under provision of children’s play space of 1.58ha but an overprovision of 88.52ha of outdoor sport space. Based on the 50 dwellings proposed, there will be a requirement for 290sqm of children’s play space. A LEAP of approximately 300sqm has been indicated on the submitted plan. Final details of the open space and its composition within the site would be required and considered part of any Reserved Matters application.

## Community Facilities

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

The Council has developed formula to calculate reasonable levels of contributions for community facilities, which has been derived from an analysis of the costs associated with providing such facilities, and consideration of the impact of new developments in terms of needs arising and what is considered to be reasonable to seek in relation to the scale of development proposals. The formula set out in the Planning Obligations SPG ensures a fair and consistent approach to development proposals throughout the Vale of Glamorgan.

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 reasonable to require a building on site, which would be too small to provide a meaningful community facility. Therefore a proportionate contribution of £49,425 would be used to provide improved community facilities off site, based on the 50 dwellings indicated.

The Community Facilities Assessment Background Paper 2013 (which is used as background evidence towards the DLDP) has assessed the Dinas Powys Ward for Community Facility provision, concluding that additional community space is required to accommodate the projected house growth within the Ward. The Background Paper advises the provision of a new community building to be located at the former St Cyres School Site. The required contribution from this development could be used towards such a facility.

The applicant has agreed to this provision as part of a S106 agreement.

### Public Art

The Council introduced a 'percent for art' policy in July 2003, which is supported by the Council's adopted supplementary planning guidance (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. The public art scheme must incorporate sufficient measures for the appropriate future maintenance of the works.

This is considered to be an essential element of high quality design and one that is considered necessary on major housing developments to provide local distinctiveness and character in accordance with the good design principles required under UDP policy ENV27 and TAN 12: Design, which states at paragraph 5.15.1 "Public art plays an important part in creating or enhancing individuality and distinctiveness, and in raising the profile of our towns, villages, cities and urban and rural landscape." This provision needs to be secured through condition or planning obligation.

The agent, on behalf of the applicant has agreed to 1% of build cost for public art.

### S106 Administration

From 1 January 2007 the Council introduced a separate fee system for progressing and the subsequent monitoring of planning agreements or obligations. The fee is calculated on the basis of 20% of the application fee (£1452) or 2% of the total level of contributions sought whichever is the higher.

## CONCLUSION

The decision to recommend approval of 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.

Having regard to Policies ENV1 (Development in the Countryside), ENV3 (Green Wedge), ENV10 (Conservation of the Countryside), ENV11 (Protection of Landscape Features), ENV27 (Design of New Developments), ENV28 (Access for Disabled People), ENV29 (Protection of Environmental Quality), HOUS2 (Additional Residential Development), HOUS3 (Dwellings in the Countryside), HOUS8 (Residential Development Criteria), HOUS12 (Affordable Housing), ENV16 (Protected Species), REC3 (Provision of Public Open Space for New Developments), REC6 (Children's Play Facilities) and TRAN10 (Parking) of the Vale of Glamorgan Adopted Unitary Development Plan 1996-2011, the Supplementary Planning Guidance 'Amenity Standards' and 'Planning Obligations', Planning Policy Wales (Edition 7, 2014) and Technical Advice Notes 1- Joint Housing Land Availability Studies, 2-Planning and Affordable Housing, 5- Nature Conservation and Planning, 12-Design, 16-Sport, Recreation and Open Space, 18-Transport, and 22-Sustainable Buildings; it is considered that the proposals are acceptable, based on the material considerations set out within the report, by reason of its sustainable location and the requirement to address the need for new residential development and affordable housing within the Vale of Glamorgan. The proposals are also acceptable by virtue of a suitable means of access with no significant adverse impacts on highways, ecology or neighbouring amenity. The proposal therefore complies with the relevant national planning policies and supplementary planning guidance.

## RECOMMENDATION

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

Procure that at least 40% 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 70% would be social rented properties, and the remaining 30% would be intermediate properties.

Pay a contribution of £260,338.58 for the provision or enhancement of education facilities, which is based on 50 dwellings as indicated, or £5206.78 per dwelling;

The developer shall make appropriate provision for the future maintenance of the public open space or if the Developer and Local Authority agree, may transfer the public open space to the Council free of charge and pay a commuted sum to cover the costs of future maintenance of the public open space for 20 years.

Provide public art on the site to the value of 1% of build costs, in accordance with details to be submitted for approval at reserved matters stage.

Pay a contribution of £2000 per dwelling to provide or enhance sustainable transport facilities in the vicinity of the site to include pedestrian/cycling/bridleway link between Cosmeston and Dinas Powys and safer walking/cycling facilities along Cardiff Road

Provide a contribution of £988.50 per dwelling towards enhanced community facilities in the vicinity of the site and towards the provision of a new community building located at the former St Cyres school site;

APPROVE subject to the following conditions(s):

1. The development shall be carried out in accordance with the following approved plans and documents: Site Location Plan, 'Preliminary Ecological Appraisal', Drainage Strategy and Flood Risk Report, Agricultural Land Considerations, Planning Statement, Transport Statement, Tree Information, Drainage Strategy Plan, Design and Access Statement, Phase 1 Geotechnical Investigation(all registered 10 April 2015), 'Illustrative Plan' (Amended) received 9 July 2015 and 'Proposed Road Layout' (Received 17 December 2015), Site Location Plan Addendum (received 28 January 2015); Ecological Mitigation Strategy (Celtic Ecology - January 2016) received 1 February 2016.

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.

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

Reason:

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

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

Reason:

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



4. The development to which this permission relates must be begun not later than whichever is the later of the following dates:
  - (a) The expiration of five years from the date of this permission.
  - (b) The expiration of two years from the date of the final approval of the reserved matters or, in the case of approval on different dates the final approval of the last such matters to be approved.

Reason:

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

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

Reason:

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

6. Notwithstanding the submitted details and prior to the commencement of works on site, further details of a scheme for foul and surface water drainage shall be submitted to and approved in writing by the Local Planning Authority, which shall ensure that foul water and surface water discharges shall be drained separately from the site, with no surface water or land drainage run-off allowed to connect (either directly or indirectly) into the public sewerage system. This should include details of anticipated discharge rates and connections with adjacent watercourses. The approved scheme shall be fully implemented in accordance with the approved details prior to first beneficial occupation of any of the dwellings hereby approved.

Reason:

To protect the integrity, and prevent hydraulic overloading, of the Public Sewerage System, and provide suitable surface water drainage, and to ensure compliance with the terms of Policy ENV27 of the Unitary Development Plan.

7. No dwelling hereby approved shall be brought into beneficial use until the approved access and junctions, including off-site works, as shown on plan reference 'Proposed Road Layout' received on the 17 December 2015, have been constructed in accordance with the approved plans and the engineering details required under Condition 9, and the access shall thereafter be so retained to serve the development hereby approved.

Reason:

In the interest of highway safety and to ensure a satisfactory form of access to serve the development, and to ensure compliance with the terms of Policy ENV27 of the Unitary Development Plan.

8. Prior to commencement of development, including any site clearance, a comprehensive Construction Traffic Management Strategy shall be submitted to and approved in writing by the local planning authority. The Strategy shall include details of the types of construction vehicles to be used, the times of operation, a route plan, as well as wheel washing and dust suppression measures. The development shall thereafter be constructed in accordance with the agreed Strategy unless the local planning authority agrees in writing to any variation.

Reason:

In the interests of highway safety and the neighbour amenities, and to ensure compliance with the terms of Policy ENV27 of the Unitary Development Plan.

9. Notwithstanding the submitted plans and details, no works whatsoever shall commence on the development until full engineering details of the proposed access, new roadway, internal roads, associated works, turning areas, footways, plus any new street lighting, signage and any structures, drainage systems, water culverts abutting or within close proximity to the existing/proposed highway, have been submitted to and approved in writing by the Local Planning Authority and the development shall thereafter be completed in full accordance with the agreed details.

Reason:

To ensure the provision of safe access into site, in the interests of Highway/ Public Safety and to ensure compliance with the terms of Policy ENV27 of the Unitary Development Plan.

10. A scheme for tree protection, in accordance with the advice and guidance contained within the submitted Tree Information report (James Pinder - 2014), to provide for the fencing of the trees 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 including any site clearance works. No development or site clearance shall commence on site until the approved protection scheme has been implemented and the scheme of tree protection shall be so retained on site for the duration of development works.

Reason:

In order to avoid damage to trees on or adjoining the site which are of amenity value to the area and to ensure compliance with Policies ENV11 and ENV27 of the Unitary Development Plan.

11. Further to the tree protection required with Condition 10, there shall be an arboricultural watching brief conducted throughout any facilitative tree works, the setting of on-site tree protection and any excavation and laying of surfacing materials throughout the course of construction of the development hereby approved.

Reason:

In order to avoid damage to trees on or adjoining the site which are of amenity value to the area and to ensure compliance with Policies ENV11 and ENV27 of the Unitary Development Plan.

12. Notwithstanding the submitted plans, prior to the commencement of development, further details (including sections across and through the site) of the finished floor levels of the dwellings hereby approved, in relation to existing and proposed ground levels shall be submitted to and approved in writing by the Local Planning Authority and the development shall be carried out in full accordance with the approved details.

Reason:

In the interests of visual amenity, in order to protect the amenities of neighbouring properties and to ensure the development accords with Policies ENV27 of the Unitary Development Plan.

13. No Development shall take place until there has been submitted to and approved in writing by the Local Planning Authority a Construction Environmental Management Plan (CEMP). The CEMP shall include details of how noise, lighting, airborne pollutants, vibration, smoke, and odour from construction work will be controlled and mitigated. The CEMP shall also include details of measures to prevent the flow of pollutants to the adjacent watercourses and drainage ditches. The CEMP will utilise the Considerate Constructors Scheme ([www.considerateconstructorsscheme.org.uk](http://www.considerateconstructorsscheme.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 Policy ENV27 of the Unitary Development Plan.

14. Prior to the first beneficial occupation of the development hereby approved, a Travel Plan shall be submitted to and approved in writing by the Local Planning Authority. The Travel Plan shall be prepared to include a package of measures tailored to the needs of the site and its future users, which aims to widen travel choices by all modes of transport, encourage sustainable transport and cut unnecessary car use. The Travel Plan shall thereafter be implemented in accordance with the approved details.

Reason:

To ensure the development accords with sustainability principles and that site is accessible by a range of modes of transport in accordance with UDP Policies 2, 8 and ENV27 (Design of New Developments).

15. The development shall be carried out in accordance with the recommendations of the submitted Ecological Mitigation Strategy (Celtic Ecology - January 2015) and the letter received from Celtic Ecology (dated 30 September 2015), with respect to protected species.

Reason:

To safeguard protected species, in accordance with Policy ENV16 of the Unitary Development Plan.

16. A Noise Assessment shall be submitted as part of any Reserved Matters application to the Local Planning Authority for approval in writing. The noise assessment shall consider the potential impact of road noise from the adjacent highway network to future occupants of the residential development hereby approved, with suitable mitigation recommendations included where necessary. The mitigation as approved shall be implemented prior to the first beneficial occupation of any of the dwellings identified as being potentially affected by the submitted Noise Assessment.

Reason:

In order to assess the noise impact as set out in TAN 11 to ensure that future occupants of the residential development are not affected by unacceptable levels of road noise, in accordance with policies ENV 27 and ENV 29 of the Unitary Development Plan.

17. Prior to the commencement of any development, including site clearance, a Method Statement for sensitive site clearance with regards to protected species (reptiles, birds and amphibians) to be submitted to, and agreed in writing by the Local Planning Authority. The Method Statement shall be implemented as agreed.

Reason:

To safeguard protected species, in accordance with Policy ENV16 of the Unitary Development Plan.

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

Reason:

To safeguard protected species, in accordance with Policy ENV16 of the Unitary Development Plan.

**NOTE:**

1. **This consent does not convey any authorisation that may be required to gain access onto land not within your ownership or control.**
2. **The attention of the applicant is drawn to the fact that a public sewer runs through the site and may be affected by the development.**
3. **You are advised that there are species protected under the Wildlife and Countryside Act, 1981 within the site and thus account must be taken of protecting their habitats in any detailed plans. For specific advice it would be advisable to contact: The Natural Resources Wales, Ty Cambria, 29 Newport Road, Cardiff, CF24 0TP General enquiries: telephone 0300 065 3000 (Mon-Fri, 8am - 6pm).**
4. **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.**
5. **This development is on adopted highway and therefore a Highway Extinguishment under the Highways Act 1980 will be required before work can commence. For further details please contact the Highways Department, The Vale of Glamorgan Council, The Alps, Wenvoe, Cardiff; CF5 6AA. Telephone No. 02920 673051.**

- 6. Where the work involves the creation of, or alteration to, an access to a highway the applicant must ensure that all works comply with the appropriate standards of the Council as Highway Authority. For details of the relevant standards contact the Visible Services Division, The Vale of Glamorgan Council, The Alps, Wenvoe, Nr. Cardiff. CF5 6AA. Telephone 02920 673051.**
- 7. Provision must be made to ensure that no polluting discharge from haul roads and disturbed areas enter any watercourse. Contact Natural Resources Wales, Cambria House, 29, Newport Road, Cardiff. CF24 0TP; telephone number 02920 772400 for more information.**
- 8. 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.**

**2015/00928/RG3** Received on 4 September 2015

Vale of Glamorgan Council, Alps Depot, Wenvoe, Vale of Glamorgan. CF5 6AA  
Vale of Glamorgan Council, Alps Depot, Wenvoe, Vale of Glamorgan. CF5 6AA

### **Land adjacent to Cross Common Road, Dinas Powys**

Proposed new junction and road section between Cross Common Road and Cardiff Road, Dinas Powys

#### **SITE AND CONTEXT**

The site is an area of agricultural land on the southern edge of Dinas Powys. The site area is within the designated 'Green Wedge', being within the countryside and outside any settlement boundary. The site is bounded by Cardiff Road (A4055) to the west and Cross Common Road to the north. There are mature hedgerows to the boundaries with some trees. There are also trees protected by 'Tree Preservation Orders' within the site. This includes two protected groups of trees and three individual trees (Tree Preservation Orders 405, 2014). The site is not within a flood zone, with the nearest being to the west of Cardiff Road opposite the site area. The site is adjacent to the Cadoxton River.

#### **DESCRIPTION OF DEVELOPMENT**

The proposal is for a stretch of new two lane road with a footway to the southern side. Also included will be a new highway layout for Cardiff Road with a holding lane. A holding lane would also be formed within the new stretch of highway due to the possible development of new housing to the south. Vision splays and a new junction arrangement with the southern section of Cross Common Road are also proposed. There is to be a footway connection between the area adjacent to the existing bridge through to the new junction with Cardiff Road.

The proposed new section of road is essentially proposed as an improvement over the existing junction between Cardiff Road and Cross Common Road, which currently includes traffic across a narrow bridge, which is aging, has a weight restriction and in need of replacement.

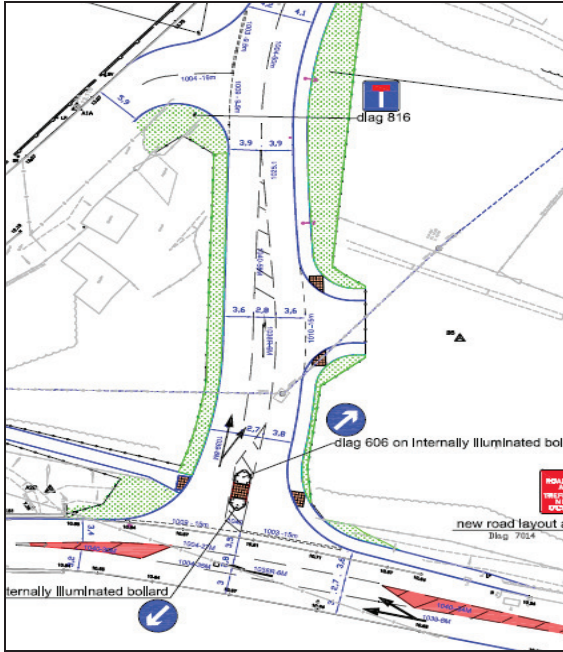


Figure 1 - Proposed new road layout

PLANNING HISTORY

**2015/00392/OUT: Land at Cardiff Road/Cross Common Road, Dinas Powys - Residential development for up to 50 dwellings – Under consideration**

2013/01104/SC1: Land at Cardiff Road/Cross Common Road, Dinas Powys - Residential development - Environmental Impact Assessment (Screening) - Not Required 11/12/2013

1981/01558/OBS: Cardiff Road/Cross Common Road Junction, Dinas Powys - Development under Reg. 4, T & C P Gen. Regs. 1976, road junction improvement and bridgeworks - Permitted (OBS - no objections :request conditions) 16/09/1981

CONSULTATIONS

**Dinas Powys Community Council –**

*“Supports the provision of a new junction at Cross Common Road with the A4055. But because we strongly objects to any housing development on the adjacent land feel that the construction of this urgently needed junction should not be reliant on the approval of Outline Planning Application – 2015/00392/OUT which is for a residential development of up to 50 dwellings – why do the plans for the new junction indicate a ‘spur’ on to the adjacent land?”*

*In relation to the new junction, following discussions with local residents we feel that certain conditions should be included:*

- 1. Additional parking provision to compensate for the loss of ‘on road parking’ for properties on Cross Common Road.*



2. A suitable 'screen' should be placed on the opposite side of the main road to reduce the impact of noise, lights etc, from vehicles exiting the proposed junction. Nos 39-45 Caer Odyn will be directly affected."

**Highway Development** – Comments received for application 2015/00392/FUL, which included the proposed junction – No objections subject to conditions, including the submission of full engineering details.

**Public Rights of Way Officer** – No comments received

**Highways and Engineering (Drainage)** – Stated that it is important that the proposed development should not exacerbate flooding risk in the area. Plan that surface water outfall would discharge to River Cadoxton. Full calculations have not been provided. Required full drainage condition to be attached to any approval.

**Environmental Health (Pollution)** – No observations to make;

**Glamorgan Gwent Archaeological Trust** – The proposed road junction is at a sufficient distance from known archaeological assets that it is unlikely that the development would have any impact. No survey work required.

**Dinas Powys Ward Members** – No comments received

**Dwr Cymru/Welsh Water** – Highlighted existing sewer pipe through the site

**Ecology Officer** – No final comments received – In discussions with NRW over mitigation. Members to be updated

**Natural Resources Wales** – Referred to comments made for application 2015/00392/OUT, which required additional survey work prior to determination. Site is not located in any flood zones. No flood defence consent is required.

## REPRESENTATIONS

The neighbouring properties were consulted on 18 September 2015. A site notice was also displayed on the 25 September 2015. The application was also advertised in the press on the 22 September 2015. There have been 6 objection responses received, citing issues such as:

- Noise and light disturbance from traffic
- Safety concerns relating to road layout
- Impact to protected species
- Loss of on-street parking provision
- New road layout is unnecessary
- New link to Hebron Hall and Wellbrook Drive difficult to negotiate
- Proposals linked with proposed housing development
- Road through Green Wedge

Please see **Appendix A** for representative copies of 2 of the responses received.

## 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:*

POLICY 7 – TRANSPORTATION NETWORK IMPROVEMENT

POLICY 8 – TRANSPORTATION

#### *Policy:*

POLICY ENV1 – DEVELOPMENT IN THE COUNTRYSIDE

POLICY ENV3 – GREEN WEDGES

POLICY ENV11 – PROTECTION OF LANDSCAPE FEATURES

POLICY ENV16 – PROTECTED SPECIES

POLICY ENV27 – DESIGN OF NEW DEVELOPMENTS

POLICY ENV29 – PROTECTION OF ENVIRONMENTAL QUALITY

POLICY TRAN2 – LOCAL HIGHWAY

POLICY TRAN10 – PARKING

Whilst the UDP is the statutory development plan for the purposes of section 38 of the 2004 Act, some elements of the adopted Vale of Glamorgan Unitary Development Plan 1996-2011 are time expired, however its general policies remain extant and it remains the statutory adopted development plan. As such, both chapters 2 and 4 of Planning Policy Wales (Edition 8, 2016) provide the following advice on the weight that should be given to policies contained with the adopted development plan:

*'2.8.4 It is for the decision-maker, in the first instance, to determine through monitoring and review of the development plan whether policies in an adopted [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 8, July 2016) (PPW) is of relevance to the determination of this application.

Chapter 7 of PPW states that the Development Plan should:

*Identify proposals for new roads and major improvements to the primary route network and the broad policy on priorities for minor improvements;*

Generally, PPW supports public transport, walking and cycling ahead of new road infrastructure as part of a sustainable transport hierarchy.

#### **Technical Advice Notes:**

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

- Technical Advice Note 10 – Tree Preservation Orders (1997)
- Technical Advice Note 18 – Transport (2007)

**9.10** *Adverse impacts associated with transport infrastructure projects, on the natural, historic and built environment should be minimised. Wherever possible new routes should follow existing gradients, using existing landforms and landscape features to reduce noise and visual impact, subject to safety environmental and economic considerations. Transport schemes should where necessary provide mitigation measures to minimise the impacts caused by the construction and operation of transport infrastructure.*

## The Local Development Plan:

The Vale of Glamorgan Deposit Local Development Plan (LDP) was published November 2013. The Council is currently at Deposit Plan Stage having undertaken the public consultation from 8th November – 20th December 2013 on the Deposit Local Development Plan and the 'Alternative Sites' public consultation on the Site Allocation Representations from 20th March – 1st May 2014. The Council has considered all representations received and on 24 July 2015 submitted the Local Development Plan to the Welsh Government for Examination. Examination in Public is expected to commence in January 2016.

With regard to the weight that should be given to the deposit plan and its policies, the guidance provided in Paragraph 2.6.2 of Planning Policy Wales (Edition 8, 2016) is noted. It states as follows:

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

## Other relevant evidence or policy guidance:

- Manual for Streets (Welsh Assembly Government, DCLG and DfT - March 2007)

## Issues

### Policy Context

It is recognised that an improvement of the junction between Cardiff Road (A4055) and Cross Common Road has been sought for some time. In the Deposit Local Development Plan (LDP) this site is part of a housing allocation, under policy MG 2 (29). This draft policy includes details of up to 50 potential dwellings at this site, which would require a junction improvement between Cardiff Road (A4055) and Cross Common Road. Furthermore, draft LDP policy MG 16 includes this junction improvement as part of a programme of transport improvements. This clearly indicates a need for improvement to this junction and is planned as a necessary highway improvement. It is also noted that the junction improvement is seen as urgently required, even without any future additional housing development off this road, by the Dinas Powys Community Council, as stated in their response.

It should also be noted that policy TRAN 2 (Local Highways) makes reference to highway improvement schemes. The policy mentions three larger schemes in particular, though the supporting text also notes the Council would seek to implement “a number of smaller scale highway improvements” to address “environmental and safety concerns”. It is considered that this is a relatively minor highway improvement over a small area of land that would benefit existing highway safety and therefore this application is considered to accord with policy TRAN 2 of the UDP.

The site is within the Green Wedge (policy ENV 3 refers). The primary purpose of the Green Wedge policy is to prevent coalescence between settlements (Penarth and Sully in this case) and avoid development that would prejudice the open nature of the land. In this case the proposals are for a section of road, with no buildings included in this application. The road in itself is required to improve the safety at the junction between Cross Common Road and Cardiff Road and would not in itself result in the coalescence of settlements. The proposals do not include the erection of any buildings that could otherwise have an impact on the spaciousness and open nature of the Green Wedge. Furthermore, policy ENV 3 does allow for development that is permitted under policy ENV 1, which includes ‘infrastructure’ that requires a rural location. The proposed section of road would be considered local infrastructure improvements that could only take place across this agricultural land to provide the suitable and safe connection with Cardiff Road. As such, the proposed highway works are not considered to be contrary to policy ENV 3 of the UDP.

### Proposed Layout

This proposed section of link road would result in a triangular section of land to the north of this road, which would remain in private ownership (currently used as a paddock). Off the new section of road would be an access to the land to the south, which is currently in agricultural use. A holding lane would be formed in the centre of this new section of road for vehicles seeking to turn right into this access, noting that there is an undetermined application (2015/00392/OUT) for residential development.

The new section of road would result in a significant betterment to highway safety and free flow of traffic compared to the existing junction between Cardiff Road and Cross Common Road, over the old narrow bridge. The improvement would enhance visibility, with suitable holding lanes proposed in Cardiff Road and the avoidance of the need for any bridge structure. Other advantages include:

- much improved vehicle and pedestrian safety
- improved turning radii and movements for larger vehicles and buses, reducing potential for collision risk, with the proposed junction arrangement
- a right hand turn ‘ghost island’ from Cardiff Road onto Cross Common Road
- continuous footway link along Cardiff Road to the Bryn-y-don playing fields

In comparison with the above the existing junction has no formal holding lane (resulting in traffic being blocked by vehicles waiting to turn right into Cross Common Road) and is not to current standards.

Access to this northern section of Cross Common Road and also Wellwood Drive, Kings Court and Hebron Hall would be via the new section of road with a new junction formed to access these properties. The roads have been orientated to form a junction with suitable visibility and widths. The section of Cross Common Road serving Wellwood Drive etc, would see a significant reduction in traffic through flow as a result of the new layout.

The junction of the new stretch of road with the existing Cross Common Road will include a 'build-out' from the northern side, roughly in front of No 3 and 4 Cross Common Road. This will limit some on-street parking currently available along this section of Cross Common Road. However, this affects only a relatively small section of this road, with significant amounts of on-street parking remaining available in the vicinity. It is also considered that the considerable benefits of the new junction arrangement outweigh any minor loss of on-street parking. This arrangement is needed to ensure highway safety at this junction, which is crucial to the acceptability of this layout.

No objections have been raised by the Highways Development Officers after considering the proposed junction layout and capacity.

It is not considered that the proposed section of road would have any significant impact to occupants of adjacent dwellings, with no anticipated increase in traffic flow predicted as a result of the highway improvements. It is a case of creating an improved junction rather than providing for additional traffic flows. If there was to be any housing development in the area then it is considered that the junction and road section as proposed could accommodate the increased traffic flow, and, although the need for the road section at this time is to provide improved highway safety to an existing junction and avoid the need to use the current bridge which is in a poor state of repair.

Surface drainage is proposed to connect with the Cadoxton River. Full details have not been submitted at this time though this approach is considered acceptable in principle. After consideration by the Council's Drainage Engineer and subject to a condition requiring full details and calculations, including details of pollution prevention measures within the surface water system, the scheme is not considered to cause or exacerbate flooding in the area and an acceptable detailed drainage scheme can be accommodated.

### Visual Impact

The site area for the proposed road includes an area of open countryside, currently being used for the keeping of horses. The section of road would be diverted from the line of the existing Cross Common Road to run through this agricultural/equestrian land and connect with Cardiff Road.

The new section of road would have some visual impact as it would cross an area of undeveloped agricultural/equestrian land. However, the section of road is not of a scale that would have a significant visual impact to the wider countryside setting south of Dinas Powys. There are no structures or buildings proposed as part of the scheme and it is not anticipated that there would need to be any significant excavation works to change levels (levels details are recommended to be required via condition).

The proposed section of road would be largely screened by the existing trees and hedgerows that surround these fields. Whilst the new road section would be visible when passing where it connects with the existing Cardiff Road or Cross Common Road the surrounding mature vegetation would provide significant screening from more distanced views. This screening is also to be enhanced as required by the ecological mitigation plan, so long as it does not interfere with vision splays.

It is therefore considered that the visual impacts of the section of road would not result in a significant degree of visual harm to this area of the countryside or Green Wedge, considering the significant existing vegetation screening that will remain and surround this section of road. It is also important to note that any potential visual impact of the proposed road section is not so significant as to outweigh the highway safety improvements outlined above.

### Impact to Trees and Hedgerows

The site currently contains perimeter tree and hedgerows, with also trees and hedges (both individual and groups) set within the site area. The proposed highway development, with the new section of connecting road, would result in the loss of sections of hedges and some trees, especially where the road would cut through existing field boundaries.

The site has been surveyed with a report submitted (James Pinder - Treecare Consulting). The report categorises all the on-site trees and hedgerows based on their quality and state. The submitted layout has considered the position of the higher grade trees and hedgerows within the site and indicated that these will be maintained with the tree survey advising root protection areas and safeguarding measures. This includes the oak and poplar trees within the site, which are covered by a Tree Protection Order (TPO).

There is also a single poplar which is covered by a TPO to the western boundary with Cardiff Road, which would likely be required to be removed, due to its close proximity to the new proposed junction. Whilst protected it has been shown that this trees is of low quality.

The most important trees highlighted in the Tree Survey, such as the TPO oaks around the perimeter fields, are not affected by the proposed road and are to be retained. Also, it is considered that some areas of new planting, including hedgerows, are indicated on the submitted layout plan, which could compensate for the loss of existing TPO trees and hedgerows.

The removal of any trees or hedgerows, especially those designated under a TPO is unfortunate, however, there are no high quality trees to be removed and the enhanced landscaping to be required by condition would mitigate the loss of trees and hedgerows needed to form the new section of road and junction. Furthermore, it is important to note that the new section of road would result in significant improvements to highway safety which could not be achieved other than with the loss of some hedgerows and trees.

As such, there is no objection to the proposals on the basis of the tree works proposed, though details of the landscaping would be required via condition.

## Ecology Issues

A 'Preliminary Ecological Appraisal' (Celtic Ecology – February 2014) has been produced and submitted with the application. The report has concluded that the site is of "low ecological value". However, Natural Resources Wales initially did not accept the report and stated the need for further survey work prior to determination of the application, including surveys for Great Crested Newts and Dormice.

Correspondence was submitted from Celtic Ecology to NRW stating that as there are dormice known to be in the area following survey works undertaken at a nearby site, there is no need for further survey work and mitigation can be planned on the assumption that dormice are at the site. Celtic Ecology also argue the chance of great crested newts at the site is unlikely as known habitats are to the far side of the adjacent Cardiff Road and the River Cadoxton from the site, which would be generally impassable barriers for this species.

Following this correspondence NRW have agreed to the approach put forward by Celtic Ecology and advised that it was in agreement to moving forward to a mitigation strategy. Celtic Ecology has produced a framework mitigation ecological strategy for the site, which has been forwarded to NRW. This includes some additional planting to the boundaries of the site, to improve the existing hedgerow boundaries, and provide a tree corridor within the site. There is also some compensation in the form of ecology-benefiting planting outside of the red line site area, on land also owned by the applicant. An ecological licence is required from NRW if the application is approved.

As a competent authority under the Conservation of Habitats and Species Regulations 2010 ('habitat regulations'), the Local Planning Authority must have regard to the Habitats Directive's requirement to establish a system of strict protection and to the fact that derogations are allowed only where the three conditions under Article 16 of the EC Habitats Directive are met (the 'three tests') (TAN5, section 6.3.6) In order to comply with its duty under the Habitats Regulations, the LPA will need to take all three tests into account in its decision. It is essential that planning permission is only granted when the Local Planning Authority is satisfied that all three tests are likely to be met. If not, then refusal of planning permission may be justified (TAN5, section 6.3.6).

In order to comply with its duty under the Habitats Regulations, the LPA will need to take all three tests into account in its decision. It is essential that planning permission is only granted when the LPA is satisfied that all three tests are likely to be met. If not, then refusal of planning permission may be justified (TAN5, 6.3.6). A proportional approach can adapt the application of the tests: the severity of any of the tests will increase with the severity of the impact of derogation on a species/population.



Test 1 requires that the derogation be 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. It is considered that the proposal would have benefits to the local highway network, both in terms of highway safety and to improve traffic flows.

Test 2 requires that there is no satisfactory alternative to the development. In this case there is an imperative to improve the highway network in this location for highway safety purposes. There is no alternative site available without having to construct a much longer section of road, which would have significantly greater environmental and ecological impacts potentially. To do nothing would see a sub-standard junction remaining, to the detriment of highway safety.

Finally, test 3 requires that the derogation is not detrimental to the maintenance of the population of the species concerned at a favourable conservation status in their natural range. This is addressed in submitted surveys and information and their recommendations, which have been agreed in writing by NRW, subject to conditions.

#### Loss of Agricultural Land

It is apparent that the site has not actively been used for agricultural operations for some time. Much of the site is covered with groups of trees/hedges (approximately 40%) though the remaining land has the potential for agricultural use. It is recognised that much of the northern section of the site has been used for many years as a paddock and thus as grazing land could be reverted to agricultural use albeit a small parcel of land.

An agricultural land classification assessment was undertaken as 'Agricultural Land Considerations' (Kernon Ltd – February 2015) for application 2015/00392/OUT. This assessment covered the site of the proposed junction and road section proposed with this application and concluded that all the land that could be of agricultural use is Grade 4 (poor quality), due to slowly permeable sub-soils that would lead to working and grazing restrictions.

Policy ENV 2 (Agricultural Land) of the Unitary Development Plan states that on high quality land (Grade 1 to 3a) development that would result in the irreversible loss of this land for agriculture would be resisted, unless an overriding reason can be demonstrated. In this case, the land is Grade 4 and so there would be no loss of high grade agricultural land if the site was developed for housing. As such, there is no conflict with policy ENV 2.

#### CONCLUSION

The decision to recommend deemed consent 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.

Having regard to Policies ENV1 (Development in the Countryside), ENV3 (Green Wedge), ENV10 (Conservation of the Countryside), ENV11 (Protection of Landscape Features), ENV27 (Design of New Developments), ENV29 (Protection of Environmental Quality), ENV16 (Protected Species), TRAN 2 (Local Highways) and TRAN10 (Parking) of the Vale of Glamorgan Adopted Unitary Development Plan 1996-2011, Planning Policy Wales (Edition 8, 2016) and Technical Advice Notes 18-Transport; it is considered that the proposals road and junction arrangements are acceptable, by virtue of improvements to highway safety and traffic flows, with no significant adverse impacts to ecology, the Green Wedge, agricultural land or neighbouring amenity. The proposal therefore complies with the relevant national planning policies and supplementary planning guidance.

## RECOMMENDATION

Deemed planning consent be GRANTED subject to the following condition(s):

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

Reason:

To comply with the requirements of Section 91 of the Town and Country Planning Act 1990.

2. The development shall be carried out in accordance with the following approved plans and documents: Site Location Plan, 1201, 1101, 702, 501, 701, Tree Information Report and Preliminary Ecological Appraisal, all received 4 September 2015 and Ecological Mitigation Strategy (Celtic Ecology - January 2016) received 1 February 2016.

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. Notwithstanding the submitted information, further details including anticipated discharge rates and connections with adjacent watercourses, along with pollution control measures, of a full scheme for surface water drainage shall be submitted to and approved in writing by the Local Planning Authority. No surface water or land drainage run-off allowed to connect (either directly or indirectly) into the public sewerage system. The approved scheme shall be fully implemented in accordance with the approved details prior to first use of the section of road hereby approved.

Reason:

To protect the integrity, and prevent hydraulic overloading, of the Public Sewerage System, and provide suitable surface water drainage, and to ensure compliance with the terms of Policies ENV 29 and ENV27 of the Unitary Development Plan.

4. Notwithstanding the submitted plans and details, no works whatsoever, including site clearance, shall commence on the development until full engineering details of the proposed junction, new roadway, footways, street lighting, signage or any structures, drainage systems, water culverts abutting or within close proximity to the existing/proposed highway, have been submitted to and approved in writing by the Local Planning Authority and the development shall thereafter be completed in full accordance with the agreed details.

Reason:

To ensure the provision of safe access into site, in the interests of Highway/ Public Safety, to ensure protected species are not adversely affected and to ensure compliance with the terms of Policies ENV 16, TRAN 2 and ENV27 of the Unitary Development Plan.

5. Notwithstanding the submitted plans, prior to the commencement of development, further details (including sections across and through the site) of the finished levels of the road and footways hereby approved, in relation to existing and proposed ground levels shall be submitted to and approved in writing by the Local Planning Authority and the development shall be carried out in full accordance with the approved details.

Reason:

In the interests of visual amenity, in order to protect the amenities of neighbouring properties and to ensure the development accords with Policies ENV27 of the Unitary Development Plan.

6. No Development shall take place until there has been submitted to and approved in writing by the Local Planning Authority a Construction Environmental Management Plan (CEMP). The CEMP shall include details of how noise, lighting, airborne pollutants, vibration, smoke, control of mud onto the highway, and odour from construction work will be controlled and mitigated. The CEMP shall also include details of measures to prevent the flow of pollutants to the adjacent watercourses and drainage ditches. The CEMP shall utilise the Considerate Constructors Scheme ([www.considerateconstructorsscheme.org.uk](http://www.considerateconstructorsscheme.org.uk)). The CEMP shall 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 Policy ENV27 of the Unitary Development Plan.

7. The development shall be carried out in accordance with the recommendations of the submitted Ecological Mitigation Strategy (Celtic Ecology - January 2015) and the letter received from Celtic Ecology (dated 30 September 2015), with respect to protected species.

Reason:

To safeguard protected species, in accordance with Policy ENV16 of the Unitary Development Plan.

8. There shall be no site clearance or construction works in connection with the development hereby approved undertaken in the bird nesting season, being March to August inclusive.

Reason:

In the interests of local ecology and in accordance with policy ENV 16 of the Unitary Development Plan.

9. Prior to the commencement of any development, including site clearance, a Method Statement for sensitive site clearance with regards to protected species (reptiles, birds and amphibians) to be submitted to, and agreed in writing by the Local Planning Authority. The Method Statement shall be implemented as agreed.

Reason:

To safeguard protected species, in accordance with Policy ENV16 of the Unitary Development Plan.

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

Reason:

To safeguard protected species, in accordance with Policy ENV16 of the Unitary Development Plan.

**NOTE:**

1. **The attention of the applicant is drawn to the fact that a public sewer runs through the site and may be affected by the development.**
2. **This consent does not convey any authorisation that may be required to gain access onto land not within your ownership or control.**