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APPENDICES

APPENDIX 1




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Date	23 Apr 2015

APPENDIX 2



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APPENDIX 3

No 1 Salop Street



Section of 88 Salop Street to be extended

Appeal property pictured from High Street



Appeal property pictured from Salop Street

rear courtyard and balcony areas



parking on salop street

Salop st identifying eaves level.



No. 1
Salop
Street

Appeal
property

APPENDIX 4

Mr. Paul Ringer, Homelands, 18, Augusta Road, Penarth, Vale of Glamorgan, CF64 5RJ

88, Salop Street, Penarth

Extension to second floor to form self contained one bedroom flat

SITE AND CONTEXT

The application relates to a site known as 'Llys Dol May' at 88 Salop Street, within the residential settlement boundary of Penarth. The property is a two/three storey converted public house currently utilised for seven apartments. The site is situated on a corner plot bound by Salop Street and High Street, within a primarily residential area. The area is characterised by high density housing, including flats and terraced housing. The building is rendered with a slate roof.

There is a courtyard for use by all the flats, which is accessed off a side lane that connects with Salop Street. There is no off-street parking available for existing flats.

DESCRIPTION OF DEVELOPMENT

The application seeks consent for the erection of an extension to be sited to the side of the property and the installation of a third storey to provide one additional apartment.

The proposed third storey will accommodate an additional flat, resulting in a total of eight flats. The proposed flat includes a lounge, kitchen, bathroom and one bedroom, accessed via a shared internal stairs connecting to a door off Salop Street. In order to accommodate the additional storey the application includes raising the eaves level by approximately 1.1m with the proposed new flat partially within the roof void. The new flat would be to the section of the building fronting Salop Street.

The proposal includes 4 new dormer windows to the front elevation, facing onto Salop Street, with a wide flat roof dormer (approximately 9m wide in total) to the rear elevation facing into the courtyard.

The extension is to be painted rendered walls with slate roof.

PLANNING HISTORY

2008/01292/FUL: Llys Dol May, 88, Salop Street Penarth - Extension to side and installation of a third storey to provide one additional apartment - Refused 25/11/2008 for the following reasons:

1. *The proposed development represents overdevelopment of the application site, to the detriment of the character and appearance of the street scene and the visual amenities of the area. Thus, the proposal represents a form of development which is excessive in scale and significantly deficient on amenity space and parking. Therefore, the proposed development is contrary to Policies ENV27 'Design of New Developments', HOUS11 'Residential Privacy and Space' and TRAN10 'Parking' of the Vale of Glamorgan Adopted Unitary Development Plan 1996 - 2011 and Supplementary Planning Guidance 'Amenity Standards'.*
2. *The proposed development will entail major alterations to the facade of the building to the detriment of the uniformity and character of the street scene and is an unacceptable design which would be contrary to Policy ENV27 'Design of New Developments' of the Vale of Glamorgan Adopted Unitary Development Plan 1996 - 2011.*

2002/00760/FUL: The former Sportsman Public House, High Street, Penarth - Conversion into seven flats with a new courtyard created through the demolition of the existing skittle alley - Approved 06/02/2003

2001/00670/FUL: The Plymouth (Sportsman) Public House, High Street, Penarth - Conversion of redundant public house into residential apartments - Approved 24/08/2001

1994/00301/ADV: The Sportsman, Salop Street, Penarth - Public house signage - Approved 13/05/1994

1982/00960/FUL: Plymouth Arms, High Street, Penarth - Extension to lounge - Approved 03/08/1982

CONSULTATIONS

The following were consulted on the 4th November 2014 and the following responses were received:

1. Penarth Town Council – That the application be approved
2. Highway Development-

'Further to reviewing the above, it is noted that the development does not provide either car or cycle parking facilities within the boundary of the site for the use of residents or visitors.

However, it is noted that the site is located within close proximity of Penarth Town Centre and within the recommended walking distances of all local amenities including bus stops/shelters and Penarth Rail station.

While mindful of the previous planning application (ref: 2008/01292) at the site for a similar development, based on the limited scale of the proposals and the sustainable location of the site, it is considered that a highway objection could not be sustained in this instance.'

3. Environmental Health (Pollution) – No adverse comment to make

4. Dwr Cymru/Welsh Water – No comment received
5. St. Augustine Ward Members – No comments received

REPRESENTATIONS

The neighbouring properties were consulted on 4 November 2014. A site notice was also displayed on the 5th November 2014. There have been one objection received, citing issues such as overdevelopment and lack of on-street parking availability.

REPORT

Planning Policies and Guidance

Unitary Development Plan:

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

Strategic Policies:

- POLICY 3 - HOUSING

Policy:

- POLICY ENV 27 – DESIGN OF NEW DEVELOPMENTS
- POLICY HOUS 2 - ADDITIONAL RESIDENTIAL DEVELOPMENT
- POLICY HOUS 8 - RESIDENTIAL DEVELOPMENT CRITERIA – POLICY HOUS 2 SETTLEMENTS
- POLICY TRAN 9 – CYCLING DEVELOPMENT
- POLICY TRAN 10 – PARKING

Whilst the UDP is the statutory development plan for the purposes of section 38 of the 2004 Act, some elements of the adopted Vale of Glamorgan Unitary Development Plan 1996-2011 are time expired, however its general policies remain extant and it remains the statutory adopted development plan. As such, chapter 2 of Planning Policy Wales (Edition 7, 2014) provides the following advice on the weight that should be given to policies contained with the adopted development plan:

*‘2.7.1 Where development plan **policies** are outdated or superseded local planning authorities should give them decreasing weight in favour of other material considerations, such as national planning policy, in the determination of individual applications. This will ensure that decisions are based on policies which have been written with the objective of contributing to the achievement of sustainable development (see 1.1.4 and section 4.2).*

2.7.2 It is for the decision-maker, in the first instance, to determine through review of the development plan (see 2.1.6) whether policies in an adopted development plan are out of date or have been superseded by other material considerations for the purposes of making a decision on an individual planning application. This should be done in light of the presumption in favour of sustainable development (see section 4.2).'

With the above advice in mind, the policies relevant to the consideration of the application subject of this report are not considered to be outdated or superseded. 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 7, July 2014) (PPW) is of relevance to the determination of this application:

9.2.6 Local planning authorities should address the scope and potential for rehabilitation, conversion, clearance and redevelopment when considering suitable sites for housing development. Maximising the use of suitable previously developed land for housing development can assist regeneration and at the same time relieve pressure for development on greenfield sites. In particular, local authorities should consider the contribution to the overall provision of land for housing that can be made by reclaimable or reclaimed urban land and by disused or underused buildings. Sites which are no longer likely to be needed for office or industrial purposes may also be appropriate locations for housing.

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.

9.3.1 Is also of relevance underlining the principles of planning including "putting people and their quality of life now and in the future, at the centre of decision making"

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 12 – Design (2014)

Supplementary Planning Guidance:

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

- Amenity standards

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 is in the process of considering all representations received and is timetabled to submit the Local Development Plan to the Welsh Government for Examination in April / May 2015.

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 7 July, 2014) is noted. It states as follows:

'2.6.2 In development management decisions the weight to be attached to an emerging draft LDP 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 publishes the binding report. Thus in considering what weight to give to the specific policies in an emerging LDP that apply to a particular proposal, local planning authorities will need to consider carefully the underlying evidence and background to the policies. National planning policy can also be a material consideration in these circumstances (see section 4.2).'

Issues

Scale of Development – Amenity Provision

The application site was granted consent for the conversion of the existing public house to seven apartments in 2002 and subsequently implemented. The flats currently have no off-street car parking facilities and very limited amenity space, which will also be addressed as issues with this new application, along with issues of design and scale of the proposed development. It is noted that a similar application was refused in 2008 (2008/01292/FUL) due to objections regarding design and overdevelopment of the site. This proposal is for a smaller development, though would still result in an additional single flat to be built fronting onto Salop Street.

The application site is significantly built up, with extensive plot coverage, being a former corner plot public house. A small courtyard is sited to the rear, which is the only amenity space provided within the application site. The introduction of an extension to form an additional flat will increase the amount of residents utilising this very limited amenity space, which is already considered insufficient, when considering the requirements of the Supplementary Planning Guidance 'Amenity Standards'. The existing amenity space provided to the rear of the dwelling is approximately 56 square metres, while the Council's amenity standards state that developers should aim to provide a minimum of 20 square metres of amenity space per person. At present the development is capable of accommodating up to 16 residents approximately and is therefore already significantly deficient of amenity space to serve existing occupants when considered against the requirements of the Council's standards. A further flat would further compound the issue by adding to this existing development.

Whilst the approval of the conversion from a public house to apartments was granted planning consent, with insufficient amenity space, this was accepted on the basis of achieving a beneficial use for the otherwise redundant building. It served to create a reasonable, residential use in a residential area. To create the current unit the property requires a significant extension. This is at the expense of the living environment of the site and wider area.

The proposed additional flat, resulting in 8 units in a relatively small plot with insufficient external amenity space is therefore considered an overdevelopment of the site contrary to policies HOUS 2 and HOUS 8 especially criteria (i), (ii) and (iv) of the adopted Unitary Development Plan.

Scale of Development - Parking Provision

Another issue relating to the scale of development at this plot is parking provision. The application site is located within close proximity to Penarth town centre. Although the site is in close proximity to public transport facilities there are known to be existing parking problems within Salop Street and High Street. Therefore, to allow an extension and additional flat to the existing property will only exacerbate the existing parking problems.

The Highway Authority has not objected to the principle of the application as this would be limited to an additional single dwelling in a relatively central location. However, it is considered that the additional flat would likely lead to an additional demand for parking provision, which would be on-street as this is the only provision available. As the situation is already problematic with high levels of on-street parking in this dense residential area, it is considered that the additional flat would cause further increased parking pressures. On the grounds that there is no parking provision on-site for the existing apartments and the proposal will increase the on-street parking demand in an area that is already heavily parked, even during the day, it is not considered acceptable for an additional flat to be proposed with no off-street parking provision, thereby being contrary to policy TRAN 10 of the adopted Unitary Development Plan, and further indicates that the creation of an additional unit would be over-development of the site..

Scale of Development – Conclusion

The proposed additional flat would result in 8 separate units in what is a small plot. This is made apparent by the lack of sufficient amenity space and no off-street parking provision. The original approval for 7 flats was for a conversion of an existing building and could be considered a form of regeneration of a redundant building. However, this development would be a new-build addition which would overdevelop the site and result in a cramped form of development. As such the proposals are considered contrary to policies HOUS 2, HOUS 8 (criteria i, ii and v), TRAN 10 and ENV 27 (Criteria i and ii) of the adopted Unitary Development Plan.

Neighbour Impact

The proposal would result in third floor windows to the front and rear elevations. Whilst this would potentially cause some overlooking impact it is considered that these additional windows should result in no significant increase in overlooking above existing levels, with there being upper floor windows already in these elevations.

The additional height of the proposed extensions to this building would not result in any significant increase in overshadowing impact to neighbour amenities above existing levels, especially considering the gap created by the access lane between the site and the nearest neighbour at No 87 Salop Street.

Design and Visual Impact

Salop Street currently consists of two storey properties of primarily uniform design and two storey height. The proposed extension to allow for the additional flat would be to the section that forms part of the frontage to Salop Street. To install a third storey, with a blank wall plate above existing first floor windows as indicated would look out of place within the street scene, even with accommodation partially being within the roof void. The street has uniformity of character and to create what is effectively a three storey section in this street scene would result in an incongruous development that would be at odds with the typical street frontage.

The proposal would result in the raising of the eaves of the property and the ridge of the roof above existing heights, which would be higher than adjacent properties, including the nearest at 87 Salop Street (which is the end of a terrace row of uniform height). It is noted that the section of the building on the corner of Salop Street and High Street is three storey in height (with accommodation in the roof void with the use of dormers), though a taller section of building is common at the corners of streets. The section to be extended with additional height would be part of the Salop Street frontage which is predominantly two storey only and would not be considered as fronting the corner junction. As such, it is not considered appropriate in design terms to increase the height of the building fronting Salop Street with front dormers, as it would be out of context with the simple two storey arrangement of the rest of the street frontage. It is noted that there are examples of three storey buildings in the area, though these are not within the street context of the proposed development and do not directly relate to this proposal.

On this matter it is noted that the plans inaccurately illustrate the height relationship between the proposed development and the adjacent neighbour at 87 Salop Street. The plans show the increased height of the proposed development to be in line with the ridge height of the neighbouring property. The existing height is roughly the same as this neighbouring house. As such, the increase in height of the wall plate as proposed would exceed both the eaves and ridge height of the adjacent dwelling and also most of the other dwellings in this section of Salop Street, where most buildings are of a uniform two storey height.

Considering the above, the increase in height and the design of the proposed development would have an adverse impact on the visual amenities of the area and would be out of keeping with the existing uniform street scene along this section of Salop Street, therefore being contrary to policies ENV 27 (Criteria i), HOUS 2 and HOUS 8 (Criteria i) of the adopted Unitary Development Plan.

CONCLUSION

The decision to refuse 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.

Taking into account the scale of development at the site already, the current parking congestion experienced within the vicinity and the limited amenity space provided, the proposals are considered to result in a cramped form of overdevelopment of the site with a design and scale that would have detrimental impacts to the street scene and visual character of the area. As such, the proposals are considered contrary to policies ENV27 'Design of New Developments', HOUS 2 (Additional residential development), HOUS 8 (Residential Development Criteria) and TRAN10 (Parking) of the Vale of Glamorgan Adopted Unitary Development Plan 1996 - 2011 and Supplementary Planning Guidance 'Amenity Standards'.

RECOMMENDATION

REFUSE (W.R.)

1. The proposed development represents an unsympathetic development in terms of design and appearance and represents an overdevelopment of the application site, to the detriment of the character and appearance of the street scene and the visual amenities of the area. Thus, the proposal represents a form of development which is excessive in scale and significantly deficient on provision of amenity space and parking. Therefore, the proposed development is contrary to Policies ENV27 'Design of New Developments', HOUS 2 (Additional residential development), HOUS 8 (Residential Development Criteria) and TRAN10 (Parking) of the Vale of Glamorgan Adopted Unitary Development Plan 1996 - 2011 and Supplementary Planning Guidance 'Amenity Standards'.