



LRM
PLANNING
LIMITED



PLANNING STATEMENT

Land at Northcliffe, Penarth

Full Planning Application for 30 apartments

Prepared by LRM Planning Limited

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Appendix

Appendix 1 - Site Location Plan

Appendix 2 - Site Layout

Appendix 3 - Pre-Application Advice (LPA Ref: 2015/00086/PRE)



1. Introduction

- 1.1 This Planning Statement accompanies a planning application, submitted by Celtic Developments Penarth Ltd (the applicants) for the demolition of the existing dwelling and outbuilding and erection of 30 apartments, new access and alterations to adjacent parking area, provision of footpath link, replacement tree planting and landscaping and associated works on land at Northcliffe Lodge, Penarth, Vale of Glamorgan.
- 1.2 The application site is identified on the location plan provided in Appendix 1. The development proposals (site layout) are shown in Appendix 2.
- 1.3 The site is presently occupied by a large Victorian two storey dwelling house which benefits from views over Penarth Marina and Cardiff Bay. The curtilage of the property is extensive but due to the gradient is set over a number of plateaus. The site is currently accessed via Northcliffe Drive.
- 1.4 It is apparent, in light of the recent changes to Technical Advice Note 1 entitled Joint Housing Land Availability Studies, that the Vale of Glamorgan Council has a housing land supply shortfall which will not be rectified until the Local Development Plan is Adopted. This, together with the sites sustainability credentials and the development proposal being regarded as efficient reuse of previously developed land, form the primary arguments in support of the development, in line with guiding principles of Planning Policy Wales.
- 1.5 This Planning Statement forms part of a suite of documents submitted with the application, which together demonstrate both the site's suitability to accommodate development and its deliverability at this point in time. Other documents submitted as part of this application include:
- Planning Statement;
 - Design and Access Statement;
 - Existing site layout
 - Proposed layout and floorplans;
 - Elevations;
 - Tree Survey;
 - Arboricultural Impact Assessment;
 - Landscape Strategy;
 - Transport Statement;
 - Ecological Assessment;
 - Drainage Design; and
 - Stability Report.
- 1.6 Together these documents provide a detailed explanation of the proposals and their implications for the buildings and the surrounding environs. They demonstrate that the proposals represent an acceptable and appropriate re-use of the land.
- 1.7 A complete list of the supporting application documentation is provided within the letter accompanying the application submission.



2. Site Description

The Site & its Context

- 2.1 The application site is identified at Appendix 1. It comprises an existing residential property known as Northcliffe Lodge set within a large irregular shaped plot which is approximately 0.9ha in area.
- 2.2 The site is situated at the top of the Penarth Escarpment, at the eastern end of Northcliffe Drive. The curtilage of the application property extends across three main terraces. The upper (most southerly), middle and lower terrace (most northerly) have an approximate level of 37m AOD, 29m AOD and 20m AOD respectively. A stone retaining wall separates the middle and lower terraces. The southern and northern areas of the site are dense with vegetation. Northcliffe Lodge is situated within the middle terrace.
- 2.3 Vehicular and pedestrian access to the site is currently gained via Northcliffe Drive which connects into the site along the western boundary, opening out into a large gravelled parking and manoeuvring area. Northcliffe Drive links onto Paget Place, located to the south, providing access to the wider transport network.
- 2.4 The site boundaries are principally comprised of:
- To the north the site is bounded by a cliff which falls south to north. Beyond this lies the Custom House (Listed Buildings) and the Cardiff Bay Barrage beyond;
 - To the east the site is bounded by the existing Northcliffe flats and their associated amenity space;
 - To the south lies Paget Place, further to the south is the Penarth Conservation Area. Beyond this again is the existing residential areas with the town centre 700m further to the south; and
 - To the west is located existing residential properties accessed via Northcliffe Drive and Penarth Marina (at a lower level).
- 2.5 The periphery of the site is dense with vegetation and established trees including specimens of ash, oak, beech, lime and sycamore. Much of the vegetation is in an unmanaged condition and the trees are of varying quality, as evidenced in the accompanying Tree Survey. There are a number of trees around the perimeter of the site which have been protected by a Tree Preservation Order.
- 2.6 It is plainly the case that the site occupies a highly sustainable location. Penarth is one of three primary settlements in the Authority and forms a focus for services and facilities. Indeed, the site is within easy walking distance of an extensive range of facilities including:
- Bus stops are located on Paget Place, just outside the proposed site access;
 - The Cardiff Bay Barrage (around the corner from the site) provides a water taxi service together with cycle route direct to Cardiff Bay with Cardiff City Centre beyond;
 - Within circa 500 metres is located the Albert primary school;
 - Within 700m is the edge of the Town Centre, within a further 200 metres lies a



full range of amenities including banks, building societies, retail, butchers, public houses, café's, bakers, post office, doctors surgery, dentists and other relevant services; and

- Within circa 1100m is the train station which provides regular services to Cardiff and Barry.

2.7 A more detailed assessment in this respect is contained within the accompanying Transport Statement. These factors weigh considerably in favour of the site's redevelopment for residential purposes

Site Planning History

2.8 The Council's online planning history search demonstrates that there is no planning history directly relevant to the site.

2.9 However, immediately to the south east of the site are the apartment blocks located at Mariners Heights, built in the mid 1980's, whilst to the east of the site are the earlier apartment buildings located at Northcliffe (Dyfed, Gwent & Clwyd) and Vista Court which date between the 1960's and 1970's.

2.10 It should also be noted that a pre-application advice request was submitted in June 2015 culminating in a meeting and written advice, referenced 2015/0086/PRE, which was subsequently received from the LPA dated 9th September 2015 (see Appendix 3). Further discussion on the advice received is contained within section 7 of this report.



3. The Proposed Development

Overview

- 3.1 The development proposals include for the demolition of the existing dwelling and outbuilding, the construction of a new access and subsequent rationalisation of the parking area for the adjacent apartments, erection of 3 main apartment blocks, forming a total of 30 apartments, car parking, cycle storage, footpath link, together with a scheme of replacement tree and landscape planting.
- 3.2 The accommodation schedule for the development proposals are as follows:

Table 1: Accommodation Schedule

Apartment Type	Size	Roof Terrace/Balcony	Number
2 bedroom	90 m ²	12m ²	23
3 bedroom duplex	126 m ²	50m ²	7
		Total	30

- 3.3 A summary of each of the main components of this application is provided within the following paragraphs.

Residential Units/Accommodation

- 3.4 As illustrated above, the development proposes two main apartments types/sizes. The accommodation for the two bedroom units includes, access to an external store, an entrance and hallway which leads to an open plan kitchen, dining room and lounge, two bedrooms, a bathroom and w/c. Each unit has access to an external private patio area. The accommodation for the duplex units is the same as for the 2 bedroom apartments, with the inclusion of an internal staircase from the hallway which leads to a further en-suite bedroom, together with an enlarged external patio area/terrace.

Layout/Form

- 3.5 The proposed apartments are set over three main terraced blocks (Blocks A, B and C) which are between three and four storeys in height, with the development set into the sloping landscape, set over the three main plateaus. The blocks are arranged such that all of the units are accessed from the rear/south elevation thus maintaining views to the north for each of the units. The levels and siting of the three main blocks have therefore been carefully considered in order to maximise the views across Cardiff Bay and the Barrage.



- 3.6 Block A is located at the highest and most southerly position and contain 9 units set over 3 main levels, with a lower ground/basement level providing access to the car parking and storage area. Block B, which is the central block, is divided into two structures that are set in an 'L' formation, containing 13 units in total. Block C is the long linear block positioned at the bottom of the slope and contains a total of 8 units.

Access/Pedestrian Links

- 3.7 Vehicular and pedestrian access into the site is derived via a new priority junction which is to be formed onto Padget Place, approximately 100m east of the junction with Northcliffe Drive and 20m west of the private access serving Northcliffe apartments. A shared surface access design is proposed which will meet the needs of both pedestrian and vehicular traffic, whilst striving to elevate the priority of the pedestrian above the car. Furthermore, it is considered that this design will offer a more aesthetically pleasing design solution befitting to the character and appearance of the development.
- 3.8 The main access route snakes down through the levels into the main body of the site opening out into a level parking area (part undercroft), and secure communal storage area for cycles and refuse/recycling materials. This is in addition to the individual stores provided for each unit. The communal parking area is situated between blocks A and B. A ramped access is also proposed to provide a compliant access down the levels linking blocks B and C. A more direct stepped access is also proposed as an alternative route. From the ramped access a pedestrian link connects to a landscaped walk which is proposed to run along the northern boundary dropping down through the land behind the Custom House and into the Marina.
- 3.9 All of the units have pedestrian access from the rear/southern elevation, with stairs leading up to linked walkways which serve each level. Each of the main buildings are also provided with access to a lift.

Car Parking, Refuse and Recycling

- 3.10 All of the proposed units have access to a dedicated car parking space which is located within the communal car parking area (part under-croft) situated between Blocks A and B. There are also a total of 6 casual parking spaces, located within the main parking area and also as lay-by spaces off the main spine road, which will serve the needs of the visitors.
- 3.11 Within the main communal courtyard area provision has also been made for the secure storage of cycles and refuse/recycling material. It is proposed that the access road is to be maintained in private ownership whilst a private management company will also be engaged to address the needs of the future occupiers in terms of collection of waste and recycling materials. Notwithstanding this the access road has been auto tracked to illustrate how a refuse vehicle would be able to navigate into the site, turn within the site, enabling the vehicle to egress in a forward gear.
- 3.12 In making provision for the proposed access design, the car parking area for the adjacent apartments at Northcliffe has been rationalised. However, the proposal has sought to ensure that there is no loss of parking numbers, through the careful consideration of the design, whilst landscaping has been incorporated so as to maintain an attractive setting.



Trees & Landscaping

- 3.13 As mentioned previously, a number of the trees within the application site are protected by a tree preservation order (TPO). In order to properly assess the trees a survey has been prepared, together with an arboricultural impact assessment, which has been carefully considered during the design process. The application is therefore supported by a variety of supporting assessments and reports which have considered the arboricultural, ecological and landscape requirements of the site. The final design solution, which is accompanied by a detailed landscaping scheme, seeks to ensure that the proposal suitably compensates for the loss of planting which will result during the construction process.
- 3.14 Furthermore, opportunities to introduce communal landscaped amenity areas within the site have been incorporated to not only provide for the amenity needs of the occupiers, providing a high quality and attractive environment, but to also help soften the development into the landscape. In addition to the trees and hedgerow planting around the periphery of the site, which includes the new access, access drive and redesigned car parking area, landscaped areas are shown within the main body of the site, whilst sedum grassed roofs are also proposed.

Materials

- 3.15 It is proposed that the main elevations of the buildings will be constructed in white/pale facing brick which is considered to be most appropriate to the style of the development, its position within the landscaped setting and in the maritime environment. The duplex pods are to be clad in zinc which it is proposed will both complement and contrast with the facing brick. The shared surface access drive and courtyard are to be block paved in permeable materials which will be softened with landscaped planting, including the sedum grass to the areas of flat roofs. Windows will be powder coated aluminium frames, whilst doors will be constructed from timber with a painted finish.



4. The Development Plan

- 4.1 In accordance with Section 38(6) of the Planning and Compulsory Purchase Act and Section 70(2) of the Town and Country Planning Act 1990, all applications for planning permission should be determined in accordance with the Development Plan, unless material considerations indicate otherwise.
- 4.2 In this case the Development Plan comprises the Vale of Glamorgan Unitary Development Plan. It is notable however that the Development Plan covered the period to 2011 and is therefore considered to be aged and does not cater for meeting up to date development needs.
- 4.3 This section describes the policy context provided by the Development Plan.

The Unitary Development Plan (UDP)

- 4.4 The UDP was adopted in 2005 and had an end date of 2011. It has however not been replaced by a Local Development Plan. As such, the UDP continues to be part of the Development Plan despite it being time expired by 4 years.
- 4.5 The application site is located in the settlement boundary of Penarth. In such instances, the UDP seeks to maximise the opportunities for residential, employment, retail and leisure development. Its aim being to ensure that land is used in an efficient manner, whilst ensuring that these areas remain attractive places to live and work.
- 4.6 The proposed residential development within the settlement boundary is entirely consistent with this strategy. Indeed, not only does this represent the efficient use of an existing resource, but is also a sustainable approach to meeting needs and improving the environmental quality of the urban fabric.
- 4.7 There are a number of other policies of note, these include:
- 4.8 Policy 1 seeks to protect and enhance the distinctive urban character and gives particular emphasis to conserving and enhancing important features of the built heritage. The Design & Access Statement details the measures incorporated to protect and enhance local character.
- 4.9 Policy 2 supports developments that encourage sustainable practices. The application proposes an effective and efficient use of land within the settlement boundary of Penarth. The site is located within easy range of a number of facilities to help reduce the need to travel by car:
- 10 metres of existing bus stops;
 - 500 metres of the nearest Primary School,
 - Within 700 metres (up to 1000m) of the town centre and supermarket; and
 - Within 1100 metres of the train station.
- 4.10 Policy 3 provides the housing target for an additional 6079 dwellings between 1998 and 2011, however, this is clearly out of date. The policy does however state that the



provision will be met by the redevelopment of suitable sites in the urban areas of Barry, Penarth and Rhoose. The subject site falls within the urban area of Penarth and is a suitable site for redevelopment.

- 4.11 Policy ENV 16 outlines that development should not cause harm or threaten the continued viability of protected species, unless it can be demonstrated that there are exceptional circumstances, no satisfactory alternative or effective mitigation measures. An ecological assessment has been carried out and confirms that there is no evidence of protected species within the site.
- 4.12 Policy ENV 17 seeks to protect the environmental qualities of the built and historic environment. The Design & Access Statement provides information as to how the proposed development is influenced by and protects the built and historic environment.
- 4.13 Policy ENV 20 states that new development or alterations to buildings within Conservation Areas will be permitted where they preserve and enhance their character. The application site is located to the north of Penarth Conservation Area. Whilst this site is not located within the Conservation Area, the Design and Access Statement demonstrates that the development will not adversely impact upon it.
- 4.14 Policy ENV 25 favours proposed development that improves the environmental quality of the urban fabric. Once again, the accompanying Design and Access Statement demonstrates the design philosophy adopted and how the proposal will assimilate into the landscape.
- 4.15 Policy ENV 26 seeks to ensure that the contamination and/or instability is removed or reduced to a level where there is no unacceptable risk to health and safety in proposals for redevelopment of contaminated and unstable land. A stability report has been carried out which assesses the potential risk and identifies the anticipated mitigation/monitoring and construction solutions which will be required.
- 4.16 Policy ENV 27 states that new developments must have full regard to the context of the local natural and built environment and its special features and will be permitted where it deals with specific criteria. These include consideration of local character, amenity standards, car parking, utilities, landscaping, accessibility, energy efficiency as well as measures to reduce the risk and fear of crime. The response to such matters is shown in the Design and Access Statement.
- 4.17 Policy ENV 28 seeks to ensure that new development provides access for disabled people. The Design and Access Statement details requirements in respect of access which accord to relevant standards.
- 4.18 Policy ENV 29 seeks to ensure that development doesn't have an unacceptable effect on either people's health and safety or the environment. It is not anticipated that there will be any adverse impacts in this regard that arise from the development.
- 4.19 Policy HOUS 2 states that housing infill, small-scale development and redevelopment which meets the criteria listed in Policy HOUS 8 will be permitted within certain settlements. Penarth is listed as an urban settlement within the criteria.



- 4.20 Policy HOUS 8 provides detailed criteria against which development will be permitted (subject to meeting the settlement criteria as set out in Policy HOUS 2), including scale, form, character, effects on the amenity, impact on agricultural land, historical, archaeological, ecological impacts, car parking and utilities.
- 4.21 The submitted documentation demonstrates how the development has regard to these criteria.
- 4.22 Policy HOUS 11 seeks to ensure that existing residential areas characterised by high standards of privacy and spaciousness are protected against over development and insensitive or inappropriate infilling.
- 4.23 Policy HOUS 12 explains that where there exists a demonstrable need the Council will seek to negotiate with developers for the inclusion of a reasonable element of affordable housing in substantial development schemes.
- 4.24 Policy TRAN 10 outlines that parking provision and facilities will need to be in accordance with the approved parking guidelines, and will be related to the land use, its density and location, accessibility to existing and potential public transport facilities, and the capacity of the highway network.
- 4.25 Policy REC 3 requires open space to be provided for new developments at a standard of 2.43 hectares per 1000 projected population comprising:
- Children's playing space - 0.6 - 0.8 hectares per 100 projected population
 - Outdoor sport - 1.6 - 1.8 hectares per 1000 projected population
- 4.26 In respect of children's play space, REC 6 requires that in new development it is provided at a standard of 0.2 - 0.3 hectares per 1000 projected population. (This provision falling within the requirement for children's playing space 0.6 - 0.8 hectares per 1000 projected population as set out in Policy REC 3).
- 4.27 Policy REC 4 favours recreation proposals which include provision for the needs of the disabled and elderly.

Summary

- 4.28 The Development Plan forms the starting point for consideration of the submitted application. Whilst the Plan is time expired, it is evident that the proposed development would be supported by the general locational principles and broad policies contained within, indeed, it is a highly sustainable location - the principle of which does not change with the passage of time. Rather more recent policy has emphasised the importance of development at such locations and strengthened the level of support for sustainable development.



5. The Emerging Local Development Plan

- 5.1 In 2015 the Vale of Glamorgan approved the Deposit Local Development Plan (LDP) and supporting documentation for submission to the Welsh Government and Planning Inspectorate in accordance with LDP regulations. On the 24th July 2015 the Local Development Plan (LDP) was submitted to the Welsh Government and Planning Inspectorate for examination, in accordance with LDP Regulations and the Delivery Agreement timetable. Examination hearings will be held during 2016. Subject to matters arising it is likely to be adopted by the end of 2016 and it will have increasing weight in the determination of applications. It is therefore considered in this context.
- 5.2 The site is identified within the settlement boundary of Penarth and this section considers the policies that are relevant to its development.

LDP Vision and Objectives

- 5.3 It is the vision of the LDP for the Vale of Glamorgan to be a place:

“That is safe, clean and attractive, where individuals and communities have sustainable opportunities to improve their health, learning and skills, prosperity and wellbeing; and

Where there is a strong sense of community in which local groups and individuals have the capacity and incentive to make an effective contribution to the future sustainability of the area.”

- 5.4 The LDP will provide a framework which will seek to:

Provide a range and choice of housing including affordable housing, in sustainable locations that enables those living in the Vale of Glamorgan to meet their housing needs whilst supporting the role and function of existing settlements.

- 5.5 In order to achieve its vision, a number of key objectives have been identified. These include:

1. To reduce the need to travel and enabling greater access to sustainable forms of transport

The LDP seeks to increase the use of sustainable transport and reduce congestion by concentrating new development within areas which are well served by public transport or by walking or cycling.

2. To provide the opportunity for people in the Vale of Glamorgan to meet their housing needs

This includes the requirement to provide new homes to meet the future needs of the population. It is also a requirement to provide a range and choice of housing, in sustainable locations that support the needs of the local community.



3. To ensure that development within the Vale of Glamorgan uses land effectively and efficiently

This is done by favouring the use of existing land within settlement boundaries.

Relevant Policies

- 5.6 Policy SP 3 makes provision for 9,950 new dwellings to be delivered over the plan period. The release of housing land will be phased in five year periods with priority being given to sites within settlement boundaries.
- 5.7 Policy MG 1 states that in order to meet the housing land requirement of 9,950 new dwellings provision will be made for the development of up to 10,450 new dwellings during the plan period. This will be met through inter alia, development of unallocated windfall sites in sustainable locations, such as the application site.
- 5.8 Policy SP 4 states that the residential requirement identified in Policy SP 3 will be expected to contribute to the established community housing needs of the Vale of Glamorgan by providing 2694 affordable residential units over the plan period.
- 5.9 Policy MG 4 states that all new residential developments resulting in a net gain of 1 dwelling or more; or the conversion or existing buildings resulting in a net gain of 2 or more dwellings; will require a minimum affordable housing contribution of 35% in several locations including Penarth.
- 5.10 Policy SP 7 sets out the key priorities for the delivery of strategic transportation infrastructure. The Policy states all new developments that have a direct impact on the strategic transportation infrastructure will be required to deliver appropriate improvements to the network. (TA)
- 5.11 Policy SP 10 outlines that development must preserve and enhance the built and natural environment and heritage of the Vale of Glamorgan including buildings, conservation areas, historic landscapes, the Glamorgan heritage coast, and important archaeological and geological features.
- 5.12 Policy MD 1 discusses the location of new development and provides a list of criteria by which development will be favoured, including development that:
- has no unacceptable impact on countryside;
 - supports the delivery of affordable housing in areas of identified need;
 - has access to or will promote the use of sustainable modes of transport; benefits from existing infrastructure provision;
 - promotes sustainable construction and makes beneficial use of previously developed land and buildings;
 - avoids areas of flood risk and safeguards resources; and
 - does not have an unacceptable impact on green wedges, sites of importance for nature conservation, special landscape areas, and/or the Glamorgan Heritage Coast.
- 5.13 Policy MD 2 seeks to ensure that development contributes to creating high quality, healthy, sustainable and locally distinct places. The Policy sets out a list of criteria that



proposals should conform to, including:

- a high standard design;
- respond appropriately to local context and character;
- identify opportunities to provide new or enhanced areas of public realm;
- provide a safe and accessible environment;
- safeguard existing public and residential amenity;
- incorporate sensitive landscaping; and
- promote renewable and low carbon energy use.

5.14 Policy MD 3 discusses the design of new development, and lists criteria whereby proposals will be permitted, including:

- a high standard of design;
- respond appropriately to local context and character;
- features of townscape or biodiversity are preserved or enhanced; no unacceptable impact on amenities of neighbouring occupiers;
- development compatible with other uses in the locality; promote the creation of healthy and active environments and reduce the opportunity for crime; provide a safe and accessible environment;
- incorporate renewable and low carbon energy use features;
- have no unacceptable impact on highway safety and would not cause or exacerbate existing traffic congestion;
- provide public open space in line with Council's standards;
- provide car parking in line with the council's supplementary planning guidance; and
- demonstrate the efficient use of water.

5.15 Policy MD 5 identifies Penarth as a service centre settlement, and states that new development within the settlement boundary will be permitted where the proposed development:

- makes efficient use of land or buildings;
- would not prejudice the delivery of an allocated development site;
- is of a scale and form that is commensurate with the surrounding area and does not unacceptably impact upon the character and appearance of the locality;
- would not result in the unacceptable loss of public open space, community or tourism buildings or facilities;
- has no unacceptable impact on the amenity and character of the locality by way of noise, traffic congestion and parking; and
- makes appropriate provision for community infrastructure to meet the needs of future occupiers.

5.16 Policy MD 7 discusses housing densities and states that residential development proposals within service centre settlements, i.e. Penarth, will be permitted where the net residential density is a minimum of 30 dwellings per hectare. Lower density levels will only be permitted where it can be demonstrated that; development at the prescribed densities would have an unacceptable impact on the character of the surrounding area; reduced densities are required as a result of previously unknown site constraints or to preserve a feature that would contribute to existing or future local amenity; or the



proposal is for mixed use development where a residential use is the subordinate element of the proposal.

- 5.17 Policy MD 8 seeks to protect the environment and states that proposals will be required to demonstrate they will not result in an unacceptable impact on people, residential amenity, property and/or the natural environment from either: pollution; contaminated land; hazardous substances; noise, vibration, odour nuisance and light pollution; flood risk and consequences; coastal erosion or land stability; or any other identified risk to public health and safety. Where impacts are identified the council will require applicants to demonstrate that appropriate measures can be taken to minimise the impact identified to an acceptable level.
- 5.18 Policy MD 9 seeks to protect the qualities of the built and historic environment, specifically: within conservation areas; for listed and locally listed buildings; and within designed landscapes, historic parks and gardens, and battlefields.
- 5.19 Policy MD 10 promotes biodiversity and requires that where possible, new residential development should positively contribute to biodiversity interests within the Vale of Glamorgan by: maintaining and enhancing existing important biodiversity features; incorporating new biodiversity features either on or off site to enable a net gain in biodiversity interest, where it is demonstrated that the impact of development on biodiversity cannot be addressed on site, developers will be required to provide alternative off-site compensation to maintain net biodiversity interest; and demonstrating how they maintain features of importance for ecological connectivity.

Summary

- 5.20 The emerging Local Development Plan forms an important consideration in the determination of the application. It is clear that the Plan intends to meet a varied range of needs in sustainable locations and actively encourages the re-use of existing buildings. Therefore, we consider that there is considerable support for the proposals from the LDP.



6. National Planning Policy

Introduction

- 6.1 National guidance is set out within Planning Policy Wales, accompanying Technical Advice Notes and other relevant circulars and consultation papers. It is framed by the latest Ministerial statement on prioritising increasing the supply of housing.

Presumption in Favour of Sustainable Development

- 6.2 Section 38(6) of the Planning and Compulsory Purchase Act 2004 requires that applications for planning permission must be determined in accordance with the Development Plan unless material considerations indicate otherwise.
- 6.3 Para 4.2.4 of PPW indicates that where: there is no adopted development plan; relevant development plan policies are considered outdated or superseded or where there are no relevant policies, then there is a presumption in favour of proposals in accordance with the key principles and key policy objectives of sustainable development in the planning system. In doing so, proposals should seek to balance and integrate these objectives to maximise sustainable development outcomes.
- 6.4 Given that the existing Development Plan is time expired and that the emerging LDP has yet to be adopted, we consider that the presumption in favour of sustainable development is a significant material consideration in support of the proposed change of use.

Planning Policy Wales

- 6.5 Planning Policy Wales (PPW) (7th Edition) is the principal document which sets out the land use policies of the Welsh Government against which development proposals should be assessed. The main thrust of PPW is to promote Sustainable Development. It states at paragraph 1.2.2 that:

“The planning system must provide for an adequate and continuous supply of land, available and suitable for development to meet society’s needs”

- 6.6 It sets out a series of objectives that reflect the WG sustainability agenda and that should be taken into consideration through development proposals. These include to:
- Promote resource-efficient and climate change resilient settlement patterns that minimise land-take and urban sprawl, especially through preference for the re-use of suitable previously developed land and buildings, wherever possible avoiding development on greenfield sites;
 - Play an appropriate role in securing the provision of infrastructure to form the physical basis for sustainable communities while ensuring proper assessment of their sustainability impacts; and
 - Ensure that all local communities have sufficient good quality housing for their



needs, including for special needs where appropriate, in safe neighbourhoods.

Location of New Development

6.7 Section 4.7 of PPW sets out WG guidance on locating new development. It indicates that amongst other things proposals should:

- promote sustainable patterns of development, identifying previously developed land and buildings, and indicating locations for higher density development at hubs and interchanges and close to route corridors where accessibility on foot and by bicycle and public transport is good;
- maintain and improve the vitality, attractiveness and viability of town and district centres;
- locate development so that it can be well serviced by existing infrastructure;
- ensure that development encourages opportunities for commercial and residential uses to derive;
- environmental benefit from co-location; and
- locate development in settlements that are resilient to the effects of climate change, by avoiding areas where environmental consequences and impacts cannot be sustainably managed.

6.8 It is plainly the case that the redevelopment of an existing building within a sustainable location as proposed is supported by national policy.

Housing

6.9 The WG recognise the importance of a home to people's lives insofar as it affects their health and well-being, quality of life and the opportunities open to them. Accordingly, it is a priority for the WG (9.1.1) to provide more housing of the right type and offer more choice.

6.10 Furthermore, the Welsh Government seek to ensure that:

- previously developed land is used in preference to greenfield sites;
- new housing and residential environments are well designed, meeting national standards for the sustainability of new homes and making a significant contribution to promoting community regeneration and improving the quality of life.

6.11 Para 9.1.2 indicates that local planning authorities should promote sustainable residential environments. In doing this WG is clear that they should promote:

- mixed communities;
- development that is easily accessible by public transport, cycling and walking,



although it is noted that in rural areas required development might not be able to achieve all accessibility criteria in all circumstances;

- the most efficient use of land;
- well designed living environments; and
- housing with low environmental impact

6.12 Para 9.2.3 emphasizes 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.

Housing Land Supply

6.13 Planning Policy Wales (para 9.2.3) sets out the need for local authorities to ensure that sufficient land is genuinely available or will become available to provide a 5-year supply of land for housing so as to create and support sustainable communities where people want to live.

6.14 Further guidance on Housing Land Supply is provided by Technical Advice Note 1. It contains guidance on the preparation of Joint Housing Land Availability Studies (JHLAS) which are intended to monitor the provision of housing. It sets out the need to take action in situations where an insufficient supply is identified (para 5.1). Indeed, it is clear insofar as Authorities must ensure that land is genuinely available to provide a 5 year supply of land for housing.

6.15 Paragraph 5.1 requires that the results of the JHLAS should be treated as material consideration in determining applications for new housing and “*where a current study shows a land supply below the 5 year requirement, the need to increase supply should be given considerable weight when dealing with planning applications, provided that the development would otherwise comply with national planning policies*”.

6.16 Para 8.2 indicates that “*local planning authorities that do not have either an adopted LDP or UDP will be unable to demonstrate whether or not they have a 5-year housing land supply and effectively will be considered not to have a 5-year supply*”.

6.17 As is the case where there is no LDP in place there is no housing land supply within the Vale of Glamorgan. Therefore, significant weight must be given to increasing the supply.

Accessibility

6.18 PPW places importance on locating development so as to minimise the need to travel and increasing accessibility by modes other than the private car (para 4.6.4). It further states that a broad balance between housing and employment opportunities should be promoted in order to minimise the need for long distance commuting and locate generators of travel including housing either within existing urban areas or in other locations which are, or can be, well served by public transport, walking and cycling.



- 6.19 Indeed, it specifically seeks to promote access to employment, shopping, education, health and community facilities in a way which maximises opportunities for community development and social welfare. In addition, it identifies the need to foster improvements to transport facilities which maintain or improve accessibility to services and amongst other things improves safety.
- 6.20 The site is considered to be eminently sustainable in relation to local services and facilities, public transport and the town centre.

Conclusion

- 6.21 There is significant policy support for the redevelopment and re-use of existing buildings, in sustainable locations and in particular where there exists significant housing need. Accordingly, it is considered that national policy strongly supports the application.



7. The Justification for the Development in Planning Policy Terms

Introduction

7.1 This Section of the Planning Statement provides the justification for the development proposals and the submission of an application at this time. For the avoidance of doubt these are considered to be:

- The Development Plan;
- The Emerging Development Plan;
- The National Planning Policy Framework and the presumption in favour of sustainable development;
- Housing Land Supply;
- Other Considerations;
- Planning Obligations.

The Development Plan

7.2 As outlined in Section 4, the Development Plan for the Vale of Glamorgan is aged and time expired. However, in broad terms, it plainly favours concentration of development within established settlement boundaries such as Penarth, which are considered to be sustainable locations which will not only help to promote less sustainable modes of travel but all also help to reduce immediate pressure for the released of less sustainable greenfield sites. As such it is considered that the proposal adheres the primary objectives of the Development Plan.

The Emerging LDP

7.3 As outlined in Section 5, the emerging Local Development Plan forms an important consideration in the determination of the application. Similar to Development Plan the emerging LDP seeks to promote the concentration of new development within the most sustainable locations which offer the greatest range of shops, services, employment and public transport opportunities. It is therefore clear that the principle of the proposal also accords with the emerging policies of the LDP.

National Planning Policy & Presumption in Favour of Sustainable Development

7.4 Whilst the existing Development Plan contains policies that remain of note in relation to the proposal, it is notable that Planning Policy Wales does ensure that where there is no up to date plan, there exists a presumption in favour of Sustainable Development.

7.5 It is considered that the principle of the efficient re-use of the site, which occupies a highly sustainable location, clearly accords with the underlying principles of PPW and, in land use policy terms, is supported by National Planning Policy.



Housing Land Supply

- 7.6 As previously highlighted earlier in this report, the Vale of Glamorgan Council do not have an up to date Development Plan and consequently it is regarded that the Authority do not have an adequate housing land supply. This matter is unlikely to be rectified until end of 2016/early 2017 at the earliest. The application proposal therefore will make a valuable contribution to the increase in supply, which therefore forms a material consideration in support of the development.

Other Considerations

- 7.7 This application has carefully considered a number of site constraints and opportunities which are covered in more detail within the accompanying documentation. The following section provides a summary of the main issues, demonstrating how each matter has been appropriately considered through the design process. These include
- 7.8 **Design & Amenity Impact:** The accompanying Design and Access Statement has been prepared, in accordance with Welsh Government guidance, setting out the key site constraints and opportunities which have been established following a detailed context analysis. The 'Vision' for the development has therefore evolved following input from the various design/consultant team members, as set out within the sections below.
- 7.9 The design of the development, which has been heavily influenced by the sites landscaped setting, its topography and elevated position, propose three main blocks of development which are set over the three main levels which aim to take advantage of the views out over Penarth Marina and Cardiff Bay beyond. The development is proposed to be a high quality contemporary design which seeks to takes advantage of the landscaping to be retained which will be complemented through additional mitigation planting in and around the site which will further soften the development into the landscape. A more detailed analysis of the design considerations is contained within the accompanying Design & Access Statement.
- 7.10 Given the topography of the site and relative levels it is not considered that the development will result in any significant impact upon the privacy or amenity considerations of the neighbouring occupiers. The scale, position and orientation of the proposed buildings has also been carefully considered so as to set the structures away from the existing properties nearest the site, ensuring that windows are positioned to take advantage of views and not create privacy concerns. This matter, which was raised at pre-application stage, is considered/conveyed within the Design and Access Statement and drawing package which provides site levels (existing and proposed) together with site sections.
- 7.11 **Historic Built Environment:** The access to the site is located adjacent to the Penarth Conservation Area, whilst the main body of the site is positioned above, amongst the trees, the Custom House and Marina buildings which are statutorily listed (Grade II). Careful consideration has therefore been given to the design of the development to ensure that the proposal respects the special setting of the historic building form adjacent.



- 7.12 With regard to the access, this has been designed to provide for the highway safety requirements, with a shared surface proposed after the initial bell mouth, offering the opportunity for a more informal streetscape design utilising high quality materials.
- 7.13 With regard to the main development and impact upon the adjacent listed buildings the accompanying drawing package and Design and Access Statement show how the development will not compete visually with historic buildings given the levels/relationship and mature landscaping which frames the site. Notwithstanding this a perspective illustration is provided within the Design and Access Statement which demonstrates that even from views from within/across the Bay the development will appear as a contemporary development forming a backdrop to the listed buildings, nestled within the trees.
- 7.14 **Transport:** A Transport Statement for the site has been prepared by WYG and has sought to ensure that the requirements set out at pre-application stage have been appropriately considered. This report demonstrates that the site is located within a highly sustainable location with convenient access to shops, services, health/medical and employment opportunities. Furthermore, the site is well located in terms of public transport and sustainable transport links, including bus, rail, cycle and water taxi, which offer a variety of regular and convenient links to Cardiff Bay, Cardiff City centre and Barry.
- 7.15 In light of the above, the report supports the level of car parking and cycle store provision which is proposed. It should also be noted that whilst the new assess has resulted in a redesign of part of the car parking area associated with the adjacent apartments at Northcliffe, there has been no loss of car parking provision.
- 7.16 The report also considers the access design and spine road which are considered to be suitable for the scale and nature of the development. Furthermore, the report notes that the level of vehicle traffic that will be generated can readily be accommodated within the highway network without detriment to its safe operation.
- 7.17 **Trees & Landscaping:** As mentioned previously the site contains a number of protected trees and as such a Tree Survey and Arboricultural Impact Assessment has been prepared by Treescene Ltd, whilst a comprehensive assessment of existing features, together with a detailed scheme of landscape enhancement proposal have been prepared by Corscadden Associates. These reports/documents demonstrate the careful consideration that have gone into understanding the site constraints, retaining as many of the good quality tree specimens as practicable. Where this has not been possible a robust scheme of landscape enhancements has been proposed to ensure that the development provides sufficient mitigation.
- 7.18 **Ecology:** The application is supported by an Ecological Assessment which has been prepared by David Clements Ecology Ltd. The report confirms that the site does not contain or lie immediately adjacent to site of important ecological or nature conservation interest. The assessment also confirms that the woodland, scrub, grassland and ornamental pond are only of local interest. Whilst no evidence of protected species was discovered during the assessment, the report does however note that further survey work might be required during the appropriate survey seasons. It is anticipated that any reasonable site clearance techniques or habitat mitigation can be accommodated by the development and so it is anticipated that such matters are unlikely to form a significant



constraint to the development of the site. Such matters will however be considered further in due course.

- 7.19 **Drainage:** The drainage proposals for the site have been designed by Shear Design. It is proposed that the foul will connect to the exiting mains drainage system. With regard to the surface water, it is anticipated that sustainable drainage techniques can be employed utilising permeable materials surfacing materials including sedum grassed roofs. Further testing to confirm precise details of the drainage proposals will be undertaken in due course.
- 7.20 **Slope Stability/Desk Study:** A accompanying geological desk study of the site has been prepared by Terra Firma. In particular, the report has sought to assess the stability of the site of the site, prescribing any mitigation or construction requirements. This matter was raised at pre-application stage. This report notes that with the completion of a processing of monitoring it is envisaged that the potential slope stability concerns can be addressed. It is anticipated that pile foundations, which will go through a verification process, will need to be employed to ensure that the loading of the structures is transferred below the slope. As such it is not considered that slope stability is a constraint to the development of the site, subject to further investigations which will need to be completed prior to construction.

Planning Obligations

- 7.21 Within the pre-application advice received from the LPA (see Appendix 3), Officers pointed to the Planning Obligations SPG which indicates that 'where appropriate' planning contributions can be sought for development of this scale to secure provisions including affordable housing, education, public open space, sustainable transport, community facilities and public art. The pre-application advice concludes that the scheme generates a requirement for the following;
- Affordable Housing -40% of total number of units
 - Education -£313,509.78
 - Public Open Space -£68,400
 - Sustainable Transport -£60,000
 - Community Facilities -£29,655
 - Public Art (provision within the scheme)
- 7.22 Notwithstanding the above regulation 122 and 123 of the Community Infrastructure Levy Regulations 2010, as amended, sets out the legal test that must be satisfied. These are as follows;
1. *necessary to make the development acceptable in planning terms,*
 2. *directly related to the development; and*
 3. *fairly and reasonably related in scale and kind to the development.*
- 7.23 LPA's must ensure that any such requests satisfy these tests. Case law has determined that it is not sufficient for LPA's to simply rely on general policy guidance but must instead ensure that each and every request satisfies the relevant tests, as set out above. The following section seeks to demonstrate that the obligation requests received at pre-application stage do not satisfy the requirements of Regulation 122 and accordingly the



LPA are respectfully requested to review, in light of the information below, to ensure that any requests made satisfy the legislative requirements.

- 7.24 **Affordable Housing:** In the first instance, it is questioned whether the level of affordable housing requested is reasonable given the stage of preparation of the LDP which is still to progress to examination. Furthermore, it is considered that the characteristics of the site and resulting development would not be suitable for the on-site delivery of affordable housing, especially given the Development Quality Requirements which would need to be considered. In addition, the nature of the development is that the future occupiers will be required to enter into an agreement with a management company with the access road, courtyard/amenity areas and refuse collection being managed privately. Such matters will add an additional annual cost to the development, which will be borne by the occupants, which will therefore run contrary to TAN 2 definition. As such, it is considered that any provision for affordable housing that the development is required to make should be made via a financial contribution towards the delivery of a provision off site. It is noted that the SPG acknowledges that whilst the general preference is for affordable housing to be delivered on site as part of a development proposal, exceptional circumstances can exist where an off-site contribution will be more appropriate.
- 7.25 **Education:** First and foremost, the request received does not appear to have properly considered the size and nature of the residential units proposed which are unlikely to appeal as family housing, instead being more suitable for professional couples. Whilst this does not prevent potential occupiers with small families purchasing/occupying units its highly unlikely that the development will generate the number of school age population which has been suggested.
- 7.26 Furthermore, a review of the evidence base illustrates that there are sufficient school places for all ages within local schools serving the area to accommodate the small numbers of school aged population the development could generate. Whilst some schools within the catchment might currently show capacity issues, it is evident that surplus places do exist which could address the potential needs of the development. Planning appeal decisions have indicated that regulation 122 must be satisfied and have held that where capacity exists within the surrounding schools this is more of a management issue for the local education authority to manage over time.
- 7.27 **Public Open Space:** Once again, it is not considered that the development will generate the number of children and therefore demand for play provision, that has been implied, given the size and nature of the accommodation proposed. Notwithstanding this, it is considered that the development is extremely well served with a large number of play and recreational opportunities available within the immediate vicinity. Many of these are shown with the facilities plan included within the Transport Statement. Furthermore, the design of the development has also made provision for some informal outdoor/quiet enjoyment space which is considered to meet the needs of the future occupiers whilst a pedestrian link has also been incorporated to allow for the convenient access for future occupiers down to the Marina and the Barrage. The wide range of facilities available on the immediate doorstep, appealing to a wide spectrum of age ranges, is a material factor which should obviate the need for any further provision.
- 7.28 **Sustainable Transport:** It has not been evidenced that the development will give rise to



any issues which would demonstrate why such a contribution would accord with the tests. The development has, in accordance with the Welsh Government advice, sought to promote the sustainable modes of travel through the provision of reduced car parking, which are intended to help change occupiers travel habits, in addition to the improved pedestrian links down into the Barrage and the provision of cycle storage. The site, as illustrated within the Transport Statement, is located within a highly sustainable location and so is best placed to promote sustainable transport, which the applicant asserts will help to support existing services, including walking and cycling.

- 7.29 **Community Facilities:** The evidence base suggests that the site is well served by existing facilities. This is also illustrated by the Transport Statement facilities plan which shows the wide variety of provisions available within the vicinity.
- 7.30 **Public Art:** The scheme will make provision for public art within the development through design features which are likely to be incorporated within the communal walkways and spaces within the site. Such details will be provided at the appropriate stage.
- 7.31 **Development Appraisal:** PPW and the Planning Obligations SPG notes that in certain circumstances a viability assessment will need to be prepared and submitted to demonstrate and justify any relaxation in relation to requested contributions. It is anticipated that the applicant will need to carefully consider the viability appraisal for the development, given the identified development costs and anticipated levels of planning contributions, and so might need to consider the submission of a viability assessment, on a confidential basis, during the application process. This will however be discussed with Officers during the appraisal process following their further consideration of the documentation provided.

Summary

- 7.32 The information presented above demonstrates that there are a number of significant benefits associated with this application. Many of these benefits extend beyond the application site.
- 7.33 There are no adverse impacts associated with this application identified in any of the supporting information that would outweigh these benefits.



8. Conclusions

- 8.1 This Planning Statement is submitted in support of the development which proposes the demolition of the existing dwelling and outbuilding and erection of 30 apartments, new access and alterations to adjacent parking area, provision of a footpath link, replacement tree and landscape planting and associated works on land at Northcliffe Lodge, Penarth, Vale of Glamorgan.
- 8.3 The development proposals have been refined through the design process supported by technical input which demonstrates the acceptability, in planning terms, of the proposal.
- 8.4 The proposals are in a highly sustainable location and benefit from the support of all levels of relevant planning policy.
- 8.5 Accordingly, the scheme is commended to the Local Authority.

***LRM Planning
December 2015***



APPENDIX 1 – SITE LOCATION PLAN

318800m

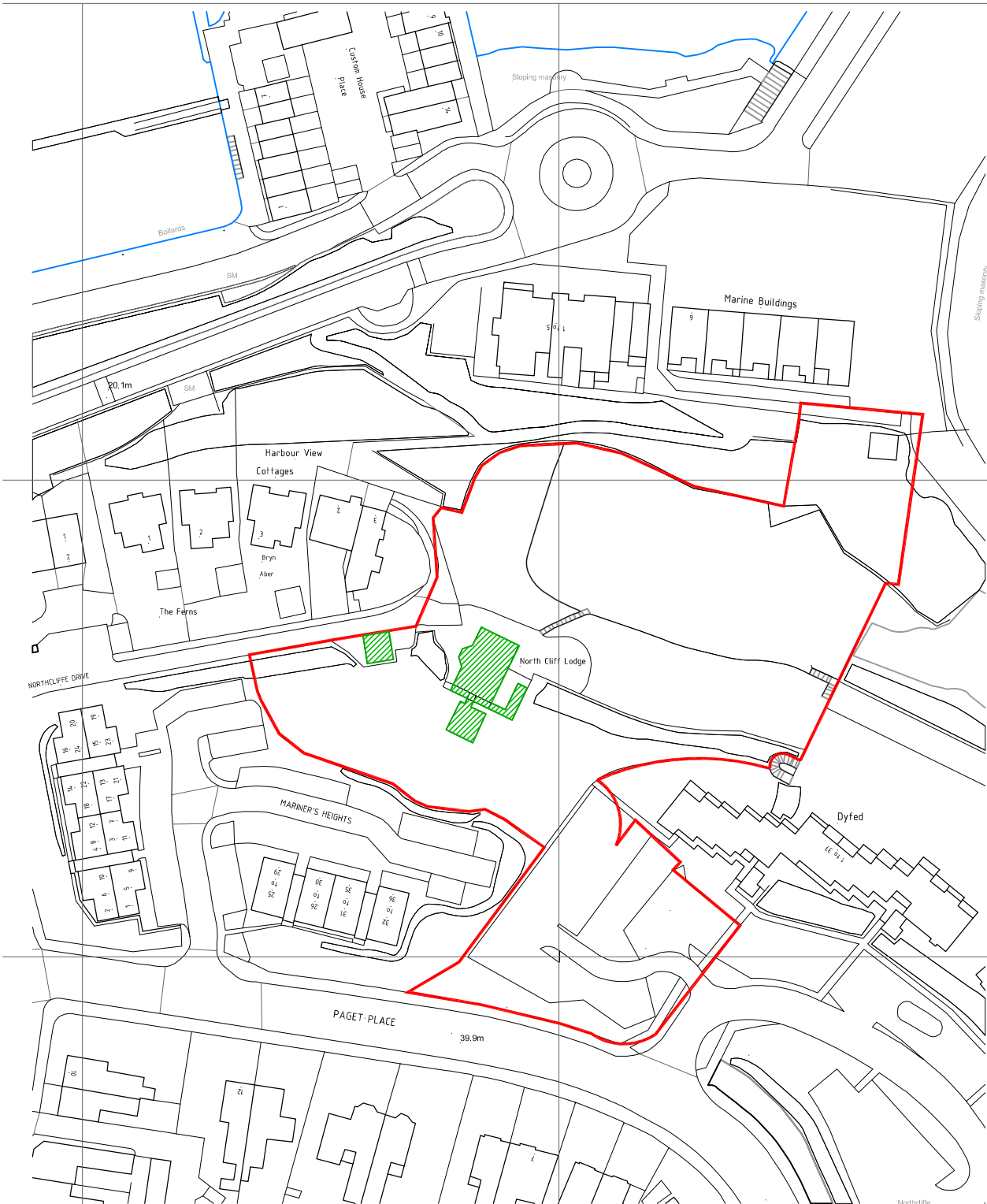
318900m

319000m

172500m

172400m

172300m



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NOTE: APPLICATION BOUNDARY SHOWN IN RED.
AREAS FOR DEMOLITION SHOWN IN GREEN

PROJECT
LAND AT NORTHCLIFF LODGE

DRAWING
LOCATION PLAN

STATUS	PRELIMINARY	INFORMATION	APPROVAL	PLANNING
TENDER	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
	<input type="checkbox"/>	B REQS	CONTRACT	CONSTRUCTION
	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>

DO NOT SCALE THIS DRAWING EXCEPT FOR PLANNING PURPOSES.

SCALE
1:1250 @ A4
DATE
NOV 15

DRAWN
VC

DRAWING NO.

1321/L01

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APPENDIX 2 – SITE LAYOUT



REVISIONS:

PROJECT
LAND AT NORTHCLIFF LODGE

DRAWING
SITE PLAN

SCALE
1:500 @ A3
DATE
DEC 15
DRAWN
HHL/RT
DRAWING NO.
1321/S101

DRAWING STATUS

PRELIMINARY	<input type="checkbox"/>	INFORMATION	<input type="checkbox"/>	APPROVAL	<input type="checkbox"/>	PLANNING	<input checked="" type="checkbox"/>
TENDER	<input type="checkbox"/>	B REGS	<input type="checkbox"/>	CONTRACT	<input type="checkbox"/>	CONSTRUCTION	<input type="checkbox"/>

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APPENDIX 3 – PRE-APPLICATION ADVICE

Date/Dyddiad: 9 September 2015

Ask for/Gofynwch am: Mrs. J. M. Crofts

Telephone/Rhif ffon: (01446) 704649

Your Ref/Eich Cyf:

My Ref/Cyf: P/DC/JMC/2015/00086/PRE

e-mail/e-bost: developmentcontrol@valeofglamorgan.gov.uk

The Vale of Glamorgan Council
Dock Office, Barry Docks, Barry CF63 4RT
Tel: (01446) 700111

Cyngor Bro Morgannwg
Swyddfa'r Doc, Dociau'r Barri, Y Barri CF63 4RT
Ffôn: (01446) 700111

www.valeofglamorgan.gov.uk



Mrs. Rhian Thomas,
Loyn & Co. Architects,
21, Victoria Road,
Penarth,
Vale of Glamorgan.
CF64 3EG

Dear Mrs Thomas ,

Town and Country Planning Act, 1990 (as amended)

Application No. 2015/00086/PRE

Proposal: Residential development comprising of 30 no. apartments including associated external works

Location: Northcliff Lodge, Northcliff Drive, Penarth

I refer to your correspondence received on 30 June 2015, concerning the above and your request for pre-application advice. Having considered the nature of submission in detail, I respond as follows.

Local Context and Constraints

The site lies within the settlement boundary for Penarth as detailed in the adopted Development Plan (see below). The site forms part of the substantial garden for a dwelling, which is not a listed property and which is not within the conservation area. The proposed site entrance lies adjacent to the boundary of the conservation area. The site is surrounded on its southern, western and eastern boundaries by residential development, including flats. The northern boundary of the site is a cliff edge, which has some tree cover, and which sits above and forms the rear boundary to a restaurant and derelict property which are both Grade 2 listed buildings (Custom House and Marine buildings).

Relevant Planning History

From an examination of our records, the application site/ property has the following relevant planning history:

The dwelling known as Northciliffe appears to have no planning history and the adjoining flats of Northcliffe, through which site the access would pass has no recent, relevant planning history.

Relevant Planning Policies

In addition to national guidance contained within Planning Policy Wales, any application would be considered against the Policies within the Vale of Glamorgan Adopted Unitary Development Plan 1996 – 2011, details of which are available on the Council's web site by visiting www.valeofglamorgan.gov.uk. The relevant policies would include:

Unitary Development Plan:

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

Strategic Policies:

POLICIES 1 & 2 - THE ENVIRONMENT

POLICY 3 - HOUSING

Policy:

POLICY ENV 16 – PROTECTED SPECIES

POLICY ENV 17 - PROTECTION OF BUILT AND HISTORIC ENVIRONMENT

POLICY ENV 18 – ARCHAEOLOGICAL FIELD EVALUATION

POLICY ENV 19 – PRESERVATION OF ARCHAEOLOGICAL REMAINS

POLICY ENV 20 – DEVELOPMENT IN CONSERVATION AREAS

POLICY ENV 26 - CONTAMINATED LAND AND UNSTABLE LAND

POLICY ENV 27 – DESIGN OF NEW DEVELOPMENTS

POLICY ENV 28 – ACCESS FOR DISABLED PEOPLE

POLICY ENV 29 – PROTECTION OF ENVIRONMENTAL QUALITY

POLICY HOUS 2 - ADDITIONAL RESIDENTIAL DEVELOPMENT

POLICY HOUS 8 - RESIDENTIAL DEVELOPMENT CRITERIA – POLICY HOUS 2 SETTLEMENTS

POLICY HOUS 11 - RESIDENTIAL PRIVACY AND SPACE

POLICY HOUS 12 - AFFORDABLE HOUSING

POLICY TRAN 10 – PARKING

POLICY REC 3 – PROVISION OF OPEN SPACE WITHIN NEW RESIDENTIAL DEVELOPMENTS

POLICY REC 4 - PROVISION FOR THE DISABLED AND ELDERLY

POLICY REC 6 – CHILDREN'S PLAYING 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, 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.

Chapter 4 of PPW deals with planning for sustainability – Chapter 4 is important as most other chapters of PPW refer back to it, part 4.2 and 4.3.1 in particular

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

Technical Advice Notes:

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

- Technical Advice Note 1 – Joint Housing Land Availability Study (2006)
- Technical Advice Note 2 – Planning and Affordable Housing (2006)
- Technical Advice Note 5 – Nature Conservation and Planning (2009)
- Technical Advice Note 6 – Planning for Sustainable Rural Communities (2010)
- Technical Advice Note 10 – Tree Preservation Orders (1997)
- 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:

- Affordable Housing
- Vale of Glamorgan Housing Delivery Statement 2009 (which partly supersedes the Affordable Housing SPG above)
- Sustainable Development
- Amenity Standards
- Model Design Guide for Wales
- Planning Obligations

- Public Art
- Sustainable Development - A Developer's Guide
- Trees and Development

Analysis of Proposal

The site lies within the defined settlement for Penarth as detailed in the UDP. There is, therefore, no objection in principle to development on the site for residential purposes. A primary consideration as to the acceptability of development of the site would relate to an assessment of the impact of the development on the setting of the Grade 2 listed buildings located below the site and which setting this site forms a backdrop to when viewed from the Barrage access and area. Consideration would also be required of the acceptability of access, drainage, impacts on ecology, on protected trees and trees generally. Impacts on neighbours' privacy and amenity would also require full assessment.

Noting the above issues and concerns as detailed at the meeting, in terms of the design of the scheme, the use of contemporary detailing is not unacceptable. However, as discussed at the meeting, the starting point for assessing a scheme would be an evaluation of the impacts of the scheme from outside the site with particular emphasis on the setting of the Grade 2 listed buildings. A further consideration would be the impact on the setting of the conservation area and the impacts, from the scale and design of the scheme on the neighbours' amenity. Your indication was that you considered the topography of the site, and the scale of the development, would neither adversely affect the setting of the listed buildings nor the amenity or privacy of nearest residential neighbours. This is a matter which the local planning authority would require clearly detailed and explained in any submission and would be assessed by site visit at that time.

Due to the site's location adjacent to /close to a cliff and the presence of retaining structures there will be a need to establish **ground conditions and stability** in any submission.

In respect of **highway and access** comments it could be acceptable in principle subject to the following highway requirements being fully satisfied:

Location and form of access to be approved by both the Highway Engineer and Traffic Engineer.)

- 1) Location and form of access to be approved by both the Highway Engineer and Traffic Engineer.
- 2) Access road to be 5.5m wide with 2No 2m footways all to be designed and constructed to adoptable standards to include lighting, drainage and possible cycleway link.
- 3) Centreline radius to be a minimum dimension of 20m with forward vision provided in accordance with the requirements of 'Manual for Streets'.
- 4) Suitable turning head required to cater for refuse vehicles, delivery vehicles etc.

- 5) No reduction in existing parking provision for Northcliffe Apartment Blocks.
- 6) Parking provision for development to be in accordance with the requirements of CSS Wales Parking Standards 2008 to include for cycle storage.
- 7) Traffic Engineer to decide whether Transport Statement is required.

In submitting a scheme therefore, details of the existing parking for Northcliffe flats and the proposed parking would be required to be clarified with details in the application .

Section 106 Planning Obligations

The Council's approved Planning Obligations Supplementary Planning Guidance (SPG) provides the local policy basis for seeking planning obligations through Section 106 Agreements in the Vale of Glamorgan. It sets thresholds for when obligations will be sought, and indicates how they may be calculated.

The Council's approved SPG is available to view/ download at : -
http://www.valeofglamorgan.gov.uk/living/planning/planning_policy/supplementary_guidance.aspx

Following consideration of the proposed development and potential impacts and needs arising from the development, I would advise that the Council is likely to seek planning obligations covering the following: -

Affordable Housing:

In 2010, the Council undertook an update to the Local Housing Market Assessment in order to determine the level of housing need in the Vale of Glamorgan. This found that 915 affordable housing units were required each year to meet the need within the district. In light of the evidence contained in the latest Housing Market Assessment, showing a high level of need for affordable housing throughout the Vale, the Council's Adopted SPG on Affordable Housing (contained in the Affordable Housing Delivery Statement) sought at least 30% affordable housing on sites of 10 or more dwellings.

The Deposit Local Development Plan (October 2013) policy MG2 (29) required 35% affordable housing to be incorporated with any residential development of this site, based on an assessment of need and viability at the time. However, as part of the Local Development Plan process there has been an assessment of 'focused' and 'minor' changes to the draft Deposit Local Development Plan (DLDP). These changes are in response to subsequent consultations and the issues raised and are considered necessary to ensure that the LDP is sound. These focused changes include an amendment to the requirement for affordable housing as part of residential development.

In response to representations on affordable housing, the Council has commissioned a review of its viability evidence base to September 2014,

taking account of matters raised by the Home Builders Federation (HBF) and the Welsh Government (WG). The latest viability evidence 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.

The ratio of social rented to low cost home ownership should be 80:20 as a suitable mix of affordable housing with this contribution fully integrated into the development.

There is an evidenced need for additional affordable housing in the Vale of Glamorgan, as evidenced by the 2010 Local Housing Market Assessment (LHMA) which determined that 915 additional affordable housing units were required each year to meet housing need in the area.

The Homes4U waiting list, which provides the most accurate and up to date picture of local need, shows there is current need in Penarth and its surrounding areas, with people requiring:

	Penarth	Sully	Dinas Powys	Ilandough
1 Bed Need	234	12	65	41
2 Bed Need	147	16	38	22
3 Bed Need	44	2	17	9
4+ Bed Need	12	1	4	0
Total	437	31	124	72

Whilst there has been no indication of affordable housing provision in the submitted documents, detailed below are the local planning authority's requirements in line with the Supplementary Planning Guidance:

1. We will seek 40% of the total number of units to be provided onsite as affordable housing throughout all phases.
2. We ask for a tenure mix of 80% social rented and 20% Intermediate
3. All affordable units must be DQR compliant.
4. Affordable units should be pepper potted throughout the site and all phases to encourage community cohesion and integration.

Education:

Residential development of the nature proposed in this application is likely to house school aged children and therefore create additional demand for places at existing schools. The Council's Education Department have submitted preliminary advice as to whether there is sufficient spare capacity within the existing local schools to accommodate the increased demand as a result of this development in relation to existing capacity and permitted or identified developments. The comments are summarised as follows.

To provide educational facilities to meet the needs of the future occupiers as set out below. More information is also contained in the Educational Facilities LDP Background Paper (2013). There is likely to be a requirement for contributions to cover the demand generated by the scheme for 3 nursery, 8 primary and 7 secondary school places. This may vary depending on the timescale for submission of any formal application.

The requirements as identified above results in a financial contribution as follows:

Nursery - 3 children x £14,463.26 = £43,389.78
Primary - 8 children x £14,463.26 = £115,706.08
Secondary - 6 pupils (aged 11 – 16) x £21,793.42 = £130,760.52
1 pupil (post 16) x £23,653.40 = £23,653.40

The total education S106 contribution requirement therefore equates to **£313,509.78**

Public Open Space:

The development for 30 units creates the need for open space. Applying policy REC3 for every 1000 population 2.43ha of public open space is required. A requirement for Children's playing space of 0.6-0.8ha per projected 1000 population and outdoor sport at 1.6-1.8ha per 1000 projected population is identified. The LDP Open Space Background Paper (2013) identifies requirements for children's play space and children's play space to be provided on all new residential development sites.

This equates to 55.40sq.m. per dwelling or £1000 per person. The requirement averaged out to 2.8 persons per unit, equates to £2280 per unit i.e. **a contribution of £68,400** towards open space provision or enhancement.

Sustainable Transport:

The deposit LDP makes it clear that financial contributions would be sought to improve sustainable transport facilities serving the site to encourage and provide for sustainable travel choice. This is in accordance with UDP Policies 2, 7, ENV27(vii), REC 12, TRAN 7 & 9, the Council's approved Planning Obligations SPG and the guidance contained within Planning Policy Wales and Circular 13/97 on Planning Obligations.

Based on 30 units dwellings being proposed a contribution **of £60,000** would be required prior to beneficial occupation of the development to provide sustainable transport facilities serving the site (i.e. for public transport users, cyclists, pedestrians and car sharers). Please note that this sum is calculated using the Council's formula for sustainable transport contributions in accordance with new residential developments, namely £2,000 per unit.

The proposed development would result in an increased impact to the local highway infrastructure. With the policies promoting alternative modes of transport to the private car, the sustainable transport provision would be

used to improve public/sustainable transport in Penarth and within the vicinity of the site.

Community Facilities:

UDP Policy HOUS 8 permits new residential development where (inter alia) adequate community and utility services exist or can be readily provided. The Planning Obligations SPG acknowledges that new residential developments place pressure on existing community facilities and creates need for new facilities. Therefore, it is reasonable to expect new residential developments of this scale to contribute towards the provision of new, or enhancement of existing, community facilities.

The SPG requires £988.50 per dwelling, which equates to a figure of **£29,655** for 30 units dwellings, if not provided on site or 0.75sqm of community floorspace per dwelling if provided on site. 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 this facility.

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. To calculate the percentage for art, you will need to provide a detailed written estimate of the building costs of your proposal, which can be done at a later date.

In addition, the Council requires the developer to pay an administration fee, equivalent to 20% of the application fee or 2% of the total financial contribution being sought, whichever is the greater. This fee covers the Council's costs to negotiate, monitor and implement the terms of the necessary Section 106 agreement.

Further discussion on such matters can, of course, be entered into at the time of an application, or as part of any agreed further pre-application submissions. As advised at the meeting it would be for the developer to evidence why they cannot meet any of the obligations for the local planning authority opt consider and discuss at formal application stage.

Required Supporting Documentation:

In addition to the submission of standard mandatory supporting documentation such as application forms, plans and a Design and Access Statement (see TAN 12 Design, Appendix 1), please be advised that any application for the above development should also be accompanied by the following additional documentation: -

- Geotechnical information regarding site stability
- Phase 1 Habitat Survey
- Tree Survey

If any subsequent application fails to include the information above, there is a chance it may not be registered and, in any event, it is likely that an application will either be refused or will not be able to be progressed until its satisfactory submission.

Requests for Further Advice

In accordance with the Council's Guidance Note on 'charging for pre-application advice', any further requests for pre-application advice will attract payment of a further fee, and should be made in writing with appropriate supporting documentation.

Development Team Approach – Building Control

Please note if you decide to employ the Council's Building Control team in respect of the proposed development for which you have sought advice, any fees you have paid in respect of this guidance will be taken into account in assessing the relevant Building Regulations fee. All Building Regulations fees are now based on a standard hourly rate with the final fee payable worked out on a risk assessed basis. Accordingly as the Council's officers will have been involved in the project from the earliest stages this will be considered in the final risk assessment based fee for Building Regulations.

In relation to Chris' enquiry regarding road naming the contact is Danielle Loughman, Highway Development Assistant Engineer, tel:01446 704626 or email DLoughman@valeofglamorgan.gov.uk

Should you have any further questions regarding the above, please contact Mrs. J. M. Crofts on the above number.

Yours sincerely,

Mrs. J. M. Crofts
for Operational Manager Development & Building Control

Please Note:

The advice offered in this response represents an informal opinion, provided in accordance with the Council's Guidance Note on 'charging for pre-application advice'. In particular, it is emphasised that while this pre application advice will be carefully considered in reaching a decision or recommendation on an application, the final decision on any application that

Correspondence is welcomed in Welsh or English/Croesawir Gohebiaeth yn y Gymraeg neu yn Saesneg

Robert Thomas, Director of Development Services/ Cyfarwyddwr Gwasanaethau Datblygu

you may make can only be taken after we have consulted local people, statutory consultees and any other interested parties. It does not, therefore prejudice any decision which the Local Planning Authority may make should the matter come before them in a formal context.