

Date/Dyddiad: 21 January 2016

Ask for/Gofynwch am: Mrs. Y. J. Prichard

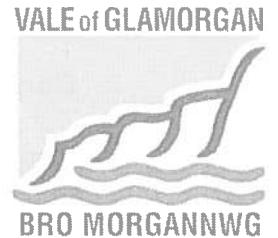
Telephone/Rhif ffon: (01446) 704650

Your Ref/Eich Cyf: SC/15.130

My Ref/Cyf: P/DC/YP/2015/01449/FUL

e-mail/e-bost: Planning@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



Mr Sam Courtney,
LRM Planning Ltd.,
Sophia House,
28, Cathedral Road,
Cardiff
CF11 9LJ

Without prejudice

Dear Sir,

Town and Country Planning Act, 1990 (as amended)
Planning Application Reference: 2015/01449/FUL
Proposal : Demolition of existing dwelling and outbuilding, erection of 30 apartments, new access and alterations to adjacent parking area, provision of a footpath link, replacement tree planting and landscaping and associated works
Location : Northcliffe Lodge, Northcliffe Drive, Penarth

I refer to the above planning application, registered on 10th December 2015. Whilst the acceptability of the detailed scheme is currently under consideration, I outline here the Council's current position concerning the Section 106 matters, particularly bearing in mind your client's stance as referenced in the accompanying Planning Statement.

Affordable Housing

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

As advised at the pre-application stage, in 2010 the Council undertook an update to the Local Housing Market Assessment (LHMA) in order to determine the level of housing need in the Vale of Glamorgan. The LHMA concluded that an additional 915 affordable housing units (for rent or low cost home ownership) are required each year over the next 5 years. The most needed properties are social rented properties where tenants pay benchmark rents set by the Welsh Government.

In light of evidence contained in the latest Housing Market Assessment showing a high level of need for affordable housing throughout the Vale, the Council's Adopted Supplementary Planning Guidance on Affordable

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Housing (contained in the Affordable Housing Delivery Statement) seeks a minimum of 30% affordable housing on sites of 10 or more dwellings.

The Deposit Local Development Plan (October 2013) policy MG4 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 commissioned a review of its viability evidence base to September 2014, taking account of matters raised by the Home Builders Federation (HBF) and the Welsh Government (WG). The latest viability evidence, contained within the Council's Affordable Housing Viability Update Report (2014), indicates a marked increase in viability within the Vale of Glamorgan, and recommends that the Council should increase the affordable housing targets set out in Policy MG 4 from 35% to 40% in Penarth.

In light of the evidence contained within the Council's Affordable Housing Viability Update Report (2014), the site should deliver 40% affordable housing. The Council requires a 70/30 split on site between Social Rented and Intermediate. The Homes4U waiting list, which provides the most accurate and up-to-date picture of local need, shows that there is a need in Penarth. Consequently, based on 30 dwellings, 12 affordable dwellings are required. This would require 8 social rented and 4 intermediate (LCHO).

I acknowledge your comments within your Planning Statement (paragraph 7.24) regarding the status of the Council's LDP, however, whilst the LDP is yet to be adopted, the background papers are a material consideration and hold substantial weight in development management decisions at this stage in the LDP process. The Affordable Housing Viability Update Report (2014) in particular is an evidence based document, and provides the most up to date viability assessment for the area, hence the focussed change within LDP policy MG4 to increase the affordable housing percentages.

I note from your Planning Statement and application forms that you do not intend to provide on-site affordable housing, and would prefer to make an off-site affordable housing contribution. However, unless you can demonstrate viability evidence to suggest otherwise, it is considered that the 40% requirement can be delivered on site. The Council do not consider it appropriate for the site not to deliver any affordable units.

Please amend the application forms and relevant plans to reflect a 40% provision of affordable units, in accordance with the Council's Affordable

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Housing Viability Update Report (2014).

Education

UDP Policy HOUS8 permits new residential development within settlements, provided that, amongst other things, adequate community and utility services exist, are reasonably accessible or can be readily and economically provided. Education facilities are clearly essential community facilities required to meet the needs of future occupiers, under the terms of this policy. PPW (ed. 8, 2016) emphasises that adequate and efficient services like education are crucial for the economic, social and environmental sustainability of all parts of Wales. It makes it clear that development control decisions should take account of social considerations relevant to land use issues, of which education provision is one.

I note in your Planning Statement (paragraphs 7.25-7.26) that you consider that this type of residential unit would not appeal to family housing, instead you consider that it would be more suitable for professional couples. However, the units proposed are 2 and 3 bedroom dwellings, and therefore the Council argue that the units have sufficient accommodation to house children and families.

The Council's formula for calculating pupil demand contained in the Planning Obligations SPG (including 18% fees) indicates that the development of 30 dwellings would generate the need for education facilities for 3 nursery school age children, 8 primary school age children, 6 secondary (aged 11-16) school age children and 1 secondary place for pupils post-16years.

The primary schools serving the development are:

- Albert Primary for English Medium (86.5%),
- Ysgol Pen Y Garth Welsh Medium (9%),
- St. Andrews and St. Josephs for Denominational (3.5%) and
- Ysgol Y Deri for Special Provision (1%).

The secondary schools serving the development are:

- Stanwell for English Medium (93%),
- Ysgol Bro Morgannwg for Welsh Medium (6%) and
- St. Richard Gwyn for Denominational (1%).

The Education Authority has advised that there is no spare existing and forecast capacity at nursery level within all types of provision to accommodate the development. In terms of primary school provision, there is no spare existing and forecast capacity at Albert Primary St. Andrews, St. Josephs and Ysgol Y Deri, but there is spare capacity at Ysgol Pen Y Garth. There is also no spare capacity at secondary school level.

Consequently, given the above, the Council requests the following Section

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106 contributions for Education provision:

- Nursery school children – 3 children x £14,463.26 = £43,389.78
- Primary school children – 7 children x £14,463.26 = £101,242.82
- Secondary (aged 11-16) school children – 6 children (English Medium) x £21,793.42 = £130,760.52
- Secondary (aged post-16) school children – 1 children (English Medium) x £23,653.40 = £23,653.40

In total, the Council would require the developer to pay a contribution of **£299,046.52** towards education facilities.

Public Open Space

UDP Policy REC3 requires new residential developments to make provision for public open space at a minimum standard of 2.43 hectares per 1000 population (0.6-0.8 hectares for children's playing space and 1.6-1.8 hectares for outdoor sport). This equates to 24.3m² per person or 55.4sqm per dwelling (based on the average household size in the Vale of Glamorgan being 2.28 persons per dwelling). The Council applies this policy to all residential developments of 5 or more dwellings, in addition to the basic amenity space requirements necessary to meet the immediate amenity needs of occupiers (e.g. private garden space) as outlined in the approved Amenity Standards SPG.

I acknowledge yet dispute your comments within your Planning Statement (paragraph 7.27) in relation to Public Open Space. I advise that the Council considers 2 and 3 bedroom apartments to be appropriate to accommodate children and families, and thus there is a requirement for Public Open Space.

Based on the Council's Planning Obligations SPG, and the LDP Open Space Background Paper (2013), the Council's formulas for calculating Public Open Space are:

Standard for Children's Outdoor Play = No. of Dwellings x Average Household Size (2.32) x standard per person (2.5m²)

Other Children's Space = No. of Dwellings x Average Household Size (2.32) x standard per person (6m²)

Standard for Outdoor Sport = No. of Dwellings x Average Household Size (2.32) x standard per person (16m²)

The development for 30 houses creates the need for 174m² of children's play space, 417.60m² of other children's play space and 1113.60m² of outdoor space, including the provision of a Local Area of Play (LAP) equating to 136.8m².

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The LDP Public Open Space Background Paper (2013) identifies an existing under-provision of children's outdoor play space of 1.46 hectares in the St. Augustine's Ward (which the development falls within). The Council thus expects at the minimum an area of children's play space to be provided on site, including a LAP. Please amend the Site Layout Plan accordingly, to reflect this change. In the event that the area of Public Open Space for children's outdoor play space and other children's play space is less than the total required for the site as set out above, an off-site contribution will be sought for those dwellings not catered for through the on-site provision.

In addition, the LDP Public Open Space Background Paper (2013) identifies an under-provision of outdoor sport space of 9.17 hectares. However, the Council acknowledges that this site is constrained and therefore it would be inappropriate to deliver outdoor sport space on site. The Council would thus agree to a financial contribution which would provide or enhance outdoor sport facilities in the ward.

Any off-site contribution for Public Open Space will be calculated upon the basis of £1,000 per person, or £2,320 per household not catered for by the Public Open Space delivered on site.

Any Public Open Space provided on site will need to be maintained for a minimum of 20 years, either through a transfer to the Council with appropriate commuted sums, or through an appropriate maintenance agreement.

Sustainable Transport

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

The Council's Sustainable Transport Assessment LDP Background Paper (2013) identifies the sustainable transport measures required to ensure better conditions for pedestrians, cyclists and public transport users, and to encourage a change in travel choices away from the single occupancy car. This is a key aim embodied in national and local planning and transport policies, which the Council is keen to deliver. I acknowledge that you dispute the Sustainable Transport contribution in your Planning Statement, however, on all new developments (>10 dwellings) the Council seeks planning obligations to provide or enhance sustainable transport facilities,

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so that developments are reasonably accessible by a range of modes of transport other than the private car.

In accordance with the Planning Obligations SPG, based on the provision of 30 dwellings, the Council requires a financial contribution which equates to £60,000. This could be used towards improving cycle routes in the area; upgrading the bus stop on Paget Road; contributing towards bus services; and improving pedestrian links in the area.

Community Facilities

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

The LDP Community Facilities Background Paper (2013) advises that within the St Augustine's Ward the projected housing growth over the plan period would result in a deficit of provision by 2026. I acknowledge that your Planning Statement disputes the need for community facilities, however, community space is required to accommodate the projected housing growth within the ward. In accordance with the Planning Obligations SPG, the Council will require a Community Facilities contribution of £988.50 per dwelling, which equates to **£26,655.00** in total.

Public Art

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

The public art scheme must incorporate sufficient measures for the appropriate future maintenance of the works. I understand from your Planning Statement that you are not objecting to the delivery of Public Art on site.

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 greater.

In conclusion, I understand from your Planning Statement that you are disputing all planning obligations. However, as advised in the Council's

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Planning Obligations SPG, where a developer contends that the section 106 requirements are too onerous and will potentially make the scheme unviable, they are expected to submit a breakdown of the development costs and anticipated profits based on properly sourced evidence. Consequently, unless indicated otherwise, the Council consider the above planning obligations reasonable.

I would be grateful if you could consider the above, and advise whether your client is willing to accept the Council's planning obligation requirements as set out above.

Yours faithfully,

Mrs. Y. J. Prichard
for Operational Manager Development Management

