

15/01449/FUL 'A'

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15 JAN 2016

Regeneration  
and Planning

Response ref application ref: 2015/01449/FUL

As a close resident to the proposed site I wish to register the strongest objection to the proposed plans. My objection is based on the following, which is not listed in order of priority.

#### Site Access

Northcliffe Drive, which is a private road, features an extremely narrow lane that leads to the current property on the proposed site. While this is not identified as the main route proposed to the site, unless this route is blocked off there is the potential for an unacceptable level of traffic using the lane. As this road is privately owned by the residents of Vista Court flats, it is unsupported by the local authority and maintenance is paid for by the residents of Vista Court. Unless access was blocked off, it is also likely that pedestrians would use this route, which would impact on issues such as litter and noise as well as security for residents in Vista Court.

#### Cliff Stability – Terrafirma Report

Given the availability of site surveys for the other reports accompanying the proposed plans; and in light of the many instances of recorded landslides around the site, it is worrying that the developer decided that, in this instance, a 'desk study' would suffice.

As a property owner living above the bank close to the proposed development, I am extremely concerned that the proposed plans are not addressing the very real issues presented. Terrafirma's report highlights the 'large scale historical failure in the slope previously obstructed by vegetation' and that the current study undertaken indicates evidence of ground movement with a **high risk of subsidence**. However, the plans show only minimal undergrowth would be retained, which would mean that there is less 'binding' offered by trees and vegetation to provide structural support; and this is a major concern.

Terrafirma's report states that the 'landslide complex is likely to extend beyond the site' and while it is unclear how far this would extend, I would like to know - and will seek to find out - who would bear the legal liability in the event of plans being approved and, as a result, subsidence occurring on the banks outside my property?

I note Terrafirma's recommendation regarding monitoring post investigative drilling and the recommended period prior to any construction. However there would still be six months of monitoring needed after construction begins, whereby presumably faults could be found, although how these would be dealt with are unknown and are a worry to residents.

Who would bear the cost of the further 'slope stabilisation measures that may be needed in the future', as recommended in the report? Presumably this would fall on the Vale of Glamorgan Council?

#### Road Safety

The main access via Paget Place would also present issues. The current situation regarding parking is not good. There appears to be insufficient parking in Mariner's Heights and Northcliffe flats and this has resulted in parking on Paget Place throughout the day. This is added to during the summer when people visit the barrage and leave their cars up above in Paget Place often parking so that a clear view of the road is impossible when trying to enter it.

15/01449/VL 'A'<sub>2</sub>

Plans identify 30 spaces for residents and six more for visitors. With plans for 2/3 bedroom flats, it is highly likely that most residents will own more than one car, but no provision is made for this. Also, unless the residents in the new development are all retired, it is highly unlikely that just 15 cars would be leaving at rush hour rather than the majority.

I notice that the Transport report conveniently omitted any safety aspects regarding the nearby Headlands School. The survey considered the situation during rush hour in the morning, but failed to identify the current problem near the school where through traffic is usually down to single file due to double parking both sides of the road by taxis and buses dropping children off - and as there is a bend in this part of the road this is particularly dangerous.

#### Environmental Issues

The environmental survey is not reliable given that it was undertaken late October when the many butterflies and dragonflies and other summer creatures that I see in the area have already disappeared.

The ecological assessment states the 'loss of all, or nearly all habitats'. As a close resident I know that there are different species of resident owl on the site; and with the planned loss of the habitat one must consider where they will go. A large number of trees were felled above Penarth Marina close by the site last year; and there appears to be insufficient regard to the habitat of birds in this particular area.

The plans include felling around 38 trees and replacing the 'loss of protected trees by new' but 'mostly on the periphery'. One of the trees (T40) is shown as being healthy and having up to 40 years life left, but it is to be felled. The replacement trees (around the edges) will be small saplings for some time to come and will not be a suitable replacement habitat for the many wild birds in the area.

In conclusion, while the environmental report states that at 0.91 ha the scale of the development is not considered significant, I would suggest that in the event of a landslip as identified in the geological report, the effect on the surrounding environment and anyone in that proximity would be very great indeed.

15/01449/FUL 'B'



**The Penarth Civic Society**  
**4 Caynham Avenue**  
**Penarth**  
**Vale of Glamorgan**  
**CF64 5RR**

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12 SEP 2016  
Regeneration  
and Planning

9<sup>th</sup> September 2016

The Vale of Glamorgan Council,  
Development Control,  
Dock Office,  
Barry, CF63 4RT

D.E.E.R  
RECEIVED  
ACTION BY: SOB / JP  
NO: 6  
ACK:

Dear Sirs,

Northcliffe Lodge development: App No. 2015/01449/FUL

At the last committee meeting of the Civic Society the planning application for Northcliffe Lodge was raised.

During the following discussion concerns were aired about the impact that the development will have on the Penarth headland and in particular during the winter months when the extent of tree screening will be diminished. The Penarth headland is important for the setting of Penarth when viewed from Cardiff Bay and the barrage. This concern was also extended to include the impact on the Custom House and Marine Hotel (both listed building) immediately below the development site.

Other issues were also raised about the current position of the recommendations contained in the planning application documentation from the projects own consultants of the need for more extensive assessments to be carried out in the areas of ecology, habitat and biodiversity, and for a geotechnical survey to look into ground stability and the likely impact that engineering works will have on the immediate area.

The general agreement was that of support of the issues raised by Penarth Town Council in their objection to the proposal dated December 2015.

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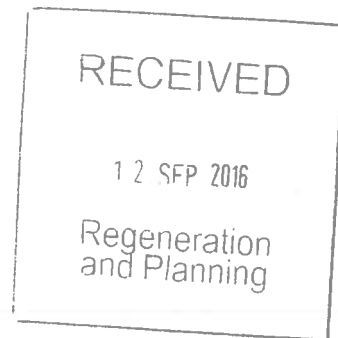
It was agreed that the society would write to the council expressing their concerns raised in the meeting and seeking assurances that consideration of the application would include where appropriate the need for further impact assessments.

Yours faithfully



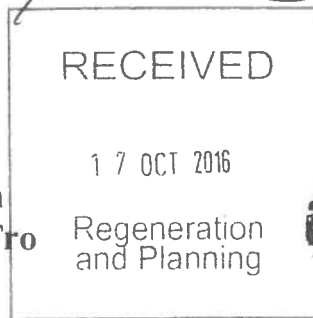
Geoffrey Cheason

For and on behalf of Penarth Civic Society



15/01/449/FUL B1  
B3

**Barry & Vale Friends of the Earth**  
**Cyfeillion y Ddaear, Y Barri/A'r Fro**  
14, Robert Street, Barry, CF63 3NX  
E-mail <greenkeith@virginmedia.com>



Cyfeillion y Ddaear

Planning Case Officer, Mrs. Y. J. Prichard  
Vale of Glamorgan Council

*Amended from e-mail of 9 October 2016*

**Northcliffe Lodge development: App No. 2015/01449/FUL**

**Disclosure of records of Inspection for Bats on the Northcliff Lodge site**

The high potential for bats roosting in the on-site trees and structures is recognised by the applicant's consultants David Clements Ecology Ltd. They give no evidence that they followed or could have followed the current Bat Conservation Trust guidelines, which are endorsed by the Chartered Institute CIEEM. As the "Council's Ecology Comments\_201501449FUL" on the planning application site accept the unevidenced claim to have followed the guidelines, we ask that you seek this information from them. We ask too, that they document their statements about pipistrelle bats.

1. The June 2015 report from the tree consultants, Treescene, has recommendations which included *further investigation of suspected (tree) defects that require more detailed assessment and potential for wildlife habitat*. Their inspection from the ground reported much obscuring by ivy and other vegetation. Tree defects that could provide bat habitat/roosts are covered by this recommendation.
2. The DCE report of Dec. 2015 says "all the trees within the site boundary are mature specimens and were subject to a ground level inspection for their potential to support roosting bats following the BCT Guidelines (2012)". It reported the results as "No trees within the site were felt to be more than a category 2 tree (BCT guidelines, Appendix 5) with only a few limited features suitable for bats."
3. DCE's Additional Biodiversity Strategy of June 2016 states that nearby gardens are well used by foraging pipistrelle bats (as residents know) but offers no observations on this. Curiously it does not report what residents know well, that the Lodge grounds are also well used by bats (that may be pipistrelles). It does not say how they were identified as pipistrelles and not rarer species, as could have been readily determined by normal bat detectors.
4. This June 2016 document reports "visual inspection for (should read 'from') the ground for their potential to support roosting bats. No trees within the site were felt to be more than a category 2 tree (BCT guidelines, Appendix 1)".
5. We have accessed the BCT guidelines (3rd Edn, issued January 2016) from their website, which says the guidelines are endorsed by the Chartered Institute CIEEM). They describe 'preliminary ground level roost assessment' as a *detailed inspection of the exterior of the tree from ground level to look for features that bats could use for roosting. It prescribes systematic inspection around all parts of a tree and recording results in standard format. All trees surveyed should be numbered and marked on a map or plan of the site...should at least record the location (grid reference) and tree species...enable ecologists to locate the tree on subsequent visits...marking individual trees with a tag or some tape may be essential*.
6. A map or plan showing the trees surveyed with numbering, and a listing showing species and the claimed 'category' complying with the guidelines should therefore be available.
7. Could you therefore obtain from the applicant of DCW their records of their 'ground level inspection' of Dec. 2015 and their 'visual inspection' of June 2016? Also please ask for records that show the bats were pipistrelles and did not include other species.
8. We emphasise that the Council would be in breach of the Habitats Regs if you failed to consider the harm that would be caused to bat habitat including possible roosting places in the trees on the basis of the comment: *We note the findings of the reports, that no bat roost was found at Northcliff Lodge... We withdraw the holding objection to the scheme... (Council's Ecology Comments\_201501449FUL)*

15/01449/FUL B1



**Barry & Vale Friends of the Earth**  
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E-mail <greenkeith@virginmedia.com>

*Cyfeillion y Ddaear*

Planning Case Officer, Mrs. Y. J. Prichard  
Vale of Glamorgan Council

16 October 2016

**Northcliffe Lodge development: App No. 2015/01449/FUL**

**Inadequate consideration of the landscape and conservation values of the mature woodland that would be lost by the Northcliffe Lodge development**

1. We point out that this site is Lowland mixed deciduous woodland, a priority habitat under the Biodiversity Action Plan and in the Section 7 list under the Environment Act. While this List is under review, the NRW accepts this site would be covered. There is no recognition of this status in either the Council's ecologist Comments, nor in the applicants' reports.

2. The June 2015 Treescene survey did not consider the landscape and conservation values of trees that would be lost by the development, nor could it be used to judge these. Under the British Standards 5837:2012, regard has to be given to:

*2 Mainly landscape values and 3 Mainly cultural values, including conservation.*

The Treescene report lists and assesses trees and tree-groups only on 1 arboricultural grounds.

3. Some of the Treescene assessments of limited lifetime are clearly contestably low estimates:
- 17m Corsican Pine T13 Notable specimen of variable form.... Evidence of slight thinning and die-back in upper crown which is normal for a specimen of this age. Category B 20-40yrs*
  - 7m Yew T18 Tree of reasonable form with evidence of slight thinning of crown 20-40yrs*
  - 17m Pine T51 Tree of good form with extensive die-back and thinning throughout crown. Category C 10-20yrs*
  - 17m group of Ash and Sycamore G58 Trees generally of reasonable form but some specimens exhibit signs of mild die-back. Category C 20-40yrs*

4. As the Treescene report did not follow the British Standards in terms of assessing *landscape values and cultural values, including conservation* and its appraisals being apparently biased to short lifetimes, this report could not be reliably used to justify the TPO Order no.11. We therefore ask the Council to disclose other evidence that they used to determine the small fraction of the trees given TPO protection in this Order.

5. The visually important setting (from the sea and from much of Cardiff Bay) of the wooded headland is recognised as important in Council planning documents (including the Penarth Conservation Area SPG). However, the applicants present no relevant pictures or photo-montages from various locations, just an artist's sketch from a position unknown or imagined, while the issue is unmentioned in officer reports and Memos. In view of the council's duty to consider the landscape impacts of the development, would you refer this issue to the officer responsible for landscape issues?

In Summary: We

- Seek further information underpinning the reduced TPO order on the on-site trees, as apparently ignoring landscape issues
- Ask that the officer responsible for biodiversity comment regarding the site's status as priority habitat under the Biodiversity Action Plan and in the Section 7 list under the Environment Act.
- Ask for the officer responsible for landscape to comment on impact on the wooded headland, as setting for Penarth and particular setting for the listed buildings (Custom House, Marine Buildings, St Augustine's Church).

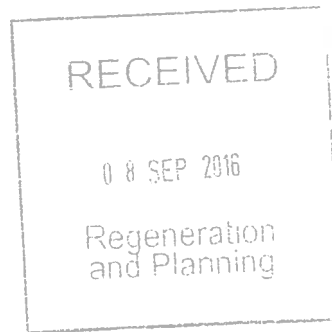
15/01449/FULC



**LRM**  
PLANNING  
LIMITED

08 September 2016  
Our Ref: SC/15.130

Mrs Y.J Prichard  
Planning Department  
Vale of Glamorgan Council  
Dock Offices  
Barry Docks  
Barry  
Vale of Glamorgan  
CF63 4RT



Dear Mrs Prichard,

**LAND AT NORTHCLIFFE LODGE, NORTHCLIFFE DRIVE, PENARTH, VALE OF GLAMORGAN  
THE TOWN & COUNTRY PLANNING ACT 1990 (AS AMENDED)  
PLANNING REFERENCE: 2015/01449/FUL**

I refer to the above planning application and write further to your email dated 26<sup>th</sup> August 2016.

I write enclosing copies of the following information which is referenced within the text below.

Document Name	Author	Reference/Date
Indicative Site Section C-C	Loyn & Co	1321/S302RevA
Proposed Ground Floor Plan (Block A)	Loyn & Co	1321/S203RevB
Proposed Ground Floor Plan (Block B)	Loyn & Co	1321/S204RevB
Proposed Ground Floor Plan (Block C)	Loyn & Co	1321/S205RevB

I set out below the applicants' response on the final issues recently raised, as detailed within your email referenced above. To assist your appraisal, I have set out below the main points raised under the following headings;

#### Highways

It would appear that we have previously satisfied Officers on a number of the points raised within their most recent memo dated 18<sup>th</sup> August 2016, but for completeness, I set out below our position on each point raised in turn.

Proposed car parking (size of spaces) - I note that this point has been accepted/addressed.

Means of access to 'Northwood' apartment's car park - the changes proposed to the existing parking area are detailed on the proposed plans previously submitted and so it is not clear what this comment could relate too. If this is a reference to the existing access onto Paget Terrace, then this is also shown on the site location plan but is not proposed to be altered.

Visitor spaces - as previously explained, we have a total of six visitor parking bays proposed within the site. This is in addition to the dedicated/allocated provision for the proposed units. It is our view that the four visitor bays located along the spine road are within a comfortable walking distance of both blocks A & B, with two further visitor spaces located within the main parking courtyard to serve block

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C. These lay-by spaces are suitably sized and positioned to avoid conflict with the operation of the proposed access road, as demonstrated within the tracking drawing referenced above.

Tracking of access road (refuse vehicle and domestic vehicle) -you will be aware that this information (Drawing no. 15025-105RevB) was issued to you on 16<sup>th</sup> June 2016. A number of conversations have subsequently been held with Officers to explain that the shared surface highway proposed is in excess of the minimum carriageway width (6.8m) that the Highway department will usually accept; our proposal shows a carriageway width of 7.3m. The submitted drawing demonstrates that a refuse vehicle and a domestic vehicle can pass along the length of access road without conflict, whilst sufficient manoeuvring space has been provided within the site to ensure that the refuse vehicle can enter and egress the site in a forward gear.

Notwithstanding the above, it should be noted that the proposed access road and courtyard, together with the refuse/recycling collection arrangements, are to be retained in private ownership and managed privately. As such, whilst refuse/recycling collection is likely to be limited to no more than one or two visits per week, the timing of the trips and precise type of collection vehicles used will be carefully considered in order to minimise any potential for conflict and/or disruption to residents.

Proposed site access -the angle of the proposed access onto Paget Terrace is considered to be suitable, offering a similar design solution/approach to the existing access located immediately to the east. The proposed design has been favoured due to the satisfactory visibility achieved, topographical constraints and desire to retain as many of the existing trees as possible; it should be noted that a perpendicular design would require the removal of additional trees which we have attempted to avoid/limit.

Pedestrian barrier detail (spaces 19 & 20) -I can confirm that the applicant has no objection to this suggestion. It is however assumed that such a matter of detail could be secured by way of a condition.

Land stability -you'll be aware that a Slope Stability Assessment, prepared by Terra Firma (Wales) Ltd has been carried out to consider land stability and accompanies the application. Terra Firma are both suitably qualified and have knowledge and first-hand experience of the immediate area. Further information is provided immediately below.

**Land stability (further investigation)** - Terra Firma (Wales) have confirmed that a further programme of site investigation works and analysis will be required in due course. This work will help to inform the final technical design, verify the precise foundation solution and ensure that the stability of the site and adjoining areas are not adversely affected. It has been explained that the nature of this work, coupled with the site access constraints, will necessitate the further site investigation works to be started following the demolition of Northcliffe Lodge and completion of necessary tree/scrub clearance. These works will however be completed prior to the commencement of any construction work of the apartment blocks. It is anticipated that precise details of the site investigation work to be carried out will be secured via the imposition of a suitably worded condition.

#### **Neighbouring amenity/external ramped path**

In response to the concerns that have been raised about the proposed external ramped path I enclose amended details which I trust will further assist your appraisal. This information includes amended floor plans and site section which I submit on an informal basis.

In reviewing this aspect of the design Loyn & Co have reviewed the topographical survey including the site boundary and existing ground levels. The amended design includes for a more compact but functional design which, coupled with a slight increase in footpath gradient and subsequent drop in levels, will limit any potential impact upon the neighbouring property. The amended design should in fact offer some improvement to privacy over the existing situation given the location of the existing parking area for Northcliffe Lodge, the reduced levels and increased separation of the boundary. It should be noted that both existing and proposed planting have been removed from the sectional drawing to aid legibility. The applicant is however willing to include for additional planting to the rear of the pedestrian link and also renew the boundary treatment where required. On this later point I am aware





15/0/449/FUL C<sup>1</sup><sub>3</sub>

that the neighbouring resident would like confirmation that no pedestrian access will be available between the site and Northcliffe Drive. I can confirm that the applicant has no intention to form an access. It would therefore seem appropriate for a condition to be imposed which clarifies the precise boundary treatment so as to address these matters (both access and provision of a suitable means of enclosure).

You might be aware that in addressing these points we have been liaising with the neighbouring resident directly, providing her with a copy of the information supplied herein. From a conversation held this morning I understand that the resident is now happy with the revised proposals and accordingly she intends to withdraw her object.

I trust that this is of assistance and addresses all outstanding issues. As previously discussed, the applicant wishes for this application to be presented to the next available planning committee scheduled for 6<sup>th</sup> October and I trust that this submission will allow you to complete your report prior to the deadline next week. Should you require any further clarification or information in the meantime, please do not hesitate to contact me on 02920349737 or 07833461425.

Yours sincerely,



Sam Courtney

Director

Enc.

CC. Jon Shields, Celtic Developments (Penarth) Ltd

