

Reeves Retail Planning Consultancy Ltd

Mrs Y J Prichard
The Vale of Glamorgan Council
Planning Department
Dock Office
Barry
CF63 4RT

21st June 2017

7 Carmarthen Road
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Tel: [REDACTED]
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Dear Mrs Prichard,

Re: Application 2017/00396/FUL – 75 Cardiff Road, Dinas Powys

I have been instructed by Mr H Evans of Nisa Local, Cardiff Road, Dinas Powys, to review the above planning application for the demolition of the existing former health centre building and construction of a retail unit with 2 self-contained flats above. The application also proposes new access, parking and refuse facilities.

Having undertaken this review, I have identified a number of short-comings with the application submission itself. Also, my assessment of the proposed development is that it would be contrary to planning policy for a number of reasons set out below.

For these reasons, Mr Evans and the following local businesses wish to object to the current application.

Mr H Evans – Nisa Local, Cardiff Road, Dinas Powys
Ms T Billingham – La Dolce Vita, Cardiff Road, Dinas Powys
Mr W Burge – Pitstop Café, Cardiff Road, Dinas Powys
Mr H T Jones – Cardiff Road Pharmacy, Dinas Powys
Ms K Davey – c/o Texaco Petrol Station, Cardiff Road, Dinas Powys
Ms K Laburn – Bank of Flowers, Cardiff Road, Dinas Powys
Mr M Baker – c/o Peter Mulcahy, Cardiff Road, Dinas Powys
Mr A Sultan – Miah's, Cardiff Road, Dinas Powys.

Introduction

As you will be fully aware, whilst there is a presumption in favour of sustainable development (PPW, para 3.1.3), Section 54A of the Town and Country Planning Act 1990 and Section 38(6) of the Planning and Compulsory Purchase Act 2004 require that planning applications should be determined in accordance with the approved or adopted development plan for the area, unless material considerations indicate otherwise. Material considerations could include current circumstances, policies in an emerging development plan and planning policies of the Welsh Government.

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In this case the current development plan for the Vale of Glamorgan is the Adopted Unitary Development Plan 1996-2011 (UDP). However, on the 25th May 2017 the Council received the Inspector's Report on the Examination into the Vale of Glamorgan Local Development Plan (LDP). The Inspector concluded that, subject to the changes set out in Appendices A to C of his Report, the Vale of Glamorgan Local Development Plan 2011-2026 is sound.

On this basis I consider that the policies in the LDP (as amended) are a significant material consideration in the determination of the above application and thus these policies have formed the basis of my assessment of the proposal.

The Site

The application site is located on the northern side of the A4055, the main road through Dinas Powys. The road is known to be exceptionally busy and congested at many periods of the day and the area experiences many environmental problems as a result.

The site is also close to the major junction with Murch Road and to the Dinas Powys Primary School, as well as established residential areas. Importantly from a retail planning policy perspective it is located outside of the defined Cardiff Road Local Centre.

Shortcomings of the Submission

In reviewing the application as submitted, I consider there are a number of important errors and/or omissions in the submission, the result of which means the application cannot be properly assessed against planning policy.

Given it is the applicant's responsibility to demonstrate that a proposal accords with policy, I consider that there are sufficient grounds for the refusal of the application on this basis alone and in particular note that:

- The Access Statement accompanying the application refers to planning policies within the adopted Cardiff City Local Plan and does not assess the proposal against the development plan for the Vale of Glamorgan as required;
- There is no information provided on the effect of the proposed development on the highways network either as a result of customers using the site or in relation to deliveries;
- There is no justification for the development of new retail floorspace in an out-of-centre location;
- There is no information provided to indicate that the impact on nearby residential properties will not be adverse, in terms of noise and disturbance, privacy and residential amenity;
- There is no information provided on existing or proposed noise levels and thus there is nothing to indicate the acceptability of the proposed retail trading hours of 0700 to 2300 daily; and
- There is no flood consequences assessment provided despite the application form recognising that the site is within Flood Zone C1.

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Policy Assessment

In addition to the above omissions, a review of the LDP, as it is proposed to be amended, suggests that the proposed development is contrary to a significant number of LDP objectives and policies. These include, but may not be limited to:

- **Objective 2** which seeks to ensure that development in the Vale makes a positive contribution towards reducing the impact of the adverse effects of climate change. Instead the proposal does not justify development on a site within a C1 floodzone. It also does not consider the impact of increased vehicular emissions as a result of increased congestion in the vicinity;
- **Objective 6** which seeks to reinforce the vitality, viability and attractiveness of the Vale's retail centres, as the proposal is located in an out-of-centre location and no information is provided on the need for the additional floorspace, nor has a sequential approach to development been adopted;
- **Policies MD 1(4) – Location of New Development** and **Policy MG 4 – Affordable Housing**, as no provision appears to be made for the delivery of affordable housing or a contribution towards it;
- **Policy MD 2 – Place Making Design of New Development**. In particular I consider the proposal fails to comply with (1) as the design does not positively contribute to the context and character of its surroundings; (2) as the design does not respond appropriately to the local context and character of the neighbouring buildings; (6) as it would have an unacceptable impact on highway safety and exacerbate existing traffic congestion; (8) as it would adversely affect residential amenity particularly in relation to noise and disturbance; and (11) as the proposed facilities for the collection and recycling of waste materials are unlikely to be satisfactory;
- **Policy MD 5 Development Boundaries**, as the proposal is contrary to (3) as it does not respect its immediate setting and (6) as it would have an unacceptable impact on the amenity of the amenity and character of the area by way of additional noise, traffic and parking;
- **MD 8 – Environmental Protection** as the proposal will have an unacceptable impact on people and residential amenity, particularly from (4) namely noise, vibration, odour nuisance and light pollution;
- **Policy MG12 – Retail Hierarchy** which, inter alia, identifies the extent of the local and neighbourhood centres in Dinas Powys; and
- **Policy MG 13 – Edge and Out of Town Retailing Areas**, as it has not been demonstrated that there is a need for the proposed retail floorspace and that it cannot be provided within an existing centre, or that the impact will be acceptable.

Conclusions

As a result of the above, my client and the business representatives listed above, strongly request that the current application be refused.

Finally, could you please keep me advised if the application is to be determined either by the Planning Committee, or is being recommended for approval under delegated powers, as my client may wish to make



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further representations.

Yours sincerely



Christine Reeves BSc(Hons) Dip TP MRTPI

Director