

Date/Dyddiad: 24 November 2020

Ask for/Gofynwch am: Mr. Robert Lankshear

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Your Ref/Eich Cyf:

My Ref/Cyf: P/DC/RL/2020/01170/OUT

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Miss Emma Harding
Unit 9
Oak Tree Court
Cardiff Gate Business Park
Cardiff
CF23 8RS

Dear Emma,

Town and Country Planning Act, 1990 (as amended)
Planning Application Reference: 2020/01170/OUT
Location : Land at Upper Cosmeston Farm, Lavernock Road, Penarth
Proposal : Outline application for residential development, a primary school, community space and public open space with all matters reserved other than access

I write to you with regards to the above application, to set out the Council's position regarding the planning obligations required to meet the needs associated with this development, which the Council seek to secure via a Section 106 Agreement.

LDP policies MG4 and MD4, in addition to the Council's Affordable Housing and Planning Obligations Supplementary Planning Guidance (SPGs), provide the local policy basis for seeking affordable housing and 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 SPGs is are available to view/ download at : -
<http://www.valeofglamorgan.gov.uk/Documents/Living/Planning/Policy/SPG/Planning-Obligations-SPG-2018.pdf>

<https://www.valeofglamorgan.gov.uk/Documents/Living/Planning/Policy/SPG/Amended-Affordable-Housing-SPG-2018-Web.pdf>

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
- Sustainable Transport
- Education
- Public Open Space
- Community Facilities
- Public Art (1%)

I shall take each matter in turn below.

Affordable Housing

Technical Advice Note 2: Affordable Housing defines ‘affordable housing’ for the purpose of the land use planning system as housing where there are secure mechanisms in place to ensure that it is accessible to those who cannot afford market housing, both on first occupation and for subsequent occupiers. Affordable housing includes:

- Social rented housing;
- Intermediate housing.

Social rented housing is housing that is provided by local authorities and registered social landlords. Intermediate housing is that where prices or rents are above those of social rent but below market housing prices or rents.

LDP Policy MG4 requires residential developments to contribute to meeting the affordable housing need. The adopted Affordable Housing SPG sets out how affordable housing is calculated.

The site falls within the settlement boundary of Penarth and thus should deliver 40% affordable housing. Based upon a net gain of 576 dwellings, the site should deliver 231 affordable dwellings.

The 2019 Local Housing Market Assessment (LHMA) determined that 890 additional affordable housing units are required each year to meet housing need in the area. The need is further evidenced by the following figures from the council’s Homes4U waiting list in the area in the wards of Sully, Penarth and Llandough:

Penarth/Llandough & Sully	
1 BED	519
2 BED	289
3 BED	119
4 BED	24
5 BED	3
6 BED	1
	955

There are also many people on the Aspire2Own waiting list for assisted home ownership properties in Sully, Penarth & Llandough:

PENARTH/ LLANDOUGH & SULLY	
1 bed	5
2 bed	34
3 bed	37
4 bed	4
	80

The Council will require the affordable housing tenure to be provided at a ratio of 70% social rented (162 units based upon 576 units) and 30% intermediate, i.e. assisted home ownership (69 units based upon 576 units) consistent with the local housing needs identified in the Council's 2019 LHMA.

It is acknowledged that the application documents indicate that the affordable housing provision delivery at this site would be 50% of the dwellings provided through the application. Our Housing Strategy section have advised us, in their comments attached, that any additional provision should be for social rented accommodation given the evidenced acute need for this tenure, resulting in an additional 58 social rented units.

Based upon 50% and reflecting Housing Strategy's comments above the mix should be reflective of the housing need data - mix of approximately. 40% 1 bed units (88), 44% 2 bed units (97), 15 % 3 bed units (33) and 1% (2) 4 bed units for social rented properties and 25% 2 bed units (18), 62.5% 3 bed units (43) and 12.5% 4 bed units (8) for assisted home ownership.

Please can you provide clarification with regard to your intention for this additional provision and whether this would meet the suggested mix and tenures as detailed above.

In order to facilitate greater social mix and enable a greater variety in building form and design, as part of any future reserved matters the different types of affordable houses should be designed to DQR standard and dispersed about the site, in clusters of no more than 10 dwellings.

Sustainable Transport

Increasing importance is enshrined in local and national planning policies emphasising the need for developments to be accessible by alternative modes of transport than the private car.

Chapter 4 in Planning Policy Wales (PPW) (Ed 10) requires proposals to seek to maximise accessibility by walking, cycling and public transport to key locations, by prioritising the provision of appropriate on-site infrastructure and, where necessary, mitigating transport impacts through the provision of off-site measures, such as the development of active travel routes, bus priority infrastructure and financial support for public transport services.

Further, national policy contained within Technical Advice Note 18 'Transport' (March 2007) Paragraph 9.20 allows local planning authorities to

use planning obligations to secure improvements to the travel network, for roads, walking, cycling and public transport, as a result of a proposal.

For the provision and/or enhancement of off-site sustainable transport facilities and having regard to the cost of providing sustainable transport infrastructure and services as set in the adopted Planning Obligations SPG, the Council requires **£2,300 per residential unit** (£1,324,800 based upon 576 dwellings). This would be used to make improvements such as:

- To facilitate the extension of local cycling facilities including NCN88 and shared footway cycling facilities along Lavernock Road towards Sully
- Provision of Next Bike Facilities
- Improved lighting and infrastructure along Railway Walk connecting the site to Penarth Town Centre to the North
- Improved bus services and stopping facilities adjacent to the site including on Lavernock Road
- Bus shelter upgrades to Lavernock Road and along services connecting the site;
- A trial to increase the frequency to bus services in the area, to reflect the increased number of dwellings; and
- Contribution towards community transport

Education

All new residential developments which are likely to house school aged children create additional demand on places at existing schools. PPW (ed. 10) emphasises that in order to achieve a “More Equal Wales”, development should promote access to services like education. PPW recognises that education is crucial for the economic, social and environmental sustainability for all parts of Wales.

The Council’s formula for calculating pupil demand is contained within the Planning Obligations SPG, and indicates that based on the construction of 576 dwellings (not including circa 88 x 1 bed units based on Housing Strategy comments above in relation to 50% affordable housing provision), it is anticipated to yield the following number of children:

- Nursery – $488 \times 0.1 = 49$ children
- Primary – $488 \times 0.278 = 136$ children
- Secondary (11 to 16 yrs) – $488 \times 0.208 = 102$ children
- Secondary (post 16) - $488 \times 0.04 = 20$ young adults

Nursery and Primary

The existing schools serving this site are Evenlode Primary for EM (86%), Ysgol Pen Y Garth for WM (11%), St Josephs for RC (3%). In addition to the above in terms of English Medium Provision, Penarth is heavily subscribed in terms of demand for school places and therefore the allocated school site will be essential to meet demand for school places in the area.

English medium level

No existing or projected capacity overall to accommodate children emanating from the development at Evenlode Primary School or other

schools. Requirement for 42 Nursery and 117 primary age children at a cost of £18,249 per place totalling £2,901,591.

Welsh medium level

There is spare capacity at Ysgol Pen Y Garth at primary level but not at nursery level. Requirement for 5 nursery places at £18,249 per place totalling £91,245

Denominational level

No projected capacity overall to accommodate children emanating from the development at St Joseph's RC Primary School. Requirement for 2 Nursery and 4 primary age children at a cost of £18,249 per place totalling £109,494

Total nursery and primary school S106 requirement: £3,102,330

Nursery and Primary School allocation

As you will be aware Policy MG6 in the adopted Local Development Plan (2011-2026) allocates land for a new nursery and primary school at land at Upper Cosmeston Farm, Lavernock (1.0 hectares). This is required as a minimum to meet the increased demand for school places as a direct result of new housing and associated population growth during the plan period in this area. A site for 1.8 hectares for a 2 form entry primary school, is shown on the masterplan in an addition of 0.2 hectares of community sports pitches – a 2 hectare site in total. This is welcomed by the Local Education Authority (LEA) as detailed within their comments attached, not only to meet increasing pupil demand, but to meet legislative requirements including SUDs, to provide future expansion opportunity owing to constrained nature of existing facilities and also for outdoor learning sports and recreation.

The LEA request that the land is transferred in a clean condition within the initial stages of the development, with appropriate fencing, levels, top soil, seed and connection to utilities, to be secured via the S106 Agreement.

Secondary Level

The current proportional split per educational sector for secondary and sixth form school aged children in this area is 93% English Medium, 6% Welsh Medium and 1% RC. Development linked to Stanwell for EM, Ysgol Bro Morgannwg for WM and St Richard Gwyn for Denominational.

English medium level

No projected capacity overall to accommodate pupils emanating from the development. S106 Requirement for 95 (11-16) pupils at £27,498 per place totalling £2,612,310 and 19 (16 – 18) secondary age pupils at £29,823 per place totalling £566,637. Total requirement for the two age ranges £3,178,947.

Welsh medium level

No projected capacity overall to accommodate pupils emanating from the development. S106 Requirement for 6 (11-16) pupils at £27,498 per place

totalling £164,988 and 1 (16 – 18) secondary age pupil at £29,823 per place totalling £29,823. Total requirement for the two age ranges £194,811.

Denominational

No S106 requirement as there is sufficient capacity to meet demand.

Total secondary school financial S106 requirement £3,373,758

This amounts to a total financial contribution for the development of **£6,476,088**, in addition to the transfer of the school site as detailed above.

School transport

As set out in the Planning Obligations SPG, developers are expected to meet the initial cost of this additional pressure on school transport (for 3 years). We are currently awaiting feedback from our Active Travel colleagues and I will provide detail of their comments and of any required contribution within future correspondence.

Public Open Space

Residential developments are expected to make provision for Public Open Space and/or recreational facilities to meet the needs of the future population they will bring to the area. Open space offers vital opportunities for sport and recreation, and also acts as a visual amenity.

TAN 16: Sport, Recreation and Open Space (2009) states "*Planning conditions and obligations (Section 106 Agreements) can be used to provide open space, sport and recreational facilities, to safeguard and enhance existing provisions, and to provide for their management*".

Policy MG28 requires that 1 ha of the site be developed as public open space, and this allocation of open space is in addition to the requirements set out in the SPG (see supporting text at page 177 of the LDP). In addition to that, and based upon 576 dwellings, there would be a need for 3,341 m² of equipped children's play space and 7,350 m² other children's play space. There would ordinarily be a requirement for 21,381 m² of outdoor sports space, however, the site falls within the Sully ward (and is adjacent to the Plymouth ward) and both have a surplus of outdoor sports space currently.

Whilst the application is in outline, it is important to secure a layout that specifies the type and amount of space to be provided and strategic open space should be located relatively centrally to best serve the development, and it should be easily accessible for existing residential areas.

The submitted layout indicates that 1 x NEAP, 3 x LEAPs and 4 x LAPs are provided within the development, that would appear to comply with the above policy requirements. Additionally open space is proposed within the submitted illustrative masterplan along the linear park towards the north-east of the site and within the additional land to the southern edge of the site adjacent to the attenuation ponds.

I acknowledge that the NEAP has been relocated more centrally within the site compared to previous iterations of the plan. However, as discussed at

our meeting this morning, there is concern with regard to the location and lack of natural surveillance of a number of these spaces, resulting in them appearing somewhat peripheral in the proposed layout and potential issues with regard to their usability. There is also concern with regard to the location of the LEAP immediately to the rear of properties adjacent to the north-east of the site and query whether this could be provided within the linear park proposed or accommodated within any amended layout to incorporate the Wales Coastal Path as discussed.

Where the Council is agreeable, developers may transfer areas of public open space required to serve the new development to the Council for adoption and future maintenance. Where this is to be the case, the land will be transferred to the Council free of charge and a commuted sum will be calculated to ensure the adequate maintenance of the land, to the specifications of the Council, for a 20 year period. In such cases, developers should enter early discussions with the Council.

If developers do not intend to offer open space areas for adoption, the Council will need to be satisfied that alternative arrangements have been made for their long-term maintenance by, for example, the establishment of a sufficiently resourced management company responsible for their upkeep.

Community Facilities

Community facilities are important for meeting a range of social needs and must be provided locally to serve the needs of the local community and reduce the need to travel. All new residential developments place pressure on existing facilities.

PPW (Ed 10) recognises the importance of community facilities, and recognises that they “perform various functions which cover a broad range of activities and services that can be delivered by the public, private and third sectors. Community facilities contribute to a sense of place which is important to the health, well-being and amenity of local communities and their existence is often a key element in creating viable and sustainable places. They can include schools, cultural facilities, health services, libraries, allotments and places of worship.”

The supporting text to LDP Policy MG2 states that 0.1-0.2 hectares of land shall be allocated for a community facility. I acknowledge that a community 7 a side pitch is shown to the south-west of the site and that the submitted documents indicate that this could be combined with the school use. Please can you provide clarification if such facilities would be managed by the school or would they be standalone? I also note that allotments and outdoor gym are provided within the proposal and a suggestion of community space at ground floor level of the proposed flatted blocks at Limestone Square. Would the intention be to provide these in addition to the community sports pitch noted above?

Public Art

Technical Advice Note (TAN) 12 ‘Design’ (March 2016) Section 5.15 recognises the importance role of public art, in creating and enhancing “*individuality and distinctiveness*” within a development, town, village and cities.

Public Art can bring distinctiveness and material and craft quality to developments, enable local people to participate in the process of change and foster a sense of ownership. It is therefore an important part of achieving design quality.

The Council's adopted SPG on Public Art in New Development 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.

Public art should be considered early in the design process and be integral to the overall design of a building, public space or place. The choice of artists and the nature of subsequent work should be the subject of full collaboration from the outset between the artist, the local community and professionals involved in the design process. This is in accordance with TAN 12, paragraph 5.15.4. Further advice is available within the adopted Public Art in New Development SPG.

I note that the submissions indicate that public art may also form part of the ecological mitigation strategy to provide a dormouse bridge across the proposed road into the site. Although full details of this would be considered with any subsequent submissions, any such proposal would need to be evidenced to be fully effective in both roles and not compromised in either form.

Planning Obligations Administration Fee:

In addition to the above and separate to any obligation, the Council requires the developer to pay an administration fee to monitor and implement the terms of the Planning Obligations. This fee covers the Council's costs to negotiate, monitor and implement the terms of the necessary Section 106 Agreement.

This cost is essential because the additional work involved in effectively implementing a Section 106 Agreement is not catered for within the standard planning application fee, and the above planning obligations are considered necessary and essential for the development to be appropriately mitigated against. Therefore, the developer is reasonably expected to cover the Council's costs in this regard.

In this regard, 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.

Please note, as the application is in outline, any Section 106 Agreement would be drafted in a way that reflects the obligations "per dwelling", rather than set provision. I would be grateful if you could consider the above, and advise whether you are agreeable to the planning obligations required to meet the needs of your development proposal? Please provide comments within 14 days.

Yours faithfully

Mr. R Lankshear
for Operational Manager Development Management