



MARKETING BRIEF

**The Kymin
Beach Road
Penarth
CF64 1JX**



99 YEAR LEASE OPPORTUNITY

1. INTRODUCTION

1.1. The Vale of Glamorgan Council (“the Council”) wishes to **invite bids** from parties who are interested in taking a 99 Year lease of the The Kymin, Penarth (“the Property” identified in **Appendix A**).

1.2. Given the location of the property and the opportunities it could offer to both its local community and the wider community of the Vale of Glamorgan, priority will be given to those uses identified in the **Planning Statement contained at Appendix B**, which include:

- Appropriate Community uses
- Tourism related uses
- Appropriate office uses

2. PURPOSE

The purpose of this Marketing Brief is to provide the following important background information to assist bidders prepare the information required for a successful bid:

- **Context & Description;**
- **Possible range of uses (subject to any necessary planning consents for change of use);**
- **Bid Submission Material, Deadline & Address for Submitting Bids;**
- **Selection of Preferred Bidder & Weighted Scoring Criteria;**
- **Method of disposal;**
- **Summary of Working Assumptions for Bidders;**
- **Separate Planning Process;**
- **Contacts; and**
- **Disclaimer.**

2.2. This Marketing brief is produced for guidance only.

3. Property Context & Description

3.1. The boundary of the Council owned Property included in this opportunity is indicatively identified **edged red** on Boundary Plan (**Appendix A**). However, In the event that a bid emerges that does not require elements of the proposed curtilage, then a reduced area proposal could be considered. **Bidders should note however, that there will be no opportunity to increase the land area and any submitted bids which require additional land to that highlighted in the boundary plan at Appendix A, will be deemed uncompliant and will be discounted.**

The Vale of Glamorgan

3.2. The Vale of Glamorgan is Wales' most southerly Unitary Authority, lying west of Cardiff between the M4 and the Severn Estuary and covering 33,097 hectares, of which approximately 85% (28,132 hectares) is agricultural land. The Vale of Glamorgan has 53 kilometres of coastline, of which 19 kilometres is designated as Heritage Coast. Its neighbouring authorities are Bridgend County Borough Council to the West, Cardiff Council to the East and Rhondda Cynon Taf County Borough Council to the North.

Penarth

3.3. Penarth is a town and community in the Vale of Glamorgan, approximately 4 miles (6.4 km) south-southwest of Cardiff city centre at the Southern end of Cardiff Bay. Penarth is an affluent seaside resort in the Vale of Glamorgan.

3.4. During the Victorian era Penarth was a highly popular holiday destination, promoted as "The Garden by the Sea". The town retains extensive surviving Victorian and Edwardian architecture in many traditional parts of the town.

The Property

3.5. The original two storey house was built circa 1800. The south elevation overlooks a lawn which has views of Penarth Pier and the Bristol Channel.



The main building accommodation consists of a two storey building comprising a kitchen and cloakrooms together with a number of rooms previously used as meeting rooms/offices with favorable aspects to the south through Bay Windows.



Conservation Area and County Treasure Status

The Kymin Gardens are considered one of several important open spaces within the Penarth Conservation Area and as such the remainder of the grounds in the Council's ownership are planned to be retained for continued public access. Kymin House itself is not listed, but is identified as a "County Treasure".

The Council is seeking to ensure that any future uses of the Kymin and its gardens respect its "County Treasure" status, preserve or enhance the Penarth Conservation Area, and are sensitive to the amenity of the neighboring residential areas.

The presumption, therefore, will be that the building is retained by the successful bidder and any bids proposing demolition of the building will not be considered favourably. However, partial demolition of some parts of the building may be permissible if it protects or enhances the integrity and character of the building as a whole, recognising its status as a locally listed County Treasure within the Conservation Area. You should seek pre-application advice from the Local Planning Authority in this regard.

The grounds included in the lease opportunity are indicatively highlighted in the plan attached at Appendix A and extend to circa 1.2 acres.

Access and Parking

The Building and surrounding gardens are served via two access points; the "western" access for entry and the "eastern" for exiting the site.





Adjoining the buildings and alongside the lawn there are areas for car parking.



Bidders are recommended to read the Planning statement at Appendix B which provides additional information relating to Highway entry and exit considerations etc.

Position

The property benefits from an elevated position in the Penarth seafront or Esplanade area. Around the main front lawn are two patios/terraces which give uninterrupted views toward the Pier and across the Bristol Channel.



To the north of the site there are two outbuildings which are included within the lease opportunity. One has a roller shutter door and has been used as storage previously and the other a former public convenience.



EPC

The Kymin has an EPC rating of E. A copy of this is available on request.

Business Rates

The current rateable value of the property is £6,000.

General Heads of Terms of the Lease

3.6 Responsibilities and Undertakings of the Tenant

Plans and specifications for the building's alterations are to be approved in writing in advance by the Vale of Glamorgan Council as landlord and in the separate capacity as Local Planning Authority as part of any Statutory planning process.

3.7 Right of renewal

The lease will not be subject to sections 24 – 28 of the Landlord and tenant act 1954 and will therefore not have the automatic right to renew.

3.8 Repairing and other obligations

- The property is to be let on a full repairing and insuring basis. The successful bidder as ingoing tenant will be responsible for all internal and external repairs and maintenance to the property.
 - The Tenant will be responsible for complying with all current and future statutory compliance testing relating to Fire, Gas, Electric, water etc. and to maintain appropriate records with copies provided to the Landlord on request.
 - The Tenant must comply with the Health & Safety at Work Act 1974.
 - The Tenant will be responsible for maintaining a pest control contract for the Premises.
 - Fire appliances and emergency lighting are to be inspected annually and appropriate records maintained by the Tenant with copies provided to the Landlord on request.
 - The Tenant must undertake a fire risk assessment and have their equipment regularly checked for the presence of Legionella in accordance with Health and Safety Executive (HSE) guidelines. The tenant must maintain appropriate records to demonstrate compliance and make these available for inspection by the Council on request.
 - The Tenant will be responsible for providing at all times Building and Contents Insurance, Public Liability and Employers Liability Insurance.
 - The Tenant will make reasonable endeavours to clean graffiti from the interior and exterior of the Premises within 24hrs of discovery. If the Tenant is unable to remove or cover up graffiti, they must notify the Council.
 - The Tenant will provide and maintain an intruder and fire alarm service at The Premises and will be responsible for attending 'out of hours' alarm incidences. The Tenant will notify the Council of any alarm activations.
 - **Please note that the Council will be granted a permanent right of way across the leased area's access roads (in and out of the site), for vehicles/pedestrians in order to maintain and access its retained land. The Council will have the right to park and manoeuvre its maintenance**
-

vehicles over the leased area (precise location to be agreed with ingoing tenant).

3.9 Restrictions on the Tenant

No tobacco products are to be sold or consumed at the Premises.

The Tenant is to comply with all statutory requirements and in particular the current regulations relating to Covid-19 and any other future public health regulations.

The use of single use plastics is not permitted.

3.10 Consultation with Neighbouring landowner (The Council)

As the Council will be retaining land adjacent to the proposed leased area, it is important that a good working relationship can be established with any ingoing tenant for the good of both landowners and their customers/users. It will therefore be a condition of the lease that the tenant is to make available at least one senior member of staff to meet formally with the Council or its successor body/representative as required to promote good engagement and communication.

The standard agenda for these discussions will include the following items: Key updates by the parties (including forthcoming events), maintenance issues and compliance with statutory obligations, customer feedback, marketing, and any other business. The attending member(s) of staff should have day-to-day knowledge of the business' operation and decision-making responsibilities, including those with a financial implication.

3.11 Recovery of costs

- The Council reserves the right to recover from the Tenant any costs incurred arising from their action or inaction in accordance with the terms of the lease. The lease shall contain any other terms and conditions as the Council's solicitors consider necessary.

4. PLANNING

4.1. A planning statement is provided at **Appendix B**. The Council is keen to secure a tenant committed to provide and deliver a use in accordance with this statement for the local residents and wider area.

5. TITLE

5.1. The Vale of Glamorgan Council owns the **freehold interest** in The Kymin. Please see Legal title note at Appendix C. **A 99 year lease will be offered to the incoming tenant.**

6. Bid Submission Material, Deadline and Address for Submitting Tenders

6.1. Bidders will be required to submit a detailed bid comprising **(any bids not providing the information required will be deemed non-compliant and immediately excluded from the shortlisting process):**

- Financial bid identifying the purchase price etc;
- Outline Business Plan including timeline;
- Draft Design and Access Statement (if relevant);
- Economic, environmental and social regeneration benefits of the proposed scheme;
- A Community and Social Benefits Statement and Action Plan;
- Environmental Impact and Climate Change Statement, Including proposed Plastics Policy

6.2. Please note that bids should include the following information:

- I. **Identity of proposed Tenant** and contact details;
 - II. **Financial Bid proposal;**
 - III. **Confirmation that adequate funds are available** (i.e. proof of funding) to secure the purchase of the leasehold interest and proof of funding to deliver the proposal put forward. This should identify any sources of finance or funding (including a proposed reliance on grant funding);
 - IV. Your **solicitors'** name and full contact details;
 - V. You **must** state what conditions, if any, your bid will be subject to;
 - VI. You **must** outline your proposed **timescale for** proposed completion of lease and project delivery;
 - VII. **No bids to be expressed as a percentage figure of the bids of another party;**
 - VIII. The **Council is under no obligation** to accept the highest or any bid;
 - IX. It would be helpful if you could **outline your previous track record** in terms of running similar facilities; and
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- X. **Any indication of collusion** by the bidder with any other party will render the bid void.

Environmental Impact and Climate Change Statement

6.6 Bidders are asked to outline how their business plan will complement and aid the global effort to reduce Climate change and demonstrate their environmental credentials and also outline any proposals that will support and promote biodiversity.

Deadline and Address for Submitting Bids

6.6. The strict deadline for submitting tender bids is **12 Noon on Friday 9th April, 2021.**

6.7. The bid must be submitted in an envelope with the official Tender Label adhered titled on the outside **“The Kymin , Beach Road, Penarth Tender”**. The envelope must be securely sealed and must NOT bear any distinguishing matter or mark identifying the sender/bidder. For the avoidance of doubt **no bids will be accepted which have been submitted by e-mail. No bids are to be hand delivered.**

6.8. Bids should be submitted in full and in the aforementioned manner to:

**The Head of Legal Services,
The Vale of Glamorgan Council
Civic Offices
Holton Road
Barry CF63 4RU.**

6.9. The Council will **disregard bids** submitted late, sent to the wrong address or that are non-compliant or incomplete.

6.10. The Council is **not obliged to accept any bid**. Additionally, the Council is not bound to accept the highest financial bid and reserves the right to stop or alter the selection process at any time without any obligation for costs incurred by bidders. The time and cost incurred preparing a bid is wholly at the risk of the bidder and the Council cannot be held liable for such costs.

7. SELECTION OF PREFERRED BIDDER AND WEIGHTED SCORING CRITERIA

7.1. The Preferred Bidder will be selected following the Council reviewing and assessing each bid. The Council will score and rank each of the bids on the following basis:

- a. **Financial offer proposed 30%** based on the “Financial bid” submitted by the bidder; and
- b. **Economic, environmental and social regeneration benefits of the proposed scheme 20%** based on the quality of the proposal, the accessibility and range of facilities for the local community
- c. **Outline Business Plan 50%** How realistic the financial forecasts of operating costs and revenue are; level of investment into the business; also, the detail of any “added value” proposals; proposed staff structure; staff management; staff training; equal opportunity policy. Brand and marketing strategy.

7.2. The **Preliminary Programme / Timeline** will not be scored but **must** be included in the bid.

8. METHOD OF TENDER

8.1. The 99 year lease of the building is offered by informal tender. Bids received outside of the strict tender criteria set out in the foregoing paragraphs under “**Deadline and Address for Submitting Bids**”, will be disregarded.

9. SUMMARY OF WORKING ASSUMPTIONS FOR BIDS

9.1. As a working assumption, bidders should factor in the following, when preparing their bid:

- a) **Statutory Consents** – Any lease would be granted on the basis that the ingoing Tenant would be responsible for securing all statutory consents (e.g. planning and building regulations etc);
 - b) **Full repairing and Insuring lease** - Any lease would be granted on the basis that the ingoing Tenant would be responsible for all repairs, statutory services costs (such as electricity, water etc.), any rates liability, insurance obligations and any and all other outgoings incurred as a result of occupying the building throughout the term of the lease.
 - c) **Surveyor and Legal Fees** - The purchaser will be responsible for the Council’s surveyor’s fees and reasonable legal costs.
 - d) **Planning Fees** – the Preferred Bidder will be required to pay for any planning fees associated with any application for change of use if required.
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10. SEPARATE PLANNING PROCESS

10.1. The Council **strictly separates** the above selection process and its role as landowner from any planning application process and its role as Local Planning Authority. The Preferred Bidder is fully responsible for preparing submitting and securing planning permission for any change of use or other planning application for their proposed scheme (if required). **The selection of the Preferred Bidder does not in any way imply the council has granted or will grant planning permission.** Nor in any way fetters the Local Planning Authority in the exercise of its functions.

10.2. The selection of the Preferred Bidder by the Council as landowner does **not** imply the Council in its separate role as Local Planning Authority supports their bid submission.

10.3 It is a requirement that the Preferred Bidder enter into pre application discussions with the Local Planning Authority. Further advice on costs and the requirements for pre application advice can be found in the following link :

http://www.valeofglamorgan.gov.uk/en/living/planning_and_building_control/Planning/Planning-Applications/Advice-and-Guidance.aspx

10.4 As stated previously **Appendix B** sets out a short note on possible alternative uses (subject to any statutory or other consents required).

11. CONTACTS

11.1. If a potential bidder has any queries, please contact:

VOGC Strategic Property Contact:	VOGC Planning Contact
Ben Winstanley Strategic Estates Manager, Property Dept. of Resources The Vale of Glamorgan Council Civic Offices Barry CF63 4RU	Victoria Robinson Operational Manager for Planning and Building Control The Vale of Glamorgan Council Docks Office Barry Docks Barry CF63 4RT
Tel. 01446 709176 Email: bwinstanley@valeofglamorgan.gov.uk	Tel. 01446 704661 Email: VLRobinson@valeofglamorgan.gov.uk

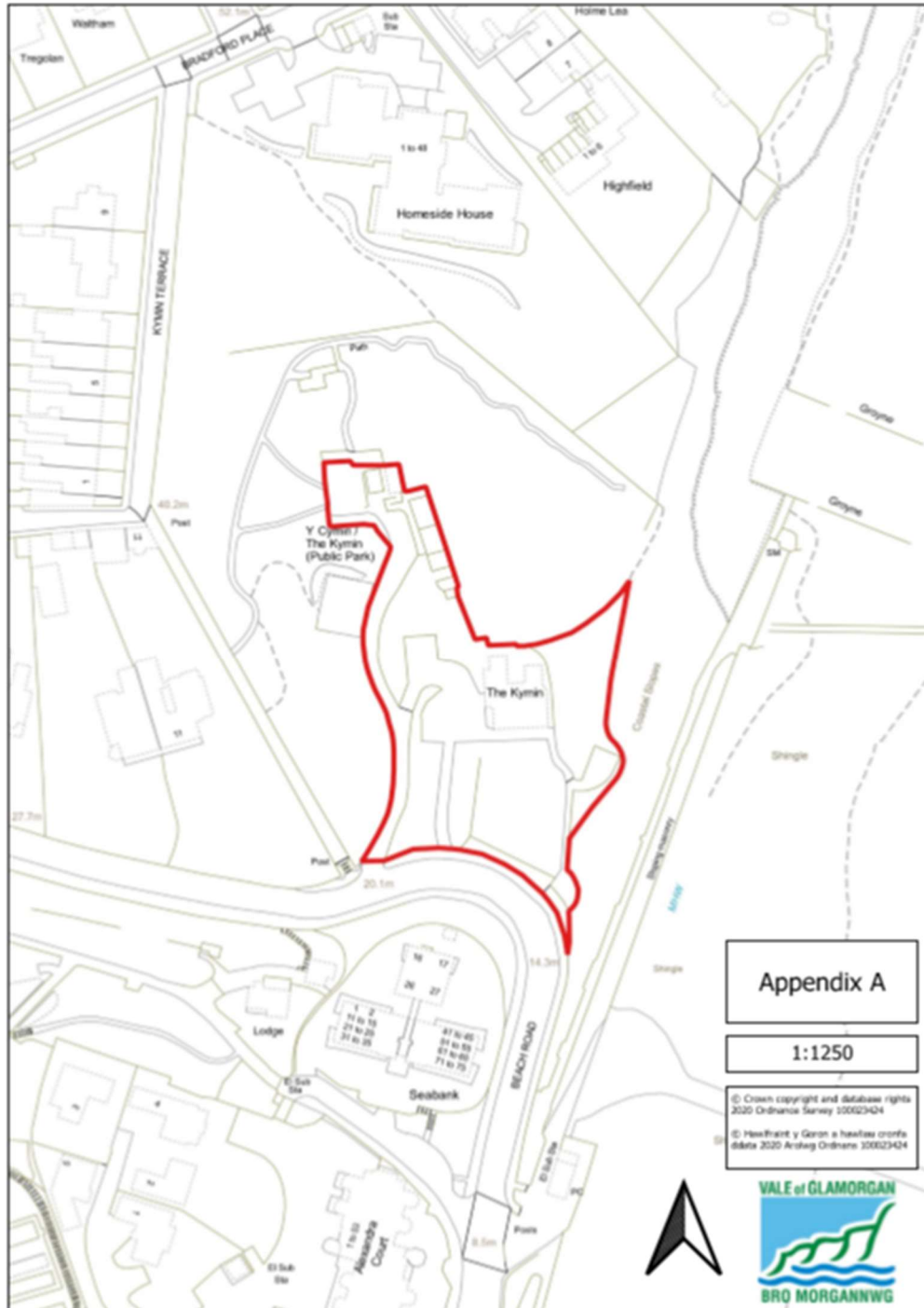
12. DISCLAIMER

12.1. Whilst every care has been taken in the preparation of this Marketing paper, the accuracy of its **contents cannot be guaranteed**. The contents **do not constitute any offer or contract** and have been prepared to assist proposed bidders in connection with the bid process.

12.2. The Council does not make or give and no person in its employment has the authority to make or give any representation or warranty in respect of this property or in respect of the accuracy or completeness of the information provided to bidders. Prospective bidders must satisfy themselves by inspection or otherwise as to the correctness of this paper and the information accompanying it.

12.3. The Council reserves the right to amend any part of this brief and shall notify bidders in writing of any such variation.

APPENDIX A: Indicative Boundary Plan



PLANNING STATEMENT THE KYMIN, BEACH ROAD PENARTH

OCTOBER 2020



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1. Introduction

- 1.1. The Vale of Glamorgan Council has decided to dispose of the Kymin House and part of the associated gardens in Penarth by way of a long lease and is marketing the property for expressions of interest.
- 1.2. Given the location of the building and the opportunities it could offer to both its local community and the wider community of the Vale of Glamorgan, it is proposed that the future use of the house and gardens will be limited to community, hotel and restaurant type uses.
- 1.3. The location of the Kymin and its extensive landscaped grounds is shown in red on the map (Figure 1) below. Figure 2 shows the extent of the land being marketed for lease.

FIGURE 1: SITE LOCATION

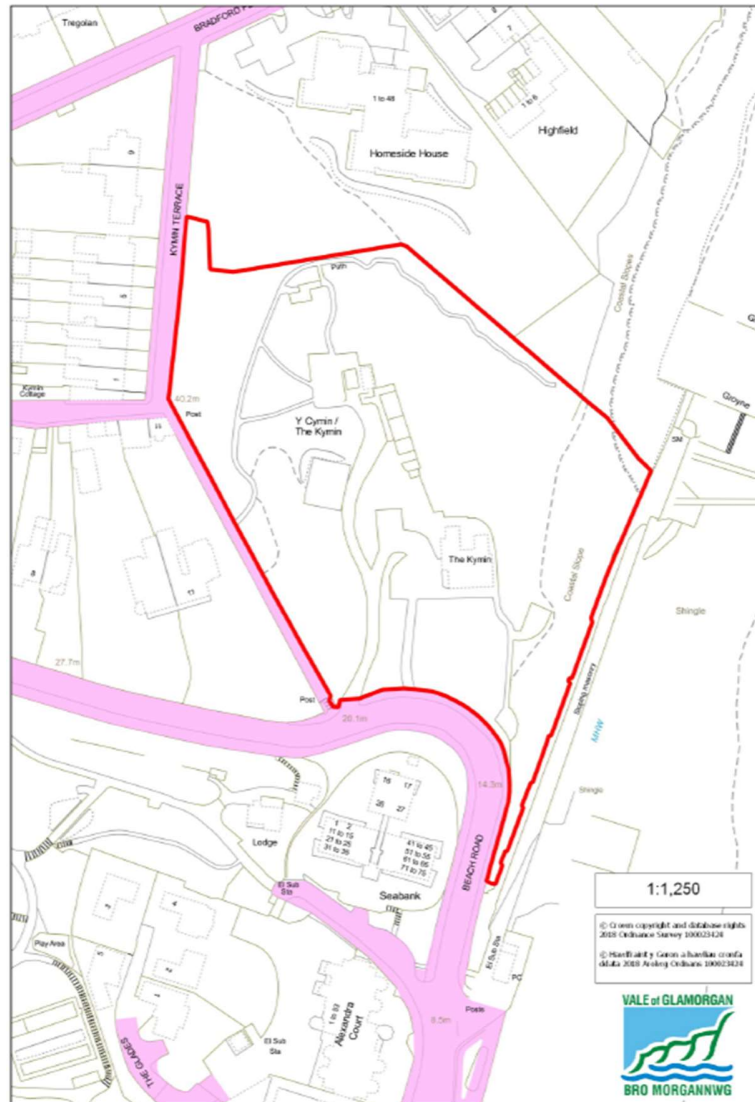
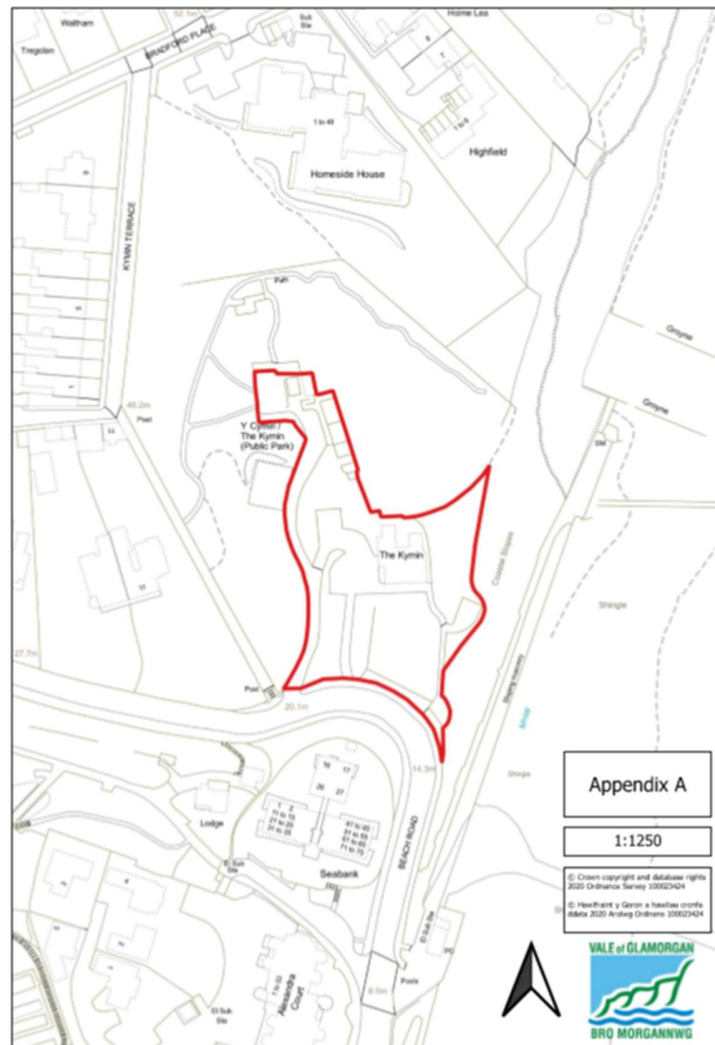


FIGURE 2: SITE AVAILABLE FOR LEASE



1.4. The purpose of this statement is to outline the planning considerations for the potential re-use of this site and to assist potential developers and investors to bring forward an appropriate form of development for the site by outlining:

- The current status of the site including the current use, the site context and opportunities and constraints that will influence the development;
- Planning and design guidance; and
- The Council's vision and key objectives for the future development of the site.

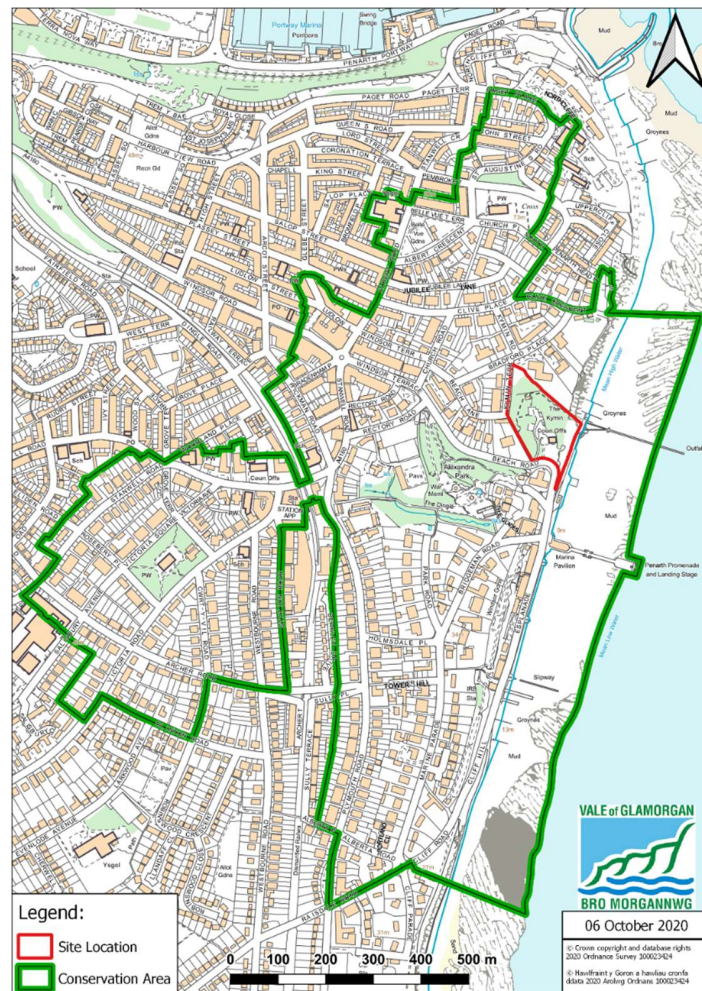
1.5. The statement does not seek to set out a definitive scheme that a proposal should reproduce but provides a framework to guide future developments by setting out the main planning principles on which any future proposals should be based.

2. The Site

- 2.1.1. The Kymin is a large Victorian house sited within approximately 2 hectares of mature gardens and public open space. Until recently the Kymin has been leased to Penarth Town Council, and has been used for a range of leisure activities, private hire for weddings and parties, as well as a meeting place for local organisations. The grounds have been developed for the use of the public as a public walk and pleasure ground and can also be hired out for private events.
- 2.1.2. Kymin House and gardens is located within the Penarth conservation area (see figure 3 below). The Penarth Conservation Area Appraisal and Management Plan (2011)¹ identifies the Kymin Gardens as one of several important open spaces within the Penarth conservation area. Kymin House is not listed but is identified as a “County Treasure” (no. 549). The presumption, therefore, will be that the building is retained for the benefit of the local area and wider community.

¹ https://www.valeofglamorgan.gov.uk/files/Living/Planning/Policy/County_Treasures/Penarth.pdf

FIGURE 3: MAP OF CONSERVATION AREA



- 2.1.3. The Council wish to lease the house and matured landscaped gardens of approximately 2 hectares (Figure 2 above). The remainder of the grounds are to be retained by the Council as public open space (Figure 4).

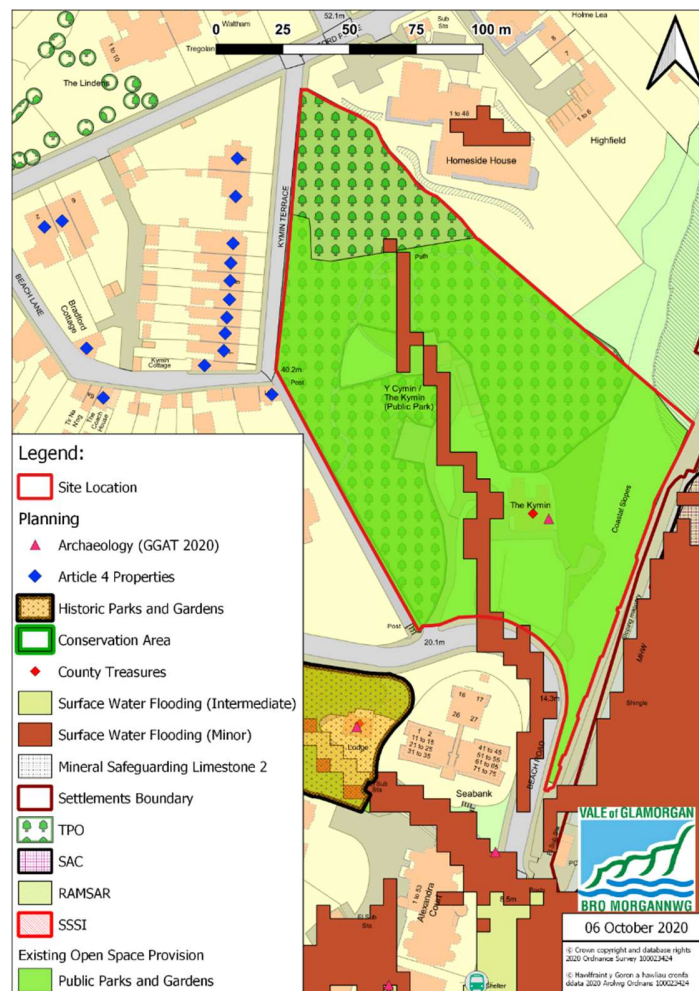
FIGURE 4: LAND TO BE RETAINED FOR PUBLIC OPEN SPACE (POS)



2.2. Site Constraints

- 2.2.1. There are several constraints within the site boundary. These will need to be considered as part of a future planning application and should inform new development proposals. Evidence would be required to demonstrate how the proposal has addressed these issues. Figure 5 illustrates the constraints both on and adjacent to the site.

FIGURE 2: SITE CONSTRAINTS





- 2.2.2. Surface Water Flooding is an issue on the site. The constraints map indicates that parts of the site is affected by minor surface water flooding which is associated with the hard-standing areas within the grounds of the Kymin.
- 2.2.3. There is a woodland Tree Protection Order (TPO) on the site which relates to the wooded area surrounding the building and hard standing. The TPO relates to land which would be retained as public open space and therefore, should not be affected. However, the wilful damage or removal of a protected tree either as part of development works or as tree works not associated with development is an offence under Sections 210 and 211 of the Town and

Country Planning Act 1990 (as amended) (TCPA) and the Council can prosecute those parties responsible for the damage or loss of the tree. Prosecution can result in significant financial penalties being incurred through the Courts. Most work to TPOs requires an application to approve the scheme. Further information on the implications of a TPO can be found in the Council's Trees, Woodlands, Hedgerows and Development SPG (2018)².

- 2.2.4. As previously noted, the existing Kymin building is identified as a locally listed building known as a County Treasure (ID.549 refers). The extract below is taken from the Council's County Treasures list for the Penarth area:

Penarth	
Penarth - Beach Road - The Kymin	
Treasure	549
Monument	<input type="checkbox"/>
Listed Building	<input type="checkbox"/>
OS Grid E	318939
OS Grid N	171602

The original Kymin House was built 1790's on the site of a previous farmhouse. C17 farm owned by Gwenllian Evans, the farm could well have been called Worbeys Fote in the C13. The present Victorian house stands in a dingle formed by glacial movement and has an active stream.

- 2.2.5. County Treasures are not subject to the same considerations as listed buildings; however, they have been identified as buildings which have considerable local interest value. If works are to be undertaken to the property which require planning permission, proposals must preserve or enhance the building in accordance with national and local planning policy.
- 2.2.6. Additionally, the building and grounds have been identified as being of archaeological interest and forms part of the Glamorgan-Gwent Archaeological Trust (GGAT) Historic Environment Record. It is therefore highly likely that there could be further archaeological remains at the site. Consequently, future development at the site must preserve or enhance

² Trees, Woodlands, Hedgerows and Development SPG - <https://www.valeofglamorgan.gov.uk/Documents/Living/Planning/Policy/SPG/Final-Trees-Woodlands-Hedgerows-and-Development-SPG-2018-v2.pdf>

archaeological remains and where appropriate their settings. If the site is proposed for development in the future, it is recommended that an archaeological study is undertaken to understand the extent of the archaeological value at the site.

2.3. Highway Considerations

- 2.3.1. The Council's Highways Team has provided a brief analysis of the site. However, it is noted that a future planning application would be assessed on its own merits and additional matters may be raised by the Local Highway Authority depending on the type of development.
- 2.3.2. The Building and surrounding gardens are served via two access points the "western" access for entry and the "eastern" for exiting the site.

FIGURE 3: EXISTING VEHICULAR / PEDESTRIAN ACCESSSES – VIEW IN EASTERLY DIRECTION (TOWARDS BEACH)



FIGURE 4: EXISTING VEHICULAR / PEDESTRIAN ACCESSES – VIEW IN A WESTERLY DIRECTION (TOWARDS TOWN)



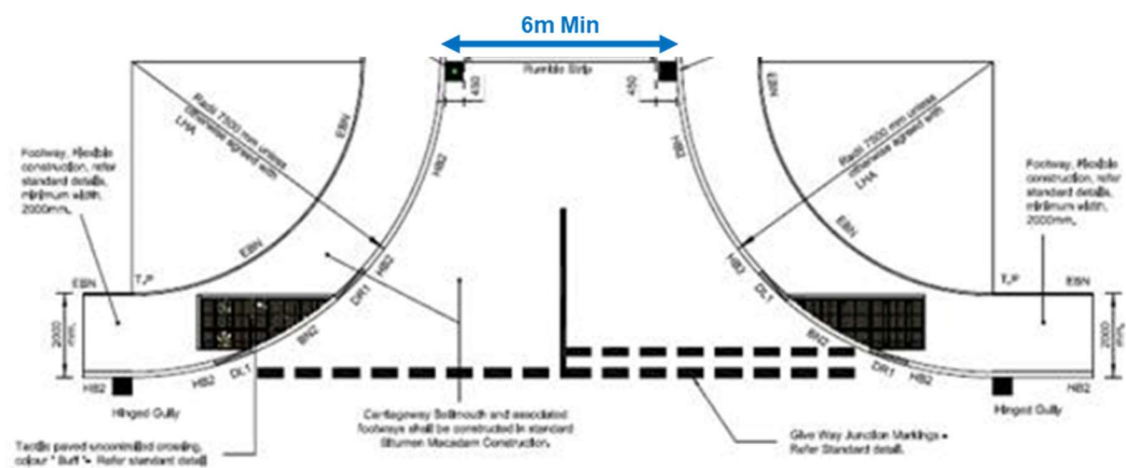
- 2.3.3. While there are no records of collisions associated with these two existing access points, the “western” access is located immediately after a sharp left hand bend reducing forward visibility along Beach Road to the access as well as providing substandard visibility from the access for exiting vehicles. As such, the Highway Authority would recommend as part of the marketing process that the “western” access for entry is permanently stopped up to “vehicles” due to the risks posed to highway safety from potential rear end shunts associated with slow turning vehicles into the site and potential conflict between vehicles exiting the site and those travelling eastbound down Beach Road.
- 2.3.4. In relation to the existing “eastern” access, it is recommended that this should be improved as part of any future development proposals in line with the potential suitable uses so as to safely and adequately accommodate and service all necessary traffic movements both into and out of the site. The proposed improvement works are illustrated and described as below.
- 2.3.5. Improvements likely to be required depending on use of the site which will be determined by the size of commercial vehicles needed to service the development (min 12m rigid which will include Waste Disposal collection vehicle) and such requirements should be incorporated into the marketing process for the site. The access requirements should generally comply with the details and requirements specified below.

FIGURE 5: POTENTIAL IMPROVEMENTS TO EXISTING ACCESS



- 2.3.6. Widening of the existing access / cross over to 6m to facilitate two-way vehicular movements and facilitate access for larger rigid / waste disposal vehicle which will need to service typical community facilities. The developer may need to consider construction of a Radii (7.5 – 10m) Junction incorporating dropped pedestrian crossing facilities.

FIGURE 6: TYPICAL JUNCTION LAYOUT WITH 7.5M RADII INCORPORATING PEDESTRIAN CROSSING FACILITIES



3. LEGISLATIVE AND Planning Policy Context

- 3.1.1. **The Well-being of Future Generations (Wales) Act 2015** places a duty on the public bodies listed in the Act (including Welsh Ministers) to carry out sustainable development. This means that each public body listed in the Act must work to improve the economic, social, environmental and cultural well-being of Wales.
- 3.1.2. The Act puts in place seven well-being goals to help ensure that public bodies are all working towards the same vision of a sustainable Wales. The goals are set out under the following headings and the act is clear that the public bodies listed must work towards achieving all seven goals:
- A prosperous Wales;
 - A resilient Wales;
 - A healthier Wales;
 - A more equal Wales;
 - A Wales of cohesive communities
 - A Wales of vibrant culture and thriving Welsh language; and
 - A globally responsible Wales.
- 3.1.3. Public bodies need to make sure that when making their decisions they take into account the impact they could have on people living their lives in Wales in the future and abide by the sustainable development principle which is defined as a public body acting in a manner which seeks to ensure that the needs of the present are met without comprising the ability of future generations to meet their own needs. The Council will comply with this duty when deciding the future use of this site.
- 3.1.4. **The Planning (Wales) Act 2015** introduced a statutory purpose for the planning system in Wales – any statutory body carrying out a planning function must exercise those functions in accordance with the principles of sustainable development as set out in the Well-being of Future Generations (Wales) Act 2015. The planning system is therefore necessary and central to achieving the sustainable development of Wales. It provides the legislative and policy framework to manage the use and development of land in the public interest in a way which is consistent with key sustainability principles and key policy objectives. In doing so, it can contribute positively to the achievement of the Well-being goals.
- 3.1.5. **Planning Policy Wales (PPW) Edition 10 (2018)**³ sets out the land use planning policies for Wales. The main policy areas which relate to the Kymin are:

³ <https://gov.wales/sites/default/files/publications/2018-12/planning-policy-wales-edition-10.pdf>

- “Change must be fostered in the way all those involved in the planning process respond, both strategically and when drawing up and designing individual proposals” (page 121)
- “Loss of venues for cultural activities or historic assets: understanding and addressing the challenges of loss of cultural features which give places their unique feel, including those subjected to particular pressure as a result of increasing demands for urban living” (page 121)
- “There should be a general presumption in favour of the preservation or enhancement of the character or appearance of conservation areas or their settings. Positive management of conservation areas is necessary if their character or appearance are to be preserved or enhanced and their heritage value is to be fully realised.” (paragraph 6.1.14)
- “Historic assets of special local importance – planning authorities may develop lists of historic assets of special local interest, that do not have statutory protection, but that make an important contribution to local distinctiveness and have the potential to contribute to public knowledge. ... Where a planning authority chooses to identify historic assets of special local interest, policies for the conservation and enhancement of those assets must be included in the development plan” (page 128)
- “It acknowledges the significance of community facilities and recreational spaces for our health, well-being and quality of life and specifically protects and promotes these uses in line with the overarching national sustainable placemaking outcomes.” (paragraph 4.0.2)
- “Community facilities 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.” (paragraph 4.4.1)

3.2. Technical Advice Notes (TANs)

3.2.1. The TANs are considered likely to be relevant to future development proposals which come forward on the site. However, it should be noted that this is not an exhaustive list and depending on the type of development being proposed other TANs may apply.

- **TAN 5: Nature Conservation and Planning** sets out how proposals for development should contribute to protecting and enhancing biodiversity and geological conservation.
- **TAN 10: Tree Preservation Orders** gives further detail on how TPOs should be considered within proposals and provides guidance in relation to the relevant legislation regarding TPOs.

- **TAN 12: Design** provides guidance on how design can be integrated into proposals and what is considered to be good design. It sets out that the design of proposed developments is a fundamental consideration and should not be developed in isolation but informed by relevant stakeholders and the wider context.
- **TAN 18: Transport** promotes sustainable transport and outlines how developments should consider transport issues within proposals. The TAN contains further information on the scope and detail required in Transport Assessments and the thresholds as to when these are required in support of planning applications.
- **TAN 24: The Historic Environment** provides detailed guidance on how development proposals should consider the historic environment. In particular reference is made to Archaeological remains, Conservation Areas, Listed Buildings and Historic parks and gardens.

3.3. Vale of Glamorgan Local Development Plan (LDP) 2011 – 2026

- 3.3.1. The Development Plan for the area comprises the **Vale of Glamorgan Adopted Local Development Plan 2011-2026 (LDP)**⁴ which was formally adopted by the Council on 28th June 2017.
- 3.3.2. The LDP provides the local policy framework for assessing new development proposals within the authority and contains several relevant objectives and policies that are set out below. However, it should be noted that future development proposals may also need to consider other LDP policies which will be of relevance to the type and scale of any proposals such as those relating to matters of access, design and amenity.

3.4. Strategic LDP Objectives

- 3.4.1. **Objective 1:** seeks to “sustain and further the development of sustainable communities within the Vale of Glamorgan, providing opportunities for living, learning, working and socialising for all.” The LDP seeks to ensure that the role and function of the towns and villages is maintained and enhanced by ensuring that new development is of a scale appropriate to its location, supports the local economy and sustains and wherever possible improves local services and facilities.
- 3.4.2. **Objective 4:** seeks to “protect and enhance the Vale of Glamorgan’s historic, built, and natural environment.” The LDP policies aim to ensure that natural

⁴ Vale of Glamorgan LDP -

<https://www.valeofglamorgan.gov.uk/Documents/Living/Planning/Policy/LDP/LDP-Adoption/Adopted-LDP-Written-Statement-June-2017-final-interactive-web-version.pdf>

and built environmental assets are protected, conserved and where appropriate enhanced as an important resource for local people and which attract visitors and contribute to the local economy.

- 3.4.3. **Objective 5** seeks to “maintain, enhance and promote community facilities and services in the Vale of Glamorgan”. The LDP supports the retention of community facilities and proposals which contribute to the health and well-being of the local community.
- 3.4.4. **Objective 9:** seeks to “create an attractive tourism destination with a positive image for the Vale of Glamorgan, encouraging sustainable development and quality facilities to enrich the experience for visitors and residents.” The LDP favours proposals which protect and support existing tourist attractions and enhance the range and choice of tourist and visitor facilities.
- 3.4.5. In addition to the overarching LDP Objectives, the LDP identifies specific area objectives for individual settlements that provide a platform for Managing Development and Growth. For Penarth the LDP seeks to:
- “Favour development proposals which seek to protect and enhance the special architectural and historic interest of the town.
 - Enhance the vitality, viability and attractiveness of the town centre by encouraging a diverse range of uses, particularly those that contribute to a successful evening economy and promoting continued investment and environmental enhancement.
 - Favour proposals which seek to protect and enhance Penarth’s tourism and leisure appeal by encouraging high quality serviced accommodation, improved visitor facilities and event led tourism.
 - Strengthen links between Penarth Marina, the Esplanade and the town centre through effective traffic management schemes, appropriate infrastructure improvements, additional sensitive signage and public realm enhancements.
 - Promote Penarth as a ‘sustainable transport town’ by encouraging new and enhanced walking and cycling links within the town and between the town and adjoining residential and commercial areas, including Cardiff Bay, and facilitating park and ride provision.
 - Support the provision of modern, fit for purpose education and training facilities including the Penarth Learning Community.
 - Provide for an appropriate level, range and choice of housing, including affordable housing to meet local need.” (LDP p.36)

3.5. LDP Strategic Policies

- 3.5.1. **Policy SP1 Delivering the Strategy** aims to reinforce the role of service centre settlements such as Penarth as providers of cultural, commercial and

community services. The policy also refers to favouring the multi-use of community facilities, particularly where this enables people to retain their independence and remain within the local community.

3.5.2. Policy SP10 – Built and Natural Environment emphasises the need to protect the Vale of Glamorgan’s natural and built environmental assets and reinforces that sensitive design and choice of location of new development can have a positive effect on the Vale of Glamorgan’s built and natural heritage. The LDP provides a policy framework that seeks to preserve and enhance the Vale of Glamorgan’s important historic built environment particularly in relation to the numerous listed buildings (both statutory and local i.e. County Treasures).

3.5.3. Policy SP11- Tourism and Leisure favours proposals that promote the Vale of Glamorgan as a tourism and leisure destination, and also protect existing facilities, whilst ensuring that the historic built and natural environment is safeguarded and enhanced for visitors and the local community alike.

3.6. Development Management Policies

3.6.1. Policy MD1 – Location of New Development sets out the framework for future development to take place on unallocated sites within the Vale of Glamorgan. The policy seeks to ensure the efficient use and reuse of land and buildings whilst safeguarding existing infrastructure, local amenity and community facilities.

3.6.2. Policy MD2 - Design of New Development sets out the key principles that developers should consider in respect of design, amenity and access which together contribute to attractive, safe and accessible environments.

3.6.3. Policy MD5 - Development within Settlement Boundaries sets out key principles when considering development proposals, highlighting that new development should not result in the loss of natural or built features that individually or cumulatively contribute to the character of the settlement or its setting, or the loss of valued or important community facilities.

3.6.4. Policy MD8 - Historic Environment sets out the Council’s requirements for development proposals associated with the historic built environment which includes both conservation areas and listed “County Treasures” with the aim of protecting the qualities of the built and historic environment.

3.6.5. Policy MD13 - Tourism and Leisure supports proposals for new or enhanced tourism and leisure facilities including visitor accommodation such as hotels and bed and breakfast.

- 3.6.6. **Policy MD14 - New Employment Proposals** supports new business uses within existing settlements providing that the scale and type of proposal is complimentary to its location and neighbouring uses.

3.7. Other Relevant Guidance

- 3.7.1. As stated previously the Kymin is located within the Penarth Conservation Area and the house is a County Treasure. Additionally, other considerations must also be considered depending on the type of development proposed at the site. However, based on the site context any future development proposals will be required to give consideration to the following Supplementary Planning Guidance (SPG):

- Penarth Conservation Area SPG:
http://www.valeofglamorgan.gov.uk/files/Living/Planning/Policy/SPG/Penarth_Conserv_SPG.pdf
- Penarth Conservation Area Appraisal and Management Plan:
http://www.valeofglamorgan.gov.uk/Documents/Living/Planning/Conservation/Penarth_CAAMP_July_2011.pdf
- County Treasures SPG (2009)
https://www.valeofglamorgan.gov.uk/Documents/Living/Planning/Policy/County_Treasures_SPG.pdf
- Biodiversity and Development SPG:
<https://www.valeofglamorgan.gov.uk/Documents/Living/Planning/Policy/Biodiversity-and-Development-SPG-2018.pdf>
- Trees, Woodland, Hedgerows and Development SPG:
<https://www.valeofglamorgan.gov.uk/Documents/Living/Planning/Policy/SPG/Final-Trees-Woodlands-Hedgerows-and-Development-SPG-2018-Compressed.pdf>
- Parking Standards SPG
<https://www.valeofglamorgan.gov.uk/Documents/Living/Planning/Policy/SPG/Parking-Standards-SPG-March-2019.pdf>

4. Potential Suitable Uses

- 4.1.1. The Council is seeking to ensure that any future uses of the Kymin and its gardens respect its “County Treasure” status, preserve and enhance the Penarth Conservation Area, and are sensitive to the amenity of the neighbouring residential areas. It is proposed that the existing building should be retained and that the future use of the house and gardens will be limited to community, hotel and restaurant type uses to respond to the context and opportunity the site has to offer.

- 4.1.2. In the context of the relevant LDP policies which emphasise the importance of maintaining and protecting community uses, and policies that promote new businesses and tourism activities, it is considered that most appropriate uses of Kymin House and its gardens would be for either community, leisure / tourism or restaurant/venue related uses. Such uses should ensure the sensitive reuse of Kymin house and its setting. It should be noted that planning permission maybe required for a change of use and / or any operational development proposed as part of the site's reuse.
- 4.1.3. In considering suitable proposals, the Council will consider a range of factors in relation to the specific nature of proposals put forward and their likely impact on the existing development and uses adjoining the site. These matters will include (but not be limited to) parking, noise, impact on residential privacy and amenity, health and well-being, sustainability and public benefits of the proposed use.
- 4.1.4. Specific policies setting out the relevant criteria for different development proposals are contained within the Local Development Plan and supporting Supplementary Planning Guidance, available on the Council's website⁵.

⁵ Vale of Glamorgan Planning Policy - https://www.valeofglamorgan.gov.uk/en/living/planning_and_building_control/Planning/planning_policy/Planning-Policy.aspx

4.2. Highway Recommendations

4.2.1. The following recommendations have been based upon an assessment of the current situation at the site. However, the Local Highway Authority may require further changes depending on the type of development proposed.

- Access road shall have a minimum width of 6m leading to onsite car parking facilities.
- No Gates to be erected within 6m of the rear of the footway to ensure pedestrian access movement along the footway are maintained / free flow of traffic along Beach Road is maintained when in closed position. (Highway / Public Safety).
- All gates to be installed opening inwards (Highway / Pedestrian Safety).
- Onsite Car parking facilities shall comply with the Council's SPG and allow for EV charging points for staff / visitors.
- Provision of Cycle Storage facilities within the site to encourage sustainable modes of transport

5. Further Information

5.1. Prospective developers may submit a request for Pre-application Advice together with the relevant fee (Minor development - £250 or Major development - £600 plus £160 for a meeting if requested). We will endeavour to provide a written response to all valid pre-application enquiries within 21 days, unless an extension of time is agreed between the authority and applicant. As a minimum, applicants should expect to receive the following information within their written response:

- The relevant planning history of the site
- The relevant development plan policies against which the development proposal will be assessed
- Relevant supplementary planning guidance (i.e. design, conservation etc.)
- Any other material planning considerations
- An initial assessment of the proposed development, based on the information above
- Likely Developer contributions (if appropriate)

5.2. Proposals may require other forms of consent from the Council and others. For example, the Council can help with your Building Control application and provide professional advice and services to support your development

proposals. For more information contact
buildingcontrol@valeofglamorgan.gov.uk or call 01446 704842.

5.3. Further information can be sought from the Council's Planning Department:

Duty Planning Officer
Dock Office
Barry
CF63 4RT
Tel: (01446) 704681
Email: planning@valeofglamorgan.gov.uk

APPENDIX C: Legal Title Note

This report on title relates to the land shown edged red on the plan attached (“the Property”) known as The Kymin.

The Property is the freehold land which is registered at HM Land Registry under title number CYM394519 and described as being “The Kymin, Beach Road, Penarth”. The class of title is absolute freehold title, which is the best class of title available. The Property is owned by The Vale of Glamorgan Council, who is the registered proprietor.

Matters affecting the Title:

The Property is subject to the following matters which affect the title:

Matters benefiting the Property:

None

Matters burdening the Property:

1. The Property is subject to the rights reserved by a conveyance dated 29 October 1929 between (1) The Plymouth Estates Limited and (2) Janet Williams and Janet Mary Hinton:

These rights were stated to be “all such roads, pathways, watercourses, rights of laying and maintaining water and other pipes, rights of support, light and drainage and other rights, easements, privileges and advantages for the benefit of any other property belonging to the Company (Plymouth Estates)... as they have been accustomed to use or enjoy.” The conveyance does not set out which land has the benefit of this reservation.

2. The title states that the roads and footpaths included in the title are subject to rights of way and that the Property is also subject to rights of support and rights of drainage and services. I assume that this title entry relates to the rights reserved out of the 1929 conveyance referred to above as the deeds do not indicate any other similar rights.

3. The title also states that the Property is subject to restrictive covenants as contained within the 1929 conveyance referred to above.

This covenant was “not to use or carry upon the Property any trade or employment, or a distillers, wine or spirit merchant ..., brewers, tavern, alehouse, beer house or coffee house... butchers... or any noisome or offensive trade, business or occupation”. This covenant has recently been released pursuant to a Deed of Release with Plymouth Estates dated 6 August 2019 and no longer affects the Property. The Deed of Release has been registered with the Land Registry.

Other

1. The Deed pack contains an Agreement dated 16 February 1982 between (1) Vale of Glamorgan Council and (2) Penarth Town Council for Penarth Town Council to maintain the Property.

This Agreement contains some provisions which look to be akin to a lease, and some which appear to reflect a licence. The Agreement also contained provisions in relation to part of the Property being obtained and used as allotments. Penarth Town Council served notice to terminate the Agreement and in accordance with this notice, the Agreement terminated on 31 March 2020. Penarth Town Council have returned the keys and the Vale of Glamorgan Council now have vacant possession of the Property.

2. The Property is not subject to any financial charges.

3. The title to the Property has not revealed any restrictive covenants affecting the use of the Property (save for the restriction above as contained within the 1929 conveyance which has now been released and which no longer affects the Property).

4. The deeds contain a Compulsory Purchase Order from the time that the Property was acquired by the Council's predecessor authority, Penarth Urban District Council. The CPO confirms that the Property was acquired for the purpose of 'Public Walks and Pleasure Grounds', in accordance with Public Health Act 1875.

5. No searches have been carried out (including a Land Charges search) and no enquiries have been made in relation to the Property, save for the title investigation referred to above. No other constraints affecting the Property have been considered.