

THE VALE OF GLAMORGAN COUNCIL

PLANNING COMMITTEE : 18 DECEMBER 2014

REPORT OF THE DIRECTOR OF DEVELOPMENT SERVICES

**MATTER WHICH THE CHAIRMAN HAS DECIDED IS URGENT
BY REASON OF THE NEED TO MAKE A DECISION PRIOR TO THE NEXT
COMMITTEE**

9. PLANNING APPLICATIONS

2013/01257/FUL Received on 11 December 2013

Weightman & Bullen, 76, Rodney Street, Liverpool, Merseyside (Met County), L1
9AW
Clearwater Property Company Ltd, Faridene, Windsor Walk, Waybridge, Surrey,
KT13

67-79, Dochdwy Road (Shopping Parade), Llandough

Renewal of application ref: 2007/00751/FUL; 18 self contained residential units over
three storeys to replace demolished mix use building

SITE AND CONTEXT

The site relates to an area of land situated within a residential estate. The site
adjoins a school and a play area exists to the rear of the site.

The site was until recently occupied by commercial (retail) units with flat
accommodation above, believed to be six flats. These buildings were demolished
as the units had been vacant for some time and were subject to vandalism. This
building was approximately 6.5 metres high with two access points serving the site.
A rear parking area and service area for the commercial use was included.

DESCRIPTION OF DEVELOPMENT

Renewal of consent for construction of a three storey block of residential
accommodation. The accommodation to provide 6 x 1 bed flats and 12 x 2 bed flats.
The materials of construction will include cedar cladding, white render, Blue
engineering brick with zinc cladding. The roof will be generally a flat roof of single
ply membrane

The building will have a maximum height of approximately 10 metres. The building
will be set down below the road (Dochdwy Road), as was the original building on the
site, by approximately 2 – 2.5 metres. The building will be approximately 3.8 metres
higher than the original, now demolished building on the site.

Twenty three parking spaces are shown on site. A further two spaces are shown in a lay-by to the front of the site. Seventeen bicycle parking spaces are shown. These are not indicated as covered areas.

Access to the site would be via an 'in' and 'out' arrangement accessed off Dochdwy Road in approximately the same location as the current access points but with a reconfigured geometry.

Reason for report: as a renewal the matter has been considered under delegated powers however the new, developers are a Housing Association (RSL) and on the basis that the flats would now be 100% affordable units they have sought amendments to the planning obligations. As such given the original approval was made by Planning Committee, the need to vary the terms of the Legal Agreement has to be agreed by the Committee.

PLANNING HISTORY

2007/00751/FUL : 67-79, Dochdwy Road (Shopping Parade), Llandough. 18 self-contained residential units over three storeys to replace demolished mixed use building. Approved 22 January 2009. subject to a legal agreement for open space.

2005/00994/PND : Prior notification of demolition of the commercial and residential building on the site. The building has been demolished.

CONSULTATIONS

Llandough Community Council resolved that they have no objections but would seek a speedy re-development of the site, and that Section 106 money be sought for a bus shelter at the bus stop adjacent to the school.

The Council's Highway Development Team : no comments have been received to date.

Public Rights of Way Officer : "A Definitive Map Modification Order (DMMO) has been made in respect of a route that crosses the development site. The effect of the order, if confirmed, would be to record a public footpath on the Definitive Map that would be obstructed by the proposed housing. The planning applicant has submitted an objection to the Order.

Arrangements for an alternative route have been implemented on the ground and the process to achieve a Public Path Order (PPO) commenced that would allow the path to be diverted upon confirmation of the DMMO.

We have sought the planning applicants' agreement to withdraw their objection to the DMMO, which would allow us to complete the PPO process though have not yet received it. Without this agreement we will be required to refer the DMMO to the planning inspectorate for consideration on its own merits (disregarding factors such as amenity, desirability or usefulness)."

Dwr Cymru / Welsh Water : Conditions and advisory note including that no surface water connects either directly or indirectly into public foul sewerage system. system.

The Council's Ecology Officer : no comments have been received to date.

O M Parks and Grounds Maintenance : no comments have been received to date.

Estates (Strategic Property Estates) : no comments have been received to date.

Local Ward Member was consulted and advised that there is concern at the lack of progress on re-developing the site which results in the hoarding not being maintained and the site becoming overgrown.

Natural Resources Wales : planning advice note only.

Education Section do not require any section 106 obligations for the provision of education.

Waste Management : no comments have been received to date.

Transport Section : no comments have been received to date.

Fire Service : standard advice regarding adequate water supply for fire fighting and access for emergency vehicles.

Affordable Housing Enabler : "In the Vale of Glamorgan there is a critical shortage of affordable housing. The Local Housing Market Assessment commissioned by the Council in 2010 concluded that an additional 915 affordable housing units (for rent or low cost home ownership), of which 153 or 16.6% were in the Penarth Area, were required each year over the following five years. Llandough is located in the "Penarth Area" as defined by that report.

The Rural Housing Needs Survey, also commissioned in 2010, identified a net need for 13 affordable homes per annum, in Llandough.

There are 2217 applicants on the current Homes4U waiting list and of these, 240 have specified Llandough as their preferred area:

1 bed – 165
2 bed – 46
3 bed – 21
4 bed – 8

Comments made originally in respect of general market housing were:

Therefore, we would support this application based on the need for Affordable Homes in the Vale of Glamorgan and the contribution of 6.3 units that this development would be required to make under a Section 106 agreement.

We welcome the opportunity to discuss mix of unit size, tenure and location on site with the developer at the earliest stage.”

Highways and Engineering advise DCWW be consulted re: surface water drainage and SUDS should be considered first.

REPRESENTATIONS

The neighbouring properties were consulted on 30 December 2013.

A site notice was also displayed on 7 January 2014 and press notice on 16 January 2014.

Eight representations were received. The comments generally relate to:

- Adverse impact on amenity of near neighbours.
- Adverse impact on neighbours' amenity from noise from the site.
- Concern at the scale three storey development and effect of three storeys on privacy of nearby occupiers.
- Loss of light from the scale of development.
- Traffic increase from the development and inadequate provision of onsite parking.
- Concern regarding use of wood cladding.
- Where would waste bins be sited?
- Loss of retail unit(s).
- Loss of access to a play area.

All letters are retained on file.

REPORT

Planning Policies

The Development Plan for the area comprises the Vale of Glamorgan Adopted Unitary Development Plan 1996-2011, which was formally adopted by the Council on 18 April 2005, and within which the following policies are of relevance:

PLANNING POLICIES

HOUS2 - ADDITIONAL RESIDENTIAL DEVELOPMENT

HOUS8 - RESIDENTIAL DEVELOPMENT CRITERIA

HOUS11 - RESIDENTIAL PRIVACY AND SPACE

TRAN9 - CYCLING DEVELOPMENT

TRAN10 - PARKING

ENV27 - DESIGN OF NEW DEVELOPMENTS

ADVICE CONTAINED IN PLANNING POLICY WALES 7 2014, ASSOCIATED TAN'S, AND SUPPLEMENTARY PLANNING GUIDANCE 'AMENITY STANDARDS, SUPPLEMENTARY PLANNING GUIDANCE ' SUSTAINABLE DEVELOPMENT' SUPPLEMENTARY PLANNING GUIDANCE 'PUBLIC ART'.

Technical Advice Note 12 – Design (2009)

Technical Advice Note 16 – Sport, Recreation and Open Space (2009)

Technical Advice Note 18 – Transport (2007)

Technical Advice Note 22 – Sustainable Buildings (2010)

CIRCULAR 13/97 - PLANNING OBLIGATIONS

Supplementary Planning Guidance:

Amenity Standards

Design in the Landscape

Model Design Guide for Wales

Planning Obligations

Public Art

Sustainable Development

Affordable Housing - contained within the Affordable Housing Delivery Statement (AHDS)

Background Evidence:

Affordable Housing Background Paper 2011

Affordable Housing Viability Study 2010

Housing Supply Background Paper 2011

Local Housing Market Assessment 2010

Open Space Background Paper 2011

Population and Housing Projections Background Paper 2011

Sustainable Settlements Appraisal Review

Affordable Housing Delivery Statement 2009

Vale of Glamorgan Housing Strategy

Delivering Affordable Housing Using Section 106 Agreements: A Guidance update (Welsh Government, 2009)

The Community Infrastructure Levy Regulations 2010

Manual for Streets and Manual for Streets 2 - Application of the Wider Principles

Issues

The site is considered to be a Brownfield site and lies within the settlement boundary as defined for Llandough in the Vale of Glamorgan Adopted Unitary Development Plan 1996 - 2011. It is noted that this application relates to a re-submission of an, at the time of submission, extant consent. The site has been cleared of all buildings and is surrounded by a hoarding.

The planning history of the site is a material consideration. The application seeks to renew a planning permission that was extant at the time of submission, the Council can only refuse to grant such a renewal in the following three circumstances, i.e. a) where there has been a material change in planning circumstances since the permission was granted; b) where the application is premature as the planning permission still has a significant period to run; and c) where the continued failure to develop will contribute to unacceptable uncertainty about the future pattern of development in the area.

It is considered that circumstances b) and c) do not apply in this case and thus the primary issue is whether or not there has been a material change in planning circumstances since the original approval and the effect on the surrounding area of leaving a vacant site.

In terms of the planning circumstances relating to the area there has been no material change in planning policy or circumstances, other than noting that the Unitary Development Plan is now out of date. The emerging Local Development Plan carries little weight. The local planning authority is therefore considering development under the UDP. There is no reason not to renew the application on these grounds.

The site has been cleared of the former two storey mixed commercial and residential development. The scheme seeks to erect a three storey contemporary design block of flats. Whilst the development will be higher than the original development on the site this was accepted in the previous consent.

In terms of the objections received from the neighbour, consideration of the impacts of the increase in height on the street scene, impact on highways and on the amenities and privacy of adjoining occupiers was undertaken. Whilst one writer refers to the extant scheme being for two storey development, this is not the case and the current scheme is to renew the approved scheme comprising three storey development.

Amended details have been submitted given that an end-user has been found for the site. The amended details relate mainly to external finishes and minor changes to fenestration/balcony types but are not alterations that have any significant or material impact on the overall scale, form or design which remains contemporary, nor on the amenities of adjoining occupiers. There is a change to the car parking due to the need for bin storage/bicycle parking areas to be provided to meet the Housing Association's requirements however given the location of public transport the alterations to the level of parking are not considered to result in a significant material change and the development remains acceptable.

The wider public interest regarding visual impact is a consideration noting that, as a vacant site with hoardings, the street scene is not enhanced and it is not considered to be in the interests of the general amenity of the area for the site to remain as a vacant, cleared site. Moreover it is considered that the development as proposed and previously agreed will be complimentary to the street scene and should not lead to any adverse impact.

The access arrangements as proposed were the subject of discussion with the highway development section at the time of the original application and approval. Since that time no material change has occurred to the highway itself although it is noted that the school and POS entrance arrangements have been modified to create separate access points and a bus stop is proposed in the vicinity of the site.

Section 106, Planning Obligations:

In considering residential development of this scale consideration is required as to the need for Section 106 contributions. The obligation previously required public art, public open space and public transport and affordable housing contributions.

In terms of the current position noting the developer would be a housing association (RSL) the level of contribution sought through the Section 106 Legal Agreement has been the subject of discussion with regard to the viability of the scheme. Members will note that the previous application 2007/00751/FUL was approved with the following Section 106 requirements:

- The Developer shall pay the sum of ten thousand pounds (£10,000) to the Council to improve Sustainable Transport Facilities serving the site.
- The Developer will provide public art on site to the value of at least 1% of the build costs of the development or provide a financial contribution to the same value in lieu of on site provision for the Council's public art fund. In this case the 1% for art has been calculated as £9,678.
- The Developer shall pay the sum of fifty thousand pounds (£50,000) to the Council to enhance access and provide improvements to public open space or recreation facilities likely to be used by the future occupiers of the site.

The Housing Association has advised that the scheme would not be viable if all the previous obligations were sought as part of this renewal application. This is due to abnormal construction and grant funding issues. The scheme will be financed by private finance and revenue grant supported by the local authority and supplied by the Welsh Government (WG). The WG have capped the grant equivalent amount for the scheme due to the funding requirement exceeding the total grant available. Additional finance has therefore to be provided by the RSL. In addition abnormal site works have also been identified including a sewer diversion, improvements to the retaining wall to the highway and new general retaining works.

Members will recall that the site is vacant and has been for some time, is the subject of complaints and if developed by the RSL would provide much needed affordable housing for Llandough. Furthermore, the RSL has advised that it is committed to securing public open space improvements, seeing them as an essential and appropriate requirement connected to their development. However noting that sustainable transport improvements are already well funded in the Llandough area through contributions from Llandough Hospital; and public art contributions would further render the scheme unviable, the local planning authority is of the view that the benefits of 100% affordable units on this vacant site would in this instance justify a relaxation on the planning obligation requirements and would not be seen as a precedent for other sites. The following obligation would however be required.

Public Open Space:

In accordance with the Vale of Glamorgan Adopted Unitary Development Plan 1996-2011 Policy REC 3, residential developments should provide open space at a minimum standard of 2.43 hectares per 1000 population (0.6-0.8 hectares for children's playing space and 1.6-1.8 hectares for outdoor sport). In accordance with Unitary Development Plan Policy REC 6, within new developments, children's play facilities should be provided at a standard of 0.2-0.3 hectares per 1000 population (falling within the provisions set down in Policy REC 3). The provision should be on site.

However if not provided in full on site the Council has developed a formula to calculate a reasonable level of contribution for off site works to mitigate the lack of provision onsite. This is usually calculated on the basis of £1000 per person of those not catered for through on site provision (based on an average population of 2.28 persons per dwelling). This accords with the latest guidance contained in TAN 16 (2009). In this case the sum would amount to £41,400.

Planning Obligations Administration fee:

From 1 January 2007 the Council introduced a separate fee system for progressing and the subsequent monitoring of planning agreements or obligations. The fee is calculated on the basis of 20% of the application fee or 2% of the total level of contributions sought whichever is the higher. The fee would be based on the obligations contribution noting the planning fee was only £166 for renewal of an extant consent.

Overall the changes to the proposed Section 106 Agreement means that the Council would lose a £10,000 contribution for sustainable transport and a possible £9,678 for public art. Nevertheless it is considered that the overall contribution that would be made by the provision of 100% affordable housing would compensate for the loss.

CONCLUSION

The decision to recommend planning permission has been taken in accordance with Section 38 of The Planning and Compulsory Purchase Act 2004, which requires that, in determining a planning application the determination must be in accordance with the Development Plan unless material considerations indicate otherwise. The Development Plan comprises the Vale of Glamorgan Adopted Unitary Development Plan 1996-2011.

Having regard to Policies HOUS2 'Additional Residential Development', HOUS8 'Residential Development Criteria', HOUS11 'Residential Privacy and Space', TRAN9 'Cycling Development', TRAN10 'Parking' and ENV27 'Design of New Developments' the design, scale and form of the development are considered acceptable. The access and level of parking provides a safe and adequate level of onsite parking and connection to the highway. The arrangement of the development is acceptable in relation to adjoining neighbours' privacy and amenity and does not affect the visual amenities or the character of the area and street scene.

RECOMMENDATION

Subject to the applicant first entering into a Section 106 Legal Agreement to include the following necessary planning obligations:

- Procure that 100% of the dwellings built on the site pursuant to the planning permission are built and thereafter maintained as affordable housing units
- The Developer shall pay the sum of £41,400 (forty one thousand four hundred pounds) to the Council to enhance access and provide improvements to public open space or recreation facilities likely to be used by the future occupiers of the site.
- The Legal Agreement will include the standard clause requiring the payment of a fee set at 2% of the value of the planning obligations contributions.

APPROVE subject to the following condition(s)

1. The development hereby permitted shall be begun before the expiration of five years from the date of this permission.

Reason:

To comply with the requirements of Section 91 of the Town and Country Planning Act 1990.

2. A landscaping scheme shall be submitted to and approved in writing by the Local Planning Authority which shall include indications of all existing trees and hedgerows on the land and details of any to be retained, together with measures for their protection in the course of development.

Reason:

To safeguard local visual amenities, and to ensure compliance with the terms of Policy ENV27 of the Unitary Development Plan.

3. All planting, seeding or turfing comprised in the approved details of landscaping shall be carried out in the first planting and seeding seasons following the occupation of the buildings or the completion of the development, whichever is the sooner; and any trees or plants which within a period of five years from the completion of the development die, are removed or become seriously damaged or diseased shall be replaced in the next planting season with others of similar size and species, unless the Local Planning Authority gives written consent to any variation.

Reason:

To ensure satisfactory maintenance of the landscaped area to ensure compliance with Policies ENV11 and ENV27 of the Unitary Development Plan.

4. The development shall not be brought into beneficial use until the approved access has been constructed in accordance with the approved plans and the access shall thereafter be so retained to serve the development hereby approved.

Reason:

In the interest of highway safety and to ensure a satisfactory form of access to serve the development, and to ensure compliance with the terms of Policy ENV27 of the Unitary Development Plan.

5. Prior to the construction of the access points with the public highway full engineering details of the access points, including levels and details, shall be submitted to and approved in writing by the Local Planning Authority and the development shall not be brought into beneficial use until such time as that junction has been constructed in accordance with the approved details. Reason: In the interest of highway safety and to ensure a satisfactory form of access to serve the development, and to ensure compliance with the terms of Policy ENV27 of the Unitary Development Plan.
6. No part of the development hereby approved shall be brought into beneficial use until such time as that area of highway shown edged blue on drawing number 05075-SK105 attached to this consent has been formally stopped up. Reason: To ensure a safe highway arrangement to meet the requirements of Policy ENV27 of the Unitary Development Plan.

7. All means of enclosure, including any gates or binstores, associated with the development hereby approved shall be in accordance with a scheme to be submitted to and agreed in writing by the Local Planning Authority prior to the commencement of development, and the means of enclosure shall be implemented in accordance with the approved details prior to the development being put into beneficial use. Reason: To safeguard local visual amenities, and to ensure compliance with the terms of Policy ENV27 of the Unitary Development Plan.
8. Notwithstanding the submitted details, details of covered secure bicycle parking shall be submitted to and approved in writing by the Local Planning Authority and the approved bicycle parking facility shall be fully implemented on site prior to the first beneficial occupation of the development hereby approved and shall thereafter be so retained on site at all times for the parking of bicycles associated with the development.

Reason:

To ensure that satisfactory parking for cycles is provided on site to serve the development, and to ensure compliance with the terms of Policy ENV27 of the Unitary Development Plan.

9. Prior to the laying of the slab of the building details of the finished floor levels in relation to existing ground levels and finished ground levels in relation to the highway level at Dochdwy road shall be submitted to and agreed in writing by the local planning authority and the development shall thereafter be carried out in accordance with the approved levels. Reason: To safeguard local visual amenities and to comply with the requirements of policy ENV27 of the Unitary Development Plan.
10. Prior to their use in the construction of the development hereby approved, a schedule and samples of the proposed materials to be used in the external finish of the building, parking and access areas shall be submitted to and approved in writing by the Local Planning Authority and the development shall thereafter be carried out in accordance with the approved details.

Reason: To ensure a satisfactory standard of development and to ensure compliance with Policy ENV27 of the Unitary Development Plan

11. This consent shall only relate to the amended plans reference AE03, 04, AL00, AL01, 02, 03 AX01 all revision A and AS01 revision B and image 001 received on 19th August 2014 and the development shall be carried out strictly in accordance with these details.

Reason:

To ensure a satisfactory form of development and for the avoidance of doubt as to the approved plans.

NOTE:

1. **Please note that a legal agreement/planning obligation has been entered into in respect of the site referred to in this planning consent. Should you require clarification of any particular aspect of the legal agreement/planning obligation please do not hesitate to contact the Local Planning Authority.**
2. **Where the work involves the creation of, or alteration to, an access to a highway the applicant must ensure that all works comply with the appropriate standards of the Council as Highway Authority. For details of the relevant standards contact the Visible Services Division, The Vale of Glamorgan Council, The Alps, Wenvoe, Nr. Cardiff. CF5 6AA. Telephone 02920 673051.**
3. **This development is on adopted highway , for further details please contact the highways department, The Vale of Glamorgan Council, The Alps, Wenvoe, CF5 6AA :telephone 02920 673071**

Background Papers

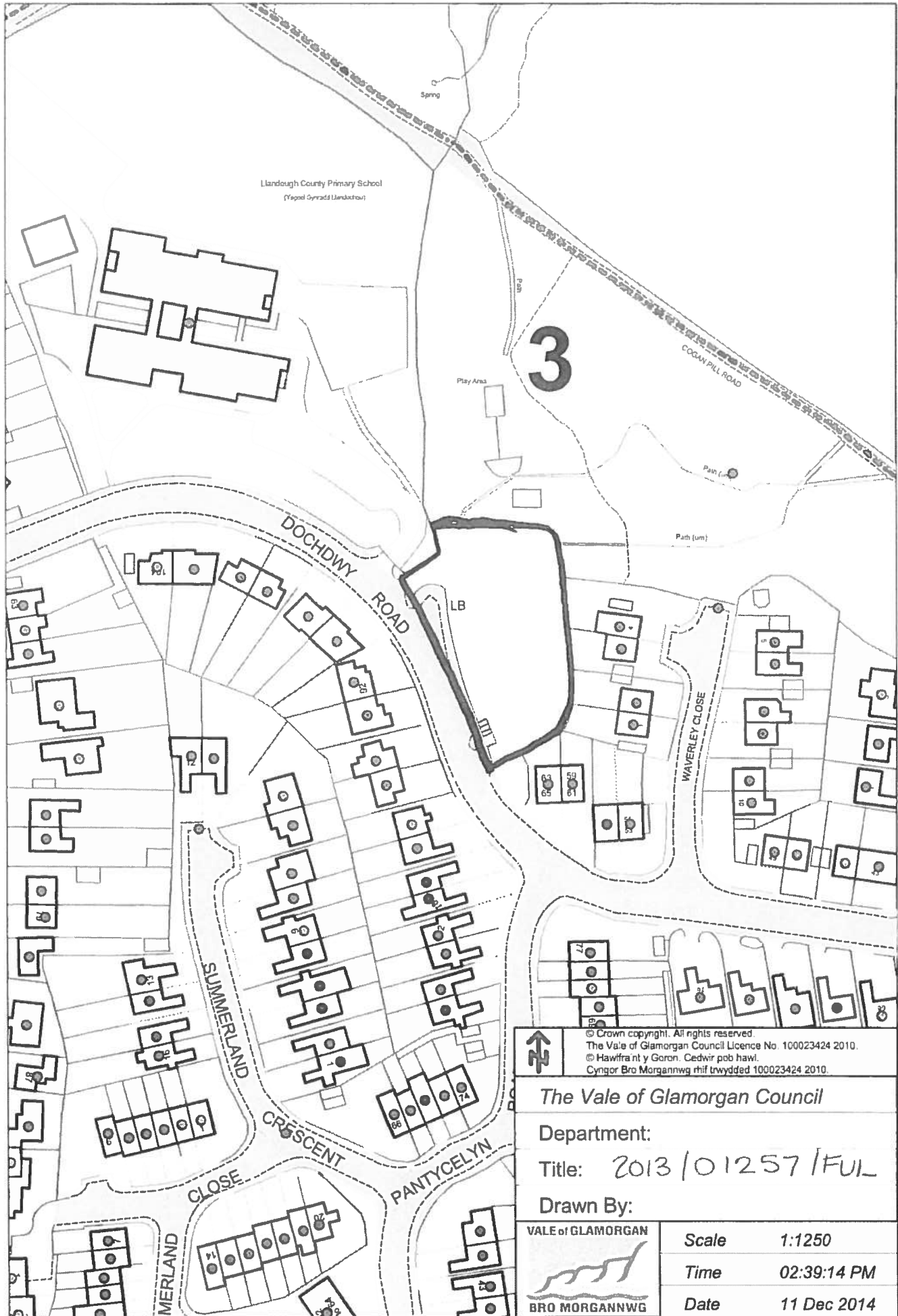
Application ref: 2013/01257/FUL


Contact Officer – JM Crofts, Tel. 01446 704649

Officers Consulted

All relevant officers have been consulted on the contents of this report.

ROB THOMAS
DIRECTOR OF DEVELOPMENT SERVICES



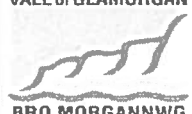

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The Vale of Glamorgan Council

Department:

Title: 2013/01257/FUL

Drawn By:

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