

ITEMS RECEIVED AFTER THE PRODUCTION OF THE REPORT
FOR THE PLANNING COMMITTEE
TO BE HELD ON 12 JUNE 2025

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| | 2024/00537/FUL | Cliff Haven Residential Home, 10 Clive Crescent, Penarth | 1. | Response from Council's Drainage Section |
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| | | | 4. | Comments from Case Officer |

MATTERS ARISING FOR COMMITTEE**COMMITTEE DATE : 12 JUNE 2025**

| | |
|---|-------------------------------------|
| Application No.: 2024/00537/FUL | Case Officer: Angharad Hobbs |
| Location: Cliff Haven Residential Home, 10 Clive Crescent, Penarth | |
| Proposal: Conversion to 3 Apartments with side and rear extensions and other alterations. Proposed alterations throughout the site to include the addition of retaining walls and alterations to levels. | |

From: Council's Drainage Section, 6th June**Summary of Comments:**

Commentary remains unchanged from previously submitted.

Officer Response:

Comments noted.

Action required:

No further action required.

MATTERS ARISING FOR COMMITTEE
COMMITTEE DATE : 12 JUNE 2025

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| Location: Cliff Haven Residential Home, 10 Clive Crescent, Penarth | |
| Proposal: Conversion to 3 Apartments with side and rear extensions and other alterations. Proposed alterations throughout the site to include the addition of retaining walls and alterations to levels. | |

From: Neighbour at Seascap, Penarth Head Lane – Mr Max Wallis

Three emails received, dated 3, 5 and 6 June, 2025.

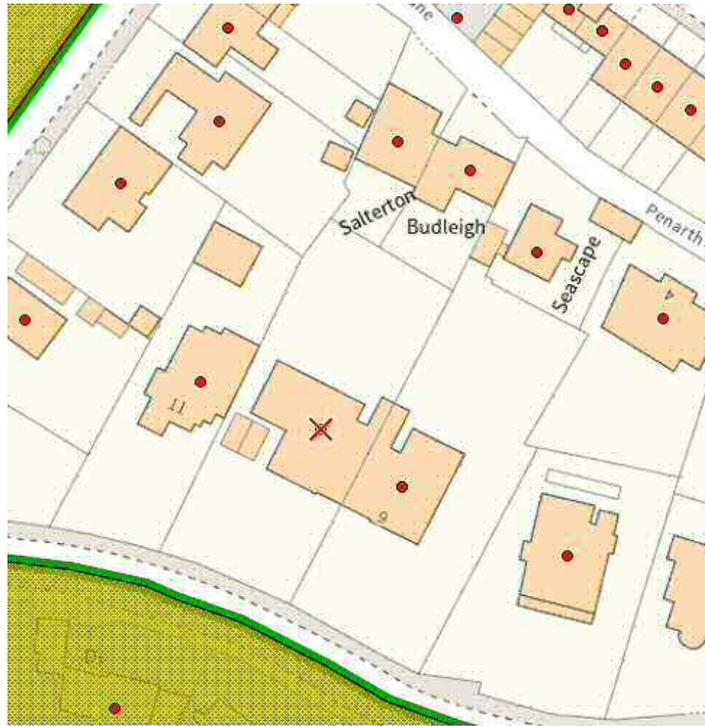
Summary of Comments:

A copy of the emails are attached for information, however, the following represents a summary of the comments received:

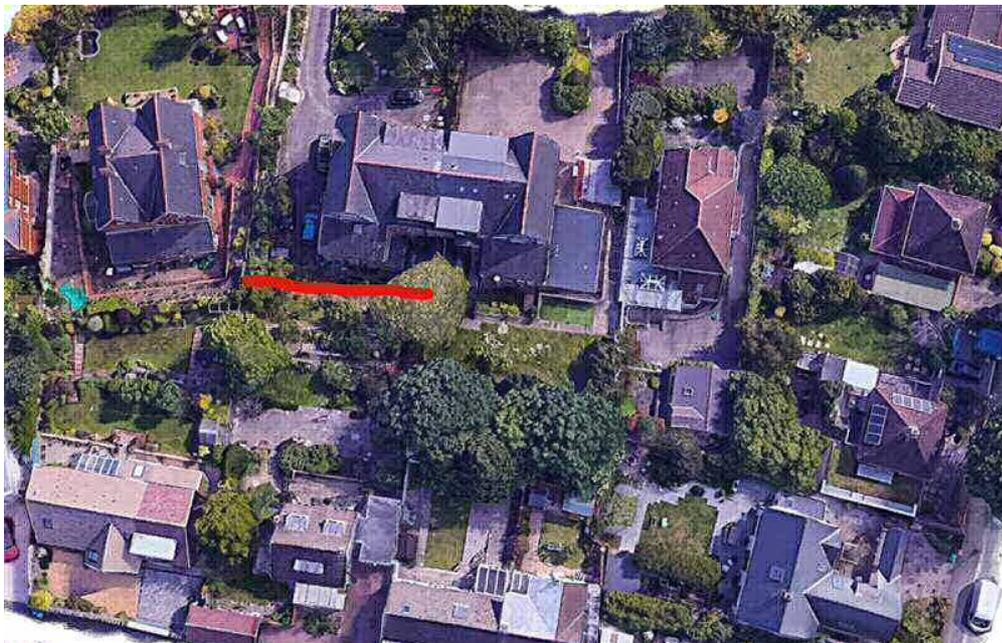
- No safeguard to the Walnut Tree and high amenity and biodiversity value is unacknowledged
- Excavations have already damaged tree root systems and future owners would weaken and seek its removal
- No proposal to remove excessive ivy growth
- Development commenced without consent, requiring a Temporary Stop Notice
- Entire roof has been removed which has destabilised the gable ends
- Previous application implied building could be converted to provide 6 dwellings and building has now been stripped – with no report provided to show this was necessary
- Proposals do not fit with the Council's Housing Need report identifying 1 and 2 bed homes
- Comments on viability
- Drainage concerns
- GI Statement lacks an assessment on existing biodiversity and many trees on site are not recorded, with no reference to replacement planting ratio of 3:1.
- No Management Plan to ensure maintenance between 3 homeowners
- Comments regarding inadequate consultation.
- Seascap is one of closest neighbours and is omitted from the report.
- Quotations taken from previous report for the nursery application with no record of the TEMPO assessment.
- Report borrows from earlier assessment for 2022/00931/FUL and the source reports were needed to support statements including these.
- Aerial image hides detail of boundary due to tree foliage.
- Plans submitted with application are erroneous as they omit a single storey outhouse to the rear of no. 9.
- Plan also shades in the existing house rear to run to my side boundary and it does not. Omission of inset house line gives bias to the rear extension and felling of the Walnut Tree.
- No plans submitted on the conjoined outhouse which shares a roof.
- No regard is paid to the extension and veranda overlooking the window of no. 9.

Officer Response:

- Comments are noted with regards to the Walnut Tree, however, it is considered that the Officer's report has addressed the tree. In addition, given that the application is for extensions and change of use etc. it is considered unreasonable to request removal of ivy from the tree.
- Comments regarding works commencing and Temporary Stop Notices are noted, however, this is a planning enforcement matter.
- Comments regarding destabilising gable ends are noted but are considered as Building Regulation matters.
- The principle of the use and extensions is considered acceptable and as such, it is considered unreasonable to request a report stating as to why the current building has now been stripped and no longer proposes the number of units previously proposed.
- Council Housing Needs provides a detail of the needs of affordable units. The current proposal does not propose affordable units and as such, would not need to accord with these figures.
- Comments on the viability report are noted, however, this has been independently assessed by the District Valuer, with the conclusions summarised in the Officer's Report.
- Comments on drainage are noted. A condition has been requested by Welsh Water, which is recommended condition number 9 and an informative for SAB is included as informative number 4.
- The GI statement refers to trees lining the north-eastern boundary of the site and states that a wildflower meadow would tie in with existing habitats (p.2). It is noted that the plan within the GI does not include the trees – however, as mentioned in the officer's report, the plan contained within the GI statement is not recommended as an approved document and instead the proposed site plan is recommended – which provides the location of the wildflower planting etc. and also indicates the position of the existing trees on site.
- Comments regarding consultation are noted. However, consultations have been carried out in accordance with legislation.
- Comments with regards to being a close neighbour are noted and it is recognised that the Authority have based an assessment on neighbour impacts off the Ordnance Survey maps, which is the most up-to-date mapping available, which indicates the positions of neighbouring boundaries as follows:



However, it is acknowledged that satellite images would concur that the rear garden for Seascope does differ to that outlined in the Ordnance Survey maps. It is unfortunate that the maps are not up-to-date, however, this is outside the scope of control of the Authority. However, it is recognised that the assessment on this neighbour needs to be amended. The following satellite image indicates the rough position of the rear boundary for Seascope, as per the understanding of the Authority and as agreed by the neighbour in the email dated 6th June:



The proposed rear, second floor extension would be located a sufficient distance from the boundary to ensure no harmful impact to this neighbour's garden. In addition, whilst it is noted that there are habitable room windows proposed on the second floor, it is considered that given its distance to the boundary, in addition to the acute angle, there would be no harmful overlooking. It is also noted that this neighbour's garden is already overlooked by existing windows on neighbouring properties.

Therefore, whilst the position of boundaries is noted, it is considered that the overall assessment on neighbouring impacts would not differ to those as referenced in the Officer's report.

- It is recognised that elements of the report are quoted in the Officer's report and whilst the comments are noted regarding source documents, it is considered that the assessment on the tree in the previous report remains a material consideration and there have been no change in circumstances or character of site etc. to warrant a different outcome and as such, it is not considered necessary to request additional tree surveys. In addition, the Authority would not have the necessary consent to include the tree survey as a document on the current scheme but nonetheless, this information and the previous Officer's conclusion is information that is available to the Authority that cannot be dismissed.
- Comments regarding the plans are noted however, there is no formal requirement for plans to accurately show neighbouring properties / outbuildings etc.
- Comments regarding the inset rear line are noted, however, this is shown on the existing site plan.
- Whilst the Officer's report has not specifically referred to the rear infill extension and alterations, it has been assessed. The proposal would result in the infill of a gap between two existing rear, ground floor elements and the replacement of the roof with a flat roof. The proposed rear elevation plans would indicate that an element of the existing roof is to remain, with the flat roof located beyond. The proposed alterations are of an acceptable scale and as such, would not detrimentally impact upon the neighbouring properties or gardens. With regards to reference to a veranda, none are indicated on the plans, however, it is noted that there is an area of flat roof and as such, a condition is recommended (please see below) to avoid any confusion over the use of this flat roof.

Action required:

A condition is recommended to ensure that the flat roof to the rear is not used as a balcony etc. and is recommended to be worded as follows:

The roof area of the extension shall not be used as a storage area, balcony, roof garden or similar amenity area.

Reason:

To ensure that the privacy and amenities of adjoining occupiers are safeguarded, and to ensure compliance with Policy / Policies SP1 (Delivering the Strategy) / MD2 Design of New Developments of the Local Development Plan.

An informative on Party Wall Act is also recommended:

The applicant/owner shall be aware of the duties imposed under the Party Wall Act 1996. This requires a building owner to notify and obtain formal agreement from adjoining occupier(s) where the building owner intends to carry out work which involves: 1. Work involving an existing shared wall with another property; 2. Building on the boundary with a neighbouring property; 3. Excavating near a neighbouring building, and that work falls within the scope of the Act. Procedures under this Act are separate from the need for planning permission and building regulations approval. 'The Party Wall etc. Act 1996: explanatory booklet' is available at www.communities.gov.uk. (I71).

An informative on legal rights of access is also recommended:

This consent does not convey any authorisation that may be required to gain access onto land not within your ownership or control.

[REDACTED]

From: [REDACTED]
Sent: 03 June 2025 17:29
To: Hobbs, Angharad; Planning
Subject: Development at Cliffhaven, 10 Clive Cres Penarth 2024/00537/FUL

Objections to the changed plan.

My objections to the extensions to the side and to the rear (first and second floor) towards my property still stand. No safeguard to the magnificent walnut tree is provided, its high amenity and biodiversity value is unacknowledged - the excavations have already damaged its root system and hydrology and I'd anticipate that future house owners would weaken it then seek its removal. Already the ivy growth is excessive, yet there's no proposal to remove that.

The development commenced without consent, requiring a Temporary Stop Order at cost to the Council. [REDACTED]

The Enforcement Officer advised that *re-roofing operations and erecting scaffolding related to these can be undertaken*, since these would not require planning permission. Yet the contractor has proceeded to remove the entire roof in preparation for rebuilding a new roof or roofs to match the proposed plan with its extensions to the rear. In removing the ridge beams, these works have destabilised the gable ends, which appears not only an issue of safety but [REDACTED]

[REDACTED] This work on the external structure goes beyond the Officer's approval of "re-roofing". It serves to prejudice options for development of housing.

I note the first application intended to renovate the existing building as well as add certain extensions to which adjacent residents including myself objected. This application implied that the existing structure could be adapted with interior renovations to provide 6 dwellings. Instead the spec building has proceeded with wholesale stripping of the house and services, including removal of the roof. No report has been provided to show this was necessary, rather than a simple commercial decision on maximising profit and avoiding the requirement to include social/affordable dwellings. The current plan to produce two 6-bedroom homes plus a new separate 3-bedroom house does not fit with the Council's Housing Need report identifying need for 1 and 2-bed homes.

Building works that pre-empt the choice of alternative solutions to develop housing, but pursue the present plan - including full removal of the roofs on the pretence of renovating the roof - must be discounted.

The Viability Report is so defective, biased and out-of-date in financial terms. that it should be rejected. It states the local housing need is for 3-bed homes contrary to the Housing Need report cited and gives no supporting evidence. It fails to mention the actual 6-bed homes, the 'need' for which is low. Such homes are likely to rent out excess bedrooms as bedsits,

The Viability report shows the present plan with huge spend on building works is uneconomic. It's highly implausible that a spec developer would undertake an uneconomic housing project. The present Viability report should be rejected. The developer is likely to change to a profitable variation once he obtains planning consent with minimal S106 for affordable/social housing.

Drainage is given as to soakaway/sewer, yet no proposals are included for soakaways. As the whole roof and drains are being replaced, no run-off should go to sewer, unless justified. The front parking area might accommodate soakaway for all roofs and frontage hard surface, but a) the holding capacity of the clay subsoil is limited and b) the large area of steeply sloping driveway to the road-drains requires an engineered solution. There appears no easy 'soakaway' solution on this site; the clay subsoil was revealed in the unauthorised excavations to the rear. As engineering works are probably needed, this issue should not be left to later SuDS approval, but a technical plan submitted at this stage.

The Green Infrastructure Plan lacks any assessment of the existing biodiversity or even understanding of what biodiversity is. Many trees on-site are not recorded. The proposed strip of wildflower meadow implies several will be felled, contrary to the Vale's new Tree Strategy. The need to plant 2 or 3 replacements for each tree felled is unmentioned, but would imply taking up much of the garden space with trees (more space than currently). If a physically feasible plan could be devised to include a patio area and wildflower meadow as mention, there is no management plan to ensure it's maintained between the 3 homeowners proposed, Therefore the Green Infrastructure document should be rejected and a realistic one required, which shows the existing GI, that which would be lost and that there is a real gain in biodiversity (as PPW12 requires) proportionate to the nature and scale of the development.

Max Wallis
Seascape, 3 Penarth Head Lane
Penarth CF64 1BB

[REDACTED]

From: [REDACTED]
Sent: 05 June 2025 12:08
To: Hobbs, Angharad
Cc: David hughes; Planning
Subject: Planning report on Cliffhaven, 10 Clive Cres /2024/00537/FUL, to 12 June committee

Dear Ms Hobbs,

You say my response arrived too late and that I unfortunately used your old e-mail. That may be why the message below to you of 2nd January is not recorded in your "consultations" file, where it appears yesterday's e-mail is my first communication on the revised plans.

In fact, notification was sent to Owner/occupier Seascope that arrived on 16 May, which is also not recorded.

The planning officer for the earlier application for the Nursery accepted in 2022 that I am close neighbour to Cliffhaven. So why is Seascope not on the neighbours list on file - and informed so late? I see the file gives 23/05/2025 as the end date, which did not allow for your late postings. The letter to me as occupier of Seascope says "21 days from the date of this letter" but the letter was undated and the envelope not postmarked. Would you therefore record that your office omitted to inform me in accord with procedure, also my response of yesterday would be in time?

Your report omits Seascope though we are the second closest neighbour. Our garden shares a several metres-long fence plus metres of walling and hedgerow. Guy Watkins agreed my evidence on this in the 2022 application. This material factor of course gives weight to my submission on the 'veteran' walnut tree from June/July 2024.

There is no source on file for your report's quotation of a *Treescene* assessment, or source for the faint outlines of tree canopies visible on the *site plan revs 7.4.25 (2)*; no tree plan in the GIS. My email of 2nd January asked for one. The quotation

A tree report by Treescene Arboricultural Consultants details the tree as being a mature tree ... with a life expectancy between 20-40 years.

is from Guy Watkins' report on the Nursery application. Likewise the sentence

Carrying out a TEMPO assessment of the tree it would not be suitable for a Tree Preservation Order

was copied from his report with no record of the TEMPO assessment, which your report implies was undertaken. The Council's tree officer started in post since 2022 but no report from him is on file.

Is it clear that you are borrowing from the earlier assessment in 2022/00931/FUL and that the source reports were needed to support statements including these?

I'd appreciate your reply as soon as possible.

Max Wallis [REDACTED]

----- Forwarded message -----

From: max wallis [REDACTED]
Date: Thu, 2 Jan 2025 at 07:45

Subject: Cliffhaven, 10 Clive Cres /2024/00537/FUL

To: Angharad Hobbs <[REDACTED]>

Angharad Hobbs
VoG Planning officer

A Happy New Year!

Thank you for notifying me of the new plans.

I see no summary or explanation in the documents, was there perhaps a cover letter that's not posted up?

You may have witten asking the developer to take account of criticisms and point out new policy on biodiversity gain; would you please supply any such communication? Are there not requirements on rainwater soakaways for new rooves and hard surfaces, so should details be required at this stage/

Sketches of tree positions are on certain plans, but not the tree survey on which these are based. Could you obtain this?

Is there also a biodiversity survey and plan as needed to support any claim the development will deliver genuine biodiversity gain?

I look forward to replies in time to meet the deadlines.

Regards,
Max Wallis
3 Penarth Head Lane

[REDACTED]

From: [REDACTED]
Sent: 06 June 2025 17:54
To: Hobbs, Angharad
Subject: Re: Planning report on Cliffhaven, 10 Clive Cres /2024/00537/FUL, to 12 June committee

Dear Ms Hobbs,

I confirm your red line shows my boundary with No 9 Clive Cres., as the Land Registry has recorded for 50 years.

However the tree foliage in your aerial picture hides detail of my boundary with No.10. The plan submitted by the applicant is erroneous because it omits a single storey outhouse of No'9 which protrudes onto my property. Steps adjacent to it up to my garden are my side of your red line too.

I copy their faulty plan below to help you 10 CLIVE CRESCENT site plan revs 7.4.25 (2).

On the picture sent earlier of the exposed/torn roots of the walnut tree, you can see the stone outhouse of No.10, which is the twin of that of No.9.

The erroneous plan wrongly shades in the existing house rear to run to my side boundary. It doesn't. As for its twin, No.10's rear is inset. It carried the previous rear access steps (needed for fire escape) plus the twin outhouse. The Zenith land survey 22042-A2_P_@1 to 200 confirms the existing house rear is inset, which might have alerted you to carry out an inspection.

This fault is material for the applicant's proposals.

Omission of the inset house line gives bias to the rear extensions applied for - and for felling the walnut tree.

No plans are submitted for the conjoined outhouse which has a common roof, the roof and walls protruding onto my property.

No regard is paid to the extension and veranda overlooking the window in No.9 opposite their outhouse (closer than apparent in the shaded outline, as can be seen in your picture).

I submit that you need an accurate plan in this regard and provision for the conjoined outhouse affecting No.9 (and me to a lesser extent) prior to determining the application.

Please say if this error in the application documents will incline you to withdraw it from the 12 June committee.

Regards,
Max Wallis

MATTERS ARISING FOR COMMITTEE

COMMITTEE DATE : 12 JUNE 2025

| | |
|---|-------------------------------------|
| Application No.: 2024/00537/FUL | Case Officer: Angharad Hobbs |
| Location: Cliff Haven Residential Home, 10 Clive Crescent, Penarth | |
| Proposal: Conversion to 3 Apartments with side and rear extensions and other alterations. Proposed alterations throughout the site to include the addition of retaining walls and alterations to levels. | |

From: Neighbour, 5, Penarth Head Lane, Ms Devine

Emails dated 7, 8 and 9 June, 2025

Summary of Comments:

- Understand difficulty of balancing neighbour concerns and need to build homes.
- Description of development is inaccurate as it refers to 3 apartments and the error is replicated throughout the application.
- There are no flats or apartments proposed.
- Developer has made no attempt to explain why development would start at a loss. Concerns that the business case is inaccurate or an attempt to avoid Section 106 costs.
- Neighbours did not have time to consider viability assessment, commissioned by the Authority.
- Unclear of following statement in the viability assessment:
"Viability Conclusion
It is my independent conclusion that the proposed development is unable to viably support any planning policy requirements therefore the delivery of the scheme is a concern. This conclusion is sensitive to the abnormal development cost and market conditions, and a small movement would lead to a reduction in policy."
- Queries regarding substantial loss to developer.

Officer Response:

- Comments regarding description are noted. Whilst the proposed development may be considered as houses, they share communal parking and garden etc. and as such, are similar to apartments. It should be noted that the assessment of the proposals, whether as an apartment or as a house, would not change the requirements in terms of parking or amenity space etc. and would not change the overall recommendation of the Authority.
- Comments regarding the Viability assessment are noted. It is recognised that whilst the applicant's Viability report formed part of a formal consultation, the assessment provided by the District Valuer was not. However, this is a report commissioned by the Authority and is not required to be consulted upon. It should be noted however that a redacted version is available on the Authority's website.
- Noting the query raised with regards to the specific quote – the LPA interpretation is that the proposed development cannot support any planning policy requirements –

however, this is dependent on the abnormal costs and market conditions etc. It should be noted that a 106 is required and is covered in the Officer's report.

Action required:

Comments noted.

[REDACTED]

From: [REDACTED]
Sent: 07 June 2025 22:37
To: Hobbs, Angharad; Sivagnanam, Ruba (Cllr); Thomas, Neil C (Cllr); Penn, Elliot (Cllr)
Subject: Concern about inaccuracies / lack of clarity in the Planning Report - no 10 Clive Crescent, Penarth

You don't often get email from [REDACTED] [learn why this is important](#)

Dear Ms Hobbs, Cllr Sivaganam, Cllr Thomas and Cllr Penn,

Thank you very much for all the work that has gone into assessing whether or not to recommend approval of the planning application for 10 Clive Crescent in Penarth.

We understand that you have a very difficult job trying to balance neighbours' concerns with the need to build new homes, and we also know that we are lucky not to have any worries about our own housing.

So we would just like to raise two concerns with you about the report on 10 Clive Crescent.

Description of the Development

The section "Description of Development", states that:

"Planning permission is sought for the conversion of the building into 3 Apartments with side and rear extensions and other alterations" - this is just factually incorrect. The permission sought is for conversion into three *houses* - two of these have six bedrooms and one has three.

It then states "The accommodation will comprise of two No. 6 bed flats within the existing part of the property and one 3 bed flat in the new building extension to the side". This is similarly incorrect.

The short description on the planning website also says "Conversion to 3 Apartments". - we think this is also wrong.

I won't bore you with all the similar incorrect references in the documents in the portal, but this apparent error is replicated throughout.

For complete clarity: There are no flats or apartments **at all** in the developer's application documents.

The business case

The original business case / assessment of likely profit on the development showed a predicted loss of approximately a million pounds. The developer made no attempt to explain why anyone would start on a project due to lose this much - the only plausible possible inferences were that either the business case was wrong or that this was an attempt to avoid any s106 costs.

We have since found out that a new 48-page document was submitted on May 20th, assessing this business case. This was commissioned by the Council. We did not have time to consider this before giving our response to the consultation, as the closing date was Friday 24th May and we wanted to get out response in safely before that.

We have read it since then and find it impossible to understand (despite decades of wading through endless huge reports and financial assessments in our working lives!). We are particularly confused by this comment:

"Viability Conclusion

It is my independent conclusion that the proposed development is unable to viably support any planning policy requirements therefore the delivery of the scheme is a concern.

This conclusion is sensitive to the abnormal development cost and market conditions, and a small movement would lead to a reduction in policy."

We have no idea what we are meant to infer from this! We don't understand how what is meant to be a transparent process is, for this particular element, utterly opaque.

With no explanation of why **both** analyses show that the developer seems to have willingly started a project with a huge loss built in from the very beginning, and a failure to even ask why - there seems to be no other interpretation other than "something is very wrong somewhere".

Thank you for reading this.

Lucy and Tim Devine

5 Penarth Head Lane
Penarth
CF64 1BB

Lucy Devine



[REDACTED]

From: [REDACTED]
Sent: 08 June 2025 20:39
To: Thomas, Neil C (Cllr)
Cc: Hobbs, Angharad; Sivagnanam, Ruba (Cllr); Penn, Elliot (Cllr)
Subject: Re: Concern about inaccuracies / lack of clarity in the Planning Report - no 10 Clive Crescent, Penarth

You don't often get email from [REDACTED] [Learn why this is important](#)

Dear Cllr Thomas

Thank you for taking the trouble to reply - and as I said in my previous email, I do appreciate that Councillors and staff have worked very hard on this - and that it's impossible to keep everyone happy.

Yours,

Lucy

[REDACTED]

From: [REDACTED]
Sent: [REDACTED]
To: Hobbs, Angharad
Cc: Thomas, Neil C (Cllr); Sivagnanam, Ruba (Cllr); Penn, Elliot (Cllr); Butler, Stephen; [REDACTED]
Subject: Re: Concern about inaccuracies / lack of clarity in the Planning Report - no 10 Clive Crescent, Penarth

Dear Ms Hobbs

Thank you very much for this. I appreciate your swift reply.

I haven't had any response on the point I raised about the inaccuracies in the paper, eg about describing the development as apartments when in fact, even the *application itself* is clear that it is three houses, with three bedrooms in one and six bedrooms in each of the other two (fifteen bedrooms all in all).

Could I please ask one more thing? I feel that I am going round and round in circles about the figures quoted. The developer's costings seem to indicate that he is deliberately taking on a project due to make a substantial loss of over £1,000,000. This is totally extraordinary - unless the developer has a reason to think that there will actually be no such loss.

May I request that someone asks about this?

Thank you,

Lucy

MATTERS ARISING FOR COMMITTEE

COMMITTEE DATE : 12 JUNE 2025

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| Location: Cliff Haven Residential Home, 10 Clive Crescent, Penarth | |
| Proposal: Conversion to 3 Apartments with side and rear extensions and other alterations. Proposed alterations throughout the site to include the addition of retaining walls and alterations to levels. | |

From: Case Officer

Summary of Comments:

Officers have now reviewed the situation and have concluded that the current application description which references “conversion” no longer accurately reflects the amount of rebuild that would have to take place.

Officer Response:

As such, the application will have to be amended to reflect the actual form of development (to include rebuild) and officers are of the view that the application should not be determined in its current form. The Chair will address this matter at the outset of the item at the Committee Meeting.

Action required:

In light of works carried out, Officer recommendation is for deferral of the application to amend the application.