ITEMS RECEIVED AFTER THE PRODUCTION OF THE REPORT FOR THE PLANNING COMMITTEE TO BE HELD ON 12 May 2016

Page	Application	Location	Item No.	Description
25.	2013/01279/OUT	Land at Cog Road, Sully	1.	Amendments to Section 106. Additional conditions 29 and 30 and amended condition 13
100.	2014/01033/FUL	Lettons House, Dinas Powys	2.	Letter from applicants agent concerning the officers recommendation and officers response
116.	2015/01157/FUL	Land off Wick Road, St Brides Major	3.	3 letters and emails objecting to planning application
			4.	Comments of applicants agent in support of the application
			5.	Additional reason for refusal No. 4
			6.	Comments if the Councils Highway Officer and subsequent reason for refusal No. 5
221.	2016/00123/FUL	Ty Broc Parc Farm, St Donats	7.	Officer clarification regarding description of development
			8.	Comments of St Donats Community Council maintaining objections
233.	2016/00176/FUL	Overway, 12 Park Road, Penarth	9.	Comments from a neighbour in support of application
			10.	Suggested alternative amendments by the applicants agent

COMMITTEE DATE: 12 May 2016

Application No.:2013/01279/OUT Case Officer: Mr. I. Robinson

Location: Land south of Cog Road, Sully

Proposal: Residential development with associated access and

associated works (max 350 dwellings)

From: Case officer

The report identifies a S106 fee of approximately £96,000. This is a typographical error and the report should have referenced an amount of £49,000, which is the figure that has been agreed with the applicant following discussion over the nature and extent of administration and monitoring that would be required in association with the legal agreement.

Action required: Members to note the amendment to the report detailed above.

Additional conditions as a consequence of new legislative requirements

29. The development hereby approved shall not begin until 14 days after the receipt of the Notification of initiation of development by the Local Planning Authority. The notification shall be submitted in the form specified in Schedule 5A of the Town and Country Planning (Development Management Procedure) (Wales) (Amendment) Order 2016.

Reason:

To comply with the requirements of section 71ZB(1) of the Town and Country Planning Act 1990 (as amended).

30. At all times when the development is being carried out, a notice shall be firmly affixed and displayed in a prominent place at or near the place where the development is being carried out. The notice shall be legible and easily visible to the public without having to enter the site and printed on a durable material. The notice shall be in the form specified in Schedule 5B of the Town and Country Planning (Development Management Procedure) (Wales) (Amendment) Order 2016.

Reason:

To comply with the requirements of section 71ZB(2) of the Town and Country Planning Act 1990 (as amended).

P.2

Action required: Members to note additional conditions.

Amended Condition 13:

Prior to the submission of any reserved matters applications, a programme of archaeological work shall be carried out in accordance with a written scheme of investigation, which shall first be submitted to and approved in writing by the Local Planning Authority. A report to detail the findings of the programme of archaeological work should be submitted to and approved in writing by the Local Planning Authority prior to the submission of any reserved matters application and the programme and scheme shall be fully implemented as defined in the approved details at all times. Any reserved matters subsequently submitted shall thereafter be informed by the results of the submitted and agreed report.

Reason:

In order that archaeological operations are undertaken to an acceptable standard and that legitimate archaeological interest in the site is satisfied and to ensure compliance with Policies ENV18 and ENV19 of the Unitary Development Plan.

Action required: Members to note amended condition.

COMMITTEE DATE: 12 May 2016

Application No.:2014/01033/FUL Case Officer: Mr. Steven Rennie

Location: Lettons House, Lettons Way, Dinas Powys

Proposal: Re-submission of application for removal of modified agricultural/rural enterprise

occupancy condition imposed on application 2011/0503/FUL in respect of the

erection of existing 2 storey house

From: 'Thrings' Solicitors

Summary of Comments:

Points made in support of the applicant to remove restrictive occupancy condition on Lettons House. The letter states that they do not believe an off-site financial contribution towards affordable housing has any basis in planning policy or is compliant with Regulation 122 of the Community Infrastructure Levy 2010. Letter describes the marketing exercise and that there is no genuine interest from a potential purchaser. Also highlighted the Derwer Fach appeal decision which allowed the removal of an occupancy condition.

Officer Response:

With regards the points made in the Thrings letters, it is considered that an off-site contribution towards affordable housing was reasonable in connection to the application and directly relevant.

This application is to consider removal of a condition for a restrictive occupancy dwelling within the Vale, which included reference to those who qualify for affordable housing. Technical Advice Note 6 (2010) from the Welsh Government makes clear the link between previously tied dwellings and affordable housing, through using the broader condition which includes eligibility for those who qualify for affordable housing:

- 4.13.4 The broadening of the traditional agricultural occupancy condition to embrace a wider range of rural enterprises significantly increases the number of eligible occupiers for rural enterprise dwellings. Where an appropriate rural enterprise worker cannot be found to occupy the rural enterprise dwelling, eligibility should be extended to persons who would be eligible for consideration for affordable housing under the local authority's housing policies.
- 4.13.5 Where planning applications are received to lift existing agricultural occupancy conditions or where enforcement action is being taken for non compliance with the condition, the planning authority should consider replacing the existing agricultural occupancy condition with the rural enterprise dwelling condition.....This will often be justified to ensure that the dwelling is kept available to meet the housing needs of rural workers and local people in need of affordable housing.

Affordability is an important issue to when considering restrictive occupancy conditions/properties and following the publication of TAN 10 the revised standard planning condition makes specific mention of including those who qualify for affordable housing. As such, if the condition was

removed then this would have an impact to affordable housing provision and so discussions regarding a potential off-site contribution were directly relevant to this application.

Points made about both the marketing study and other sites subject to planning appeal in Wales have been considered in depth in the Committee Report.

For the attention of the Planning Department and Committee Members

Vale of Glamorgan Council

Civic Offices

Holton Road

Barry

CF63 4RU

Also via email: Planning@valeofglamorgan.gov.uk and Committee Member's

emails

11 May 2016

Your Reference:

Our Reference:

AM/lcl/H7549-1

Direct Line:

0117 9309575

Direct Fax:

0117 9293369

Email:

amadden@thrings.com

VERY URGENT

Dear Sirs

Our Client: Mr Peter Hayman of Lettons House, Lettons Way, Dinas Powys, Vale of Glamorgan CF64 4BY ("the Property")

Application Reference: 2014/01033/FUL ("the Application")

We refer to the above Application.

We respectfully invite you to go against your officer's recommendation and approve the Application for the following reasons:

- 1. The imposition of a financial contribution in lieu of removing the rural enterprise condition has no basis in national or local policy a view supported by Counsel for the Applicant;
- 2. In any event, the payment sought does not 'fairly and reasonably relate in scale and kind to the development' and thus fails to meet the statutory tests enshrined in Regulation 122 of the Community Infrastructure Levy Regulations 2010;
- 3. Policy HOUS6, which relates to agricultural occupancy conditions, is relevant insofar as it provides that the approach to be taken is to consider such applications "on the basis of realistic assessments on the continuing need for their retention";
- 4. The Property is no longer tied to a rural enterprise and has been marketed over several years initially at the Welsh Government recognised 20% to 25% discount (and more recently at 30% what with inflation). It follows there is no flaw in the marketing exercise as erroneously suggested by your officer and the strategy of valuation of the property is sound;

The Paragon • Counterslip • Bristol • BS1 6BX • Tel: 0117 930 9500 • Fax: 0117 929 3369 • DX: 7895 Bristol Email: solicitors@thrings.com • www.thrings.com Also in London, Bath and Swindon

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- 5. Furthermore, the lack of any genuine resultant interest from a potential purchaser (Housing Association or otherwise) provides a realistic evidential basis for the conclusion that there is no continuing need for the retention of the condition (our emphasis);
- 6. The Derwen Fach appeal decision where the Inspector concluded that it would not be a suitable property to be regarded as an affordable dwelling to purchase or rent given its size and its resulting value allied to its isolated position is authority for the view that where there is a lack of demand for a property with a rural enterprise condition, the conclusion can be reached that there is no continuing need for the occupancy condition and no resultant prejudice to the supply of affordable housing in the area (our emphasis);

Suffice to say, by following the officer's recommendation, the Council will be falling into error in a material way and acting wholly unreasonably thus rendering it liable to costs at any subsequent appeal. We therefore urge you to allow the Application.

Yours faithfully

cc:

Marcus Goldsworthy, VOG via email

Steven Rennie, VOG via email

Payne, Adrienne J

From:

Christopher Thorpe

Sent:

04 May 2016 11:21

To:

Planning & Transportation (Customer Care)

Subject:

St. Brides Major Development - 2015/01157/FUL

Dear Mr Butler

We understand that you are not intending to re-consult on the revised documents sent you by Newydd but we would wish you to know that we totally support the comments made and sent yesterday to you by Mr & Mrs Morris. There is however one detail we would like to draw to your attention if you haven't already picked it up, is that the list of accommodation on page 3 of Geraint John's letter of 25th April is at odds with the one originally submitted by Newydd in that they have reduced the number of 3 bed & 1 bed apartments and increased the number of 2 bed ones, thus they have increased the number of persons they plan to accommodate by 3 making the total now 70. We wait your report with interest.

Regards

Jane & Christopher Thorpe

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0 4 MAY 2016

Regeneration and Planning

D.E.E.A

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ACTION BY: IR

NO: 45

ACK:

Payne, Adrienne J

From:

Planning

Sent:

29 April 2016 16:25

To:

Planning

Subject:

New comments for application 2015/01157/FUL

Attachments:

9947-where-is-highways-report.doc

New comments have been received for application 2015/01157/FUL at site address: Land off Wick Road, St. Brides Major

from Mr Philip Morris

Address:

Wild Goose Cottage, Wick Road, St. Brides Major, CF32 OSE

Comments:

Highways department response - see attachment

The following files have been uploaded: 9947-where-is-highways-report.doc

Case Officer:

Mr. S. D. Butler

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2 9 APR 2016

Regeneration and Planning

D.E.E.R

RECEIVED

ACTION BY: IR

NO: 5

ACK:

F.A.O. Stephen Butler

PLANNING APPLICATION 2015/01157/FUL

We Notice that there is as yet no Highways Department response posted on your planning portal for the above planning application. As you know, many of the representations made by the public about this application expressed considerable concern at the access shown onto the B4265 (Wick Road) and people are extremely interested to see the response of the Highways Department.

If this response is available would you please ensure that it is made public on the planning portal. If there is no response from the Highways Department then why is there not?

Many thanks,

Phil & Ros Morris

29/4/16

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2 9 APR 2016

Regeneration and Planning

Payne, Adrienne J

From:

Planning

Sent:

02 May 2016 17:59

To:

Planning

Subject:

New comments for application 2015/01157/FUL

Attachments:

9946 comments on Geraint John response.doc

New comments have been received for application 2015/01157/FUL at site address: Land off Wick Road, St. Brides Major

from Mr Philip Morris

Address:

Wild Goose Cottage, Wick Road, St. Brides Major, CF32 OSE

Comments:

Comments on the response by Geraint John to Peter Thomas's conservation report.

See attachment.

The following files have been uploaded:

9946 comments on Geraint John response.doc

Case Officer:

Mr. S. D. Butler

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0 3 MAY 2016

Regeneration and Planning

D.E.E.R

RECEIVED

ACTION BY: IC

NO: 36

ACK:

Planning Application 2015/01157/FUL

Comments on Geraint John's Response to Conservation & Design Objections

We write to comment on the letter written on 25/4/16 by Geraint John Planning (GJP) regarding Peter Thomas's (PT) objections to the above development. Comments are made for each of the individual sections in GJP's letter.

Firstly, we note that there is no response at all made to the first section of PT's objection regarding case law and how the proposed development might in any way prove exceptional to this ruling and overcome it.

Dealing section by section with GJP's response we make the following comments.

The GJP response acknowledges and accepts the comments of PT and then proceeds to try to circumvent them. It seeks to make a virtue of having something totally different in character from the existing Conservation Area. What it proposes is in fact totally alien. It makes great play of the existing trees screening the proposed development from view as much as possible. Would it need screening if it were a suitable addition to the area? Furthermore the proposal requires the felling of at least two of these trees which incidentally are healthy trees having only recently been given fresh TPOs. Thus, GJT neatly destroys its own argument! Also the Kings Hall Complex is mainly at road level so we fail to see how this can possibly supply any meaningful screening to the upper levels of the development.

GJT suggests that the proposed buildings are modest in scale. This is clearly ludicrous given that the development almost the doubles the size of the CA. As for the architectural style reflecting the current mix of the CA then how can this be when the style is unashamedly 'inner city'.

Whether the affordable housing is desperately required or not is irrelevant when judging its suitability for the site. (Actually the need for affordable housing in St. Brides last year was found to be -1) To say that an increase in the density of the housing from 7.14 to 33.45 dwelling s per hectare would not detract from the existing character of the area is palpable nonsense. Again, GJP uses trees, some of course which will be felled, to suggest the softening, i.e. hiding away from view, of the site view can be easily accomplished. This is nonsense.

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Regeneration and Planning

Once again GJP evokes the position of trees as the saviour of its plan by screening the ugly development. To say that the development 'can be read as a small group of buildings which is similar to the other pattern of built form within the CA' is absolutely absurd since it almost doubles the existing properties in the CA.

This section does nothing to refute the charge of PT that the development introduces an uncharacteristic suburban style cul-de-sac into the CA. Looking at the types of building proposed it could be seen as more of an inner city cul-de-sac rather than a suburban one.

This section is most revealing in that it lets slip what would actually happen in practice if the development were to go ahead. GJP admits that the cost of using the materials which are mandatory within the CA for developments and enhancements to existing buildings would be prohibitive. GJP then baldly states that they will use substandard materials. Not content with this lowering of standards GJP then seeks greater 'wriggle room' to use even lower standard materials if others are 'not available'. Inevitably this will lead to the use of the lowest standard of materials as routine to save as much money as possible. This would result in an extremely shoddy development which would quickly degenerate into a 'sink estate'.

Whether paviours are good for drainage or approved by the Highways Department is totally irrelevant since as PT states they are still not appropriate because they appear out of context. In addition, without maintenance, paviours can become weed ridden overtime. What maintenance would these receive? None, we should think.

Our conclusion after examining this response by GJP is that it answers very few if any of the points raised by the PT objection. The response inadvertently admits that the proposal is alien enough to the CA to warrant its screening or hiding from view and that it would be built with substandard materials. The response also makes several leaps of logic in drawing its conclusions from the facts it presents and then makes unjustified assertions.

Altogether a thoroughly weak and ineffective response by GJP but nevertheless unintentionally revealing as to the true outcome of how the development would look if it were to go ahead.

Phil & Ros Morris

2/5/16

COMMITTEE DATE: 12 May 2016

Application No.:2015/01157/FUL **Case Officer:** Mr. S. D. Butler

Location: Land off Wick Road, St. Brides Major

Proposal: Proposed development of 19 affordable dwellings, with associated

landscaping and engineering works

From: Geraint John Planning

Summary of Comments:

The following sets out the support for the application following consideration of the Committee Report, and is summarised below:

- The Council's Housing Strategy Team and Affordable Housing Enabler have confirmed that there is an evidenced need for additional housing across the Vale of Glamorgan and evidence of local need within the wider St Brides Major ward.
- There is not considered to be any other sites which would be suitable for affordable housing development within St Brides Major.
- The Site is accepted as being in a sustainable location and represents an inherently deliverable opportunity
- The sensitive design of the proposals, and the site's boundary treatments reflect the local vernacular and the form and layout of the development reflects the characteristic 'clusters' of settlement within the wider conservation area.
- The proposals are acceptable in respect of all reasons for refusal recommended in the Officer's Report.
- A balanced judgement taking account of all material considerations will determine the overall acceptability of the proposals. The Applicant respectfully considers, as evidenced throughout their planning application submission that the balance in this instance should weigh considerably in favour of the proposed development.

Officer Response:

The comments made by the agent are noted, however this does not change the acceptability of the scheme and the reasons for refusal.

Action required:

That Members of Planning Committee note the comments made and officer response.



Geraint John E: geraint@gjplanning.co.uk T: 02920 660244 F: 02920 660243 M: 07531 324325

33 Cathedral Road Cardiff CF11 9HB www.geraintjohnplanning.co.uk

9th May 2016

Stephen Butler
The Vale of Glamorgan Council
Dock Office
Barry Docks
Barry
CF63 4RT

Dear Sir/Madam,

2015/01157/FUL: LAND OFF WICK ROAD, ST. BRIDES MAJOR PROPOSED DEVELOPMENT OF 19 AFFORDABLE DWELLINGS, WITH ASSOCIATED LANDSCAPING AND ENGINEERING WORKS

We write on behalf of the Applicant in support of the above application outlining the Applicant's considerations in respect of the recommendations of the Officer's Report for the application, which is to be considered at the upcoming May 12th Planning Committee.

The Annex associated with this letter in combination with the detailed assessment previously undertaken and reported is considered to allow the proposals to be viewed favourably and acceptably.

In summary, the Note has considered and demonstrated the following:

- the Council's Housing Strategy Team and Affordable Housing Enabler have confirmed that there is an evidenced need for additional housing across the Vale of Glamorgan (based on the 2015 LHMA), and it is accepted that there is evidence of local need within the wider St Brides Major ward. This position significantly weighs in support of the planning application.
- There is not considered to be any other sites which would be suitable for affordable housing development within St Brides Major.
- the Site is accepted as being in a sustainable location and represents an inherently deliverable
 opportunity in that it is; (a) being promoted by a Housing Association with a track record of
 successful schemes, (b) within the ownership of a willing landowner, and (c) is not the subject of
 any unresolvable technical constraints to the development of the site (e.g. ecology, drainage,
 access and highways, archaeology etc.).
- the sensitive design of the proposals, and the site's boundary treatments, to reflect the local vernacular and the form and layout of the development which reflects the characteristic 'clusters' of settlement within the wider conservation area would ensure that the character and appearance character of this part of the conservation area would be preserved.
- It is considered that the proposals are acceptable in respect of all reasons for refusal recommended in the Officer's Report.

• A balanced judgement taking account of all material considerations will determine the overall acceptability of the proposals. The Applicant respectfully considers, as evidenced throughout their planning application submission that the balance in this instance should weigh considerably in favour of the proposed development.

Having regard to the considerations outlined, the Applicant respectfully contends that the application is acceptable, and planning permission ought to be granted.

Should you require further information, please do not hesitate to contact me.

Yours faithfully



Geraint JohnDirector
Geraint John Planning Ltd.

Enc.

Annex A: Consideration of Principal Issues Landscape Strategy, EDP2911/04b, 27 April 2016



Page 3 of 6

Introduction

This Annex considers the Officer's Report, and principally refers to the recommended reasons for refusal, which are addressed in turn below.

Prior to addressing the reasons for refusal, from the outset, it should be stated that the Council's Housing Strategy Team and Affordable Housing Enabler have confirmed that there is an evidenced need for additional housing across the Vale of Glamorgan (based on the 2015 LHMA), and it is accepted that there is evidence of local need within the wider St Brides Major ward. This position significantly weighs in support of the planning application.

The Applicant supports the Officer's Report where it states that 'it is recognised that the site is not in an unsustainable location'. The Area Objectives outlined within the Deposit LDP states that Minor Rural Settlements, such as St Brides Major should 'provide for an appropriate level, range and choice of housing, including affordable rural housing to meet local need' — which is provided for in this application. In this regard, it should be recognised that opportunities for rural exception sites are few and far between within the Vale of Glamorgan. In contrast, the Application Site represents an inherently deliverable opportunity in that it is; (a) being promoted by a Housing Association with a track record of successful schemes, (b) within the ownership of a willing landowner, and (c) is not the subject of any unresolvable technical constraints to the development of the site (e.g. ecology, drainage, access and highways, archaeology etc.).

A balanced judgement taking account of all material considerations will determine the overall acceptability of the proposals. The Applicant respectfully considers, as evidenced throughout their planning application submission that the balance in this instance should weigh considerably in favour of the proposed development. The recommended reasons for refusal are considered in turn below.

Recommended Reasons for Refusal

Introduction

The Officer's Report is not clear as to which reasons have been recommended for refusal with differing reasons provided on Pages 158-159, when compared with Pages 159-160 of the Report. Notwithstanding this, based on dialogue with the Case Officer we understand that the recommended reasons for refusal, in summary, comprise:

- 1. Impact on trees;
- 2. Impact on the St Brides Major Conservation Area and setting the setting of 'positive buildings identified at the former Kingshall Farm;
- 3. Loss of 'best and most versatile quality agricultural land'; and
- 4. Generation of need for additional school places, which the Council is unable to accept, given CIL and pooling issues centred around the secondary education provision.

From the outset, it should be stated that each and every reason for refusal has to stand on its own face value (i.e. be defensible in its own right), with all considerations weighed against the significant wider benefit the proposal brings about in terms of meeting a significant and quantified affordable housing need. Accordingly, each recommended reason for refusal is considered below:

1. Impact on trees

Notwithstanding the relative poor quality of the trees, the proposals have sought to retain all trees where possible in recognition of their contribution to amenity and the site's location within the Conservation Area. The development proposals result in two trees proposed for removal to allow the



construction of road access into the site (BS Survey Ref: T15, T16, VoG TPO Ref: T6, T8). These have been assessed as being C category Lime trees of fair-poor physiological condition. There are no A or B category trees proposed for removal. Moreover, a Landscape Strategy has been prepared by suitably qualified Landscape Architects in support of the proposals — which establishes a hierarchy of new medium and large sized tree planting within the street and Public Open Space (POS), which will improve general amenity as well as provide a successional tree stock. The Landscape Strategy is enclosed with this letter for your consideration.

The Arboricultural Impact Assessment, which supplements the application concludes that "the condition of many of the trees on the site is currently declining.... The development proposal would allow significant new native tree planting which will provide long-term landscape amenity benefits".

It is therefore considered that the application is acceptable in respect of its impact on trees.

2. <u>Impact on the St Brides Major Conservation Area and setting the setting of 'positive buildings</u> identified at the former Kingshall Farm

As evidenced within the Heritage Statement prepared by heritage consultants EDP, in terms of the site's contribution to the 'experience' of the conservation area, its enclosed nature means that it is not widely visible from within it. Verified View EDP 2 from 'Pwll y Mer' opposite the Farmer's Arms provided within the Landscape and Visual Appraisal prepared by landscape and visual impact consultants EDP demonstrates this.



Verified View EDP 2: View from 'Pwll y Mer' opposite the Farmer's Arms

The recommended reason for refusal is partly based on the 'urbanisation' of the site 'resulting in the loss of the open character of this part of the Conservation Area and rural character of the area'. Whilst the proposal does bring built form into this part of the Conservation Area, the retention of the majority of the significant tree group and the stone wall (albeit set further back from the frontage) would still preserve the experience of the application site in the context of the wider conservation area, as viewed from the main road. Moreover, the sensitive design of the proposals, and the site's boundary treatments, to reflect the local vernacular - and the form and layout of the development which reflects the characteristic 'clusters' of settlement within the wider conservation area - would ensure that the character and appearance character of this part of the conservation area would be preserved.

In terms of the site's relationship to the 'Positive Buildings' identified at the former Kingshall Farm, it should be noted that none of these are orientated to address the site or take advantage of views in this direction. It is clear that it is the relationships between these buildings within their own discrete settlement group and with the road to the west which is their main focus, rather than views over the wider agricultural land.



In themselves these late 20th century buildings are deemed to be of no architectural or historic interest or significance; they contribute a suburban quality to the wider streetscene within the northern portion of the conservation area, in contrast with the more open and dispersed form of the conservation area to the south.

It is accordingly considered that there would be a 'neutral' impact on the character and appearance of the St Brides Major Conservation Area if the proposed redevelopment is implemented; in other words, the development scheme proposed for this site would 'preserve' the conservation area's character and appearance, and is accordingly acceptable

3. Loss of 'Best and Most Versatile Quality Agricultural Land'

Kernon Consultants, who are agricultural planning consultancy have provided their expert opinion and assessment within the Agricultural Land Classification Survey submitted as part of the planning application. This demonstrates that the 0.5 hectare site's re-development to affordable housing is not considered to be significant, as the land is not capable of providing a meaningful contribution towards agricultural production.

It should also be taken into account that, in this case, a significant overriding need has been presented — i.e. the Housing Strategy Team and Affordable Housing Enabler have confirmed that there is an evidenced need for additional housing across the Vale of Glamorgan (based on the 2015 LHMA), and it is accepted that there is evidence of local need within the wider St Brides Major ward.

It is accordingly considered that the proposal is acceptable in terms of its impact on 'Best and Most Versatile Agricultural Land'.

4. Generation of need for additional school places, which the Council is unable to accept, given CIL and pooling issues centred around the secondary education provision

Firstly, it should be reiterated that the Applicant has agreed all contributions sought (in respect of Education, Public Art, Sustainable Transport, Public Open Space, Admin Fee etc.).

The position in respect of education (i.e. the contributions sought) is also agreed, and we request that this is communicated clearly as part of the determination process. Given this, it is not the case that the scheme isn't making provision for financial contributions (including education), but rather your Authority is unable to accept a proportion of such contributions - given CIL and pooling issues centred around education.

Clearly the position in this respect isn't entirely uniform - in that education provision at both the nursery and primary levels can of course be made (in that the receiving schools in these categories, whilst at capacity, are not subject to the same CIL / pooling contributions limitations or pressures as Cowbridge comprehensive is considered to be). It is therefore just the secondary education contribution element that is complicated in this way. Moreover, it is not the entirety of the secondary level education contribution – with 7.5% being attributed to other schools/Welsh medium education provision. All of these contributions can therefore be made and secured.

Whilst the majority of the secondary level education contribution is, in the LPA's view, complicated and constrained by the CIL / poling regulations, it is our view that this should not, and cannot, be used as a reason for refusing our application.

It is clear that the lack of the LDP advancing in sufficient time and at sufficient speed (the adoption of the LDP being of course a pre-requisite for putting in place a CIL arrangement/scheme) is the cause of any particular constraint/limitation. The effect and implication of the LPA's position in this instance



is highly alarming - i.e. that there is / will be a moratorium to development in circumstances where the 5 pooled contributions is an issue. Such a moratorium will persist unless and until a / the CIL regime is in place. This is of course, what with the continued delays to the LDP, some way off. It could be years before this is fully in place and functioning. Given this, and moreover given that the phasing limitations and regime originally set out in the LDP have been abandoned (which I would suggest is for the same reason i.e. it effectively stifles readily developable sites from coming forward, and unduly restricts housing land supply accordingly), the Applicant requests that the position is reconsidered.

To not do so would mean that this position is repeated time and time over across the Plan area - having a catastrophic effect on housing land supply. It would also, by default, re-introduce a phasing regime into the plan where one has already been deleted (with a strong steer and direction from the appointed Inspector to do so: given concerns over restrictions to having land supply).

The LPA have accepted that their adopted position presents a wider issue on the delivery of new housing, and it is accordingly considered that, given that the Applicant is in agreement to all contributions sought by the LPA, the application is acceptable in terms of planning contributions.

Conclusion

This Note provides further clarification on aspects of the planning application in relation to the issues raised by Officers. The Note in combination with the detailed assessment previously undertaken and reported is considered to allow the proposals to be viewed favourably and acceptably.

In summary, the Note has considered and demonstrated the following:

- the Council's Housing Strategy Team and Affordable Housing Enabler have confirmed that there is an evidenced need for additional housing across the Vale of Glamorgan (based on the 2015 LHMA), and it is accepted that there is evidence of local need within the wider St Brides Major ward. This position significantly weighs in support of the planning application.
- There is not considered to be any other sites which would be suitable for affordable housing development within St Brides Major.
- the Site is accepted as being in a sustainable location and represents an inherently deliverable opportunity in that it is; (a) being promoted by a Housing Association with a track record of successful schemes, (b) within the ownership of a willing landowner, and (c) is not the subject of any unresolvable technical constraints to the development of the site (e.g. ecology, drainage, access and highways, archaeology etc.).
- the sensitive design of the proposals, and the site's boundary treatments, to reflect the local vernacular and the form and layout of the development which reflects the characteristic 'clusters' of settlement within the wider conservation area would ensure that the character and appearance character of this part of the conservation area would be preserved.
- It is considered that the proposals are acceptable in respect of all reasons for refusal recommended in the Officer's Report.
- A balanced judgement taking account of all material considerations will determine the overall
 acceptability of the proposals. The Applicant respectfully considers, as evidenced throughout their
 planning application submission that the balance in this instance should weigh considerably in
 favour of the proposed development.

Having regard to the considerations outlined, the Applicant respectfully contends that the application is acceptable, and planning permission ought to be granted.



COMMITTEE DATE: 12 May 2016

Application No.:2015/01157/FUL **Case Officer:** Mr. S. D. Butler

Location: Land off Wick Road, St. Brides Major

Proposal: Proposed development of 19 affordable dwellings, with associated

landscaping and engineering works

From: Case Officer

Summary of Comments:

Additional reason for refusal to be added in line with the report and reason for recommendation having regard to the removal of two protected trees which would impact on the amenity of this part of the St. Brides Conservation.

Action required:

Additional reason for refusal to be added:

4. The proposal would result in the removal of two protected trees which would impact on the amenity of this part of the St. Brides Conservation Area. The proposal would therefore be contrary to the aims and objectives of Policy ENV11 - Protection of Landscape Features and Policy ENV20 - Development in Conservation Areas of the Vale of Glamorgan Adopted Unitary Development Plan 1996 – 2011 and TAN10 Tree Preservation Orders.

COMMITTEE DATE: 12 May 2016

Application No.:2015/01157/FUL Case Officer: Mr. S. D. Butler

Location: Land off Wick Road, St. Brides Major

Proposal: Proposed development of 19 affordable dwellings, with associated

landscaping and engineering works

From: Highway Development Team

Summary of Comments:

The Highway Authority would advise of the following.

However, the proposed visibility splay of 2.4m x 50m is based on approaching vehicular speeds in the region of 31mph in accordance with the formula / chart within Manual for Streets 2 which has not been collaborated by the submission of a Transport Statement and accompanying speed data

In the absence of data from the developer to substantiate the vehicular speeds approaching the site in both directions the highway Authority would recommend that the higher figure of 36mph is used which would require a visibility splay "Y" value of 63m rather than 50m. This can be achieved within land forming part of the adopted highway / land within the ownership / control of the developer.

Other comments relate to conditions required for prior approval relating to full engineering details relating to design, construction and drainage of the proposed access and internal road/ parking layout arrangement.

The Highway Authority would also advise the Local Planning Authority that the proposed onsite parking provision would require 42 spaces. This would leave a shortfall of 13 spaces which would inevitably result in parked vehicles parking within the proposed Cul de Sac, Wick Road and surrounding areas which would compromise highway safety.

In the absence of any supporting documentation for the reduction of parking provisions based on Sustainability in accordance with Appendix 6 of the Councils Parking Standards / SPG the highway Authority would have to raise an objection based on the following:-

 The Proposed development will generate additional on-street parking on or in close proximity to a road bend / Junctions to the detriment of highway safety and the free flow of traffic along the adopted highway network.

Officer Response:

Comments received are noted and that a highway objection is raised.

Action required:

Additional reason for refusal to be added:

5. The proposal would generate additional on-street parking on or in close proximity to a road bend / junctions to the detriment of highway safety and the free flow of traffic along the adopted highway network. The proposal would therefore be contrary to the aims and objectives of Policies ENV27 – Design of New Developments, HOUS8 - Residential Development Criteria and TRAN10 – Parking of the Vale of Glamorgan Adopted Unitary Development Plan 1996 – 2011 and Supplementary Planning Guidance on Parking Standards.



Vale of Glamorgan Highway Authority Observation Sheet

Planning Application Ref:	2015/01157/FUL		
Observations By:	Mr Lee M Howells		
Date:	11 th May 2016 - Amendments		
Location:	Land off Wick Road, St. Brides Major		
Proposal:	Proposed development of 19 affordable dwellings, with associated landscaping and engineering works		
Case Officer:	Mr. S. D. Butler		

The Highway Authority would advise the Local Planning Authority that the proposed site is located on the Southerly side of the village of St Brides Major with frontage onto Wick Road which is subject to a 30 mph speed limit within the vicinity of the site which the developer proposes to access the site incorporating 2m wide footways along the complete frontage of the site and visibility splays of 2.4m x 50m in both directions.

The Highway Authority would advise that the proposed visibility splay of 2.4m x 50m is based on approaching vehicular speeds in the region of 31mph in accordance with the formula / chart within Manual for Streets 2 which has not been collaborated by the submission of a Transport Statement and accompanying speed data identifying the 85% percentile of vehicular speeds in both directions to substantiate the stipulated visibility splay.

However, the Highway Authority's Traffic Section has recent speed data of vehicles entering the village from the South from Bridgend where the speed limit reduces from 40 mph to 30mph and the 85th percentile of speeds in both direction was just under 36mph where there are known speeding issues entering the village.

In the absence of data from the developer to substantiate the vehicular speeds approaching the site in both directions the highway Authority would recommend that the higher figure of 36mph is used although speeds which would require visibility splay "Y" value of 63m rather than 50m which can be achieved within land forming part of the adopted highway / land within the ownership / control of the developer based the survey data within the submitted External Works Layout Plan, reference CC1396 101 F.

The Highway Authority would also advise the Local Planning Authority that the proposed onsite parking provision for the individual dwellings of 29 spaces in total falls short of the Councils adopted Parking Standards / SPG which would require 38 spaces for residents and an additional 4 spaces for visitors, totaling 42 within Zone 5 Area leaving a shortfall of 13 spaces which would inevitably result in parked vehicles parking within the proposed Cul de Sac, Wick Road and surrounding areas.

In the absence of any supporting documentation for the reduction of parking provisions based on Sustainability in accordance with Appendix 6 of the Councils Parking Standards / SPG the highway Authority would have to raise an objection based on the following:-

1. The Proposed development will generate additional on-street parking on or in close proximity to a road bend / Junctions to the detriment of highway safety and the free flow of traffic along the adopted highway network.

Lee Howells – 11th May 2016 Principal Engineer Highway Development

However should the Local Planning Authority be mindful in approving this application the following conditional should be considered for conditioning:-

1. Not withstanding the submitted Illustrative Master Plan and proposed access arrangements, no works whatsoever shall commence on the development until full Engineering details incorporating in brief the vehicular / pedestrian access inclusive of vision splays, the internal road layout for the site inclusive of turning facilities, street lighting, highway drainage, onsite parking and any associated highway retaining structures within the vicinity of the site required by the Local Highway / Planning Authority have been submitted and approved by the Local Planning Authority.

Reason:- In the interest of highway / Public Safety.

- 2. No works whatsoever shall commence on site until the design calculations, duly certified by a Professional Engineer, and full Engineering details of any structures, water culverts etc abutting or within close proximity to the proposed highway have been submitted to and approved by the Local Planning Authority.
 - Reason:- To ensure a minimum standard of construction in the interests of highway / public safety.
- 3. The proposed vehicular access shall incorporate and maintain thereafter a **minimum** vision splay of site frontage 63m x 2.4 in both direction along the adopted highway unless the developer can submit speed data documentation to substantiate the proposed visibility splay of 2.4m x 50m

Reason:- In the interest of highway / Public Safety.

plahighways

4. No boundary, walls (inclusive of piers), fencing, gates or Planting shall be erected or planting within the area located within the area of land within the ownership / control of the applicant required to provide and maintain the required vision splays.

Reason:- In the interest of highway / Public Safety.

5. Provide 2m wide footway facility designed and constructed to adoptable standards (illuminated) across the full site frontage which shall extend off within adjacent land forming part of the adopted highway on the Northerly side of the site to provide continuous links incorporating dropped pedestrian crossing facilities which shall be completed prior to beneficial occupation of the dwelling.

All land with the ownership / control of the applicant / owner required to for the provision of the footway fronting the site for highway / public purposes (dedicated) shall be identified within a Land Dedication Plan to be submitted as part of the Planning application submission.

Reason:- In the interests of highway safety, accessibility by sustainable transport modes and to minimise potential hazards.

The proposed vehicular access and internal road shall be constructed as a Block Paved Mews Court in accordance with the Councils Adoptable Standards and shall have a minimum junction radii of 7.5m, carriageway width of 4.8m,incorporating 2m & 1m Footway / margin areas and a suitable vehicular turning area to accommodate a 3 axle 9m refuse vehicle.

Reason:- To ensure a minimum standard of construction in the interests of highway safety.

7. The proposed vehicular access / junction shall be constructed at right angles to Wick Road.

Reason:- In the interests of highway safety.

8. Unless otherwise agreed with the Local Planning Authority the gradient of any proposed vehicular access / driveways serving the individual plots shall not exceed 5 % (1:20 for the first 6m and thereafter shall not be steeper than 12.5% (1 in 8).

Reason :- To ensure design standards are achieved in the interests of highway / public safety.

9. Onsite Parking areas shall be surfaced in a bound or block paved material to be agreed by the Local Planning Authority prior to beneficial occupation.

Reason:- To ensure a minimum standard of parking when the development is brought into use and in the interest of Highway / Public Safety.

- 10. No surface, roof water or other deleterious material from the site shall discharge or migrate onto the adopted highway. Applicant to make provisions to deal with the above within the confines of the site.
 - Reason:- In the interest of highway Safety and environmental management.
- 11. The applicant / Developer must provide at least 1 month prior to commencing works submit to for approval by the Local Planning Authority a detailed construction / Traffic Management Plan.
 - Reason:- In the interest of Highway Safety and the free flow of traffic along the adopted highway.
- 12. No Lorries shall deliver / leave the site during the peak am / pm hours and half hour either side of the times school commencing and ending to minimize the congestion to surrounding highway network and conflicts between site traffic.
 - Reason:- In the interest of highway / Public Safety and the free flow of traffic along the adopted highway network.
- 13. Provide and maintain facilities for wheel cleansing shall be provided for the duration of the works to be approved by the Local Planning Authority prior to any site clearance / construction works commencing on site.
 - Reason:- In the interest of highway / Public Safety.
- 14. No materials whatsoever shall to deposited or stored within the limits of the adopted highway in the interest of highway / Public Safety and the free flow of traffic along the adopted highway.
 - Reason:- In the interest of highway / Public Safety and the free flow of traffic along the adopted highway.

Lee Howells – 11th May 2016 Principal Engineer Highway Development

COMMITTEE DATE: 12 May 2016

Location: Ty Broc Parc Farm, St Donats

Proposal: Extension and alterations to dwelling at Ty Broc Parc Farm

From: Planning Officer- Morgan Howell

Summary of Comments:

Members should be made aware that in the 'Description of Development' it is stated that the 'application proposes an external staircase', it should be understood that the external steps are existing steps that will be retained and no new external steps are proposed to be developed on site. i.e to clarify the external steps will be retained with alterations to provide the balcony and a new balustrade.

Officer Response:

No response

Action required:

Report to be amended in accordance with the summary of contents above.

COMMITTEE DATE: 12 May 2016

Application No.:2016/00123/FUL Case Officer: Mr. Morgan P. Howell

Location: Ty Broc Parc Farm, St Donats

Proposal: Extension and alterations to dwelling at Ty Broc Parc Farm

From:

St. Donats Community Council representations following re consult on 18th April 2016

Summary of Comments:

Maintaining objection to the proposed development despite the deletion of the front extension. The mains areas of objection relate to impact upon the local biodiversity protected species within the locality. In addition, they raise concerns regarding overlooking to the neighbouring Parc farm

Officer Response:

Issues raised by the community council are covered in the Officers report.

Action required:

Members to note community council response

Payne, Adrienne J

From:

Ann Knight

Sent:

28 April 2016 16:50

To:

Planning

Subject:

Re: Planning Application Consultation2016/00123/FULTy Broc Parc Farm, St Donats

Attachments:

Ty Broc letter to Vale 2 letter.docx

Hi

Please find attached our objection to the above planning application

Ann

On 18 April 2016 at 09:29, Vale of Glamorgan Council Development Services

< Planning@valeofglamorgan.gov.uk > wrote:

Please find attached a letter regarding a planning application submitted to the Vale of Glamorgan Council. If this is a consultation letter, please respond to this consultation through the link provided in the attached letter. Please note that your comments may be made available online for interested persons to view.

RECEIVED

2 8 APR 2016

Regeneration and Planning

D.E.E.R RECEIVED ACTION BY: MPHIR NO 4 ACK:

St. Donats Community Counci

Objection

RECEIVED

2 8 APR 2016

Regeneration and Planning

Dear Sir,

2016/00123/FUL - Ty Broc Farm, St. Donats, Extensions and alterations to dwelling

St. Donats Community Council considered these proposals at a recent meeting and wish to object to these proposals.

It is considered that the extensions are not appropriate for the particularly sensitive location of the property. Question 14 on the Application Form requests information regarding the impact on 'Protected and priority species' (question 14 a), and 'Designated sites, important habitats or other biodiversity features' (question 14 b). The Developer has ticked the 'No Impact' boxes, suggesting that there would be no detrimental impact to the local biodiversity.

However, it must be taken into account that the site is located in the 'Heritage Coast Conservation Area', part of the 'Monknash Coast Site of Special Scientific Interest' and very close to the 'Nash Point Lighthouse Meadows' conservation area. It is accepted that even relatively poor areas are very likely to contain an abundance of uncommon flora and fauna, and there is an important area of ancient woodland nearby. The trees provide shelter and foraging areas for birds and bats, and there have been sightings of 'Red List' species here, plus thriving badger setts and foraging-areas. There is certainly evidence of amphibians locally, and the potential for dormouse activity cannot be dismissed. Wild birds and bats are afforded protection by, amongst other legislation, the 'Wildlife and Countryside Act' of 1981 and the 'Countryside Rights of Way Act' of 2000, badgers under the 'Protection of Badgers Act' of 1992.

The application states that 'the layout and sensitive scale and siting of the alterations, will be designed to ensure that the proposal will not result in any negative impacts in terms of overbearing or overlooking of the neighbouring property, or have a detrimental impact upon the surrounding landscape'. However, the plans indicate that parts of the proposed additional structures will overlook the neighbouring Parc Farm, while in the developer's own words the design calls for significant alterations to the present structure, and actually admits that modern, contemporary features, will feature prominently, so should be resisted.

The Community Council considers that the Vale of Glamorgan Council's own Development Control clauses should be noted -

ENV 1 Development in the Countryside, which the application does not seem to satisfy.

ENV 5 Glamorgan Heritage Coast, the application does not, in the opinion of St. Donats Community Council, either conserve or enhance the special environmental qualities of the

Glamorgan Heritage Coast.

ENV 10 Conservation in the Countryside, this application does not seem to maintain and improve the countryside, its features and resources.

67. . .

HOUS 7 Replacement and Extension of Dwellings in the Countryside. "The replacement or extension of dwellings in the countryside will be strictly controlled". This proposal will not meet all of the necessary criteria, the scale, design and appearance not reflecting the particularly rural location.

SP 10 Built and Natural Environment, where it is not considered that any development here would provide any enhancement to the rich and diverse built and natural environment and heritage of the Vale of Glamorgan.

MG 19 Sites of Importance for Nature Conservation. The features of this development have the potential to make a totally unacceptable impact on this remote site, important for nature conservation (SINCS) so should not be permitted.

It should also be noted that there are a number of public rights of way in the immediate vicinity which must be protected.

Yours
Mrs Ann C Knight
Clerk to the Council

AC Knight

for St. Donats Community Council

COMMITTEE DATE: 12 May 2016

Application No.:2016/00176/FUL Case Officer: Mrs. Y. J. Prichard

Location: Overway, 12, Park Road, Penarth

Proposal: Detached two storey house with integral garage and separate small single

room reptile building

From: Mr & Mrs Cantlay, grd floor flat, 8 Park Road, Penarth

Summary of Comments:

Support application, noting the variety of roof shapes and that in their view it does not conflict with existing structures or detract from general street scene.

Officer Response:

None

Action required:

None

Payne, Adrienne J

From:

Planning

Sent:

06 May 2016 16:24

To:

Planning

Subject:

New comments for application 2016/00176/FUL

New comments have been received for application 2016/00176/FUL at site address: Overway, 12, Park Road, Penarth

from Mr Duncan Cantlay

Address:

Ground Floor Flat 8 Park Road Penarth, CF64 3BD

Comments:

My wife Mrs Christiane Cantlay and I live in the ground floor flat of one of the Victorian 'villas' directly opposite the proposed development.

We support this latest application for the development of the site. The Eastern side of Park Road contains a number of houses of different designs using a variety of materials and finishes. We think that the design of the current application fits in well with the existing buildings not detracting from the visual impact of the 19th century buildings on the West which are well set back from the road.

Although the proposal is for a reasonably large building it does not overwhelm the site and this and other properties on the Eastern side of the road are again set back from the edge of the road.

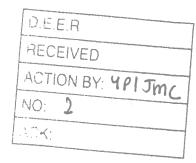
There are a variety of roof shapes in and around Park Road The present design does not in our view conflict with existing structures or detract from the general streetscene .

Duncan and Christiane Cantlay 6th May 2016

Case Officer: Mrs. Y. J. Prichard RECEIVED

0 6 MAY 2016

Regeneration and Planning



COMMITTEE DATE: 12 May 2016

Application No.:2016/00176/FUL Case Officer: Mrs. Y. J. Prichard

Location: Overway, 12, Park Road, Penarth

Proposal: Detached two storey house with integral garage and separate small single

room reptile building

From: Agent Carolyn Merrifield

Summary of Comments:

Submission of suggested, informal amendments to design, two options.

Officer Response:

Neither overcome the stated objections on the grounds of impact on the character and appearance of the Penarth Conservation Area.

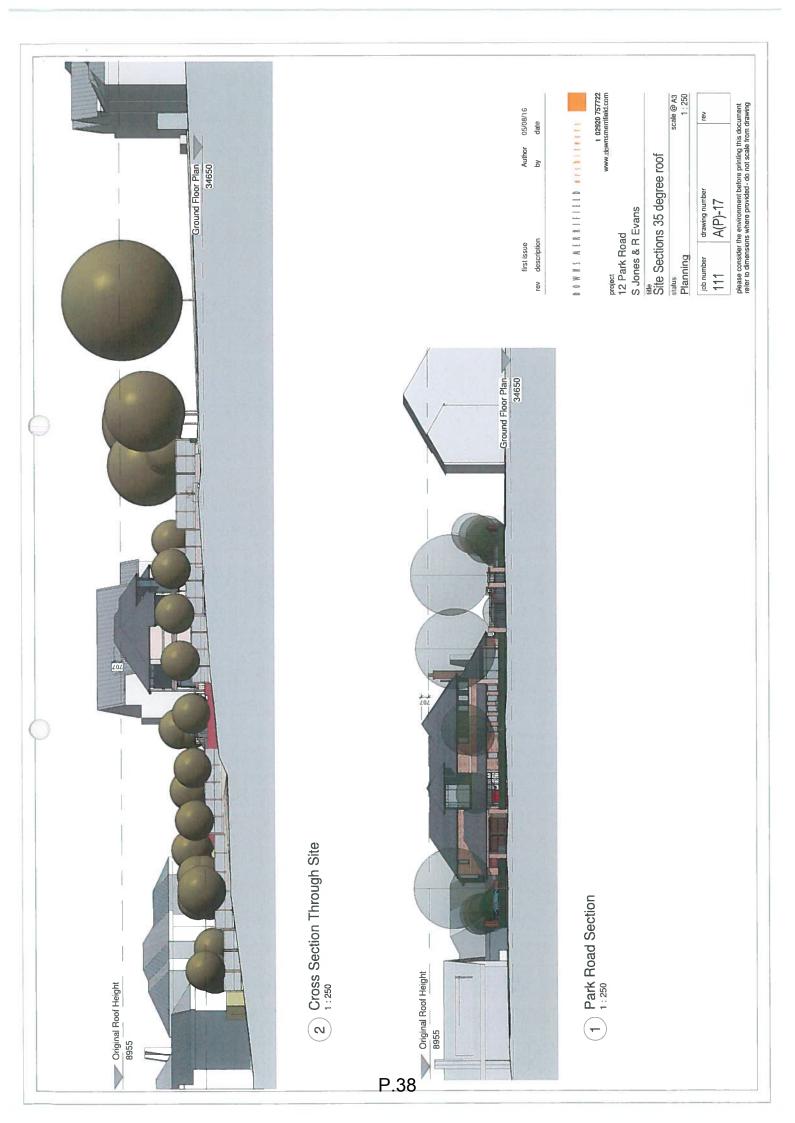
Action required:

None

Prichard, Yvonne J

x

From:	behalf of carolyn merrifield			
Sent: To: Cc: Subject: Attachments:	09 May 2016 11:12 Thomas, Peter DJ; Prichard, Yvonne J Stephen Jones; Paul Rogers 12 Park Road, Penarth Park Road A(P)-17 - Site Sections 35 degree roof.pdf; Park Road A(P)-16 - Elevations 35 Degree Roof.pdf; Park Road A(P)-15 - Perspectives 35 Degree Roof.pdf; 35 Degree Roof sproketed eaves pitch with hips.pdf			
Dear Peter				
been exploring - I will send the These first drawings (15, 16 & with our discussion. They resu- overhand to compensate and al- help I have added 2 site section villas to the West of Park Road I have also included one sketch degrees. This option still keep	of days off. Here are some images of the alternative roofing options i have ese as too separate emails to avoid blocking your inbox 17) show the impact of increasing the roof pitch of the hipped roof in line alt in an overall increase of just over 700mm (I have reduced the eaves so dropped the upper eaves to increase the feeling horizontal emphasis). To his which show this building in the context of the street and from the large I down to the houses below. In showing a 'sprocketed eaves' with the transition from 25 degrees to 35 as the feel of the 'Arts and Crafts' house. Obviously we could go higher with what you think the impact will be			
Next Email will show a Gable	roof			
Please give me a ring once you	have had a chance to look to give me your opinions			
Carolyn				
Carolyn Merrifield				







Apr 2016 12/21/15 date Author by Side walls changed and reptile house removed first issue description

t 02920 757722 www.downsmerrifield.com

project 12 Park Road S Jones & R Evans

Hite Perspectives 35 Degree Roof status Planning

scale @ A3

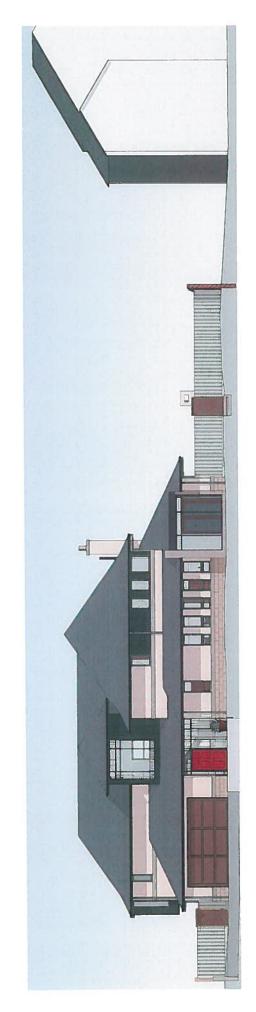
job number

drawing number A(P)-15

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please consider the environment before printing this document refer to dimensions where provided

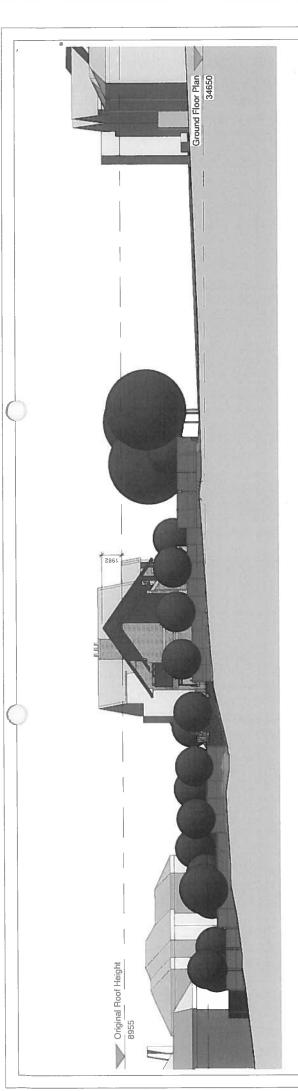
Elevated View From Street



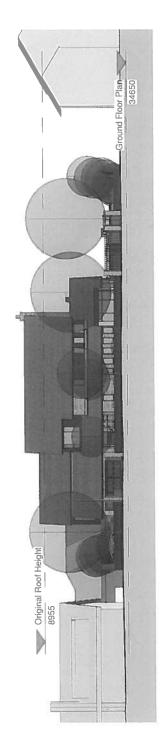
P.41

Prichard, Yvonne J

From:	behalf of carolyn merrifield
Sent: To: Cc: Subject: Attachments:	09 May 2016 11:20 Thomas, Peter DJ; Prichard, Yvonne J Stephen Jones; Paul Rogers 12 Park Road, Penarth - alternative roof options Park Road A(P)-27 - Site Sections Gable Roof.pdf; Park Road A(P)-26 - Elevations Gable Roof.pdf; Park Road A(P)-25 - Perspectives Gable Roof.pdf
Dear Peter	
this is the second of 2 emails a	nd shows a simply pitched gable roof at 35 degrees.
soften the North and South vie large house on Park Road. It o	ed some of the other details - such as the gable treatments to compensate and ws. This building is just under 2m higher - but still well below the adjoining byiously has a different impact on Park Rd, than the previous scheme, but we tale it is not out of character in the street. It is still considerably less massive by applications
Hopefully one of these two opt	tions will prove an acceptable basis for a route forward for our clients
I look forward to hearing from	you
regards	
Carolyn	
Carolyn Merrifield	
×	



(1) Site Cross Section 1:250



Section 27 (7)

DOWNS MERRIFIELD ATCHITECTS

05/09/16

Author by

date

rev description first issue

t 02920 757722 www.downsmerrifield.com

project 12 Park Road S Jones & R Evans

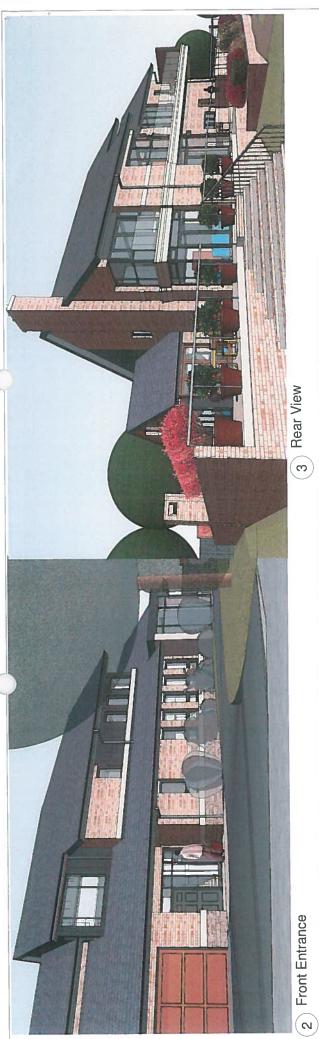
Site Sections Gable Roof

scale @ A3 1 : 250

drawing number A(P)-27 job number

please consider the environment before printing this document refer to dimensions where provided - do not scale from drawing





12/21/15 date Apr 2016 Author by Side walls changed and reptile house removed description rev

t 02920 757722 www.downsmerrifield.com DOWNS MERRIFIELD ATCHILLIS

project 12 Park Road S Jones & R Evans

Perspectives Gable Roof
status
Planning

scale @ A3

drawing number A(P)-25 job number

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please consider the environment before printing this document refer to dimensions where provided

(1) Elevated View From Street