

## **CHAIRMANS URGENT ITEM**

### **THE VALE OF GLAMORGAN COUNCIL PLANNING**

**COMMITTEE : 7 SEPTEMBER, 2017**

#### **REPORT OF THE HEAD OF REGENERATION AND PLANNING**

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

#### ASHDENE MANOR, BRIDGEMAN ROAD, PENARTH

#### REASON FOR COMMITTEE DETERMINATION

The application is required to be determined by Planning Committee under the Council's approved scheme of delegation because it was called in for determination by ex-Cllr. Clive Williams in July 2016 due to concerns over the accuracy of drawings, impact on neighbours and structural implications of the proposed work.

#### THE PURPOSE OF THIS REPORT

The application subject of this report was originally submitted in June, 2016, for the conversion of the existing building into three apartments with additional new build extensions to provide a further six apartments. Members will recall that the application was reported to planning committee on 2<sup>nd</sup> March 2017 with an Officer's recommendation for approval. There was, however, concern raised from committee members at the time regarding the contemporary nature of the design and it was considered that more effort should have been made to retain original features, such as the iron balustrade and zinc canopies. Committee resolved not to determine the application and requested that officers attempt to negotiate amendments to the scheme, in order to overcome the Committee's concerns. The committee report from 2<sup>nd</sup> March 2017 is included at **Appendix A**.

The applicant has now made an appeal to the Planning Inspectorate for the non-determination of the application by the Council. The appeal was started on 18<sup>th</sup> August 2017, against the non-determination of the planning application. The purpose of this report is to seek the resolution of the Planning Committee as to the stance the Council are to take at the appeal on the proposed scheme of development.

The report sets out the policy background and issues relating to the scheme. The report will also provide a recommendation for the Local Planning Authority's case in the current appeal.

## SITE AND CONTEXT

The site consists of a large three-storey house known as Ashdene, together with its curtilage, within a residential area in the settlement of Penarth. The property is currently vacant and has been for some years.

The area is characterised by large detached dwellings, set within large curtilages. The site is within the Penarth Conservation Area, noted for its late Victorian architecture. This area is also noted within the Penarth Conservation Area Appraisal and Management Plan 2011 as characterised by spacious plots, extensive gardens, set back frontages and high boundary walls. Ashdene is typical of the character of this area and is identified as a 'Positive Building.'

The house has a facing red brick façade under a slate roof with tall chimneys and ornate metal work to balustrades and canopies. There is a high stone wall to the front boundary, with access off Bridgeman Road. The property has an area of hardstanding to the front and a large garden to the rear, which backs onto Windsor Gardens (a Cadw/ICOMOS Registered Park/Garden).

The Esplanade and the coastline are in close proximity to the east. Ashdene is on a significantly higher ground level than the Esplanade as the land rises towards the west. This results in Ashdene being relatively prominent when viewed from surrounding areas.

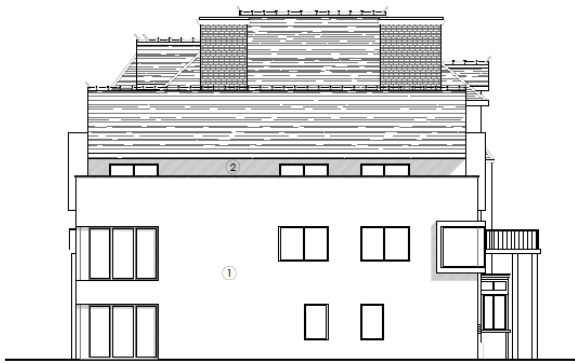
## DESCRIPTION OF DEVELOPMENT

This application was previously reported to planning committee on 2<sup>nd</sup> March 2017 and the submitted scheme has not been amended since. The application relates to amended plans received on 28 September 2016 and 28 November 2016.

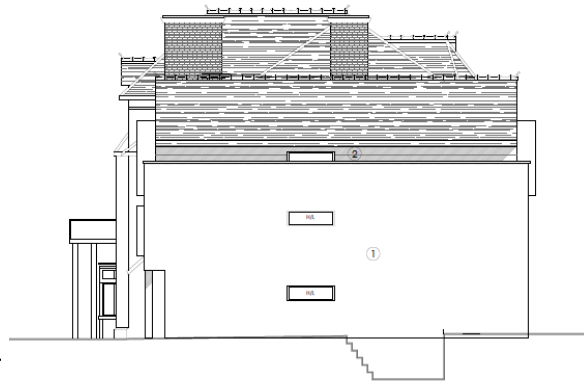
The proposal seeks to convert and extend the existing dwelling to provide nine apartments. This would be achieved by converting the existing house and adding extensions to either side to provide three apartments on each level as shown on the plans below.



Proposed East (Rear) elevation



Proposed north side elevation



Proposed south side elevation



Proposed West (Front) Elevation



Proposed site layout

The proposed extensions are to the side of the existing house, which would require the removal of some existing features such as the side entrance to the house and the canopies. The side extensions are set lower than the existing house, with brick, 'Portland stone' and zinc proposed for the elevations. The proposal is of an overtly contemporary nature although reflecting some of the characteristics of the host building and the wider conservation area.

The extensions would extend approximately 8.7m from the existing side elevations and both extensions would extend back approximately 15m from their front elevations. Both extensions are set back from the front elevation.

Access into the site is as existing, with vehicular access off Bridgeman Road to the front. Eleven parking spaces are provided to the front of the building. The front of the building would be primarily hardstanding for the parking provision, although there is a large garden area to the rear with boundary landscaping, together with pedestrian access into Windsor Gardens on the rear boundary.

There is a large rear garden, which is to be used as a communal amenity space for future occupants.

### PLANNING HISTORY

2013/00268/FUL: Ashdene Manor, Bridgeman Road, Penarth - Conversion of Ashdene Manor existing building into three apartments with extensions providing a further four apartments with associated appropriate cycle and car parking and amenity spaces. Apartments all being two bed with en-suite –

The above development proposal was considered by the Planning Committee on 24 October 2013, at which time Members resolved to approve the application subject to the applicants first entering into a section 106 legal Agreement, as this was never entered into the application was withdrawn on 24/02/2015. The plans are shown below:



Layout resolved for approval under 2013/00268/FUL



1989/01210/FUL: Ashdene, Bridgeman Road, Penarth - Alterations to existing boundary wall to existing dwelling - Approved 17/11/1989

1986/00841/FUL: Ashdene, Bridgeman Road, Penarth - Renewal of 81/01474, change of use to nursing home - Approved 04/11/1986

1981/01474/FUL: Ashdene, Bridgeman Road, Penarth - Change of use to Nursing home - Approved 15/10/1981

## CONSULTATIONS AND REPRESENTATIONS

The consultations and representations to the application have been summarised as part of the committee report provided for the committee meeting dated 2<sup>nd</sup> March 2017, included at **Appendix A**. Please see **Appendix B** for copies of the letters received from neighbours to the site.

## REPORT

### Planning Policies and Guidance

The Unitary Development Plan has, in the time since the preparation of the committee report at Appendix A, been superseded following the adoption of the Local Development Plan on 28 June 2017. An updated summary of the relevant planning policies and guidance is, therefore, provided below:

#### **Local Development Plan:**

Section 38 of The Planning and Compulsory Purchase Act 2004 requires that in determining a planning application the determination must be in accordance with the Development Plan unless material considerations indicate otherwise. The Development Plan for the area comprises the Vale of Glamorgan Adopted Local Development Plan 2011-2026, which was formally adopted by the Council on 28 June 2017, and within which the following policies are of relevance:

#### *Strategic Policies:*

POLICY SP1 – DELIVERING THE STRATEGY  
POLICY SP3 – RESIDENTIAL DEVELOPMENT  
POLICY SP4 – AFFORDABLE HOUSING PROVISION  
POLICY SP10 – BUILT AND NATURAL ENVIRONMENT

#### *Managing Growth Policies:*

POLICY MG1 – HOUSING SUPPLY IN THE VALE OF GLAMORGAN  
POLICY MG4 – AFFORDABLE HOUSING

#### *Managing Development Policies:*

POLICY MD1 - LOCATION OF NEW DEVELOPMENT  
POLICY MD2 - DESIGN OF NEW DEVELOPMENT  
POLICY MD3 - PROVISION FOR OPEN SPACE  
POLICY MD4 - COMMUNITY INFRASTRUCTURE AND PLANNING  
OBLIGATIONS  
POLICY MD5 - DEVELOPMENT WITHIN SETTLEMENT BOUNDARIES  
POLICY MD7 - ENVIRONMENTAL PROTECTION  
POLICY MD8 - HISTORIC ENVIRONMENT

In addition to the Adopted LDP the following policy, guidance and documentation supports the relevant LDP policies.

Chapter 4 of PPW deals with planning for sustainability – Chapter 4 is important as most other chapters of PPW refer back to it, paragraph 4.2.2 in particular states **“The planning system provides for a presumption in favour of sustainable development** to ensure that social, economic and environmental issues are balanced and integrated, at the same time, by the decision-taker when [...] taking decisions on individual planning applications”

Chapter 6 of PPW sets out the Welsh Government’s guidance for preserving and enhancing the historic environment. Para 6.5.21 is of particular relevance *“There will be a strong presumption against the granting of planning permission for developments, including advertisements, which damage the character or appearance of a conservation area or its setting to an unacceptable level. In exceptional cases, the presumption may be overridden in favour of development considered desirable on the grounds of some other public interest. Preservation or enhancement of a conservation area can be achieved by a development which either makes a positive contribution to an area’s character or appearance or leaves them unharmed. Mitigation measures can also be considered which could result in an overall neutral or positive impact of a proposed development in a conservation area.”*

Chapter 9 of PPW is of relevance in terms of the advice it provides regarding new housing. In particular paragraph 9.3.4 is of relevance which states *“In determining applications for new housing, local planning authorities should ensure that the proposed development does not damage an area’s character and amenity. Increases in density help to conserve land resources, and good design can overcome adverse effects, but where high densities are proposed the amenity of the scheme and surrounding property should be carefully considered. High quality design and landscaping standards are particularly important to enable high density developments to fit into existing residential areas.”*

Chapter 9 also provides guidance on delivering affordable housing in areas of identified need. 9.2.14 is also of relevance and states *“A community’s need for affordable housing is a material planning consideration which must be taken into account in formulating development plan policies. Affordable housing for the purposes of the land use planning system is housing where there are secure mechanisms in place to ensure that it is accessible to those who cannot afford market housing, both on first occupation and for subsequent occupiers”.*

#### **Technical Advice Notes:**

The Welsh Government has provided additional guidance in the form of Technical Advice Notes. The following are of relevance:

- Technical Advice Note 2 – Planning and Affordable Housing (2006)  
*“9.1 Development plans must include an authority-wide target (expressed as numbers of homes) for affordable housing to be provided through the*



*planning system, based on the housing need identified in the LHMA. They must identify the expected contributions that the policy approaches identified in the development plan will make to meeting this target. The target should take account of the anticipated levels of finance available for affordable housing, including public subsidy, and the level of developer contribution that can realistically be sought.”*

*“12.2 Development plans and/or Supplementary Planning Guidance (SPG) should set out the circumstances where local planning authorities will use planning conditions or planning obligations to ensure that the affordable housing provided is occupied in perpetuity by people falling within particular categories of need. Local planning authorities should not normally impose additional occupancy controls where a registered social landlord is to be responsible for the management of the affordable housing, although on rural exceptions sites authorities should satisfy themselves of the adequacy of occupancy controls to ensure that the housing continues to serve its intended purpose in the future, and this may involve the use of conditions and planning obligations.”*

- Technical Advice Note 12 – Design (2016)

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

*“4.15 Planning conditions and obligations (Section 106 Agreements) can be used to provide open space, sport and recreational facilities, to safeguard and enhance existing provisions, and to provide for their management. PPW indicates that planning obligations should only be sought where they are necessary to make a proposal acceptable in land use planning terms. Local planning authorities will usually be justified in seeking planning obligations where the quantity or quality of provision for recreation is inadequate or under threat, or where new development increases local needs.”*

- Technical Advice Note 24 – Historic Environment (2017)

### **Supplementary Planning Guidance:**

In addition to the adopted Local Development Plan, the Council has approved Supplementary Planning Guidance (SPG). The following SPG are of relevance:

- Amenity Standards
- Affordable Housing (2017)
- Penarth Conservation Area
- Planning Obligations (2017)
- Trees and Development

- Penarth Conservation Area Appraisal and Management Plan

**Other relevant evidence or policy guidance:**

- Welsh Office Circular 016/2014: The Use of Planning Conditions for Development Management
- Welsh Office Circular 13/97 - Planning Obligations
- Section 72(1) of the Town and Country Planning (Listed Buildings and Conservation Areas) Act 1990, imposes a duty on the Council with respect to any buildings or other land in a conservation area, where “*special attention shall be paid to the desirability of preserving or enhancing the character or appearance of that area*”.
- Vale of Glamorgan Affordable Housing Viability Study (2013).

**Well-being of Future Generations (Wales) Act 2015**

The Well-being of Future Generations Act (Wales) 2015 places a duty on the Council to take reasonable steps in exercising its functions to meet its sustainable development (or wellbeing) objectives. This report has been prepared in consideration of the Council’s duty and the “sustainable development principle”, as set out in the 2015 Act. In reaching the recommendation set out below, the Council has sought to ensure that the needs of the present are met without compromising the ability of future generations to meet their own needs.

Issues

As mentioned earlier, the application as submitted was reported to Planning Committee in March, 2017, with a recommendation for approval. At that meeting, Planning Committee resolved not to approve the application, but officers were asked to negotiate amendments to the scheme in an attempt to overcome the Committee’s concerns regarding the design of the development.

This outcome was communicated to the appellant, via their agent, following on from the committee meeting. This has not, however, resulted in an amendment to the scheme to date. The proposal that was subject of the March report to committee has not changed. Instead the applicant has submitted an appeal against the non-determination of the application on 18<sup>th</sup> August 2017.

Accordingly, the principal issues to consider in this stance report relate to the material change that has occurred to planning policies and guidance in the intervening period, the current position regarding planning obligations that the development would trigger, and any new issues raised within the appellant’s grounds of appeal.

### **Principle of the development:**

The site remains within the settlement boundary of Penarth as defined within the Local Development Plan. There remains no objection to the principle of additional residential units on the site, subject to assessment against the relevant criteria of Policies MD1 – Location of New Development, MD2 – Design of New Development, MD5 – Development within Settlement Boundaries and MD8 – Historic Environment. The development will also contribute towards the housing supply aims of policy MG1, being a proposal for an additional 8 residential units in a sustainable location.

### **Size and design, and the effect on the character and appearance of the Conservation Area and Windsor Gardens:**

Technical Advice Note 24 – Historic Environment was published in May 2017 (i.e. since the March Planning Committee) and is of relevance to this application as it is located within the Penarth Conservation Area. The advice within the new TAN 24 is essentially complimentary to the existing guidance for preserving and enhancing the historic environment contained within Chapter 6 of Planning Policy Wales (Edition 9, 2016).

In addition to this, whilst the merits of the proposals have previously been considered under the relevant policy context of the UDP, the development plan position has now changed. Notwithstanding this, the thrust of the relevant policies in the LDP, compared to those in the UDP, have not significantly changed in respect of design and impacts on the Conservation Area. Therefore, it is considered that there are no material changes to local planning policy in this regard that would affect the determination of this application.

The development was previously considered acceptable in terms of its size, design and resultant impact on the character of the dwelling and wider Penarth Conservation Area, as detailed within the Officer's report at Appendix A. Whilst the outcome of the planning committee meeting and site visit of 2<sup>nd</sup> March 2017 is noted, it is considered that there has not been any material change to planning policies and guidance since that time that would alter the original Officer's recommendation in this regard. It is, therefore, considered that the application remains acceptable in relation to these impacts and would not result in an adverse effect on the Penarth Conservation Area or the nearby registered Windsor Gardens. As such, the development is considered to accord with Policy SP1 – Delivering the Strategy, SP10 – Built and Natural Environment, MD2 – Design of New Development and MD8 – Historic Environment. The development is also considered to be acceptable being mindful of the Council's duty under Section 72(1) of the Town and Country Planning (Listed Buildings and Conservation Areas) Act 1990.

### Planning obligations

The March Committee report outlined that the application should be approved subject to the relevant person(s) first entering into a Section 106 Legal Agreement or undertaking to include the following necessary planning obligations:

- that 3 of the dwellings built pursuant to the planning permission are built and thereafter maintained as affordable housing units in perpetuity, of which 2 would be social rented properties and 1 would be intermediate properties;
- A contribution of £15,486 is payable for off-site affordable housing; and
- A contribution of £22,968 to provide or enhance public open space in the vicinity of the site.

In their grounds of appeal, the appellants have indicated that they do not intend to enter into a Section 106 legal agreement and that such matters would render the scheme unviable. These matters are considered further below.

### Affordable Housing

The adopted LDP contains policies which supersede the UDP in respect of Affordable Housing, and having recently been examined at the LDP Inquiry and found to be 'sound' by the appointed Inspector, carry significant weight in the determination of this appeal. Policy MG4 (Affordable Housing) requires residential developments in Penarth resulting in a net gain of one or more dwellings to provide 40% of affordable housing.

The Council's 2015 Local Housing Market Assessment (LHMA) identifies a net annual need for 559 Affordable Housing per annum (2015 to 2020) and whilst it identifies an affordable housing need across the Vale of Glamorgan, one of the highest areas of identified need is in the ward of Penarth.

In view of this application, comprising a net gain of eight units, the affordable housing contribution was thus calculated to be an equivalent provision of 3.2 units. This would function as the provision of three units on-site, with the off-site affordable housing contribution of the remaining 0.2 unit calculated to be £15,486 in accordance with the Council's adopted Affordable Housing SPG. Despite initially indicating via their previous planning agent that the scheme would meet these requirements, the recent grounds of appeal indicate the appellants are unwilling to satisfy these requirements. They state this would make the scheme unviable. However, no evidence has been provided to date to substantiate this claim.

## Public Open Space

Policy MD3 'Provision for Public Open Space' sets out that where there is an identified need for public open space, new residential developments with a net gain of 5 or more dwellings will be required to provide public open space. The Council prepared a series of background papers as part of the evidence base used to form the production of policies and site allocations for the Local Development Plan. The Open Space Background Paper (2013) identified the amount and distribution of open space types within the Vale of Glamorgan, in order to determine areas of deficiency or surplus for the existing population. The site falls within the Plymouth ward but is within 30metres of the St. Augustines ward, therefore it is appropriate to consider the location of the site in the context of the two wards.

The Background Paper identified a significant shortfall in provision of natural and semi-natural greenspace in both the Plymouth and St. Augustines wards; a surplus of outdoor sports space in the Plymouth ward yet a significant deficit in the St. Augustines ward; and a deficiency of children's play space in both the Plymouth and St. Augustines wards.

Policy MD3 sets out that in areas of deficiency, new development will provide open space for future residents, usually on-site as part of the new development proposals. However, the policy recognises that where it is not practical or desirable to make provision on site, off-site provision or financial contributions for improvements to existing facilities will be required in lieu. It is acknowledged that the site is constrained and it would not be practical for the public open space to be provided on site. Based upon the identified deficiency in public open space locally, an off-site contribution is therefore considered necessary.

The off-site contribution of £22,968 was calculated on the basis of the Planning Obligations SPG, which has since been superseded. The Planning Obligations SPG (2017) adopted in August 2017 stated that the contribution is to be calculated on the basis of £2668 per dwelling. The development provides a net gain of eight dwellings, hence the correct calculation is:

$$8 \times £2668 = \underline{£21,334}.$$

The previous figure of £22,968 was calculated on the basis that the development comprised nine new units, but given there is an existing dwelling on the site; it is a net gain of only eight. Therefore, an offsite contribution of £21,334 will provide or enhance public open space off site to serve the needs of future occupiers in accordance with the advice in the supporting text to MD3 – Public Open Space and TAN16 (Sport, Recreation and Open Space).

The applicant had previously indicated (via their agent) on 10<sup>th</sup> November 2016 that they would be agreeable to the affordable housing contribution and public open space contribution (the latter at £22,968). However, in their grounds of appeal, the appellant has stated, via a new planning agent, that they came to no such agreement and, erroneously, that no response was made. The grounds of appeal also state that the appellant intends to demonstrate that the requested planning obligations would render the development unviable, which is the first statement to this effect that has been made by the appellant to the Council. A detailed viability study has not been submitted with the appeal in line with the Planning Obligations and Affordable Housing SPG, and the Council have not been furnished with any other details to evidence the claim that the development may not be viable if the requested planning obligations were delivered in part, or in full.

In the absence of any evidence to support the appellants claim, it is considered that the development would not comply with Policies MG4 – Affordable Housing, MD3 – Public Open Space and MD4 – Community Infrastructure and Planning Obligations, as it would fail to make adequate provision to meet both the identified affordable housing need and public open space deficiency in the ward area. It is therefore also contrary to the advice contained within the Affordable Housing (2017) and Planning Obligations (2017) adopted Supplementary Planning Guidance, as well as national guidance contained within TAN2 (Planning and Affordable Housing), TAN16 (Sport Recreation and Open Space) and Planning Policy Wales (9<sup>th</sup> Ed. 2016).

Notwithstanding the above, if sufficient tested evidence is submitted to demonstrate that the development would be unviable (in full or in part) it is possible that the Council's position in this appeal could alter as a result. Paragraphs 7.29-7.32 of the LDP set out how the Council will deal with matters of development viability where it is proven that the section 106 requirements could make the development unviable. If such a case is demonstrated, it is considered appropriate to follow this approach and as the development is considered to be acceptable in all other regards, it would be appropriate to approve the application if either:

- The appellant agrees to satisfy the policy requirements for affordable housing and public open space; or
- The appellant demonstrated through appropriate evidence that the affordable housing and public open space requirements would make the scheme unviable.

### Other issues

The impact of the development in relation to trees and landscaping, neighbouring amenity, ecology, amenity space provision, parking and access have all been considered in the report to committee on 2<sup>nd</sup> March 2017, included at Appendix A. The application was considered acceptable in relation to these impacts and it is considered that there has been no material change in planning policy or the site context that would alter this assessment.

## RECOMMENDATION

That Members of the Planning Committee note the above conclusions and agree that these form the basis of the Council's case in the current non-determination appeal and that the application would have been refused for the reason set out below, subject to granting delegated authority to the Chief Officer(s) to amend the Council's stance at appeal in light of new material considerations:

1. In the absence of satisfactory evidence to demonstrate the development would not be viable if planning obligations were sought, it is considered that the development would not comply with Policies MG4 – Affordable Housing, MD3 – Public Open Space and MD4 – Community Infrastructure and Planning Obligations, as it would fail to make adequate provision to meet both the identified local affordable housing need and public open space deficiency in the ward area. It is therefore also contrary to the advice contained within the Affordable Housing (2017) and Planning Obligations (2017) adopted Supplementary Planning Guidance documents, as well as national guidance contained within TAN2 (Planning and Affordable Housing), TAN16 (Sport Recreation and Open Space) and Planning Policy Wales (9th Ed. 2016).

## REASON FOR RECOMMENDATION

The decision to recommend that planning permission should have been refused has been taken in accordance with Section 38 of The Planning and Compulsory Purchase Act 2004, which requires that, in determining a planning application the determination must be in accordance with the Development Plan unless material considerations indicate otherwise. The Development Plan comprises the Vale of Glamorgan Adopted Local Development Plan 2011-2026.

It is considered that the decision complies with the Council's well-being objectives and the sustainable development principle in accordance with the requirements of the Well-being of Future Generations (Wales) Act 2015.

2016/00659/FUL Received on 28 June 2016

<http://vonline.planning-register.co.uk/plarecord.aspx?AppNo=2016/00659/FUL>

John Wotton John Wotton Architects, Greyfriars House, Greyfriars Road, Cardiff, CF10 3AL

Mr. Steve Simpson Equorium, c/o Agent

## **Ashdene Manor, Bridgeman Road, Penarth**

Conversion of existing building into 3 apartments with new build extensions of 6 apartments

### REASON FOR COMMITTEE DETERMINATION

The application is required to be determined by Planning Committee under the Council's approved scheme of delegation because the application has been called in for determination by Cllr. Clive Williams due to concerns over the accuracy of drawings, impact on neighbours and structural implications of the proposed work.

### EXECUTIVE SUMMARY

The proposal seeks to convert and extend the existing dwelling in the Penarth Conservation Area to provide nine apartments. A previous application (2013/00268/FUL) for a different scheme providing a total of seven apartments was withdrawn prior to determination.

There have been letters of objection from three neighbours citing the following issues:

- Not fitting in with the Conservation Area;
- Increased parking and traffic on Bridgeman Road;
- Overdevelopment of the site;
- Overlooking neighbours; and
- Impact to boundary retaining walls.

The main issues are considered to be:

- The effect of the proposed development on the character and appearance of the Conservation Area and Windsor Gardens Registered Park;
- The size and design of the proposed extensions;
- The impact on neighbouring properties; and
- Access and parking.

The application is recommended for approval subject to a Section 106 legal agreement securing affordable housing and open space contributions.

### SITE AND CONTEXT

The site consists of a large three-storey house known as Ashdene, together with its curtilage, within a residential area in the settlement of Penarth. The property is currently vacant and has been for some years.



The area is characterised by large detached dwellings, set within large curtilages. The site is within the Penarth Conservation Area, noted for its late Victorian architecture. This area is also noted within the Penarth Conservation Area Appraisal and Management Plan 2011 as characterised by spacious plots, extensive gardens, set back frontages and high boundary walls. Ashdene is typical of the character of this area and is identified as a 'Positive Building.'

The house has a facing red brick façade under a slate roof with tall chimneys and ornate metal work to balustrades and canopies. There is a high stone wall to the front boundary, with access off Bridgeman Road. The property has an area of hardstanding to the front and a large garden to the rear, which backs onto Windsor Gardens (a Cadw/ICOMOS Registered Park/Garden).

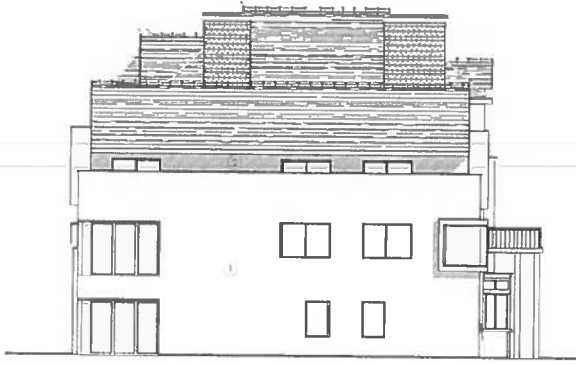
The Esplanade and the coastline are in close proximity to the east. Ashdene is on a significantly higher ground level than the Esplanade as the land rises towards the west. This results in Ashdene being relatively prominent when viewed from surrounding areas.

### DESCRIPTION OF DEVELOPMENT

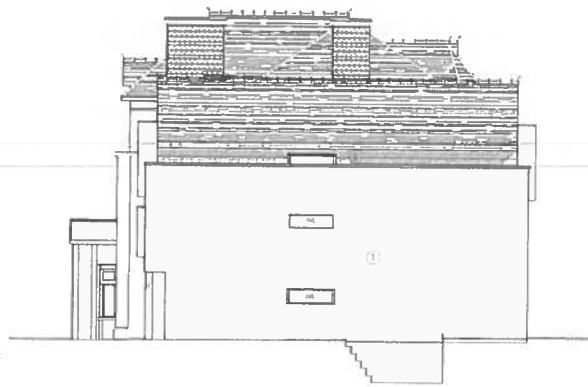
The application relates to amended plans received on 28<sup>th</sup> September 2016. The proposal seeks to convert and extend the existing dwelling to provide nine apartments. This would be achieved by converting the existing house and adding extensions to either side to provide three apartments on each level as shown on the plans below.



Proposed East (Rear) elevation



Proposed north side elevation



Proposed south side elevation



Proposed West (Front) Elevation



Proposed site layout

The proposed extensions are to the side of the existing house, which would require the removal of some existing features such as the side entrance to the house and the canopies. The side extensions are set lower than the existing house, with brick, 'Portland stone' and zinc proposed for the elevations. The proposal is of an overtly contemporary nature although reflecting some of the characteristics of the host building and the wider conservation area.

The extensions would extend approximately 8.7m from the existing side elevations and both extensions would extend back approximately 15m from their front elevations. Both extensions are set back from the front elevation.

Access into the site is as existing, with vehicular access off Bridgeman Road to the front. Eleven parking spaces are provided to the front of the building. The front of the building would be primarily hardstanding for the parking provision, although there is a large garden area to the rear with boundary landscaping, together with pedestrian access into Windsor Gardens on the rear boundary.

There is a large rear garden, which is to be used as a communal amenity space for future occupants.

### PLANNING HISTORY

2013/00268/FUL: Ashdene Manor, Bridgeman Road, Penarth - Conversion of

Ashdene Manor existing building into three apartments with extensions providing a further four apartments with associated appropriate cycle and car parking and amenity spaces. Apartments all being two bed with en-suite - Withdrawn 24/02/2015

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1989/01210/FUL: 'Ashdene', Bridgeman Road, Penarth - Alterations to existing boundary wall to existing dwelling - Approved 17/11/1989 (case officer - AF)

1986/00841/FUL: Ashdene, Bridgeman Road, Penarth - Renewal of 81/01474, change of use to nursing home - Approved 04/11/1986

1981/01474/FUL: 'Ashdene', Bridgeman Road, Penarth - Change of use to Nursing home - Approved 15/10/1981

### CONSULTATIONS

**Penarth Town Council** - were consulted on 4 July 2016. They objected to the application as follows:

"...THAT the application be REFUSED on the basis of

- 1) The plans don't fully reflect reality; neighbour extensions exists a lot closer to the boundary to that on the plan.
- 2) Aware of structural problems on both sides of the party wall.
- 3) Visually disturbing and detrimental to the conservation area.
- 4) Overly large for a footprint.
- 5) Need to see a sympathetic proposal to Ashdene Manor and also Normandy next door."

**Highway Development** - advised they have no objections, but required 16 parking spaces, turning space within the site and a 4.8m wide access onto Bridgeman Road.

**Environmental Health (Pollution)** - were consulted on 4 July 2016. No comments have been received to date.

**The local ward members** - were consulted on 4 July 2016. Cllr. Williams has requested the application be called in for determination by Planning Committee.

**Dwr Cymru Welsh Water** - advise they have no objection subject to standard drainage conditions being imposed.

**The Ecology Officer** - was consulted on 4 July 2016. No comments have been received to date.

**Estates (Strategic Property Estates)** - noted the site shares a boundary with asset number 02163 [Windsor Gardens] which must not be interfered with.

**Waste Management** - were consulted on 4 July 2016. No comments have been received to date.

**Cadw** - advised that if the planning application were approved then any original Victorian features in the garden should be retained to enhance the setting of the Victorian Villa and Windsor Gardens.

**Housing Strategy** - advised that "As this proposal constitutes a net gain of 8 units, under the thresholds set by 5.10 of the draft Supplementary Guidance for affordable housing, we would expect to see provision of 40% affordable homes in the Penarth ward, plus a 0.2 contribution of the AHC. In addition we ask for a tenure mix of 70% social rented and 30% intermediate units."

## REPRESENTATIONS

The neighbouring properties were consulted on 4 July 2016 and a site notice was also displayed on the 30 September 2016. The application was also advertised in the press on 5 July 2016. There have been three letters of objection, citing issues summarised below:

- Not fitting in with the conservation area;
- Increased parking and traffic on Bridgeman Road;
- Overdevelopment of the site;
- Overlooking neighbours; and
- Impact to boundary retaining walls.

Please see **Appendix A** for copies of the letters received from neighbours to the site.

## REPORT

### Planning Policies and Guidance

#### **Unitary Development Plan:**

Section 38 of The Planning and Compulsory Purchase Act 2004 requires that in determining a planning application the determination must be in accordance with the Development Plan unless material considerations indicate otherwise. The Development Plan for the area comprises the Vale of Glamorgan Adopted Unitary Development Plan 1996-2011, which was formally adopted by the Council on 18<sup>th</sup> April 2005, and within which the following policies are of relevance:

POLICY ENV16 – PROTECTED SPECIES  
POLICY ENV17 - PROTECTION OF BUILT AND HISTORIC ENVIRONMENT  
POLICY ENV20 – DEVELOPMENT IN CONSERVATION AREAS  
POLICY ENV21 – DEMOLITION IN CONSERVATION AREAS  
POLICY ENV27 – DESIGN OF NEW DEVELOPMENTS  
POLICY HOUS2 - ADDITIONAL RESIDENTIAL DEVELOPMENT  
POLICY HOUS8 - RESIDENTIAL DEVELOPMENT CRITERIA – POLICY HOUS 2 SETTLEMENTS  
POLICY HOUS11 - RESIDENTIAL PRIVACY AND SPACE  
POLICY TRAN10 – PARKING

Whilst the UDP is the statutory development plan for the purposes of section 38 of the 2004 Act, some elements of the adopted Vale of Glamorgan Unitary Development Plan 1996-2011 are time expired, however its general policies remain extant and it remains the statutory adopted development plan. As such, both chapters 2 and 4 of Planning Policy Wales (Edition 9, 2016) provide the following advice on the weight that should be given to policies contained with the adopted development plan:

*'2.14.4 It is for the decision-maker, in the first instance, to determine through monitoring and review of the development plan whether policies in an adopted [Development Plan] are outdated for the purposes of determining a planning application. Where this is the case, local planning authorities should give the plan decreasing weight in favour of other material considerations such as national planning policy, including the presumption in favour of sustainable development (see section 4.2).'*

*'4.2.4 A plan-led approach is the most effective way to secure sustainable development through the planning system and it is important that plans are adopted and kept regularly under review (see Chapter 2). Legislation secures a presumption in favour of development in accordance with the development plan for the area unless material considerations indicate otherwise (see 3.1.2). Where:*

- *there is no adopted development plan or*
- *relevant development plan policies are considered outdated or superseded or*
- *where there are no relevant policies*

*there is a presumption in favour of proposals in accordance with the key principles (see 4.3) and key policy objectives (see 4.4) of sustainable development in the planning system. In doing so, proposals should seek to maximise the contribution to meeting the local well-being objectives.'*

With the above advice in mind, the policies relevant to the consideration of the application subject of this report are not considered to be outdated or superseded. The following policy, guidance and documentation support the relevant UDP policies.

### **Planning Policy Wales:**

National planning guidance in the form of Planning Policy Wales (Edition 9, 2016) (PPW) is of relevance to the determination of this application.

Chapter 4 of PPW deals with planning for sustainability – Chapter 4 is important as most other chapters of PPW refer back to it, paragraph 4.2.2 in particular states **“The planning system provides for a presumption in favour of sustainable development** to ensure that social, economic and environmental issues are balanced and integrated, at the same time, by the decision-taker when [...] taking decisions on individual planning applications”

Chapter 6 of PPW sets out the Welsh Government's guidance for preserving and enhancing the historic environment. Para 6.5.21 is of particular relevance "There will be a strong presumption against the granting of planning permission for developments, including advertisements, which damage the character or appearance of a conservation area or its setting to an unacceptable level. In exceptional cases, the presumption may be overridden in favour of development considered desirable on the grounds of some other public interest. Preservation or enhancement of a conservation area can be achieved by a development which either makes a positive contribution to an area's character or appearance or leaves them unharmed. Mitigation measures can also be considered which could result in an overall neutral or positive impact of a proposed development in a conservation area."

Chapter 9 of PPW is of relevance in terms of the advice it provides regarding new housing. In particular paragraph 9.3.4 is of relevance which states "In determining applications for new housing, local planning authorities should ensure that the proposed development does not damage an area's character and amenity. Increases in density help to conserve land resources, and good design can overcome adverse effects, but where high densities are proposed the amenity of the scheme and surrounding property should be carefully considered. High quality design and landscaping standards are particularly important to enable high density developments to fit into existing residential areas."

#### **Technical Advice Notes:**

The Welsh Government has provided additional guidance in the form of Technical Advice Notes. The following are of relevance:

- Technical Advice Note 12 – Design (2016)

#### **Supplementary Planning Guidance:**

In addition to the adopted Unitary Development Plan, the Council has approved Supplementary Planning Guidance (SPG). The following SPG are of relevance:

- Amenity Standards
- Affordable Housing
- Penarth Conservation Area
- Planning Obligations
- Trees and Development
- Penarth Conservation Area Appraisal and Management Plan

#### **The Local Development Plan:**

The Vale of Glamorgan Deposit Local Development Plan (LDP) was published November 2013. The Council is currently at Examination Stage having submitted the Local Development Plan to the Welsh Government for Examination. Examination in Public commenced in January 2016. Following the initial hearing sessions the Inspector gave the Council a number of Action Points to respond to. The Council has considered and responded to all Action Points and has produced a schedule of Matters Arising Changes, which are currently out to public consultation. Further hearing sessions will be held in January 2017.

With regard to the weight that should be given to the deposit plan and its policies, the guidance provided in Paragraph 2.8.1 of Planning Policy Wales (Edition 9, 2016) is noted. It states as follows:

*'2.14.1 The weight to be attached to an **emerging LDP** (or revision) when determining planning applications will in general depend on the stage it has reached, but does not simply increase as the plan progresses towards adoption. When conducting the examination, the appointed Inspector is required to consider the soundness of the whole plan in the context of national policy and all other matters which are material to it. Consequently, policies could ultimately be amended or deleted from the plan even though they may not have been the subject of a representation at deposit stage (or be retained despite generating substantial objection). Certainty regarding the content of the plan will only be achieved when the Inspector delivers the binding report. Thus in considering what weight to give to the specific policies in an emerging LDP that apply to a particular proposal, local planning authorities will need to consider carefully the underlying evidence and background to the policies. National planning policy can also be a material consideration in these circumstances.'*

In line with the guidance provided above, the background evidence to the Deposit Local Development Plan that is relevant to the consideration of this application insofar as it provides factual analysis and information that is material to the issues addressed in this report in particular, the following background papers are relevant:

- Affordable Housing Viability Update Report (2014) (Also see LDP Hearing Session 6 Action Point 3 to 9 responses)
- Affordable Housing Delivery Update Paper (2016) (LDP Hearing Session 6 Action Point 2 response)
- Vale of Glamorgan Local Housing Market Assessment (LHMA) 2015
- LDP Housing Land Supply Trajectory 2011-26 ( September 2016) (LDP Hearing Session 2 and 3, Action Point 4, 6, 7, 9 and 10 response)
- Housing Provision Background Paper (2015) (Also see LDP Hearing Session 2 and 3 Action Point 3 and 5 response)
- Housing Supply Background Paper (2013) (Also see LDP Hearing Session 2 and 3 Action Point 5 response)
- Joint Housing Land Availability Study (2014)



- Vale of Glamorgan Housing Strategy - (2015-2020)
- Population and Housing Projections Background Paper (2013)
- Small Sites Viability Report (2013)

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- VOGC and DCWW Statement of Common Ground ( 2016) (LDP Hearing Session 4, Action Point 2 response)
- Open Space Background Paper (2013)

**Other relevant evidence or policy guidance:**

- Welsh Government Circular 016/2014: The Use of Planning Conditions for Development Management
- Welsh Office Circular 13/97 - Planning Obligations
- Welsh Office Circular 61/96 - Planning and the Historic Environment: Historic Buildings and Conservation Areas (as amended)
- Section 72(1) of the Planning (Listed Buildings and Conservation Areas) Act 1990, imposes a duty on the Council with respect to any buildings or other land in a conservation area, where *special attention shall be paid to the desirability of preserving or enhancing the character or appearance of that area.*

**Well Being of Future Generations (Wales) Act 2015**

The Well-being of Future Generations Act (Wales) 2015 places a duty on the Council to take reasonable steps in exercising its functions to meet its sustainable development (or wellbeing) objectives. This report has been prepared in consideration of the Council's duty and the "sustainable development principle", as set out in the 2015 Act. In reaching the recommendation set out below, the Council has sought to ensure that the needs of the present are met without compromising the ability of future generations to meet their own needs.

Procedural Note

Concerns have been raised regarding the accuracy of the drawings with particular reference to the extension to the neighbouring property Ty-Llwyd not being shown in the submission. This was raised with the agent and it is noted that this has been taken from the Ordnance Survey base. Whilst the OS mapping and the application drawings do not show this information the impacts of the proposal were assessed as part of the site visit undertaken in consideration of the application. Therefore, the report below considers the 'as existing' situation in reaching a conclusion.

Following the deferral of the application at the planning committee of 3 February 2017 a plan indicating the extent of the extension has been submitted by the applicant's agent (Drawing AP400).

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### Issues

The main issues are considered to be the effect of the proposed development on the character and appearance of the Conservation Area and Registered Park, the size and design of the proposed extensions and alterations, the impact on neighbouring properties, and access, parking and amenity space.

### Principal of Development

The proposals are for the conversion, alteration and extension of the large three storey detached house into nine two-bed apartments over three floors of accommodation.

The site is within the 'Settlement Boundary' of Penarth as defined in the UDP and therefore there is no objection to the principle of the proposed residential development in this location (UDP Policy HOUS2 - Additional Residential Development refers). However, this would be subject to the criteria found with UDP Policy HOUS8 (Residential Development Criteria), which includes consideration of such issues as design, neighbour impact and parking provision.

The house and its plot are considered large enough for a conversion to apartments. There are also other examples of converted large dwellings in the vicinity and therefore this proposed conversion would not be out of character with the area.

### Size and Design, and the Effect on the Character and Appearance of the Conservation Area

The proposals relate to a large and prominent detached dwelling in the Penarth Conservation Area. The house is also adjacent to the historic Cadw/ICOMOS registered Windsor Gardens, which is east of the site towards the Esplanade and coast. Considering the above, UDP Policies ENV20 (Development in Conservation Areas) and ENV17 (Protection of Built and Historic Environment) are relevant as part of the assessment of the proposed development. The Penarth Conservation Area Appraisal and Management Plan identified Ashdene as within the Esplanade and Gardens Character Zone and states that certain dwellings within this zone are 'Showpiece Elements'. Ashdene, together with the neighbouring properties either side, are considered as such showpiece elements.

The proposed conversion includes extensions to either side of the original house. These are substantial extensions, projecting towards the side boundaries. However, both side extensions are to be set with their eaves and ridges lower

than the height of the eaves and ridge to the original house. This allows for the extensions to appear subservient, which is considered a suitable approach. The extensions are visually separated by a 'glazed link' which encloses circulation and lift access to the various apartments. This approach, in principle, is considered an appropriate form of development within the historic environment. It provides a clear demarcation between the historic building and the proposed extensions.

The extensions to either side lie approximately on the building line formed by the original house. The proposed side extensions would project approximately 1.3m further into the rear garden area than the original house, though this is not an unusual feature of extensions and it is considered the rear garden area is large enough to accommodate the additions to the house.

The site boundaries also taper so that the frontage to Bridgeman Road is significantly wider than the rear frontage to Windsor Gardens. Concerns have been raised in the process of this planning application that the side extensions submitted in the originally proposed plans projected too close to the boundary of the site. The area is characterised by large houses, often within spacious plots. It was considered that the proposed extensions should be set off the boundary and not span with width of the site, to improve the scale of the development and to help retain the spacious character.

The extensions to the side of the house as proposed have been amended and set off the boundary. The gap is approximately 4m from the front corner of the proposed extension with the boundary with Ty Llwyn (to the south). Also there is a gap of approximately 6m to the side of the extension with the boundary with Normandy to the north. These gaps between the proposed extensions and the boundary ensure some degree of visual separation remains and will also allow for further landscaping to the side boundaries, especially towards Normandy (to the north-east).

The neighbouring property, Normandy, also has had a similar scaled residential proposal approved under application 2004/01645/FUL although this has not been implemented. This proposal included a two storey section of residential development built off the boundary wall with Ashdene.

Overall, whilst the extensions proposed are substantial, this is a large plot which can accommodate such a development. It is also noted that there are other developed plots within the vicinity of similar scales. As such, the proposed development would not be uncharacteristic with other developments in the area.

From a design perspective, an unashamedly contemporary approach has been adopted, although the extensions do reflect some of the characteristics of the wider conservation area. This includes the vertical emphasis of the windows and the pitch of the roofs. The use of brick and 'Portland stone' is intended to reflect characteristic materials of the conservation area whilst not masking the contemporary nature of the extensions. The north side elevation facing towards the boundary with Normandy is particularly sensitive as this elevation is prominent, with Normandy being on a significantly lower level. This elevation has

been amended to include enhanced detailing, including increased vertical emphasis with the windows, which is considered to improve the appearance of this elevation. However, it is considered that a condition should be included to require samples of materials to ensure their suitability in preserving the character or appearance of the Conservation Area.

The proposed extensions do not have the same level of detailing as the original house, although given the contemporary nature of the proposal this is considered appropriate and would maintain the primacy of the original house and its features. The extensions, as shown on the plans, appear to reflect the proportions of the original house without attempting to mimic every detail and feature. This is considered a suitable approach and the overall design and appearance of the extensions should not result in any adverse impact to the character of the Conservation Area.

The house is currently in need of repair works and it is considered that the development will result in improvements to this building, which is prominent and is considered to make a positive contribution to the character and appearance of the Conservation Area. As such, it is considered that the proposed development would enhance the Conservation Area through the restoration of this significant building, albeit with the addition of new extensions. It is noted that the proposals would result in the loss of some historic features of the house, such as the side and rear canopy and the side entrance. Whilst the loss of these features is regrettable it is considered to be acceptable especially having regard to the overall improvement in the condition of the building that would result from the development. However, the quality of detailing to these elements of new build which makes reference to the original features is crucial and will be controlled by condition.

### Neighbour Impact

The proposals include the extension to both side elevations towards the boundaries. The extension to the south would be in close proximity to the boundary wall with Ty-Llwyd. However, this is a high boundary retaining wall, with the neighbouring property Ty-Llwyd on a significantly higher ground level than the application site. The extension is set off the boundary and therefore should have no adverse impact on the boundary wall. The first floor side elevation windows as proposed face towards the boundary with Ty-Llwyd. These windows serve the kitchen/living rooms and are secondary windows. The principal windows to this room are to the east overlooking the gardens within the application site. There is a large side window in the extension at Ty-Llwyd that looks towards Ashdene. However, the proposed windows are off-set from this existing neighbour's window and therefore, considering the orientation and distances involved, would not result in any significant overlooking impact.

There are bedroom and kitchen/living room windows facing towards Normandy. This is an uninhabited house in a poor condition, though it has had planning permission for substantial redevelopment as flats. If a similar scheme was

implemented the approved plans show mainly blank elevations facing towards Ashdene and the retaining wall to the boundary. There is one secondary bedroom window shown for 'bedroom 2' at Normandy which could be overlooked by the side elevation windows towards the front (en-suite, utility room and the secondary window for a bedroom). As such, these windows could be conditioned to be obscure glazed to avoid any potential overlooking impact in the future (see condition 9).

The side extension towards Normandy would have some potential to overshadow this neighbouring property. However, this would be relatively limited. Furthermore, the added space between the extension and the boundary with the revised plans further reduces any potential impact. Overall, the potential overshadowing is not considered to be at a level that would warrant the refusal of this planning application.

Concerns have been raised over the potential impact of the development on the boundary wall between the application site and Ty-Llwyd. Discussions with the Council's Building Control section suggest that there is no technical reason why the extension could not be built without affecting this wall, however, a condition requiring details of the foundations to be used in this part of the development will ensure this aspect of the proposal (see condition 3).

External terrace areas are proposed at first floor, but given their location relative to the neighbouring properties these will not adversely affect neighbouring amenity to any significant degree in terms of overlooking.

Overall the proposals, primarily the side extensions, would have the potential to cause some impact to neighbour amenities. However, with suitable conditions and considering the amendments made to the plans it is considered that the proposals would not result in any significant neighbour impact.

### Impact on Windsor Gardens

Windsor Gardens is a Cadw/ICOMOS registered garden immediately to the east of the site. There is a pedestrian access from the rear garden of Ashdene into the historic Windsor Gardens. Cadw have been consulted with the application and stated that the proposals should "not have a direct impact" on Windsor Gardens but suggest that any Victorian garden features should be retained to enhance the setting of the gardens. The retention of features within the garden are outside the remit of planning control, however, the proposals do retain the majority of the existing Victorian house, with the rear elevation (facing towards Windsor Gardens) being largely retained. Furthermore, the extensions are designed to be sympathetic additions to the original Victorian appearance of the house. Therefore it is not considered that the development would have an adverse impact on the setting of the registered park.

### Parking and Access

The vehicular access will remain as existing, with an access point off Bridgeman Road to the front of the site. The area to the front of the building, adjacent to the front boundary wall, would be used for the parking and manoeuvring of vehicles

and a bin store. The site lies in Zone 3 (Urban) for the purpose of the Parking Guidelines which suggest 1 space per bedroom (maximum 3 spaces) and 1 space for 5 units for visitors. However, being consistent with the advice in Planning Policy Wales these should be treated as maximum rather than minimum parking standards. Eleven parking spaces are indicated for this area which is considered sufficient for the nine apartments in this location, close to Penarth Town Centre and the amenities of Penarth Esplanade as well as public transport in the vicinity. Furthermore, there is parking space available on street in the vicinity of the site.

It is considered that the use of the property for flats would be likely to increase traffic to and from the site, although not to a degree that would have a significant impact on traffic flows along Bridgeman Road or the local highway network or on the amenity of neighbouring properties.

### Amenity Space

The site would include a rear garden area of approximately 850sqm to act as a shared area of amenity space for the future residents. This could be accessed directly from the ground floor flats, or from around the side of the proposed extensions for the upper floor flats. The rear garden is considered to provide an acceptable layout and quality of amenity space for occupiers, when considering the standards as set out within the Supplementary Planning Guidance 'Amenity Standards'. It is also noted that these flats would be adjacent to Windsor Park and close to other areas of public open space along with the coastal path.

### Ecology Issues

As there are no significant works proposed to the existing roof there is no requirement for a bat survey. However, the applicant should note that if there is any works to the roof (including soffits, lead flashings etc) then Natural Resources Wales should be contacted for advice. An informative has been added to advise.

### Trees and Landscaping

To accompany the application there is a Tree Survey (Tree Scene, May 2016). This highlights several trees within the curtilage of the site, many of which are towards the boundaries. It is considered that most of the trees identified can remain, with the exception of the Ash (T7) to the side of the house (which would have to be removed to make way for the extension). The submitted tree survey categories this as a category 'C' tree i.e. "low quality with an estimated remaining life expectancy of at least 10 years" and its loss is considered to be acceptable.

It is considered that where possible the other trees should be retained and protected through the course of construction, though with landscaping enhancements to improve the setting of the development within this prominent Conservation Area location. A condition requiring details of landscaping (including new tree planting) plus tree protection measures is therefore to be included (conditions 4 and 5 refer).

### Planning Obligation (Section 106) Matters

The Council's approved Planning Obligations Supplementary Planning Guidance (SPG) provides the local policy basis for seeking planning obligations through Section 106 Agreements in the Vale of Glamorgan. It sets thresholds for when obligations will be sought, and indicates how they may be calculated. However, each case must be considered on its own planning merits having regard to any material circumstances.

The need for planning obligations based on the type of development proposed has been considered taking account of the local circumstances and needs arising from the development, and what it is reasonable to expect the developer to provide in light of the relevant national and local planning policies.

In light of the particular circumstances of this development, the following planning obligations have been considered and agreed by the developer:

#### Affordable Housing

The site falls within Penarth and LDP Policy MG 4 (as amended by the focused changes) requires all residential sites within this area resulting in a net gain of 1 or more dwellings to provide an element of affordable housing. As considered above, the site should deliver 40% affordable housing. Paragraph 5.10, page 11 of the Draft SPG for Affordable Housing sets out that based on a net gain of 8 units, the site should deliver a minimum of 3.2 affordable housing units, comprising of 3 affordable units to be delivered on site and incorporated appropriately into the scheme, plus an off-site contribution for the remaining 0.2 which has been calculated as £15,486.

#### Public Open Space

Under UDP Policy REC3, new residential developments are expected to make provision for public open space. Given the size and constrained nature of the site, there is no scope for on site provision. Therefore, an offsite contribution of £22,968 will provide or enhance public open space off site to serve the needs of future occupiers in accordance with the advice in the supporting text to REC3 and TAN16 (Sport, Recreation and Open Space).

#### CONCLUSION

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

Having regard to Policies ENV 27 (Design of new developments), ENV 20 (Development in Conservation Areas), HOUS 2 (Additional residential development), HOUS 8 (Residential Development Criteria), ENV 17 (Protection of

built and historic environment), HOUS 11 (Residential Privacy and Space), ENV 16 (Protected Species) and TRAN 10 (Parking) of the Vale of Glamorgan Adopted Unitary Development Plan 1996-2011, plus Penarth Conservation Area Appraisal and Management Plan 2011 and Supplementary Planning Guidance 'Amenity Standards' it is considered that the proposals are acceptable, by reason of their appropriate design, materials and scale, with no detrimental impact to the character of the Conservation Area or the amenities of neighbouring occupiers. The proposals therefore comply with the relevant planning policies and supplementary planning guidance.

### RECOMMENDATION

Subject to the relevant person(s) first entering into a Section 106 Legal Agreement or undertaking to include the following necessary planning obligations:

- that 3 of the dwellings built pursuant to the planning permission are built and thereafter maintained as affordable housing units in perpetuity, of which 2 would be social rented properties and 1 would be intermediate properties;
- A contribution of £15,486 is payable for off-site affordable housing; and
- A contribution of £22,968 to provide or enhance public open space in the vicinity of the site.

APPROVE subject to the following condition(s):

APPROVE subject to the following condition(s):

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

Reason:

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

2. The development shall be carried out in accordance with the following approved plans and documents: LP00, P12B, P13C, SP00, PE01, PE02, PE03 Rev A, PE04, PP00, PP01 Rev A, PP02, PP03, Design and Access Statement received on 27 May 2016, Tree Survey and accompanying plan 20000/001/DPC/DLO received on 27 May 2016.

Reason:

For the avoidance of doubt as to the approved development and to accord with Circular 016:2014 on The Use of Planning Conditions for Development Management.



3. Prior to the commencement of the extension to the south-west of the existing building hereby approved, details of the foundation design of that extension (adjacent to Ty-Llwyd) are to be submitted to, and agreed in writing by, the local planning authority. The approved scheme shall be fully implemented in accordance with the approved details prior to first beneficial occupation of any of the development hereby approved.

Reason:

To protect the integrity of the retaining wall to Ty-Llwyd and to ensure compliance with the provisions of Policy ENV20 of the Unitary Development Plan.

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

Reason:

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

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

Reason:

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

6. Notwithstanding the submitted details, further details of a scheme for foul and surface water drainage shall be submitted to and approved in writing by the Local Planning Authority, which shall ensure that foul water and surface water discharges shall be drained separately from the site, with no surface water or land drainage run-off allowed to connect (either directly or indirectly) into the public sewerage system. The approved scheme shall be fully implemented in accordance with the approved details prior to first beneficial occupation of any of the development hereby approved.

Reason:

To protect the integrity, and prevent hydraulic overloading, of the Public Sewerage System, and to ensure compliance with the terms of Policy ENV27 of the Unitary Development Plan.

7. Notwithstanding the provisions of the Town & Country Planning (General Permitted Development) Order 1995 (as amended) or any Order amending or revoking that Order, no gates, fences, walls or other means of enclosure shall be erected, constructed or placed on site, unless otherwise agreed in writing by the Local Planning Authority.

Reason:

In the interests of highway safety and to protect the character and appearance of the Conservation Area in accordance with Policies ENV20 and ENV27 of the Unitary Development Plan.

8. No part of the development hereby approved shall be brought into beneficial use until such time as the parking areas, including all associated access and turning areas, have been laid out in full accordance with the details shown on plan 104B, or such other details otherwise agreed in writing by the Local Planning Authority. The parking, access and turning areas shall thereafter be so retained at all times to serve the development hereby approved, unless otherwise approved in writing by the Local Planning Authority.

Reason:

To ensure the provision on site of parking and turning facilities to serve the development in the interests of highway safety, and to ensure compliance with the terms of Policy ENV27 of the Unitary Development Plan.

9. The windows in the side (northeast) elevation, facing towards the property known as Normandy/Oakhurst, serving the utility rooms, bathrooms, ensuite and Bedroom 1, shall be fitted with obscure glazing at the time of the construction of the development hereby approved and prior to the first beneficial use of the flat it serves and shall thereafter be so maintained at all times, unless otherwise agreed in writing by the Local Planning Authority.

Reason:

To ensure that the privacy and amenities of adjoining occupiers are safeguarded, and to ensure compliance with Policy ENV27 of the Unitary Development Plan.

10. Notwithstanding the submitted plans, full details of the windows and balustrades hereby approved, including materials and finish details, to be illustrated using drawings at a 1:10 or 1:20 scale, shall be submitted to and approved in writing by the Local Planning Authority and the development shall be carried out in full accordance with the approved details.

Reason:

In the interests of visual amenity and to ensure the development accords with Policies ENV17, ENV 20 and ENV27 of the Unitary Development Plan.

11. Prior to their use in the construction of the development hereby approved, a schedule of the proposed materials to be used, including samples, shall be submitted to and approved in writing by the Local Planning Authority and the development shall thereafter be carried out in accordance with the approved details.

Reason:

To ensure a satisfactory standard of development and to ensure compliance with Policies ENV20, ENV17 and ENV27 of the Unitary Development Plan.

12. Notwithstanding the submitted information, details of the external surfacing works to the rear garden, to include patios and terraces, plus details of materials and any levels changes, shall be submitted to and approved in writing by the Local Planning Authority and implemented in accordance with the approved details prior to the first beneficial occupation of the extended property the development hereby approved, and the development shall not be carried out otherwise than in full accordance with such approved details.

Reason:

In the interests of visual amenity, and to protect the character and appearance of the replacement dwelling as required by Policy ENV 27 and ENV 20 of the adopted Unitary development Plan.

13. Notwithstanding the submitted information, details of exterior restoration works, including that of the balconies, walls and roof, shall be submitted to and approved in writing by the Local Planning Authority prior to their use in the development hereby approved, and the development shall not be carried out otherwise than in full accordance with such approved details.

Reason:

In the interests of visual amenity, and to protect the character and appearance of the replacement dwelling as required by Policies ENV 27 and ENV 20 of the adopted Unitary development Plan.

**NOTE:**

1. **You are advised that there may be species protected under the Wildlife and Countryside Act, 1981 within the site and thus account must be taken of protecting their habitats in any detailed plans. For specific advice it would be advisable to contact: The Natural Resources Wales, Ty Cambria, 29 Newport Road, Cardiff, CF24 0TP  
General enquiries: telephone 0300 065 3000 (Mon-Fri, 8am - 6pm).**
2. **Please note that a legal agreement/planning obligation has been entered into in respect of the site referred to in this planning consent. Should you require clarification of any particular aspect of the legal agreement/planning obligation please do not hesitate to contact the Local Planning Authority.**

3. **Dwr Cymru Welsh Water (DCWW) have advised that some public sewers and lateral drains may not be recorded on their maps of public sewers because they were originally privately owned and were transferred into public ownership by nature of the Water Industry (Schemes for Adoption of Private Sewers) Regulations 2011. The presence of such assets may affect the proposal. You should therefore contact the DCWW Operations Contact Centre on 0800 085 3968 to establish the location and status of the sewer. Please note that under the Water Industry Act 1991 DCWW has rights of access to its apparatus at all times.**

**Please note that this consent is specific to the plans and particulars approved as part of the application. Any departure from the approved plans will constitute unauthorised development and may be liable to enforcement action. You (or any subsequent developer) should advise the Council of any actual or proposed variations from the approved plans immediately so that you can be advised how to best resolve the matter.**

**In addition, any conditions that the Council has imposed on this consent will be listed above and should be read carefully. It is your (or any subsequent developers) responsibility to ensure that the terms of all conditions are met in full at the appropriate time (as outlined in the specific condition).**

**The commencement of development without firstly meeting in full the terms of any conditions that require the submission of details prior to the commencement of development will constitute unauthorised development. This will necessitate the submission of a further application to retain the unauthorised development and may render you liable to formal enforcement action.**

**Failure on the part of the developer to observe the requirements of any other conditions could result in the Council pursuing formal enforcement action in the form of a Breach of Condition Notice.**

13.7.2016

8 Glynne Tower  
12 Bridgeman Rd  
Penarth  
CF64 3AW

Application No 2016/00659/FUL

2016/00659/FUL

## APPENDIX B

Dear V.L Robinson

I strongly object to the planning for the apartments to be built on the site of Ashdene Manor, Bridgeman Rd Penarth.

They would not fit in with the conservation area, too much traffic and far too many on a site of that size.

Yours sincerely

19 III 2016

Regeneration  
and Planning

TY LLWYD  
11 BRIDGEMAN ROAD  
PENARTH  
VALE OF GLAMORGAN  
CF64 3AW



Vale of Glamorgan  
Planning Dept.  
Dock Office  
Barry  
CF63 4RT  
y/r P/DC/SZ/2016/00659/FUL

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ACTION BY: SOB/ HUC
NO: 4

15 July 2016

Dear Sirs,

**Re: ASHDENE MANOR BRIDGEMAN ROAD PENARTH**

We have been notified by you of an application for nine apartments on the above property.

We would strongly object to this as having seen the plans the correct footprint of our property Ty Llwyd has not been shown on the location plan. The plans as deposited do not truly show the close proximity of the new build to our existing building.

As Ashdene is angled and not in line with our property all apartment from first floor up will be directly looking over our property thus affecting our privacy. The design as it stands at present has many windows and Juliet balconies overlooking us which would allow residents to have unrestricted views into our bedrooms and living space.

Whilst we appreciate that at some stage Ashdene will be developed we consider that this scheme is overdevelopment of the site, not sympathetic to the existing and does not take into account whatsoever the development of an outstanding Victorian residence and the fact that it is in a Conservation Area. We were under the impression that Conservation meant retaining the architecture and style of an area and not allowing box-like additions to a beautiful house.

We are also extremely concerned by the proximity of the extension to our side which appears to be only 1 metre from the boundary wall which is some 3 metres high. We

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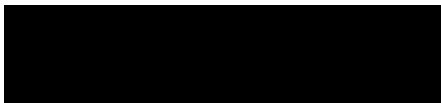
have already had to have part of this wall strengthened to prevent it collapsing and we are fearful that any excavation near it may bring it down which would cause our foundations to be affected.

Furthermore we are concerned at the number of extra vehicles that would have to be allowed for in 9 apartments going onto what has now become a very busy road, what with making the Esplanade one way, with the access and egress point being on a bend.

We understand that the earlier application for 7 units by architect David Preece was withdrawn. Whilst we put in an objection to this at the time at least the architect had designed a scheme that was sympathetic to the building and the area, which this present scheme is not.

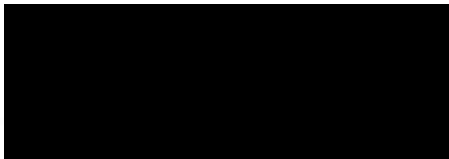
We hope that this application is rejected and that the applicant is asked to reconsider his design.

Yours faithfully,



Derek J Marles FRICS

Wendy E Marles



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10 JUL 2005  
Regeneration  
and Planning



**From:** Planning  
**Sent:** 13 July 2016 13:41  
**To:** Planning  
**Subject:** New comments for application 2016/00659/FUL

New comments have been received for application 2016/00659/FUL at site address: Ashdene Manor, Bridgeman Road, Penarth

from Mrs Jennifer Barber 

**Address:**  
 Robinwood Bridgeman Road Penarth, CF64 3AW

**Comments:**

My objection to the planning proposal centres on the intention to construct 9 flats in the property. This will generate an unreasonable expansion in vehicles accessing the property which has been a single house to date. The highway changes to The Esplanade to become a one-way route has meant that Marine Parade and Bridgeman Road are now busy roads for vehicles accessing the Esplanade. This proposal adds to the traffic demands on Bridgeman Road triggering health and safety problems.

**Case Officer:**  
 Mrs. Hayley Kemp

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 13 JUL 2016  
  
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