

ITEMS RECEIVED AFTER THE PRODUCTION OF THE REPORT
FOR THE PLANNING COMMITTEE
TO BE HELD ON 21 DECEMBER, 2022

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MATTERS ARISING FOR COMMITTEE

COMMITTEE DATE : 21 DECEMBER, 2022

Application No.: 2022/00077/FUL	Case Officer: Guy Watkins
Location: Former Albert Road Church, Penarth	
Proposal: Change of use to mixed office space, community use spaces and lifestyle uses (B1a and D1 uses) and external alterations and window refurbishments/replacements.	

From: Francesca Sartorio - neighbour

Summary of Comments:

- If the floor space is over 1000sqm this would be a major application and a DAS is missing...
- no kerbside count using the Lambeth method has been submitted. Also no travel plan and no amended plans for bike rack provision.

Officer Response:

- The 1000 sq m trigger is for floorspace in a new building. As the application is a change of use and the site is under 1ha, it is not a major development and a Design and Access Statement is not needed.
- This is dealt with in the planning report.

Action required:

Members to Note

Watkins, Guy

From: Francesca Sartorio [REDACTED]
Sent: 16 December 2022 21:33
To: Watkins, Guy
Subject: Albert Rd Church planning application -DAS?

Hi Guy,
I hope al. Is well.

I get in touch re the church again as I have been asked to look at scripts by those who want to speak at committee next week. I am looking at what is in the register and I have a few queries:

- have you checked the actual size of the development? They say in the application that it is 950sqm but I think they might be just about slightly above 1000sqm, by remeasuring their drawings and counting steps along the perimeter... It might boil down to whether the outside areas are counted in or not and whether they count the volume of the walls as part of the development or just the usable internal area. I might be wrong of course but worth a check since the agent has shown difficulties with drawing to scale before. If it is over 1000sqm this would be a major application and a DAS is missing...

- I note the highwaymen asked for kerbside count using the Lambeth method and this is not in the documents. They did do a TRICS, which as far as I know is about trips, not parking, calculated on uses that might fall in the relevant use category but do not refer to actual use pre-redevelopment... Are you expecting the Lambeth survey or has the agent pulled another trick (excuse the pun)? Also, I see no travel plan and no amended plans for bike rack provision, are you expecting these? With no Lambeth kerbside survey, travel plan and active travel provision I believe the documents provided are not sufficient to satisfy 5.6 of your parking standards SPG

(<https://www.valeofglamorgan.gov.uk/Documents/Living/Planning/Policy/SPG/Parking-Standards-SPG-March-2019.pdf>)

- Have you got your recommendations to Committee and, if so, could these be shared?

- Will Committee be provided with print-outs whilst on site? I think there is still a mismatch between actual windows and drawings.

Looking forward to your reply,
thank you, f

Sent from my iPad

MATTERS ARISING FOR COMMITTEE

COMMITTEE DATE : 21 DECEMBER, 2022

Application No.: 2022/00077/FUL	Case Officer: Guy Watkins
<p>Location: Former Albert Road Church, Penarth</p> <p>Proposal: Change of use to mixed office space, community use spaces and lifestyle uses (B1a and D1 uses) and external alterations and window refurbishments/replacements.</p>	

From: Case Officer

Summary of Comments:

The wording of condition 3 needs to be amended so that the use is not carried out during the hours of 22:00 to 7:30 and 20:00 to 7:30

Officer Response

Condition 3 needs to be amended.

Action required:

Amend Condition 3 to read :

The approved use in the lower basement shall not be carried out during the hours of 22:00 to 07:30 Monday to Sunday.

The approved use in the ground and first floor shall not be carried out during the hours of 20:00 to 07:30 Monday to Sundays.

Any internal lighting shall be switched off outside of the specified opening hours.

Reason:

To ensure that noise and light at unsociable hours is not a nuisance to surrounding residents, and to ensure compliance with the terms of Policies MD2 (Design of New Developments) and MD7 (Environmental Protection) of the Local Development Plan.

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Correspondence is welcomed in Welsh or English / Croesewir Gohebiaeth yn y Gymraeg neu yn Saesneg.

From: Thomas, Neil C (Cllr) [REDACTED]
Sent: 19 December 2022 17:09
To: Robinson, Ian <[REDACTED]>
Subject: Albert Road conditions

Hi Ian

Looking at the conditions

Condition 3. Says approved use shall NOT be carried out outside 22.00 to 07.30 ie only during the night

Needs revising I think to read not be carried out during the hours 20.00 to 07.30

Neil

MATTERS ARISING FOR COMMITTEE

COMMITTEE DATE : 21 DECEMBER, 2022

Application No.: 2022/00077/FUL	Case Officer: Guy Watkins
<p>Location: Former Albert Road Church, Penarth</p> <p>Proposal: Change of use to mixed office space, community use spaces and lifestyle uses (B1a and D1 uses) and external alterations and window refurbishments/replacements.</p>	

From:

Grant Wheeler - neighbour

Summary of Comments:

Overview- General

Description of site being on the “edge of town” is inaccurate. It is a residential area.

Uses- B1a

The statement on page 52 of the report that, “*The building has never been used for offices. There is no evidence for this provided*” is confusing. Evidence has however been provided that no previous office use has been carried out. Witness accounts from Yvonne Stacey- Former employee and member of the Church, Victoria Weaver- Dance School Principal who used the former church for Dance Lessons and Jayne Konlan- Employee of the Trinity Road Methodist Church who also provided comments in her formal representations made to the Local Authority on or around 6th June 2022 demonstrate this.

Uses B1a/ D1- No Noise, traffic or light pollution survey.

Surveys with regard the above issues are required and until they are submitted the report to Committee is supposition and not factual.

Noise and smell

The roof terrace was advertised on social media to be used for lunch time.

A new kitchen vent on Jubilee Lane has been provided. This requires planning permission and clarification that it won't result in noise, smell and fumes directed at neighbouring gardens.

The office use would lead to more people using the building.

It is imperative any café or bar is not allowed.

Noise from windows

The only way to minimise this noise is to have non-opening windows. A further condition to require the new windows are non-opening is required.

Light Pollution

The level of intrusion from the lights would be significant.

The trunking for lights (and also a camera or sensor) still remain in place on the proposed terrace area. Would it be considered reasonable to remove these also as part of the lighting conditions.

Traffic

Without the benefit of a travel survey the comments in the report are speculation.

Officer Response:

Overview- General

The edge of town description is considered accurate. It is also recognised in the report that the area is also residential.

Uses- B1a

The quote, "*The building has never been used for offices. There is no evidence for this provided*" is a summary from the objection letters. That and the opinion of the statements

provided are accepted. However, it is considered, some ancillary office use to the church/community use would most likely have been carried out in the building previously.

Uses B1a/ D1- No Noise, traffic or light pollution survey.

The report to Committee is not considered supposition and is based on the information provided and consultation responses received as part of the application.

Noise and smell

The first use of the roof terrace is no longer being proposed. A condition restricting use of the outdoor space has been recommended.

The vent is detailed on the proposed plans and serves the internal air ventilation system from within the basement area. The Council's SRS (Pollution) Section have not requested a report and have not raised this as an issue. If it were to result in a "*statutory nuisance*" the Council's SRS (Pollution) could deal with any issues arising under Environmental Protection legislation.

The office use could lead to more people using the building than existing. However, the existing use could also be intensified to the same level and does not require planning permission.

The application is not proposing a café or bar. Only kitchen areas, ancillary to the proposed uses, are detailed. If a stand alone café or bar is proposed this would constitute a material change of use and would require planning permission.

Noise from windows

The proposed B1 use is a type of use that could be carried out within a residential area and would not result in a harmful impact from noise. A further condition to require all windows are non-opening in relation to this issue is therefore not considered necessary. No requirement for this from SRS (Pollution) has been raised.

Light Pollution

The internal light issue is not considered to result in any significant impacts. No objection from SRS (Pollution) has been raised on this issue.

A condition to remove the remaining external trunking for the previously proposed external lighting is not considered necessary to make the development acceptable. It is considered it does not have a material impact.

Traffic

It is noted a survey of on street parking in the surrounding area, as originally requested by the Highways Authority, has not been submitted. However, based on the further analysis submitted, the Council's Highways Section have re-assessed the proposal. They consider the submitted analysis show it is unlikely there will be a material increase in vehicle trips to/from

the proposed site and related parking. Conditions for a Travel Plan and cycle parking have been recommended if permission is granted.

Action required:

Members to note

From: [grant wheeler](#)
To: [Watkins, Guy](#); [Graeme Roberts](#)
Cc: [Butler, Stephen](#); [Graeme Roberts](#); [Sarah Morgan](#); [Jayne Matthews](#); [ian569@btinternet.com](#); [Tarn Stacey](#);
Subject: RE: 2022/00077/FUL - Albert Road- Matters Arising
Date: 19 December 2022 19:48:23
Attachments: [34006E246961431B8F16E7E9816302AC.png](#)
[Albert road Church- roof.jpeg](#)

Dear Guy

Many thanks for the reply. We note your position on demolition.

It is pleasing to see that many of the points raised by residents over the last year have finally been addressed to varying degrees. Thank you.

Becky and I have now had chance to read through your report and there are some points we wish to raise.

We have been advised by the Democratic and Scrutiny Services we should try to raise matters with you prior to any Committee meeting taking place. Which leaves things tight for time.

Overview- General

The report gives repeated emphasis to the development being on the edge of town and of general benefit to the community. We believe this is an inaccurate viewpoint. Such a description is better suited to the 'Avon' Office Buildings in Stanwell Road which is a bespoke office, in town, in almost immediate view of the rail link and with on site parking.

The Albert Road development is actually a former church in a residential area first and foremost. It is also outside of the town centre. In the interest of fairness, a balanced description would be more realistic for the benefit of the Committee.

It would be very appreciated if this could be reflected in the report.

Uses- B1a

Page 52 of the report with regards to 'Uses'. The statement in your report 'The building has never been used for offices. There is no evidence for this provided.'

This is confusing. The church has never been used as offices and yet the report summary alludes to the fact it has.

It would be appreciated for it to be made clear to the committee that no evidence has been provided by the applicant of previous office use, but evidence to the contrary has been offered by the residents to the Local Authority.

Details for witnesses have been offered from the following confirming the church has not been used as offices during the course of previous occupation-

Yvonne Stacey- Former employee and member of the Church

Victoria Weaver- Dance School Principal who used the former church for Dance Lessons

Jayne Konlan- Employee of the Trinity Road Methodist Church who also provided the following

comments in her formal representations made to the Local Authority on or around 6th June 2022

*I work at Trinity Methodist Church and as a result of this, I was aware that Albert Road Church has been sold for development. Living next to Albert Road church I was hopeful that the development would be beneficial to all. I did not receive a letter from the council in December 2021 to inform me of the planned changes to the church. I only became aware when a neighbour pointed out that there were plans to put offices in the church and that the developer had been saying Albert Road Church has previously been used as offices on the top floor. I knew this was not the case and spoke to the **Church Steward, John Jevons**, to check this as he has been involved in some of the administration of the sale at Albert Road. He was clear that the Albert Road staff had been asked if the building had been used as offices and if they would be prepared to say that this was the case. Naturally they did not confirm this as the church had never been used as office space. It's important that I share this as I believe this information is relevant to the application being made. I can make further enquiries at the Methodist church to see if I can support this with further documents that might assist if required.*

An amendment to the line in your report 'The building has never been used for offices. There is no evidence for this provided.', and a correction to the summary that the Church had been previously used as offices would be appreciated.

Uses B1a/ D1- No Noise, traffic or light pollution survey.

Until such surveys for the above are carried out, then the information reported to the Committee is supposition and not factual.

Noise and Smell

-

Please see the attached photo above which the Committee should be made aware of. This is an advertisement available on social media for people to attend the Church for coffee and refreshments. We absolutely welcome the fact this will no longer take place on the proposed balcony area. However, if it is still the intention of the developer to offer such services, then this will have a significant impact to neighbouring dwellings.

This is mainly due to the newly proposed Grate Vent at basement level which is directly next to the new proposed kitchen in the basement. The purpose of which we can only assume at this time is to extract fumes from the kitchen area. However, there is currently insufficient consideration or comment on this point in your report or the accompanying SRS Pollution report. (Incidentally the SRS Pollution report makes reference to a B1a, D1 and D2 planning application which we presume is an admin error written prior to revised plans being submitted.).

As you will be aware and as per the email sent to Ben Worrall on 24/04/22, the legislation is clear- 'one must apply for full planning permission to install, alter, replace or move plant, air conditioning, ventilation or extraction equipment (where any part of the equipment will be fixed to the outside of the property)'. This is supported by Code F of the Building Regulations 2010 (Para 3.4-3.8)

This naturally follows on from the statement in your report that The Town and Country Planning

(Use Classes) Order 1987 (as amended) details Class B1 are business uses with part (a) being specifically office uses. It further states that these are uses, “...which can be carried out in any residential area without detriment to the amenity of that area by reason of noise, vibration smell, fumes, smoke, soot, ash, dust or grit”.

The two points from the Building Regs 2010 and TCPSA 1987 are intrinsically linked and the SRS report or your site report do not address the fact there will be noise, smell and fumes that will be directed at neighbouring gardens from the kitchen.

Unless you are able to confirm that this vent is present for a less intrusive purpose, then significant consideration will need to be given to refusal of its use. Or a significant condition of use should be considered if this current plan be supported.

Further information is required so that the Committee are fully informed. The current argument suggesting the B1a use over D1 is beneficial is not evidenced. Regular B1a office use would compound this issue by permanent use on a daily basis.

It is imperative for us that any ‘Cafe or Bar’ type services are not to be allowed should planning be agreed.

We anticipate that the requirement for planning permission for such alterations to ventilation and extraction directly affect the D1 status of the building use, as well as B1a. Should this not be subject to scrutiny by the Environment officer or the planning department?

Noise from Windows-

The only way to minimise this noise is to have non-opening windows. On that basis most of the new windows were previously concrete or stained glass non-opening windows (pictures can be supplied). Would non opening windows be a further suitable condition to minimise noise and the potential for further overlooking?

Light Pollution

The removal of lights from the proposed balcony area is welcomed. Your comments are appreciated in respect of cutting back the hours of use of the building. However this is the only proposed condition to minimise this impact and is not considered sufficient for the B1a office use. The light complaint previously submitted shows the level of intrusion to our houses from a light source on that floor and, as you will have seen, it is significant.

The trunking for lights (and also a camera or sensor) still remain in place on the proposed terrace area. Would it be considered reasonable to remove these also as part of the lighting conditions?

Traffic

We note the request for a travel plan and the requirement for a survey from Highways.

As residents we have also requested a traffic survey in order to evidence to the Local Authority what we already know of the near impossible traffic issues in this area. We are still awaiting this survey.

Without the benefit of a traffic survey the majority of the comments in the report are

speculation and do not reflect the true position of the very real issues around residential parking.

General

It would appear there are still significant aspects of this development that have not been fully reported upon in order for the Planning Committee to be able to make a fair and balanced decision.

We are in a position to make representations at the Wednesday hearing, however we believe it is only right that the Committee are offered the fullest information available on which to base their findings.

At this juncture it would appear that this report is now being rushed through, as there are still unanswered key points as highlighted above which are more than minor inconsistencies.

Thank you for your time given to this so far

Best regards

Grant & Becky Wheeler

10a Clive Place

[Redacted]

[Redacted]

[Redacted]

- [Redacted]

- [Redacted]

MATTERS ARISING FOR COMMITTEE

COMMITTEE DATE : 21 DECEMBER, 2022

Application No.: 2022/00077/FUL	Case Officer: Guy Watkins
<p>Location: Former Albert Road Church, Penarth</p> <p>Proposal: Change of use to mixed office space, community use spaces and lifestyle uses (B1a and D1 uses) and external alterations and window refurbishments/replacements.</p>	

From: Graeme Roberts - neighbour

Summary of Comments:

- There are still inconsistencies with the plans
- What actions have been taken?
- How will the comments from Penarth Town Council get addressed
- How will the substantial covered bike shed be actioned

Officer Response:

- Any remaining inconsistencies are considered minor and non material and it is considered the application can be considered based on the amended plans.
- The points have been noted and dealt with either by amended plans or are clarified in the report to Planning Committee.
- The bicycle parking provision require by the Highway Engineer does not require a covered shed, only “secure storage of cycles”. A condition to request these details has been recommended in the report.

Action required:

Members to note

From: Graeme Roberts [REDACTED]
Sent: 16 December 2022 17:51
To: Watkins, Guy
Cc: Butler, Stephen; grant wheeler; Rebecca Wheeler; Neil Thomas; Thomas, Neil C (Cllr); [REDACTED] Francesca Sartorio; Jayne Matthews
Subject: Fw: 2022/00077/FUL - Albert Road - Committee Site Visit
Attachments: RE: 2022/00077/FUL - Further Planning Application Anomalies

Hi Guy,

I believe i'm still waiting for a response to my questions below. Could you please answer the following;

- Why are we going to Committee when there are still inconsistencies with the plans?
- Referring to my original list of questions in attached email, what does 'noted' or 'your comments are noted' mean? What actions have been taken?
- I don't see many updated architectural drawings from Asbri since my comments - you said 'Asbri have been made aware'. Is that the extent of proceedings? What actions have been taken?
- Town planning documents - there are a list of comments that Town planning want to see in place - how will they get addressed?
- Highways - want to see a substantial covered bike shed in place. How will this be actioned?

How will the above points get addressed before Wednesday?

Many thanks in advance,
 Graeme Roberts
 10 Clive Place

From: Graeme Roberts [REDACTED]
Sent: 14 December 2022 13:54
To: Watkins, Guy [REDACTED]; grant wheeler [REDACTED]
Cc: Butler, Stephen [REDACTED]; Thomas, Neil C (Cllr) [REDACTED]; Neil Thomas [REDACTED]; grant wheeler [REDACTED]; Rebecca Wheeler <[REDACTED]>
Subject: Re: 2022/00077/FUL - Albert Road - Committee Site Visit

Hi Guy,

Thanks - the committee members are more than welcome in my garden.

However, I'm surprised that we are at this stage with the number of outstanding anomalies in the drawings attached to the planning portal. Shouldn't these all be in order before any committee hearing?

A lot of comments from you in the email dated 8th November (Please see the attached email.) was that 'Asbri have been made aware'

What does this mean exactly? Being made aware is one thing... what exactly is being done about it?

You also say 'Noted' and 'Your comments are noted.' What does this mean exactly - What is being done about it?

I'm a little concerned that these plans are not in good enough shape and that things are being rushed

through. There are too many differences for the Developer to take advantage of.



Thanks in advance,
Graeme

[Redacted text block]

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MATTERS ARISING FOR COMMITTEE**COMMITTEE DATE : 21 DECEMBER, 2022**

Application No.: 2020/01588/FUL	Case Officer: Mrs. Helen Winsall
Location: Police Station, Cowbridge Road, St. Nicholas	
Proposal: Conversion of building into 3 Apartments	

From: St Nicholas and Bonvilston Community Council

Summary of Comments:

At a meeting held on December 12, 2022, St Nicholas with Bonvilston Community Council resolved to continue to object to the proposal for change of use to residential of Station House, St Nicholas.

The reasons for the objection are set out below.

- It is premature to seek alternative use for this building whilst it is in use and providing employment and amenity. Uncertainty undermines businesses & the value of the building is greater in residential use than commercial use;
- The building is being well maintained;
- The services delivered at Station House Health and Wellbeing are enjoyed by residents and people from further afield;
- There is a shortage of D1 classified property in the local area;
- Marketing for B1 Office use occurred only from May 2020 to spring 2021, during a pandemic when government was forbidding work at offices for significant periods, and people were being actively encouraged to work from home.

Further information in the response is summarised as follows:

The officer's report for the change of use to the current D1 use notes that the D1 use would provide employment and would be more capable of being used for a B1 class employment use (if it becomes viable) in the future (subject to planning permission), than a type of use that would require greater alterations to the building such as a residential use, which would likely result in the permanent loss of any commercial re-use. It is therefore considered that a change of use to a residential use would undermine this reasoning.

The final report for this current application contradicts itself in stating that the small office environment presented by the previous use (prior to its use a D1 use) of the building could become a far more attractive proposition following the pandemic.

The buildings is far more attractive as a commercial building now than in 2020, evidenced by recent photos that the Community Council have provided.

The building is a County Treasure that is clearly much loved, and the Community Council is hopeful that it will remain in its current use for many decades into the future.

Officer Response:

The issues raised have been largely addressed within the Officer's report. However, additional comments are made below.

In respect of the potential for small office units to become a more attractive proposition following the pandemic, whether this is the case or not here the current policy for considering whether a change away from "B" employment uses is acceptable is Policy MD16 of the Local Development Plan. How this has been complied with, including the marketing carried out is explained within the Officer's report.

While it is acknowledged the current use as a physiotherapy business does provide employment, it is reiterated that the wording of Policy MD16 is to protect B uses and as a D1 use, the current use would not benefit from the protection afforded by this policy.

It should also be noted that use class D1 (non-residential institutions) covers a number of uses including schools, doctors surgeries and nurseries. Planning permission 2021/00961/FUL is restricted by condition to the use of the premises only as a physiotherapy business, primarily due to the concern regarding the parking overspill that could be generated by other uses within this use class. As such, the premises does not benefit from a generic D1 consent.

Action required:

Members to Note

Police Station/Station House, St Nicholas - 2020/01588/FUL

At a meeting held on December 12, 2022, St Nicholas with Bonvilston Community Council resolved to continue to **object** to the proposal for change of use to residential of Station House, St Nicholas. The reasons for the objection are set out below.

- It is premature to seek alternative use for this building whilst it is in use and providing employment and amenity. Uncertainty undermines businesses, & the value of the building is greater in residential use than commercial use.
- The building is being well maintained.
- The services delivered at Station House Health and Wellbeing are enjoyed by residents and people from further afield.
- There is a shortage of D1 classified property in the local area.
- Marketing for B1 Office use occurred only from May 2020 to spring 2021, during a pandemic when government was forbidding work at offices for significant periods, and people were being actively encouraged to work from home.

This planning application was registered in December 2020, and it is a surprise after two years to find this application being recommended for approval. The former police station had been listed for sale or rent for office use since May 2020, during the pandemic when people were vacating offices and being forced and encouraged to work from home.

A subsequent planning application was made in January 2021 for a change of use from B1 Offices to D1 Non-Residential (Healthcare). Eight months later, in September 2021, this application, with support from the Community Council, was granted permission.

It is noted that the Final Report for this change of use states that:

“It is also noted that while not a B type use, the use proposed still does provide employment. In addition, this type of use is more likely to mean that the building will be capable of being used for a B1 class employment use (if it becomes viable) in the future (subject to planning permission), than a type of use that would require greater alterations to the building such as a

residential use, which would likely result in the permanent loss of any commercial re use.”

It's therefore contended that approval for change of use from D1 to C1 would undermine the reasoning given – and balancing – in the Final Report for the 2021 planning decision for change of use from B1 to D1.

The Final Report for this change of use to residential contradicts itself in stating:

“Given the circumstances that have occurred in relation to the coronavirus pandemic, office spaces such as the one that previously occupied the building may be far more important going forward.”

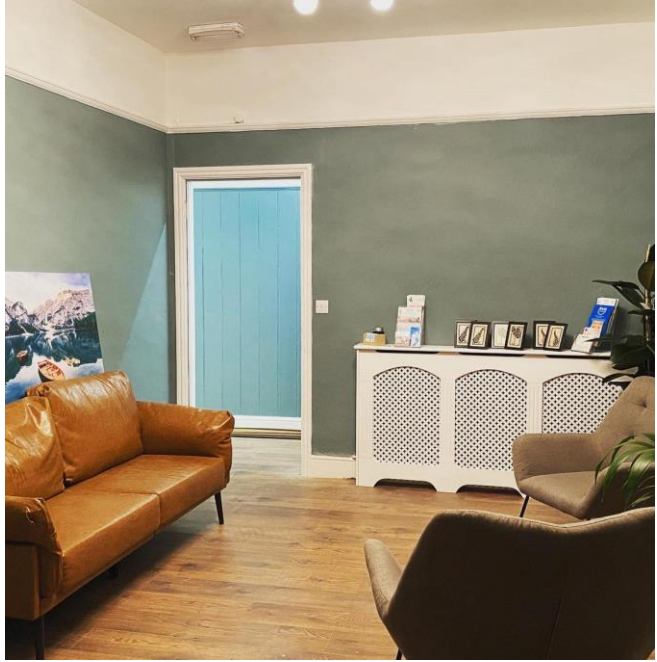
“While to a degree, any work/live units proposed could help meet a need and are supported by Planning Policy Wales (5.4.14 refers) where they are appropriate, the small office environment presented by the previous use (prior to its use a D1 use) of the building could also become a far more attractive proposition following the pandemic. The importance of such small units to the rural economy would seem to be reflected in Planning Policy Wales”

The previous tenants of the former police station relocated to Ammanford as this is central to the area in which they are offering home care services. At this time, the building was also in need of extensive refurbishment, something the present tenants have achieved. The building is far more attractive as a commercial building now than in 2020, evidenced by the photos provided from 2020 in the Final Report, and more recent photos (2022) that are provided on the following pages.











The building is a County Treasure that is clearly much loved, and the Community Council is hopeful that it will remain in its current use for many decades into the future.



For and on behalf of St Nicholas with Bonvilston Community Council

