

Date/Dyddiad: 24 July 2020

Ask for/Gofynwch am: Mr. S. D. Butler

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Your Ref/Eich Cyf:

My Ref/Cyf: P/DC/2020/00046/PRE

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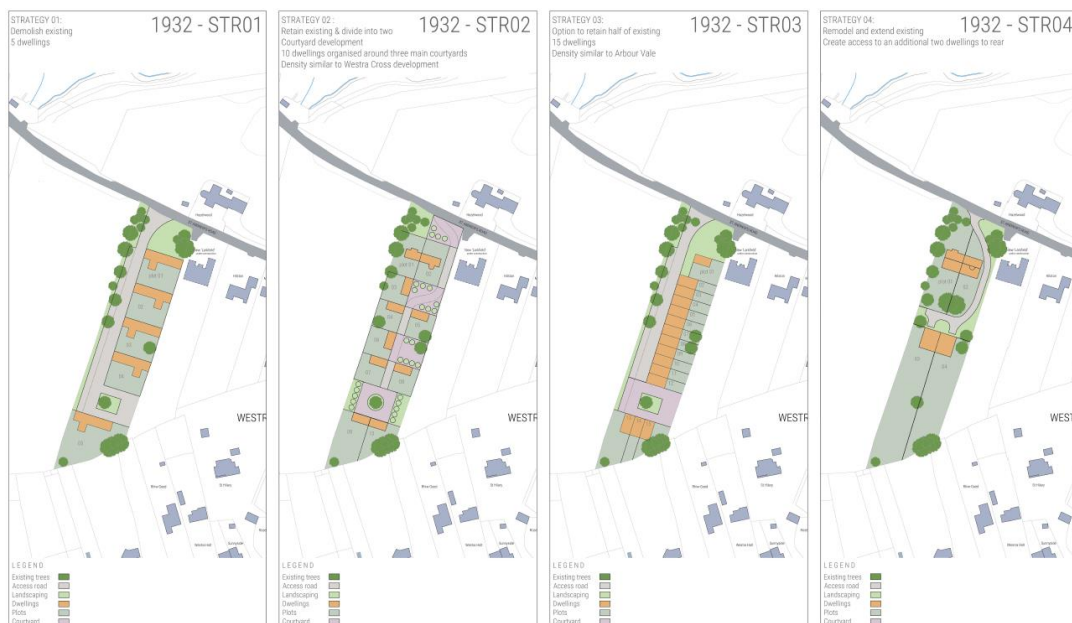
Dear Sir

Town and Country Planning Act, 1990 (as amended)
Application No. 2020/00046/PRE
Proposal: Proposed residential development
Location: West Winds, St. Andrews Road, Dinas Powys

I refer to your correspondence received on 1 May 2020, concerning the above and your request for statutory pre-application advice. Having considered the nature of submission in detail and following our meeting, I respond as follows.

Proposal

The proposal relates to the residential re-development of the site ranging from 4 up to 15 dwellings as set out within the submitted capacity study, which sets out indicative layouts as to how the site could be developed



Option 1 – Includes 5 detached dwellings accessed off a linear access road to the west of the site, set in spacious plots. This proposal includes the demolition of the existing property.

Option 2 – Includes 10 detached and semi-detached dwellings of various sizes, set in more modest plots, accessed off an informal access road intertwined with landscaped areas. This proposal includes for the retention of the existing property which is to be divided into two units.

Option 3 – Includes 15 smaller dwellings set out in a terraced form, accessed off a linear access road to the west of the site forming a landscaped square at its terminus. This proposal includes the demolition of the existing property.

Option 4 – Includes 4 detached dwellings located to the north of the site, within the existing residential curtilage of West Winds. These dwellings are set in plots of varying size, accessed off a shared access road. The two properties at the front of the site are formed from the remodelling of the existing property which is to be retained and extended.

Local Context and Constraints

The site comprises 'West Winds', an existing residential dwelling, situated off St Andrew's Road to the west of Dinas Powys, within the "Westra" area. The existing dwelling is situated within a large plot of land and comprises a large linear two storey- building finished in white render, with dark timber cladding and a brown concrete tile roof. It is currently in poor condition, showing some signs of disrepair.

The dwelling occupies a long, sloping, linear plot with a plateaued garden to the rear forming a lawn and paddock to the south. The property currently benefits from a single point of access off St Andrew's Road, a 30mph highway located to the north of the site.

This section of St Andrews's road is characterised by a number of large detached properties fronting onto St Andrew's Road to the east of the site, forming a linear cluster of residential development. These properties vary in terms of vernacular, with a variety of modern dwellings finished in pale render and timber cladding with slate roofs nestled between more traditional properties comprising natural stone with slate roofs. These properties are all set in large plots with large front and rear gardens.

In terms of the surrounding area, the site is bound to the north by St Andrew's Road, the property known as Hazlewood, which is situated on the opposite side of the road. The site is bound to the east and south by the gardens of existing properties, situated on both St Andrews Road and along Westra.

The site, as in all of the "Westra" falls outside of the defined settlement boundaries for Dinas Powys. Half of the site (the lower half of the rear garden) falls within an area of Limestone resource.

Relevant Planning History

From an examination of our records, the application site does not have any relevant planning history:

However I note as set out within your supporting letter, that a number of neighbouring properties have been subject to planning permission for extensions and replacement dwellings.

Relevant Planning Policies

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 SP4 – Affordable Housing Provision
POLICY SP9 – Minerals
POLICY SP10 – Built and Natural Environment

Managing Growth Policies:

POLICY MG22 – Development In Minerals Safeguarding Areas

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 MD6 - Housing Densities
POLICY MD7 - Environmental Protection
POLICY MD8 - Historic Environment
POLICY MD9 - Promoting Biodiversity

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

Planning Policy Wales:

National planning policy in the form of Planning Policy Wales (Edition 10, 2018) (PPW) is of relevance to the determination of this application.

The primary objective of PPW is to ensure that the planning system contributes towards the delivery of sustainable development and improves the social, economic, environmental and cultural well-being of Wales.

The following chapters and sections are of particular relevance in the assessment of this planning application :

Chapter 2 - People and Places: Achieving Well-being Through Placemaking,

- Maximising well-being and sustainable places through placemaking (key Planning Principles, national sustainable placemaking outcomes, Planning Policy Wales and placemaking

Chapter 3 - Strategic and Spatial Choices

- Good Design Making Better Places
- Promoting Healthier Places
- Sustainable Management of Natural Resources
- Placemaking in Rural Areas
- Accessibility
- Previously Developed Land
- Development in the Countryside (including new housing)
- Supporting Infrastructure
- Managing Settlement Form –Green Wedges

Chapter 4 - Active and Social Places

- Transport
- Living in a Place (housing, affordable housing and gypsies and travellers and rural enterprise dwellings)

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)
- Technical Advice Note 6 – Planning for Sustainable Rural Communities (2010)
- Technical Advice Note 12 – Design (2016)

Welsh National Marine Plan:

National marine planning policy in the form of the Welsh National Marine Plan (2019) (WNMP) is of relevance to the determination of this application. The primary objective of WNMP is to ensure that the planning system contributes towards the delivery of sustainable development and contributes to the Wales well-being goals within the Marine Plan Area for Wales.

Supplementary Planning Guidance:

In addition to the adopted Local Development Plan, the Council has approved Supplementary Planning Guidance (SPG). Some SPG documents refer to previous adopted UDP policies and to ensure conformity with LDP policies, a review will be carried out as soon as is practicable following adoption of the LDP. The Council considers that the content and guidance of the adopted SPGs remains relevant and has approved the continued use of these SPGs as material considerations in the determination of planning applications until they are replaced or otherwise withdrawn. The following SPG are of relevance:

- Affordable Housing (2018)
- Biodiversity and Development (2018)
- Design in the Landscape
- Minerals Safeguarding (2018)
- Parking Standards (2019)
- Planning Obligations (2018)
- Residential and Householder Development (2018)
- Sustainable Development - A Developer's Guide
- Trees, Woodlands, Hedgerows and Development (2018)

Other relevant evidence or policy guidance:

- Manual for Streets (Welsh Assembly Government, DCLG and DfT - March 2007)
- Welsh Government Circular 016/2014: The Use of Planning Conditions for Development Management
- Welsh Office Circular 13/97 - Planning Obligations
- Section 58 (1) of the Marine and Coastal Access Act places a requirement on the Council to take authorisation decisions in accordance with the appropriate marine policy documents, unless relevant consideration indicates otherwise.

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.

Analysis of Proposal

The main consideration in assessing any application is whether the principle of residential redevelopment of the site is acceptable having regard to the fact that the site falls outside of the settlement boundary.

Principle of Development

As discussed the site, as does all of the Westra, fall outside of the settlement boundary for Dinas Powys. At its nearest the settlement boundary is some 200m to the east.

In terms of Policy, as you are aware Policy MD5 supports development within settlement boundaries, subject to compliance with relevant criteria. Such defined settlements boundaries have been drawn around the settlements of the Vale of Glamorgan identified in the LDP hierarchy which are considered capable of accommodating additional development during the Plan period. The boundaries define the settlements within which new development will be permitted encouraging the re-use of land and buildings and preventing the spread of new development in the open countryside.

Accordingly, to protect the identity of these settlements, to ensure the efficient use of land and to protect the countryside from urbanisation and incremental loss, para 7.33 of the LDP states that “...*development will only be permitted outside of the identified settlement boundaries where it complies with national planning policy set out in paragraph 9.3.2 of PPW. Such developments would also need to respond appropriately to the local context and accord with Policies MD1 and MD2.*”

Whilst the reference to para 9.3.2 is an outdated edition of PPW, there are a number of equivalent paragraphs in PPW Edition 10 which relate to the appropriateness of new residential development in the countryside in terms of both sustainability and impacts on the rural character of the area, in particular :

Para 3.35 of PPW states

...In rural areas most new development should be located in settlements which have relatively good accessibility by non-car modes when compared to the rural area as a whole. Development in these areas should embrace the national sustainable placemaking outcomes and, where possible, offer good active travel connections to the centres of settlements to reduce the need to travel by car for local journeys.

Paragraph 3.56 of PPW states:

Development in the countryside should be located within and adjoining those settlements where it can best be accommodated in terms of infrastructure, access, habitat and landscape conservation. Infilling or minor extensions to existing settlements may be acceptable, in particular where they meet a local need for affordable housing or it can be demonstrated that the proposal will increase local economic activity. However, new building in the open countryside away from existing settlements or areas allocated for

development in development plans must continue to be strictly controlled. All new development should be of a scale and design that respects the character of the surrounding area.

Firstly in respect of sustainability, the site is relatively close to the settlement of Dinas Powys, however as discussed, it is the ability for future residents to safely access the settlement by means other than the car which is considered necessary. In this respect this section of St. Andrews Road, it has no footpath and the nearest section of lit footpath is some 180m to the east. As such there are concerns that any future residents would not have a real safe alternative to access the settlement other than by car. PPW is clear in stating that in rural areas most new development should be located in settlements which have relatively good accessibility by non-car modes when compared to the rural area as a whole". Whilst the distance is certainly walkable, the lack of any "safe space" along this 180m route would be of real concern and would have to be fully considered and addressed in any planning application.

In respect of the impacts on the rural character of the area, clearly the options submitted would have significantly different impacts.

In terms of the character, and unlike the area of Westra to the south, the dwellings along this section of St Andrews Road, do have a consistent building form and pattern with large detached dwellings fronting onto the road and set back with a generally consistent building line. Furthermore, when travelling into and out of Dinas Powys through this section of St Andrews Road, it feels distinctly rural as opposed to urban, which is reflected in the fact that it is not recognised as being part of the settlement of Dinas Powys.

Of the options proposed (Strategy 01 – 03) these 5, 10 and 15 dwelling proposal will result in a tandem style of development running the full depth of the site (some 200m in length) and would result in the demolition of the existing dwelling. As discussed, it is noted that there are other examples of similar forms of development within Dinas Powys, but these are in much more of an urban context. In the case of the pre app site, it is sits within the countryside and the last house of a run of dwellings.

Based on View Point 03 within your Site Analysis document, it is clear that the long western boundary of the pre application site is visible from St Andrews Road, and at quite some distance from the west. The site has a strong Sylvan quality and when viewed from its western approach, appears more as a wooded area as opposed to a garden, where the residential use of the site is only really evident when you are to the front of the site. Any proposal would likely reduce the number of trees on the site and would impact on the sylvan character of the site and negatively impact on the countryside.

In particular Strategies 01 – 03 would result in a built form of development the full depth of the site. On the assumption that these are two storey dwellings, which together with the removal of trees to accommodate both access and the dwellings, will likely open up views into the site for the west where the dwelling are likely to be visible. Such views, and in particular the

density of development and built form, would result in a marked change to the character of the site and would appear distinctly urban.

With reference to PPW, such a scale of development proposed would be at odds with the character of this part of the street scene which is characterised by large dwellings fronting onto the road and would not be “...of a scale and design that respects the character of the surrounding area (ref . Para 3.56 of PPW)

In respect of Strategy 04 to remodel and extend the existing dwelling and construct two additional dwellings to the rear, when compared to the other option this would have less impacts, restricting the built form of development to the upper half of the site. However even this form will result in dwellings set behind the original dwelling, would be at odds with the pattern of development in the area and again would likely lead to the loss of the main tree group to accommodate Plots 3 and 4.

In terms of visual impacts, there are not likely to be any significant concerns in respect of the sub division of the existing houses and alterations to create two dwellings, although this would be subject to a detailed assessment in any planning application. However, given the concerns raised in respect of sustainability and safe access to the settlement, even the creation of one additional dwelling may be considered uncappable.

Impact of Trees

Whilst I have not had the opportunity to visit the site, it is clear that there are a number of trees within the site, particularly forming the boundaries and a dense tree group broadly in the middle of the site. Notably when viewed from the west the string tree line fully screens the site.

As discussed, any of the options proposed would likely have some affect on trees and as such any application must be supported by a full tree survey and arboricultural impact assessment in line with our Trees, Woodlands, Hedgerows and Development SPG. The impacts on any trees to accommodate development should be avoided. Where low category trees are removed, as supported by our SPG, the authority would seek a scheme of replacement tree planting in line with the standards

Ecology

Given the impacts on the trees and the undeveloped character of the rear most part of the site, I am of the view that any application should be supported by a walk over (Phase 1) survey, which would support any planning application and should include the proposed impacts in respect of demolition of the dwelling and impacts on protected species.

Impact on neighbour amenities

Regard should be given in assessing the proposal in light of the advice and guidance set out in Section 9. (Impact on Neighbours) of the Residential and Householder Development SPG. The guidance states:

9.11 “Development can have a negative impact on a neighbour's amenity, depending on the size of it and its location in relation to the principal outlook of a neighbour's garden or rooms. Similarly, development that causes a harmful level of over shadowing will be considered unneighbourly and, therefore, unacceptable. New development must ensure that your neighbour's existing residential amenity is safeguarded.”

9.1.2. Key principles:

- i. Two-storey development, large single storey extensions and/or large structures should in most cases be set away from the boundary adjacent to the garden of a neighbour's property.
- ii. Development should not unreasonably enclose a neighbour's immediate outlook.
- iii. Development should not cast large shadows onto a neighbour's house or garden.
- iv. Development that results in a significant loss of daylight and / or sunlight to habitable rooms (i.e. living room, main bedroom, kitchen and dining room) or private garden areas of neighbouring properties are likely to be harmful.
- v. Thought should be given to the orientation of the development in relating to the sun so as to minimise its overshadowing impact on a neighbour's property.

9.22 “New development that has a negative impact on the existing level of privacy enjoyed by a neighbour should be avoided wherever possible. Where new development results in an unavoidable impact, careful consideration must be given its design to ensure that the impact is kept to an acceptable level so as to safeguard your neighbour's existing residential amenity.”

In particular, the replacement dwelling to the east is most likely to be affected by any redevelopment proposals. In the absence of any elevations drawings, it is difficult to consider the scale of the impacts on the adjacent dwelling, however Strategies 01 – 03 would all significantly increase the intensity of residential use at the site where a significant number of back gardens would abut the neighbouring property, running the length of the rear garden, in addition to vehicle turning areas. In particular, I note that a number of options show that the built form of development would be adjacent to or very close the boundary, which together with the number of dwellings may well be considered to unreasonably impact on the existing level of amenity of the adjacent dwelling in terms of general noise and disturbance. In terms of overlooking of rear gardens and overbearing impacts, any proposals must ensure that this is in line with the guidance within the SPG.

Amenity Space

Policy MD2 – Design of New Developments states (criterion 9 refs) that new development proposal should provide public open space, private amenity space and car parking in accordance with the Council's standards and (criterion 10) incorporate sensitive landscaping.

In order to achieve the appropriate provision of amenity space in residential developments, the Council has adopted Supplementary Planning Guidance on Residential & Householder Development.

Design Standard 5 within the SPG specifies that dwellings should provide 20 square metres of amenity space per person to serve each dwelling. It also requires that the amenity space is both usable and readily accessible.

Access, highways and parking

I have set out above the concerns raised in respect of sustainable connections for the site to the settlement of Dinas Powys.

The Council's Parking Standards SPG states that the parking guidelines should be interpreted as maximum standards i.e. 'not more than'. This reflects the thrust of national policy in Planning Policy Wales and TAN 18, both of which emphasise the importance of encouraging the use of more sustainable modes of transport and reducing over reliance on the private motor vehicle. Consequently, the use of maximum standards as opposed to minimum standards is promoted.

The Parking Standards should take account of local factors and sustainability issues and aim to achieve a common approach to parking provision. The rationale is to achieve sufficient parking to avoid the need for vehicles to park on-street, and potentially cause obstruction, congestion, danger and visual intrusion.

Para 4.1.51 of PPW states that "a design-led approach to the provision of car parking should be taken, which ensures an appropriate level of car parking is integrated in a way which does not dominate the development. It also emphasises that parking provision should be informed by the local context, including public transport accessibility, urban design principles and the objective of reducing reliance on the private car and supporting a modal shift to walking, cycling and public transport. Planning authorities are required to support schemes which keep parking levels down, especially off-street parking, when well designed."

The parking standards for dwellings is as follows:

- Residents - 1 space per bedroom (maximum requirement 3 spaces)
- Visitors - 1 space per 5 units

For cycle parking, the standards are 1 stand per 5 bedrooms.

Surface Water Drainage

With the exception of single dwellings and/or developments with a “construction area” of less than 100 square metres, all construction work requiring planning permission which has drainage implications will need Sustainable Drainage Approving Body (SAB) approval.

SuDS are intended to maximise the opportunities and benefits that can be provided by the effective management of surface water. This can only be achieved when the principles of SuDS are considered at the outset of the development process. The SuDS approach to surface water management will direct the development process and shape the layout of new developments around site drainage.

A Sustainable Drainage Approving Body (SAB) application must demonstrate compliance with the statutory standards, following a set of principles in the design of the system and satisfy the standards in relation to runoff destination, hydraulic control, water quality, amenity, biodiversity, construction, operation and maintenance.

The SAB approval process is separate from the planning application process. An application for approval for a surface water drainage scheme may be made to the SAB separately from, or combined with a planning application. The planning and SAB approvals are independent systems and there may be circumstances where separate applications are appropriate.

Prior to the submission of a planning application, as the development would trigger a SAB application, applicants are strongly advised to make a separate Pre-Application submission to the SAB. Please note that pre-application fees may apply. Further advice can be found at <http://www.valeofglamorgan.gov.uk/en/living/Flooding/Flood-and-Coastal-Erosion/Sustainable-Drainage-Systems.aspx>

Pre Application Consultation

For all applications for ‘major’ development, there is a statutory requirement for the applicant / developer to consult the community and relevant statutory consultees, and to submit a Pre-Application Consultation (PAC) Report with any application.

Detailed advice can be found here:-

<http://gov.wales/docs/desh/publications/160129annex-1-pre-application-consultation-en.pdf>

Section 106 Planning Obligations (if applicable)

The Council’s 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.

Following consideration of the proposed development and potential impacts and needs arising from the development, I would advise that the Council is

likely to seek planning obligations covering the following, given the range of number of dwellings proposed: -

- Affordable Housing
- Education
- Public Open Space
- Sustainable Transport
- Public Art

The contributions sought would be based on the number of dwellings proposed. However the thresholds for contributions are set out within the Planning Obligations SPG, which is available to view/ download at : -

<http://www.valeofglamorgan.gov.uk/Documents/Living/Planning/Policy/SPG/Planning-Obligations-SPG-2018.pdf>

Affordable Housing

TAN 2 defines 'Affordable Housing' as housing provided to those whose needs are not met by the open market. It should meet the needs of eligible households, including affordability with regard to local incomes, and include provision for the home to remain affordable for future eligible households, or where stair-casing to full ownership takes place, receipts are recycled to provide replacement affordable housing. This includes two sub-categories: social rented housing where rent levels have regard to benchmark rents; and, intermediate housing where prices or rents are above social rented housing but below market housing prices or rents.

The Development Plan Policy MG4 requires, in the area of Dinas Powys 40% affordable housing to be incorporated with any residential development.

Any proposal for a scheme with a net gain of one or more units, would required AH provision in line with the guidance set out in line with the Affordable Housing SPG;

<https://www.valeofglamorgan.gov.uk/Documents/Living/Planning/Policy/SPG/Amended-Affordable-Housing-SPG-2018-Web.pdf>

Further discussion on such matters can, of course, be entered into at the time of an application, or as part of any agreed further pre-application submissions.

Required Supporting Documentation

In addition to the submission of standard mandatory supporting documentation such as application forms, plans and a Design and Access Statement (see TAN 12 Design, Appendix 1), please be advised that any application for the above development should also be accompanied by the following additional documentation: -

- Phase 1 Habitat Survey / Bat Survey/ Barn Owl Survey
- Tree Survey

If any subsequent application fails to include the information above, there is a chance it may not be registered and, in any event, it is likely that an application will either be refused or will not be able to be progressed until its satisfactory submission.

Requests for Further Advice

In accordance with the Council's Guidance Note on 'charging for pre-application advice', any further requests for pre-application advice will attract payment of a further fee, and should be made in writing with appropriate supporting documentation.

Development Team Approach – Building Control

Please note if you decide to employ the Councils Building Control team in respect of the proposed development for which you have sought advice, any fees you have paid in respect of this guidance will be taken into account in assessing the relevant Building Regulations fee. All Building Regulations fees are now based on a standard hourly rate with the final fee payable worked out on a risk assessed basis. Accordingly as the Councils officers will have been involved in the project from the earliest stages this will be considered in the final risk assessment based fee for Building Regulations.

Should you have any further questions regarding the above, please contact Mr. S. D. Butler on the above number.

Yours faithfully

Mr. S. D. Butler
for Operational Manager Development Management

Please Note:

The advice offered in this response represents an informal opinion, provided in accordance with the Council's Guidance Note on 'charging for pre-application advice'. In particular, it is emphasised that while this pre application advice will be carefully considered in reaching a decision or recommendation on an application, the final decision on any application that you may make can only be taken after we have consulted local people, statutory consultees and any other interested parties. It does not, therefore prejudice any decision which the Local Planning Authority may make should the matter come before them in a formal context.