

COMMITTEE DATE: 09/11/2016

APPLICATION No. **16/01839/MJR** APPLICATION DATE: 11/08/2016

ED: **ELY**

APP: TYPE: Outline Planning Permission

APPLICANT: Mr. B. Davies

LOCATION: 84-86 SEVENOAKS ROAD, ELY, CARDIFF

PROPOSAL: CONSTRUCTION OF 6 x1 BED AND 4 x 2 BED
APARTMENTS

RECOMMENDATION 1 : That, subject to relevant parties entering into a binding legal agreement with the Council under the provisions of **SECTION 106** of the Town and Country Planning Act 1990, within 6 months of the date of this Resolution unless otherwise agreed by the Council in writing, in respect of matters detailed in paragraph 5.7 of this report, planning permission be **GRANTED** subject to the following conditions:

1. C00 Standard outline
2. This approval shall not extend to the following plans and documents:

DRW.129/1

DRW.129/2

DRW.129/3

DRW.129/4

DRW.129/5

Design and Access Statement.

Reason: For the avoidance of doubt as to the extent of the permission.

3. Prior to the commencement of development a scheme of construction management shall be submitted to and approved in writing by the Local Planning Authority, to include details of construction traffic routes, site hoardings, site access and wheel washing facilities. The construction shall be managed strictly in accordance with the approved scheme.

Reason: In the interests of highway safety and public amenity, in accordance with policies T5, T6 and EN13 of the Cardiff Local Development Plan.

4. No development shall commence until a drainage scheme for the site has been submitted to and approved in writing by the local planning authority. The scheme shall provide for the disposal of foul, surface and land water, and include an assessment of the potential to dispose of surface and land water by sustainable means. Thereafter the scheme shall be implemented in accordance with the approved details prior to the occupation of the development and no further foul water, surface

water and land drainage shall be allowed to connect directly or indirectly with the public sewerage system.

Reason: To prevent hydraulic overloading of the public sewerage system, to protect the health and safety of existing residents and ensure no pollution of or detriment to the environment, in accordance with policy EN10 of the Cardiff Local Development Plan.

5. Prior to the commencement of any development works a scheme to investigate and monitor the site for the presence of gases* being generated at the site or land adjoining thereto, including a plan of the area to be monitored, shall be submitted to the Local Planning Authority for its approval.

Following completion of the approved monitoring scheme, the proposed details of appropriate gas protection measures to ensure the safe and inoffensive dispersal or management of gases and to prevent lateral migration of gases into or from land surrounding the application site shall be submitted to and approved in writing by the Local Planning Authority. If no protection measures are required than no further actions will be required.

All required gas protection measures shall be installed and appropriately verified before occupation of any part of the development which has been permitted and the approved protection measures shall be retained and maintained until such time as the Local Planning Authority agrees in writing that the measures are no longer required.

* 'Gases' include landfill gases, vapours from contaminated land sites, and naturally occurring methane and carbon dioxide, but does not include radon gas. Gas Monitoring programmes should be designed in line with current best practice as detailed in CIRIA 665 and or BS8485 year 2007 Code of Practice for the Characterization and Remediation from Ground Gas in Affected Developments.

Reason: To ensure that the safety of future occupiers is not prejudiced, in accordance with policy EN13 of the Cardiff Local Development Plan.

6. In the event that contamination is found at any time when carrying out the approved development that was not previously identified it must be reported in writing within 2 days to the Local Planning Authority, all associated works must stop, and no further development shall take place unless otherwise agreed in writing until a scheme to deal with the contamination found has been approved. An investigation and risk assessment must be undertaken and where remediation is necessary a remediation scheme and verification plan must be prepared and submitted to and approved in writing by the Local Planning Authority. Following completion of measures identified in the approved remediation scheme a verification report must be submitted to and approved in writing by the Local Planning Authority. The timescale for the above actions shall be agreed with the Local Planning Authority

within 2 weeks of the discovery of any unsuspected contamination.

Reason: To ensure that any unacceptable risks from land contamination to the future users of the land , neighbouring land, controlled waters, property and ecological systems are minimised, and to ensure that the development can be carried out safely without unacceptable risks to workers, neighbours and other offsite receptors in accordance with policy EN13 of the Cardiff Local Development Plan.

7. Any topsoil [natural or manufactured], or subsoil, to be imported shall be assessed for chemical or other potential contaminants in accordance with a scheme of investigation which shall be submitted to and approved in writing by the Local Planning Authority in advance of its importation. Only material approved by the Local Planning Authority shall be imported. All measures specified in the approved scheme shall be undertaken in accordance with the relevant Code of Practice and Guidance Notes.

Subject to approval of the above, sampling of the material received at the development site to verify that the imported soil is free from contamination shall be undertaken in accordance with a scheme and timescale to be agreed in writing by the Local Planning Authority.

Reason: To ensure that the safety of future occupiers is not prejudiced, in accordance with policy EN13 of the Cardiff Local Development Plan.

8. Any aggregate (other than virgin quarry stone) or recycled aggregate material to be imported shall be assessed for chemical or other potential contaminants in accordance with a scheme of investigation which shall be submitted to and approved in writing by the Local Planning Authority in advance of its importation. Only material approved by the Local Planning Authority shall be imported. All measures specified in the approved scheme shall be undertaken in accordance with the relevant Code of Practice and Guidance Notes.

Subject to approval of the above, sampling of the material received at the development site to verify that the imported material is free from contamination shall be undertaken in accordance with a scheme and timescale to be agreed in writing by the Local Planning Authority.

Reason: To ensure that the safety of future occupiers is not prejudiced, in accordance with policy EN13 of the Cardiff Local Development Plan.

9. Any site won material including soils, aggregates, recycled materials shall be assessed for chemical or other potential contaminants in accordance with a sampling scheme which shall be submitted to and approved in writing by the Local Planning Authority in advance of the reuse of site won materials. Only material which meets site specific target values approved by the Local Planning Authority shall be reused.
Reason: To ensure that the safety of future occupiers is not prejudiced, in accordance with policy EN13 of the Cardiff Local Development Plan.

RECOMMENDATION 2 : The contamination assessments and the effects of unstable land are considered on the basis of the best information available to the Planning Authority and are not necessarily exhaustive. The Authority takes due diligence when assessing these impacts, however you are minded that the responsibility for

- (i) determining the extent and effects of such constraints and;
- (ii) ensuring that any imported materials (including, topsoils, subsoils, aggregates and recycled or manufactured aggregates / soils) are chemically suitable for the proposed end use. Under no circumstances should controlled waste be imported. It is an offence under section 33 of the Environmental Protection Act 1990 to deposit controlled waste on a site which does not benefit from an appropriate waste management licence. The following must not be imported to a development site:
 - Unprocessed / unsorted demolition wastes.
 - Any materials originating from a site confirmed as being contaminated or potentially contaminated by chemical or radioactive substances.
 - Japanese Knotweed stems, leaves and rhizome infested soils. In addition to section 33 above, it is also an offence under the Wildlife and Countryside Act 1981 to spread this invasive weed; and
- (iii) the safe development and secure occupancy of the site rests with the developer.

Proposals for areas of possible land instability should take due account of the physical and chemical constraints and may include action on land reclamation or other remedial action to enable beneficial use of unstable land.

The Local Planning Authority has determined the application on the basis of the information available to it, but this does not mean that the land can be considered free from contamination.

RECOMMENDATION 3: The developer is advised that the proposed development site is crossed by a public sewer with the approximate position being marked on the Statutory Public Sewer Record. The position of the public sewer must be accurately located and marked out on site before works commence and no operational development should be carried out within 3 metres either side of the centreline of the public sewer.

RECOMMENDATION 4: The applicant may need to apply to Dwr Cymru / Welsh Water for any connection to the public sewer under S106 of the Water Industry Act 1991. If the connection to the public sewer network is either via a lateral drain (i.e. a drain which extends beyond the connecting property boundary) or via a new sewer (i.e. serves more than one property), it is now a mandatory requirement to first enter into a Section 104 Adoption Agreement (Water Industry Act 1991). The design of the sewers and lateral drains must also conform to the Welsh Ministers Standards for Gravity Foul Sewers and Lateral Drains, and conform with the publication "Sewers for Adoption"- 7th

Edition. Further information can be obtained via the Developer Services pages of www.dwrcymru.com. The applicant is also advised that some public sewers and lateral drains may not be recorded on maps of public sewers because they were originally privately owned. Under the Water Industry Act 1991 Dwr Cymru Welsh Water has rights of access to its apparatus at all times.

RECOMMENDATION 5: The developer may be required to contribute under sections 40 - 41 of the Water Industry Act 1991 towards the provision of new off-site and/or on-site watermains and associated infrastructure. The level of contribution can be calculated upon receipt by Welsh Water of detailed site layout plans which should be sent to Welsh Water Developer Services, PO Box 3146, Cardiff CF30 0EH.

RECOMMENDATION 6: A 125mm distribution watermain crosses the application site, the approximate position being shown on the attached plan. Dwr Cymru Welsh Water as Statutory Undertaker has statutory powers to access its apparatus at all times. The developer should refer to the attached Conditions for Development near Watermain(s). It may be possible for this watermain to be diverted under Section 185 of the Water Industry Act 1991, the cost of which will be re-charged to the developer. The developer must consult Dwr Cymru Welsh Water before any development commences on site.

RECOMMENDATION 7: In the interests of crime prevention and site security, it is recommended that this development be built to Police specified "Secured by Design" standards as promoted by South Wales Police. Information on these standards is available on the website www.securedbydesign.com

1. **DESCRIPTION OF PROPOSED DEVELOPMENT**

- 1.1 This application seeks outline planning permission, with all detailed matters reserved, for the construction of a block of 10 apartments (6 x 1 bed and 4 x 2 bed).

2. **DESCRIPTION OF SITE**

- 2.1 The site is a vacant corner plot of approximately 0.07 hectares at the junction of Sevenoaks Road and Snowden Road which was formerly occupied by two commercial properties with residential accommodation above. These were demolished in 2003.

3. **SITE HISTORY**

- 3.1 03/01722/R – Demolition of 2 no. shops with residential accommodation.
- 3.2 05/02319/W – Residential development (outline).
- 3.3 07/01869/W – Construction of 6 x 1 bed and 4 x 2 bed apartments (Reserved matters).

4. **POLICY FRAMEWORK**

- 4.1 *Cardiff Local Development Plan 2006-2021:*
KP5 (Good Quality and Sustainable Design);
KP7 (Planning Obligations);
KP13 (Responding to Evidenced Social Needs);
H3 (Affordable Housing);
EN10 (Water Sensitive Design);
EN13 (Air, Noise, Light Pollution and Land Contamination);
T5 (Managing Transport Impacts);
T6 (Impact on Transport Networks and Services).

- 4.2 *Supplementary Planning Guidance:*
Following the adoption of the Cardiff Local Development Plan, existing Supplementary Planning Guidance documents are no longer linked to adopted development plan policies. However, where existing SPG is considered consistent with the new LDP policy framework, it will continue to be material to the Development Management process. The following Supplementary Planning Guidance is considered relevant to the determination of this application as it is considered consistent with LDP policy H3 and can be used to help inform the assessment of relevant matters –

Affordable Housing (March 2007)

- 4.3 *Planning Policy Wales (January 2016):*
4.4.3: In contributing to the Well-being of Future Generations Act goals, planning policies, decisions and proposals should (inter alia):
- Promote resource-efficient and climate change resilient settlement patterns that minimise land-take and urban sprawl, especially through preference for the re-use of suitable previously developed land and buildings, wherever possible avoiding development on greenfield sites
 - Minimise the risks posed by, or to, development on or adjacent to unstable or contaminated land and land liable to flooding.
 - Locate developments so as to minimise the demand for travel, especially by private car
 - Ensure that all local communities – both urban and rural – have sufficient good quality housing for their needs, including affordable housing for local needs and for special needs where appropriate, in safe neighbourhoods
- 4.11.11: Local planning authorities and developers should consider the issue of accessibility for all.
- 4.11.12: Local Authorities are under a legal obligation to consider the need to prevent and reduce crime and disorder in all decisions that they take.
- 9.1.1 : The Assembly Government will seek to ensure that previously developed land is used in preference to Greenfield sites; new housing and residential environments are well designed, meeting national sustainability standards and making a significant contribution to promoting community regeneration and improving the quality of life; and that the overall result of new housing development in villages, towns or edge of settlement is a mix of affordable and market housing that retains and, where practical, enhances important landscape and wildlife features in the development.
- 9.1.2 Local planning authorities should promote sustainable residential

environments, avoid large housing areas of monotonous character and make appropriate provision for affordable housing. Local planning authorities should promote (inter alia): development that is easily accessible by public transport, cycling and walking; the most efficient use of land; well-designed living environments, where appropriate at increased densities.

9.2.14 A community's need for affordable housing is a material planning consideration

9.2.15 Affordable housing also makes an essential contribution to community regeneration and social inclusion. It is desirable in planning terms that new housing development in both rural and urban areas incorporates a reasonable mix and balance of house types and sizes so as to cater for a range of housing needs and contribute to the development of sustainable communities.

9.3.3 Insensitive infilling, or the cumulative effects of development or redevelopment, including conversion and adaptation, should not be allowed to damage an area's character or amenity.

9.3.5 Where development plan policies make clear that an element of affordable housing, or other developer contributions, are required on specific sites, this will be a material consideration in determining relevant applications. Applicants for planning permission should therefore demonstrate and justify how they have arrived at a particular mix of housing, having regard to development plan policies. If, having had regard to all material considerations, the local planning authority considers that the proposal for a site does not contribute sufficiently towards the objective of creating mixed communities, then the authority will need to negotiate a revision of the mix of housing or may refuse the application.

13.7.1: planning decisions should take into account the potential hazard that contamination presents to the development, occupants and the local environment, and the results of specialist investigation and assessment by the developer to determine contamination and identify remedial measures.

5. **INTERNAL CONSULTEE RESPONSES**

5.1 *Transportation*: No objections. There are no changes to the current parking arrangements and no impact on the public highway. Request conditions relating to construction management.

5.2 *Drainage*: No comments received.

5.3 *Pollution Control (Noise & Air)*: No comments received.

5.4 *Pollution Control (Contaminated Land)*: Former landfill/raise sites have been identified within 250m of the proposed development. Such sites are associated with the generation of landfill gases, within subsurface materials, which have the potential to migrate to other sites. This may give rise to potential risks to human health and the environment for the proposed end use. Standard conditions and recommendations on ground gas protection; unforeseen contamination; imported and recycled materials and contaminated/unstable land are recommended.

5.5 *Parks Development*: No comments received.

- 5.6 *Waste Strategy & Minimisation Officer:* The bin storage area indicated within current site plans is acceptable.
- 5.7 *Housing Strategy:* In line with the Local Development Plan (LDP), an affordable housing contribution of 20% of the 10 units (2 units) is sought on this brown-field site. Our priority is to deliver on-site affordable housing, in the form of affordable rented accommodation, built to Welsh Government Development Quality Requirements. However, given the proposed design of the scheme, the unknown proposed future tenure of the units, and the likely service charges for this type of residential development, all of which could affect the affordability as well as the practicality of managing and maintaining affordable housing on-site for a Registered Social Landlord, we would be prepared to accept financial contribution in lieu of on-site affordable housing provision. On the basis of the above, we would seek a financial contribution of **£140,070** (in lieu of 2 units) which is calculated in accordance with the formula in the Affordable Housing – Supplementary Planning Guidance (SPG) (2007).

6. **EXTERNAL CONSULTEES RESPONSES**

- 6.1 *Welsh Water:* Request a condition requiring the approval of a drainage scheme. No development will be permitted within 3m of the centreline of the sewer that crosses the site, the position of which shall be accurately located and marked out on site before works commence. The applicant may need to apply to Dwr Cymru / Welsh Water for any connection to the public sewer under S106 of the Water industry Act 1991. No problems are envisaged with the Waste Water Treatment Works for the treatment of domestic discharges from this site. A water supply can be made available to serve this proposed development. The proposed development is crossed by a 125mm distribution watermain. Dwr Cymru Welsh Water as Statutory Undertaker has statutory powers to access its apparatus at all times. It may be possible for this watermain to be diverted under Section 185 of the Water Industry Act 1991, the cost of which will be re-charged to the developer. The developer must consult Dwr Cymru Welsh Water before any development commences on site.
- 6.2 *Police Crime Prevention Design Advisor:* Information regarding incidents of crime and anti-social behaviour in the area is provided. Developers and local authorities are required to consider levels of crime and disorder in respect of any new developments and at the same time, promote the inclusion of architectural crime prevention measures into new developments. South Wales Police have no objection to this development but make a number of recommendations relating to: Secured by Design accreditation; boundary treatment; security lighting; access control; windows and doors; communal internal areas; smoke alarms; cycle storage; communal mail delivery facilities; dwelling Identification; external service meters; loft hatches and landscaping.

7. **REPRESENTATIONS**

- 7.1 The application has been advertised by neighbour notification. No comments have been received.

8. **ANALYSIS**

- 8.1 The application is for outline planning permission with all matters reserved therefore only the principle of the development of the site for 6 x 1 bed and 4 x 2 bed flats is to be considered.
- 8.2 The drawings submitted with the application are marked as “illustrative” and are not for consideration at this time. The drawings are also inconsistent with the description of the proposed development as they refer to 10 x 2 bedroom flats, and are inconsistent with the drawings in the Design and Access Statement. A condition clarifying that these drawings are not approved is therefore recommended if planning permission is to be granted.
- 8.3 As no details of scale, appearance, layout, access or landscaping are applied for at this stage, the only considerations are whether a) the principle of residential use is appropriate, b) the proposed number of residential units could fit successfully onto the site and c) any legal obligations are needed in order to make the development acceptable.
- 8.4 The principle of the proposal is considered acceptable - the site is within a residential area in a sustainable location close to shops, community facilities and public transport routes, and outline planning permission and reserved matters for 6 x 1 bed and 4 x 2 bed apartments have been approved in the past.
- 8.5 I consider that the site is large enough to accommodate a building of an appropriate size to provide 10 flats with acceptable amounts of internal living space, external amenity space and car parking. Details relating to these issues will be considered at the reserved matters stage.
- 8.6 The Cardiff Local Development Plan has been adopted since the previous approval of planning permission for development on this site, and there is now a policy (policy H3) which seeks to secure 20% affordable housing on brownfield sites such as this, where the proposed development relates to 5 or more dwellings. Affordable housing is sought to be delivered on-site in all instances unless there are exceptional circumstances. In this case, the proposed development does not include any affordable housing but the Housing Strategy officer has indicated that a financial contribution (£140,070) in lieu of on-site affordable housing provision is appropriate, and the applicant's agent has indicated that this is acceptable.
- 8.7 In conclusion, there would be no reasonable grounds for refusal of this application and it is recommended that permission is granted subject to conditions as set out above.

9. **OTHER CONSIDERATIONS**

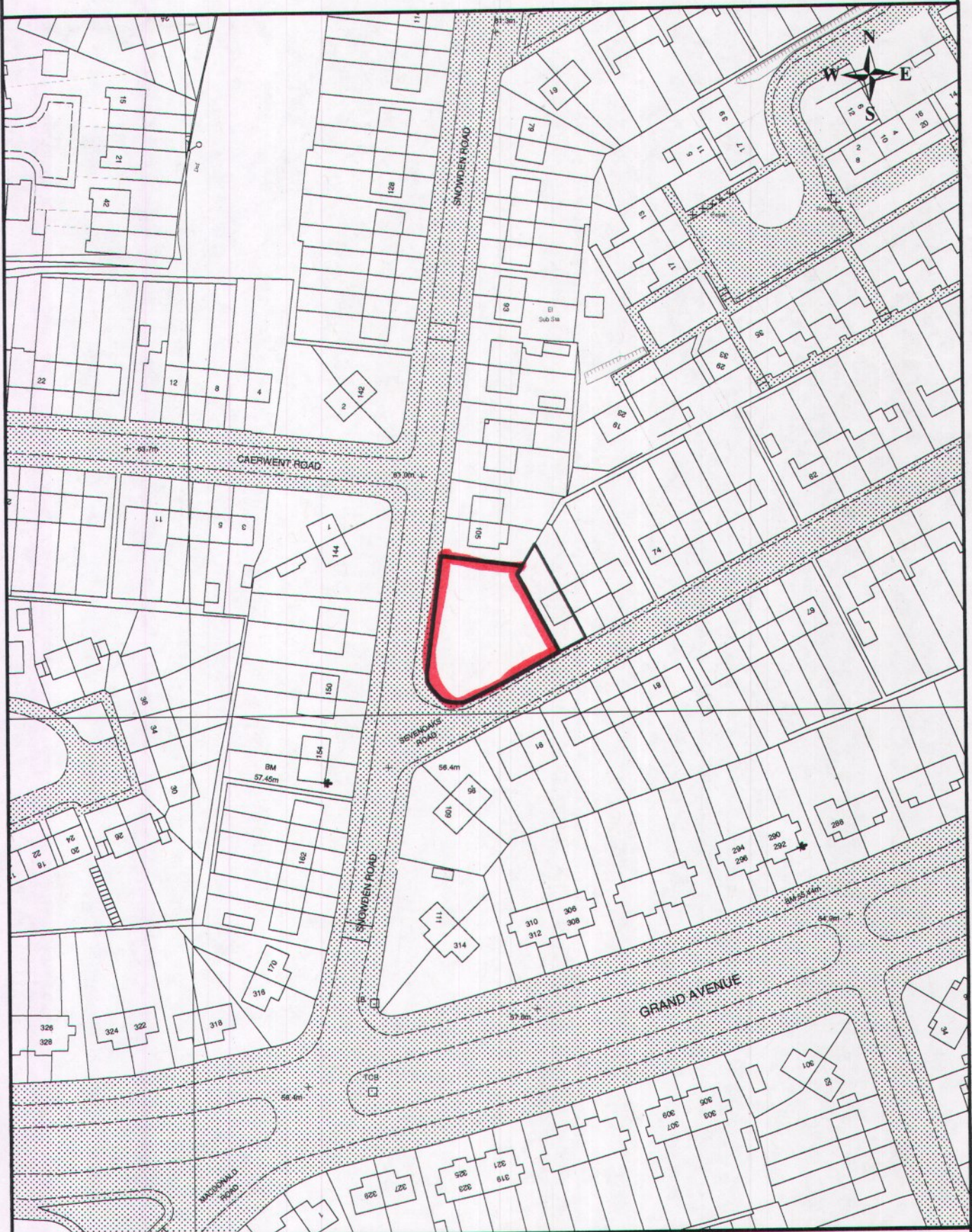
- 9.1 *Crime and Disorder Act 1998*
Section 17(1) of the Crime and Disorder Act 1998 imposes a duty on the Local Authority to exercise its various functions with due regard to the likely effect of

the exercise of those functions on, and the need to do all that it reasonably can to prevent, crime and disorder in its area. This duty has been considered in the evaluation of this application. It is considered that there would be no significant or unacceptable increase in crime and disorder as a result of the proposed decision.

9.2 *Equality Act 2010*

The Equality Act 2010 identifies a number of 'protected characteristics', namely age; disability; gender reassignment; pregnancy and maternity; race; religion or belief; sex; sexual orientation; marriage and civil partnership. The Council's duty under the above Act has been given due consideration in the determination of this application. It is considered that the proposed development does not have any significant implications for, or effect on, persons who share a protected characteristic, over and above any other person.

Location Plan - 84 / 86 Sevenoaks Road, Ely



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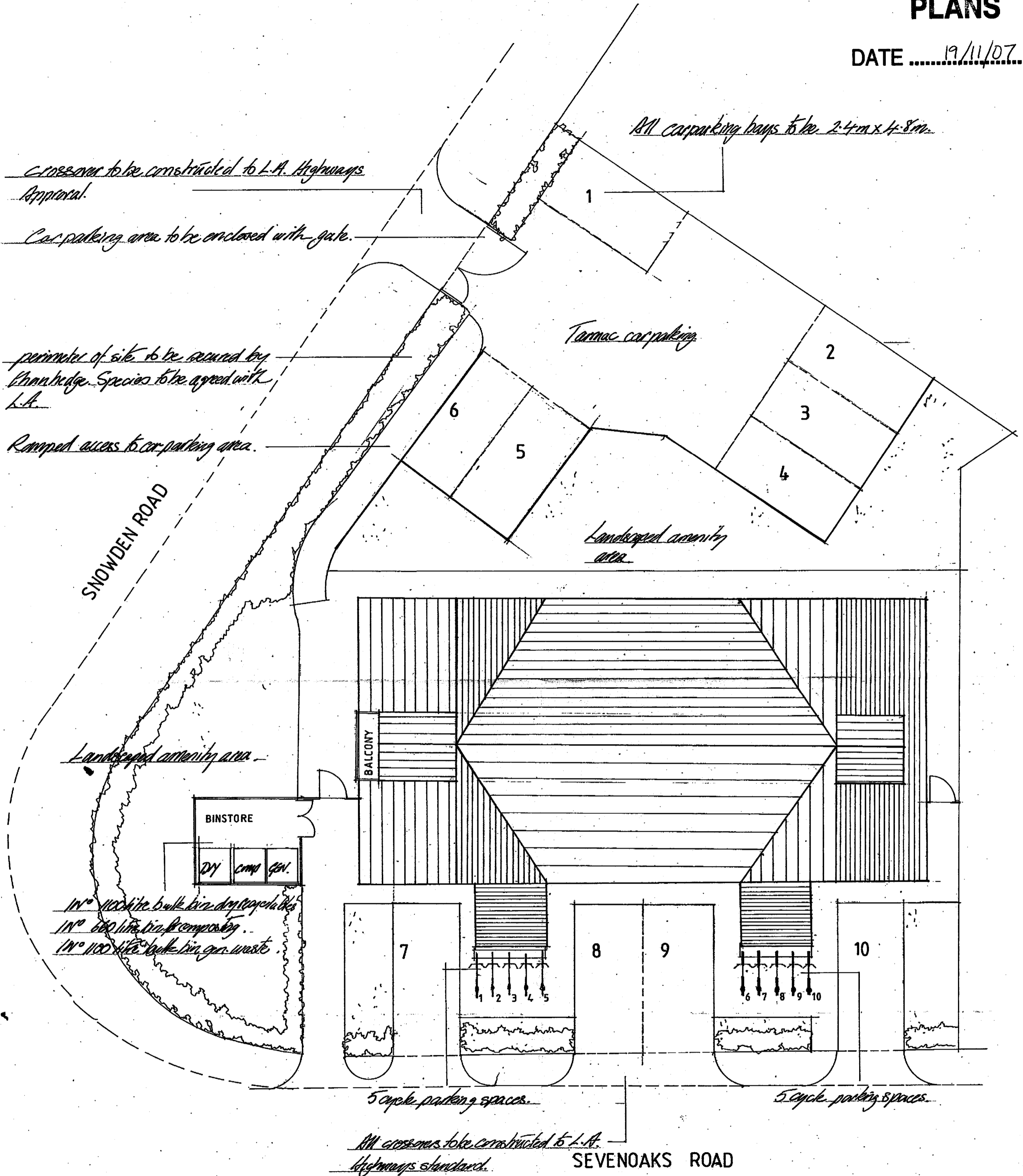




07/01869/W

AMENDED PLANS

DATE 19/11/07



PROPOSED APARTMENTS SEVENOAKS ROAD.
 PLOT 84/86 SEVENOAKS ROAD CARDIFF.
 FOR DAVIES PROPERTIES PENARTH.
 NOV 2007 DRW.129/1 Scale 1:100.
 KIRTON SURVEYS Tel.01446730434.