

COMMITTEE DATE: 12/04/2017

APPLICATION No. **15/02271/MJR** APPLICATION DATE: 21/03/2016

ED: **ADAMSDOWN**

APP: TYPE: Outline Planning Permission

APPLICANT: Mr Malik

LOCATION: FORMER RIVA BINGO, AGATE STREET, ADAMSDOWN,  
CARDIFF, CF24 1PF

PROPOSAL: RESIDENTIAL DEVELOPMENT OF 47 SELF CONTAINED  
FLATS

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**RECOMMENDATION 1** : That, subject to relevant parties entering into a binding legal agreement with the Council under the provisions of a **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 9 of this report, that planning permission be **GRANTED** subject to the following conditions :

1.
  - A. Approval of the details of the design and external appearance of the building(s), and the landscaping of the site (hereinafter called "the reserved matters") shall be obtained from the Local Planning Authority in writing before any development is commenced.
  - B. Plans and particulars of the reserved matters referred to in condition 1A above, relating to the design and external appearance of any buildings to be erected, and the landscaping of site, shall be submitted in writing to the local planning authority and shall be carried out as approved.
  - C. Application for approval of the reserved matters shall be made to the Local Planning Authority before the expiration of Eighteen Months from the date of this permission.
  - D. The development hereby permitted shall be begun before the expiration of two years from the date of this permission.

Reasons:

  - A. In accordance with the provisions of Article (3)1 of the Town and Country Planning (General Development Procedure) Order 1995.
  - B, C and D. In accordance with the provisions of Section 92 of the Town and Country Planning Act 1990 and to secure the provision of the development in a timely manner relevant to its viability.
2. Prior to commencement of development a scheme shall be submitted to and approved in writing by the Local Planning Authority to provide that all habitable rooms exposed to external road traffic noise in excess of 63 dBA Leq 16 hour [free field] during the day [07.00 to 23.00 hours] or 57 dBA Leq 8 hour [free field] at night [23.00 to 07.00 hours] shall be subject to sound insulation measures to ensure that all such rooms achieve an internal noise level of 40 dBA Leq 16 hour during the day and 35 dBA

Leq 8 hour at night. The submitted scheme shall ensure that habitable rooms subject to sound insulation measures shall be provided with acoustically treated active ventilation units. Each ventilation unit (with air filter in position), by itself or with an integral air supply duct and cowl (or grille), shall be capable of giving variable ventilation rates ranging from –

1) an upper rate of not less than 37 litres per second against a back pressure of 10 newtons per square metre and not less than 31 litres per second against a back pressure of 30 newtons per square metre,

to

2) a lower rate of between 10 and 17 litres per second against zero back pressure.

No habitable room shall be occupied until the approved sound insulation and ventilation measures have been installed in that room.

Reason: To ensure that the amenities of future occupiers are protected.

3. Prior to the commencement of any on site works, Highway Cherry Tree 0021 on Agate Street shall be protected by enclosure within a tree box which shall remain in position for the full course of demolition and construction works; The tree shall be periodically hosed down and irrigated during the course of any works over summer months; and at no time shall any vehicles, plant, or materials connected with the development be stored under the canopy spread of the tree.

Reason: The Highway tree is of amenity value and may otherwise be compromised by vehicle movements or inappropriate pavement level storage.

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.

5. Prior to the commencement of the development an assessment of the nature and extent of contamination shall be submitted to and approved in writing by the Local Planning Authority. This assessment must be carried out by or under the direction of a suitably qualified competent person \* in accordance with BS10175 (2011) Code of Practice for the Investigation of Potentially Contaminated Sites and shall assess any contamination on the site, whether or not it originates on the site.

The report of the findings shall include:

- (i) a desk top study to identify all previous uses at the site and

potential contaminants associated with those uses and the impacts from those contaminants on land and controlled waters. The desk study shall establish a 'conceptual site model' (CSM) which identifies and assesses all identified potential source, pathway, and receptor linkages;

- (ii) an intrusive investigation to assess the extent, scale and nature of contamination which may be present, if identified as required by the desk top study;
- (iii) an assessment of the potential risks to:
  - human health,
  - groundwaters and surface waters
  - adjoining land,
  - property (existing or proposed) including buildings, crops, livestock, pets, woodland and service lines and pipes,
  - ecological systems,
  - archaeological sites and ancient monuments; and
  - any other receptors identified at (i)
- (iv) an appraisal of remedial options, and justification for the preferred remedial option(s).

All work and submissions carried out for the purposes of this condition must be conducted in accordance with DEFRA and the Environment Agency's 'Model procedures for the Management of Land Contamination, CLR 11' (September 2004) and the WLGA / WAG / EA guidance document ' Land Contamination: A guide for Developers' (2012), unless the Local Planning Authority agrees to any variation.

\* A 'suitably qualified competent person' would normally be expected to be a chartered member of an appropriate professional body (such as the Institution of Civil Engineers, Geological Society of London, Royal Institution of Chartered Surveyors, Institution of Environmental Management) and also have relevant experience of investigating contaminated sites.

Reason: To ensure that information provided for the assessment of the risks from land contamination to the future users of the land, neighbouring land, controlled waters, property and ecological systems is sufficient to enable a proper assessment.

- 6. Prior to the commencement of the development a detailed remediation scheme and verification plan to bring the site to a condition suitable for the intended use by removing any unacceptable risks to human health, controlled waters, buildings, other property and the natural and historical environment shall be submitted to and approved in writing by the Local Planning Authority. The scheme shall include all works to be undertaken, proposed remediation objectives and remediation criteria, a timetable of works and site management procedures. The scheme must ensure that the site will not qualify as contaminated land under Part 2A of the Environmental Protection Act 1990 in relation to the intended use of the land after remediation.

All work and submissions carried out for the purposes of this condition must be conducted in accordance with DEFRA and the Environment Agency's 'Model procedures for the Management of Land Contamination, CLR 11' (September 2004) and the WLGA / WAG / EA guidance document ' Land Contamination: A guide for Developers' (July 2006), unless the Local Planning Authority agrees to any variation.

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.

7. The remediation scheme approved by condition 6 must be fully undertaken in accordance with its terms prior to the occupation of any part of the development unless otherwise agreed in writing by the Local Planning Authority. The Local Planning Authority must be given two weeks written notification of commencement of the remediation scheme works. Within 6 months of the completion of the measures identified in the approved remediation scheme, a verification report that demonstrates the effectiveness of the remediation carried out must be submitted to and approved in writing by the Local Planning Authority. All work and submissions carried out for the purposes of this condition must be conducted in accordance with DEFRA and the Environment Agency's 'Model procedures for the Management of Land Contamination, CLR 11' (September 2004) and the WLGA / WAG / EA guidance document ' Land Contamination: A guide for Developers' (July 2006), unless the Local Planning Authority agrees to any variation.

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.

8. 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 LPA 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.

9. 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 LPA.

Reason: To ensure that the safety of future occupiers is not prejudiced.

10. 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 LPA. Reason: To ensure that the safety of future occupiers is not prejudiced.

11. 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.

12. Prior to the commencement of development, A waste strategy shall be submitted to and approved in writing by the Local Planning Authority and shall thereafter be implemented in full prior to the first beneficial occupation of any of the apartments hereby approved.

The strategy shall confirm, but not be limited to, the specification and number of waste containers; proposed waste and recycling streams; waste storage areas and provide details of protective enclosures, and waste collection arrangements.

Reason: To ensure for a sustainable waste storage solution.

13. This Permission relates to the development indicated on plan references:

P516\_L\_002 Rev A Site Plan  
P516\_L\_210 Rev B Elevation  
P516\_L\_211 Rev B Elevation  
P516\_L\_201 Rev A Ground Floor  
P516\_L\_202 First Floor  
P516\_L\_203 Second Floor  
P516\_L\_204 Third Floor  
P516\_L\_205 Fourth Floor

Reason: For the avoidance of doubt

14. Notwithstanding the details shown on the submitted plans, the development shall not be fitted with a roller shutter garage door at street level until such time as an appropriate specification for the device, to include for a low noise operating mechanism and a visual indicator of the availability (or otherwise) of car parking spaces within the underground garage has been submitted to and approved by the local planning authority. OR an alternative means of secure entry to the garage has been agreed with the local planning authority further to details having first been submitted to and approved by the local planning authority in writing.

Reason: To ensure for an appropriately secure facility but which will not adversely impact on the amenities of neighbours.

15. Notwithstanding the details provided on submitted plans, Prior to the development hereby permitted being brought into beneficial use, provision shall be made within the site for the parking of vehicles in accordance with details to be submitted to and approved by the Local Planning Authority, such approval to be obtained prior to the commencement of development. The parking areas shown in the approved details shall be provided prior to the development being brought into beneficial use and thereafter shall be maintained and shall not be used for any purpose other than the parking of vehicles.

Reason : To ensure that the use of the proposed development does not interfere with the safety and free flow of traffic passing the site.

16. No development shall take place until details showing the provision of cycle parking spaces have been submitted to and approved in writing by the local planning authority. The approved details shall be implemented prior to the development being put into beneficial use. Thereafter the cycle parking spaces shall be maintained and shall not be used for any other purpose.

Reason: To ensure that adequate provision is made for the secure parking of cycles.

17. Prior to any development being undertaken, a Construction management plan shall be submitted to and approved by the Local planning Authority in writing and thereafter development shall be undertaken in strict accordance with the approved plan. The Management plan shall include for such provisions as are reasonably necessary to mitigate against nuisance factors to local residents or adverse impacts to vehicle or pedestrian use of the highway as may result from construction activities. These should include, but not be limited to, hoarding, site access, intended vehicle routes, hours of operation, dust suppression/mitigation, wheel washing, details of materials storage, prohibition of burning, or playing of radios on site.  
Reason: To mitigate against any adverse impacts of development.
18. No part of the development hereby permitted shall be commenced until a scheme of environmental improvements to the footway on Agate Street and Pearl Street adjacent to the site has been submitted to and approved in writing by the LPA. The scheme shall include, but not be limited to, the provision of the site access and resurfacing of the remaining footway, including as required the renewal or resetting of sunken or damaged kerbs channels and edging, and relocation/replacement of street lighting, signing and lining as may be required. The agreed scheme to be implemented to the satisfaction of the LPA prior to beneficial occupation of the site.  
Reason: To ensure the reinstatement of the adjacent public highway in the interests of highway and pedestrian safety and to facilitate access to the proposed development.
19. No part of the development hereby permitted shall be occupied until details of how the available car park spaces will be allocated to incoming residents has been submitted to and agreed in writing with the Local Planning Authority.  
Reason: To ensure the residents are aware/informed of their parking allocation, to avoid conflict/confusion.

**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 license. 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:** That the applicant be encouraged to liaise with South Wales Police to secure 'Secured by Design' accreditation for the scheme and to seek advice on appropriate security measures for the development.

**RECOMMENDATION 4 :** The highway works condition and any other works to existing or proposed adopted public highway are to be subject to an agreement under Section 38 and/or Section 278 Highways Act 1980 between the developer and Local Highway Authority.

**RECOMMENDATION 5 :** The applicant is requested to provide future residents with a welcome pack upon their arrival, detailing sustainable transport options available in the area, to help promote sustainable transport. Leaflets and advice in connection with production of the packs are available from Miriam Highgate, Cardiff Council, County Hall, tel: 029 2087 2213.

**RECOMMENDATION 6 :** The applicant is advised that in accordance with Parking Policy incoming residents of the development will not be eligible for resident parking permits on adjacent streets, where such schemes are currently in force or enacted in the future.

## 1. **DESCRIPTION OF DEVELOPMENT**

The development is as applied for and resolved to be granted planning permission in June 2016 under reference 15/02271/MJR. Namely 47 units of residential accommodation on the site of the former Riva Bingo Hall in Splott.

## 2. **DESCRIPTION OF THE SITE**

- 2.1 The site is now a cleared area of 0.14 hectares of land formed by the rear footway boundaries of Agate Street and Pearl Street, and by the residential rear boundaries of properties in Diamond Street.

### 3. **SITE HISTORY**

00/01833/R	Disabled Ramp to Top Rank Club	Granted Nov 2000
08/00277/C	44 Apartments	Withdrawn June 2008
14/01516/DCI	60 Apartments	Withdrawn July 2014

### 4. **POLICY FRAMEWORK**

#### Planning Policy Wales Edition 9, November 2016

Chapter 4 - Planning for Sustainability

Chapter 9 - Housing

#### WG Technical Advice Notes

TAN 2: Planning and Affordable Housing (2006)

TAN 11: Noise (1997)

TAN 12: Design (2009)

TAN 15: Development and Flood Risk (2004)

TAN 18: Transport (2007)

TAN 21: Waste (2001)

#### Cardiff Local Development Plan 2006-2026 (Adopted January 2016)

#### KEY POLICIES

KP5: GOOD QUALITY AND SUSTAINABLE DESIGN

KP6: NEW INFRASTRUCTURE

KP7 PLANNING OBLIGATIONS

KP8: SUSTAINABLE TRANSPORT

#### DETAILED POLICIES

##### HOUSING

H3: AFFORDABLE HOUSING

H6: CHANGE OF USE OR REDEVELOPMENT TO RESIDENTIAL USE

##### ENVIRONMENT

EN10: WATER SENSITIVE DESIGN

EN12: RENEWABLE ENERGY AND LOW CARBON TECHNOLOGIES

EN13: AIR, NOISE, LIGHT POLLUTION AND LAND CONTAMINATION

EN14: FLOOD RISK

##### TRANSPORT

T5: MANAGING TRANSPORT IMPACTS

T6: IMPACT ON TRANSPORT NETWORKS AND SERVICES

##### COMMUNITY

C1: COMMUNITY FACILITIES  
C5: PROVISION FOR OPEN SPACE, OUTDOOR RECREATION,  
CHILDREN'S PLAY AND SPORT  
C6: HEALTH  
C7: PLANNING FOR SCHOOLS

## WASTE

W2: PROVISION FOR WASTE MANAGEMENT FACILITIES IN  
DEVELOPMENT

## Supplementary Planning Guidance to Adopted LDP

Waste Collection & Storage Facilities Oct 2016  
Residential Design Guide Jan 2017  
Planning Obligations Jan 2017

## Other Material Considerations

Well-being of Future Generations (Wales) Act 2015

Section 149 Equality Act 2010

Supplementary Planning Guidance to former Local Plan which is material in so far as it is the most recently approved local guidance and is compliant with National Guidance and Policies.

Access, Circulation and Parking Standards Jan 2010  
Infill Sites Design Guide April 2011  
Trees and Development Mar 07

## 5. **INTERNAL CONSULTEE RESPONSES**

5.1 Are as reported as at June 2016

## 6. **EXTERNAL CONSULTEE RESPONSES**

6.1 Are as reported as at June 2016

## 7. **REPRESENTATIONS**

7.1 Are as reported as at June 2016

## 8. **PURPOSE IF THIS REPORT / ANALYSIS**

Members will recall their resolution to grant outline planning permission for 47 residential units of accommodation on the site of the former Riva Bingo hall on

Splott Road at the planning committee meeting of 15<sup>th</sup> June 2016. [Report attached as appendix].

The resolution to grant outline planning permission was subject to the signing of a legally binding S106 agreement in respect of the provision of:

Affordable Housing	Either the sum of £667,290 or such alternative Affordable Housing provision acceptable to the Housing Manager.
Public Open Space	The sum of £72,969 in lieu of on site provision
Community Facilities	The sum of £27, 542 for the necessary enhancement of community facilities in the area to serve new residents.

A total of £ 767,801 to which the applicant had confirmed agreement prior to the meeting.

The applicant has however, subsequently indicated, that the costs related to the clearance of the former building on the site, including the removal of asbestos from the building/site and additional unforeseen 'abnormal' costs relating to the necessary provision of sprinkler systems within the proposed building and additional costs relating to the provision of an underground car park has now made the proposal unviable in respect of being able to meet meet S106 requirements whilst delivering an acceptable level of profit, and maintaining a positive residual land value, and has submitted a viability report prepared by recognised consultants for consideration by the Local Planning Authority in an attempt to verify this.

Accordingly the Local Planning Authority have sought the advice of the District Valuer, who confirms that the proposal returns a negative residual land value if typical profit margins are applied.

In such a situation, the applicant is generally requested to consider if the development proposal could be modified to address planning policy requirements; or as to whether the level of profit aspired, could be reduced to meet, at least in part, the financial contributions requested in lieu of on-site provisions.

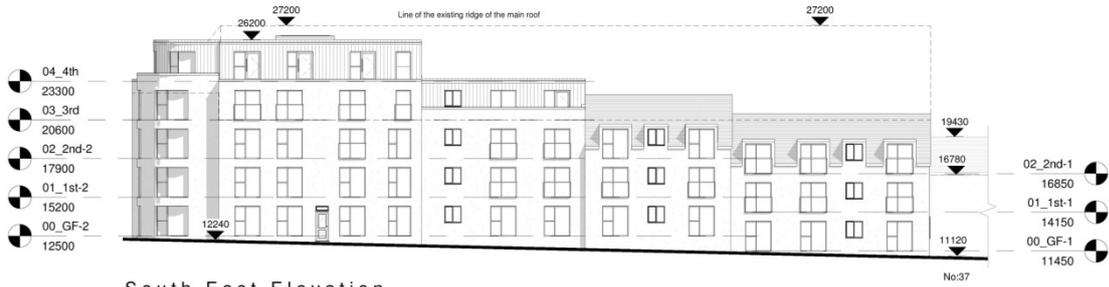
In this instance, and further to discussion between the Local Planning Authority and the District Valuer and further communication with the Applicant, the Applicant has confirmed that he would be willing to provide a financial contribution of a maximum of £125,000, and would also accept a shorter implementation period for the planning permission of 24 Months. (As opposed to the normal 5 years) to ensure that the scheme would be realised within a reasonable timeframe.

As such it is the recommendation of this report that Outline Planning

Permission be Granted, subject to conditions as above, and subject to the signing of a S106 agreement to secure the sum of £125,000 at the point of first beneficial occupation of the approved development .

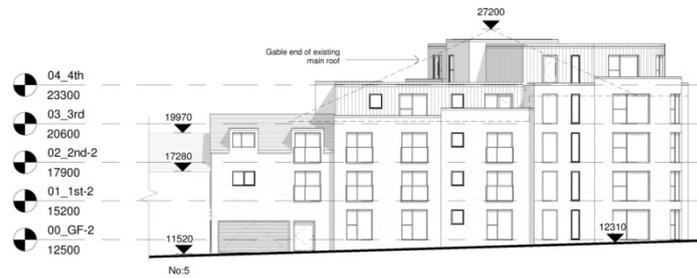
It is recommended to Committee that this sum, after deduction of legal/administrative fees, be allocated / apportioned pro rata 24:3:1 for purposes of Affordable Housing : Off Site Public Open Space : Community Facilities respectively.





South East Elevation  
1 : 200

A3 Original Sheet Size



South West Elevation  
1 : 200

### Planning Issue

15/05/16 B PL ZM Existing structure indicated & partially covered

05/05/16 A PL ZM Bin stores repositioned & entrance widened



Addressed Dept: Planning, Planning, Building Control, Construction, Sustainable Design  
Systems House, 89 West Gate, Cardiff, CF14 2AT  
T: 02920318857 M: 07786582007 info@dlparchitecture.co.uk

PROJECT  
Proposed erection of new development to form 47 apartments

Riva Bingo, Agate Street, Cardiff, CF24 1PF

DRAWING TITLE  
Elevations 1 of 2 as Proposed

SCALE	DATE	DRAWN BY	CHECKED BY
1 : 200	11/03/16	PL	ZM

DRAWING NUMBER	REVISION
P516_L_210	B



Site Plan as Proposed  
1 : 250

A3 Original Sheet Size

TOTAL SITE AREA: 1465m<sup>2</sup>

**Car Parking:**  
25 No Resident spaces  
1 No Disabled spaces  
2 No Visitor spaces  
48 No Cycle spaces

#### SCHEDULE OF ACCOMMODATION

47 No total flats  
(36 No two bed flats)  
(11 No one bed flats)

#### DRAINAGE NOTES:

Surface water & Highway drainage to new soakaways to be designed in accordance with BRE 365

#### BIN STORAGE:

Recycling: 5 x 1100L bins  
Composting: 4 x 1100L bins  
Waste: 5 x 1100L bins

### Planning Issue

05/05/16 A PL ZM Bin stores repositioned & entrance widened



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PROJECT  
Proposed erection of new development to form 47 apartments

Riva Bingo, Agate Street, Cardiff, CF24 1PF

DRAWING TITLE  
Site Plan as Proposed

SCALE	DATE	DRAWN BY	CHECKED BY
1 : 250	13/03/16	PL	ZM

DRAWING NUMBER	REVISION
P516_L_002	A

## APPENDIX 1

COMMITTEE DATE: 15/06/2016

APPLICATION No. **15/02271/MJR** APPLICATION DATE: 21/03/2016

ED: **ADAMSDOWN**

APP: TYPE: Outline Planning Permission

APPLICANT: Mr Malik

LOCATION: FORMER RIVA BINGO, AGATE STREET,  
ADAMSDOWN, CARDIFF, CF24 1PF

PROPOSAL: RESIDENTIAL DEVELOPMENT OF 47 SELF CONTAINED  
FLATS

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**RECOMMENDATION 1:** That, subject to relevant parties entering into a binding legal agreement with the Council under the provisions of a **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 9 of this report, that planning permission be **GRANTED** subject to the following conditions :

1. A. Approval of the details of the design and external appearance of the building(s), and the landscaping of the site (hereinafter called "the reserved matters") shall be obtained from the Local Planning Authority in writing before any development is commenced.  
  
B. Plans and particulars of the reserved matters referred to in condition 1A above, relating to the design and external appearance of any buildings to be erected, and the landscaping of site, shall be submitted in writing to the local planning authority and shall be carried out as approved.  
  
C. Application for approval of the reserved matters shall be made to the Local Planning Authority before the expiration of three years from the date of this permission.  
  
D. The development hereby permitted shall be begun either before the expiration of five years from the date of this permission or before the expiration of two years from the date of the last of the reserved matters to be approved, whichever is the later.

Reasons:

- A. In accordance with the provisions of Article (3)1 of the Town and Country Planning (General Development Procedure) Order 1995.
  - B, C and D. In accordance with the provisions of Section 92 of the Town and Country Planning Act 1990.
2. Prior to commencement of development a scheme shall be submitted to and approved in writing by the Local Planning Authority to provide that

all habitable rooms exposed to external road traffic noise in excess of 63 dBA Leq 16 hour [free field] during the day [07.00 to 23.00 hours] or 57 dBA Leq 8 hour [free field] at night [23.00 to 07.00 hours] shall be subject to sound insulation measures to ensure that all such rooms achieve an internal noise level of 40 dBA Leq 16 hour during the day and 35 dBA Leq 8 hour at night. The submitted scheme shall ensure that habitable rooms subject to sound insulation measures shall be provided with acoustically treated active ventilation units. Each ventilation unit (with air filter in position), by itself or with an integral air supply duct and cowl (or grille), shall be capable of giving variable ventilation rates ranging from –

- 1) an upper rate of not less than 37 litres per second against a back pressure of 10 newtons per square metre and not less than 31 litres per second against a back pressure of 30 newtons per square metre, to
- 2) a lower rate of between 10 and 17 litres per second against zero back pressure.

No habitable room shall be occupied until the approved sound insulation and ventilation measures have been installed in that room. Any private open space (excepting terraces or balconies to any apartment) shall be designed to provide an area which is at least 50% of the area for sitting out where the maximum day time noise level does not exceed 55 dBA Leq 16 hour [free field].

Reason: To ensure that the amenities of future occupiers are protected.

3. Prior to the commencement of any on site works, including remaining building demolition, Highway Cherry Tree 0021 on Agate Street shall be protected by enclosure within a tree box which shall remain in position for the full course of demolition and construction works; The tree shall be periodically hosed down and irrigated during the course of any works over summer months; and at no time shall any vehicles, plant, or materials connected with the development be stored under the canopy spread of the tree.

Reason: The Highway tree is of amenity value and may otherwise be compromised by vehicle movements or inappropriate pavement level storage.

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.

5. Prior to the commencement of the development an assessment of the nature and extent of contamination shall be submitted to and approved in writing by the Local Planning Authority. This assessment must be carried out by or under the direction of a suitably qualified competent person \* in accordance with BS10175 (2011) Code of Practice for the Investigation of Potentially Contaminated Sites and shall assess any contamination on the site, whether or not it originates on the site.

The report of the findings shall include:

- (i) a desk top study to identify all previous uses at the site and potential contaminants associated with those uses and the impacts from those contaminants on land and controlled waters. The desk study shall establish a 'conceptual site model' (CSM) which identifies and assesses all identified potential source, pathway, and receptor linkages;
- (ii) an intrusive investigation to assess the extent, scale and nature of contamination which may be present, if identified as required by the desk top study;
- (iii) an assessment of the potential risks to:
  - human health,
  - groundwaters and surface waters
  - adjoining land,
  - property (existing or proposed) including buildings, crops, livestock, pets, woodland and service lines and pipes,
  - ecological systems,
  - archaeological sites and ancient monuments; and
  - any other receptors identified at (i)
- (iv) an appraisal of remedial options, and justification for the preferred remedial option(s).

All work and submissions carried out for the purposes of this condition must be conducted in accordance with DEFRA and the Environment Agency's 'Model procedures for the Management of Land Contamination, CLR 11' (September 2004) and the WLGA / WAG / EA guidance document ' Land Contamination: A guide for Developers' (2012), unless the Local Planning Authority agrees to any variation.

\* A 'suitably qualified competent person' would normally be expected to be a chartered member of an appropriate professional body (such as the Institution of Civil Engineers, Geological Society of London, Royal Institution of Chartered Surveyors, Institution of Environmental Management) and also have relevant experience of investigating contaminated sites.

Reason: To ensure that information provided for the assessment of the risks from land contamination to the future users of the land, neighbouring land, controlled waters, property and ecological systems is sufficient to enable a proper assessment.

6. Prior to the commencement of the development a detailed remediation scheme and verification plan to bring the site to a condition suitable for the intended use by removing any unacceptable risks to human health, controlled waters, buildings, other property and the natural and historical environment shall be submitted to and approved in writing by the Local Planning Authority. The scheme shall include all works to be undertaken, proposed remediation objectives and remediation criteria, a timetable of works and site management procedures. The scheme must ensure that the site will not qualify as contaminated land under Part 2A of the Environmental Protection Act 1990 in relation to the intended use of the land after remediation.

All work and submissions carried out for the purposes of this condition must be conducted in accordance with DEFRA and the Environment Agency's 'Model procedures for the Management of Land Contamination, CLR 11' (September 2004) and the WLGA / WAG / EA guidance document 'Land Contamination: A guide for Developers' (July 2006), unless the Local Planning Authority agrees to any variation.

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.

7. The remediation scheme approved by condition 6 must be fully undertaken in accordance with its terms prior to the occupation of any part of the development unless otherwise agreed in writing by the Local Planning Authority. The Local Planning Authority must be given two weeks written notification of commencement of the remediation scheme works. Within 6 months of the completion of the measures identified in the approved remediation scheme, a verification report that demonstrates the effectiveness of the remediation carried out must be submitted to and approved in writing by the Local Planning Authority. All work and submissions carried out for the purposes of this condition must be conducted in accordance with DEFRA and the Environment Agency's 'Model procedures for the Management of Land Contamination, CLR 11' (September 2004) and the WLGA / WAG / EA guidance document 'Land Contamination: A guide for Developers' (July 2006), unless the Local Planning Authority agrees to any variation.

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.

8. 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 LPA 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.

9. 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 LPA.

Reason: To ensure that the safety of future occupiers is not prejudiced in accordance with policy 2.63 of the Cardiff Unitary Development Plan.

10. 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 LPA.

Reason: To ensure that the safety of future occupiers is not prejudiced.

11. 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.
12. Prior to the commencement of development, A waste strategy shall be submitted to and approved in writing by the Local Planning Authority and shall thereafter be implemented in full prior to the first beneficial occupation of any of the apartments hereby approved.  
The strategy shall confirm, but not be limited to, the specification and number of waste containers; proposed waste and recycling streams; waste storage areas and provide details of protective enclosures, and waste collection arrangements.  
Reason: To ensure for a sustainable waste storage solution.
13. This Permission relates to the development indicated on plan references:  
  
P516\_L\_002 Rev A Site Plan  
P516\_L\_210 Rev A Elevation  
P516\_L\_211 Rev A Elevation  
P516\_L\_201 Rev A Ground Floor  
P516\_L\_202 First Floor  
P516\_L\_203 Second Floor  
P516\_L\_204 Third Floor  
P516\_L\_205 Fourth Floor  
Reason: For the avoidance of doubt
14. Notwithstanding the details shown on the submitted plans, the development shall not be fitted with a roller shutter garage door at street level until such time as an appropriate specification for the device, to include for a low noise operating mechanism and a visual indicator of the availability (or otherwise) of car parking spaces within the underground garage has been submitted to and approved by the local planning authority. OR an alternative means of secure entry to the garage has been agreed with the local planning authority further to details having first been submitted to and approved by the local planning authority in writing.  
Reason: To ensure for an appropriately secure facility but which will not adversely impact on the amenities of neighbours.
15. D3C Parking Within Curtilage
16. No development shall take place until details showing the provision of cycle parking spaces have been submitted to and approved in writing by the local planning authority. The approved details shall be implemented

prior to the development being put into beneficial use. Thereafter the cycle parking spaces shall be maintained and shall not be used for any other purpose.

Reason: To ensure that adequate provision is made for the secure parking of cycles.

17. Prior to any development (Including further demolition of the existing building on the site) being undertaken, a Demolition/Construction management plan shall be submitted to and approved by the Local planning Authority in writing and thereafter development undertaken in strict accordance with the approved plan. The Management plan shall include for such provisions as are reasonably necessary to mitigate against nuisance factors to local residents or adverse impacts to vehicle or pedestrian use of the highway as may result from demolition/construction activities. These should include, but not be limited to, hoarding, site access, intended vehicle routes, hours of operation, dust suppression/mitigation, wheel washing, details of materials storage, prohibition of burning, or playing of radios on site.

Reason: To mitigate against any adverse impacts of development.

18. No part of the development hereby permitted shall be commenced until a scheme of environmental improvements to the footway on Agate Street and Pearl Street adjacent to the site has been submitted to and approved in writing by the LPA. The scheme shall include, but not be limited to, the provision of the site access and resurfacing of the remaining footway, including as required the renewal or resetting of sunken or damaged kerbs channels and edging, and relocation/replacement of street lighting, signing and lining as may be required. The agreed scheme to be implemented to the satisfaction of the LPA prior to beneficial occupation of the site.

Reason: To ensure the reinstatement of the adjacent public highway in the interests of highway and pedestrian safety and to facilitate access to the proposed development.

19. No part of the development hereby permitted shall be occupied until details of how the available car park spaces will be allocated to incoming residents has been submitted to and agreed in writing with the Local Planning Authority.

Reason: To ensure the residents are aware/informed of their parking allocation, to avoid conflict/confusion.

**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:** That the applicant be encouraged to liaise with South Wales Police to secure 'Secured by Design' accreditation for the scheme and to seek advice on appropriate security measures for the development.

**RECOMMENDATION 4 :** The highway works condition and any other works to existing or proposed adopted public highway are to be subject to an agreement under Section 38 and/or Section 278 Highways Act 1980 between the developer and Local Highway Authority.

**RECOMMENDATION 5 :** The applicant is requested to provide future residents with a welcome pack upon their arrival, detailing sustainable transport options available in the area, to help promote sustainable transport. Leaflets and advice in connection with production of the packs are available from Miriam Highgate, Cardiff Council, County Hall, tel: 029 2087 2213.

**RECOMMENDATION 6 :** The applicant is advised that in accordance with Parking Policy incoming residents of the development will not be eligible for resident parking permits on adjacent streets, where such schemes are currently in force or enacted in the future.

## 1. **DESCRIPTION OF DEVELOPMENT**

Outline Planning permission is sought for the development of 47 apartments on the site of the old Riva Bingo Hall at the junction of Agate Street and Pearl Street in Adamsdown.

- 1.1 The 47 flats would be provided in a three to five storey building paralleling the Pearl Street and Agate Street boundaries of the site with highest element presenting to the corner junction.

The accommodation is shown to comprise 11 one bed and 36 two bed apartments.

- 1.2 Matters of Access, Layout and Scale are to be considered under this application. The Appearance of the Development and Landscaping are matters reserved for future consideration.
- 1.3 Amended Plans indicate 38 No. vehicle parking spaces (2 Visitor, 1 Disabled and 35 general spaces) are shown in an underground parking garage accessed from a roller shutter door at pavement level on Agate Street adjacent to No. 5 Agate St. There are 5 stair/lift cores to the building all served from pedestrian entrances to the rear of the building and also by two additional Pedestrian Access points to the highway (one on Agate Street and one on Pearl Street).
- 1.4 The building is shown to have tiered roof height and roof form, with two and a half storey ridge roof development adjacent to the existing terraced dwellings on Pearl Street and Agate Street (i.e two storey with a third storey of accommodation within the roof) of approximately 7m eaves and 10m ridge; elevating to a 3 storey parapet roof design with 4<sup>th</sup> storey set back behind the parapet, to the midsection of the property, before a 4 storey parapet with 5<sup>th</sup> storey set back on the corner of the plot The roof height of the building on the corner junction would be approximately 14 3/4m. The building would have an irregular footprint, with the accommodation formed parallel to Pearl St and Agate Street highways and set off the boundary with Diamond St to the rear by some 10m minimum and would be separated from those properties by a boundary enclosure, bin and cycle store.
- 1.5 The submitted layout plan show a rear amenity area of some 300m<sup>2</sup> usable space indicated as landscaped amenity space; and a linear cycle store (13m x 3m) and refuse compound (10m x 3 1/2m) to the Diamond Street boundary.
- 1.6 The aesthetic of the development in respect of external appearance is a reserved matter. Landscaping is suggested to be a lawn provided on the roof of the underground garage.

## 2. **DESCRIPTION OF THE SITE**

- 2.1 The Riva Bingo hall (recently damaged by fire) was an essentially rectangular building covering the whole of the application site; and with its longest elevation and roof ridge paralleling Pearl St. previously finished in painted roughcast render with metal profile clad roof.
- 2.2 Site levels slope down from the corner junction from 12.3 to 11.1m AOD along Pearl Street and from 12.3 to 11.5m AOD along Agate Street. The former building was a massive structure which itself formed the property boundaries to the site at a height of approximately 7.5 to 10m over AOD levels.

- 2.3 The building is surrounded by two storey terraced cottage style houses typical of this area of Adamsdown/Splott and of which the majority are stone (many painted) with slate ridge roofs. The site is on the junction of Splott Road some 50m from the Splott Road Railway Bridge, and approximately 150m from Clifton St.; both of which provide district/local centre services.
- 2.4 Pearl St, which once accessed Splott Road, has been stopped up as part of various traffic management measures in the area. The character of the area is a mix of residential and commercial uses.

### 3. **SITE HISTORY**

00/01833/R	Disabled Ramp to Top Rank Club	Granted Nov 2000
08/00277/C	44 Apartments	Withdrawn June 2008
14/01516/DCI	60 Apartments	Withdrawn July 2014

### 4. **POLICY FRAMEWORK**

#### Planning Policy Wales Edition 8, January 2016

Chapter 4 - Planning for Sustainability  
Chapter 9 - Housing

#### WG Technical Advice Notes

TAN 1:	Joint Housing Land Availability Studies (2006)
TAN 2:	Planning and Affordable Housing (2006)
TAN 11:	Noise (1997)
TAN 12:	Design (2009)
TAN 15:	Development and Flood Risk (2004)
TAN 18:	Transport (2007)
TAN 21:	Waste (2001)

#### Cardiff Local Development Plan 2006-2026 (Adopted January 2016)

#### KEY POLICIES

KP5: GOOD QUALITY AND SUSTAINABLE DESIGN  
KP8: SUSTAINABLE TRANSPORT

#### DETAILED POLICIES

#### HOUSING

H3: AFFORDABLE HOUSING  
H6: CHANGE OF USE OR REDEVELOPMENT TO RESIDENTIAL USE

#### ENVIRONMENT

EN10: WATER SENSITIVE DESIGN  
EN12: RENEWABLE ENERGY AND LOW CARBON TECHNOLOGIES  
EN13: AIR, NOISE, LIGHT POLLUTION AND LAND CONTAMINATION

EN14: FLOOD RISK

TRANSPORT

T5: MANAGING TRANSPORT IMPACTS

T6: IMPACT ON TRANSPORT NETWORKS AND SERVICES

COMMUNITY

C1: COMMUNITY FACILITIES

C5: PROVISION FOR OPEN SPACE, OUTDOOR RECREATION,  
CHILDREN'S PLAY AND SPORT

C6: HEALTH

C7: PLANNING FOR SCHOOLS

WASTE

W2: PROVISION FOR WASTE MANAGEMENT FACILITIES IN  
DEVELOPMENT

Other Material Considerations

Section 149 Equality Act 2010

Supplementary Planning Guidance

Access, Circulation and Parking Standards Jan 2010

Affordable Housing Mar 07

Community Facilities and Residential Development Mar 07

Developer Contributions for School Facilities Mar 07

Developer Contributions for Transport Jan 2010

Infill Sites Design Guide April 2011

Open Space Mar 08 including May 2011 update to Section 106 Baseline  
Contribution Figure

Waste Collection & Storage Facilities Mar 07

5. **INTERNAL CONSULTEE RESPONSES**

5.1 **Traffic and Transportation**

I refer to the above application and would confirm that the submission has been assessed and is considered to be acceptable in transport terms subject to the following comments, conditions:-

Conditions:

- Standard Cycle Parking condition C3S, one cycle space per unit to be undercover and secure;
- Parking Within Curtilage – Standard condition D3C;

- Construction management plan condition – No part of the development hereby permitted shall be commenced until a scheme of construction management has been submitted to and approved by the Local Planning Authority, to include as required but not limited to details of site hoardings, site access and wheel washing facilities. Construction of the development shall be managed strictly in accordance with the scheme so approved. Reason: In the interests of highway safety and public amenity;
- Highway works condition – No part of the development hereby permitted shall be commenced until a scheme of environmental improvements to the footway on Agate Street and Pearl Street adjacent to the site has been submitted to and approved in writing by the LPA. The scheme shall include, but not be limited to, the provision of the site access and resurfacing of the remaining footway, including as required the renewal or resetting of sunken or damaged kerbs channels and edging, and relocation/replacement of street lighting, signing and lining as may be required. The agreed scheme to be implemented to the satisfaction of the LPA prior to beneficial occupation of the site. Reason: To ensure the reinstatement of the adjacent public highway in the interests of highway and pedestrian safety and to facilitate access to the proposed development;
- Parking Allocation Plan – No part of the development hereby permitted shall be occupied until details of how the available car park spaces will be allocated to incoming residents has been submitted to and agreed in writing with the LPA. Reason: To ensure the residents are aware/informed of their parking allocation, to avoid conflict/confusion.

Second and further recommendations:

- The highway works condition and any other works to existing or proposed adopted public highway are to be subject to an agreement under Section 38 and/or Section 278 Highways Act 1980 between the developer and Local Highway Authority.
- Welcome Pack – The applicant is requested to provide future residents with a welcome pack upon their arrival, detailing sustainable transport options available in the area, to help promote sustainable transport. Leaflets and advice in connection with production of the packs are available from Miriam Highgate, Cardiff Council, County Hall, tel: 029 2087 2213.
- The applicant is advised that in accordance with Parking Policy incoming residents of the development will not be eligible for resident parking permits on adjacent streets, where such schemes are currently in force or enacted in the future.

Comments:

The adopted Access, Circulation and Parking Standards SPG identifies that 0.5 to 1 and 0.5 to 2 car parking spaces should be provided for one and two bed flats respectively in the non-central area. In principle, as open market units the

proposed development would therefore attract a minimum of some 24 car parking spaces to be provided on site; with a possible reduction to 0.25 of a space for any affordable units. It is noted that the submission proposes 38 on-site car parking spaces for the 47 units and is therefore considered Parking policy compliant in this respect.

When considering the parking provision I must take into account the location of the site, proximity to public transport, community services and amenities etc. In which regard it is noted that the development is within some 150m of bus stops on Tin Street, circa 250m on Splott Road, with a 10 minute frequency daytime service between Pengam and the City Centre. The site is also a short walk to the Splott Road district centre and Broadway/Clifton Street, with access to shops and other local facilities. The site is therefore in a location/area where walking, cycling and public transport are considered to offer viable daily alternatives to use of a private car.

The proposed development is also considered to be of a size and type, one/two bed units, that will attract residents who are less reliant on the ownership and use of a car than might otherwise be the case (family dwellings for example).

I am therefore satisfied that the development is parking policy compliant as proposed and that any objection on traffic or car parking grounds would not withstand challenge.

I would nonetheless suggest that the layout of the car park can be improved to provide better circulation and access to spaces, without sacrificing any of the proposed number. I have therefore requested standard condition D3C be attached to any permission, to secure the submission and agreement of a revised car park layout prior to commencement of development. It is also noted that the proposed vehicle crossover, providing access to the on-site parking, is in conflict with an existing street light. However this light can be relocated as part of the highway works captured by the requested condition.

Additional conditions are also sought to secure the provision of the cycle parking; submission of a construction management plan; highway/footway works immediately alongside the site and a parking allocation plan.

Conclusion:

Given the parking policy compliant nature of the proposed development, along with the availability of sustainable walking, cycling and bus public transport options, I must conclude that an objection on parking or traffic grounds would be unsustainable and any reason for refusal on this basis would not withstand challenge. I therefore have no objection to the application subject to the above requested conditions.

## 5.2 **Drainage**

Any observations will be reported at Committee.

### 5.3 Parks Services

The Parks Officer requests that should approval of the application be recommended, that the Highway tree be protected during the course of any demolition/construction works.

As the development provides for no on site public open space, the development would fall to be considered under extant SPG and to make contribution for the provision or enhancement of existing public open space in the vicinity.

Based on the formulae adopted within the SPG and based on the number of units/proposed habitable rooms the development would create a requirement for a contribution of **£72,969**.

### 5.4 Regeneration

Request for Community Facilities

Supplementary Planning Guidance (SPG) on Community Facilities and Residential Development states that 'the Council will seek a financial contribution for improvements to existing community facilities or the provision of additional community facilities on all significant developments because the increased population will result in increased demand for local community facilities'. If no onsite provision is proposed, a financial contribution is sought on residential developments containing 25 or more new dwellings where it has been identified that investment in community facilities will be required to meet the needs of the new population.

No onsite community facilities have been proposed therefore a contribution towards local community facilities is required.

The formula in the SPG is based on the number of habitable rooms per dwellings and is calculated as follows:

<b>No. of Habitable rooms</b>	<b>No. of dwellings</b>	<b>Contribution per dwelling</b>	<b>Totals</b>
1		£595	
2	11	£586	£6,446
3	36	£586	£21,096
4		£742	
5		£1,017	
6		£1,071	
7		£1,222	
8+		£1,246	
<b>TOTALS:</b>	<b>47</b>		<b>£27,542</b>

In order to be policy compliant it is therefore necessary for a contribution of £27,542 to be provided by the developer.

## 5.5 **Pollution Control Noise and Air**

Suggest sound proofing and acoustic ventilation conditions be applied to all habitable rooms exposed to external road traffic noise in excess of 63 dBA during the day and 57 dBA at night and that any private open space be designed to provide an area which is at least 50% of the area for sitting out where the maximum day time noise level does not exceed 55 dBA.

## 5.6 **Pollution Control Contaminated Land**

In reviewing available records and the application for the proposed development, the site has been identified as formerly commercial with uses including a former cinema and bingo hall. In addition, recent incidents at the premises identified asbestos containing material on site. Activities associated with this use may have caused the land to become contaminated and therefore may give rise to potential risks to human health and the environment for the proposed end use.

Should there be any importation of soils to develop the garden/landscaped areas of the development, or any site won recycled material, or materials imported as part of the construction of the development, then it must be demonstrated that they are suitable for the end use. This is to prevent the introduction or recycling of materials containing chemical or other potential contaminants which may give rise to potential risks to human health and the environment for the proposed end use.

Pollution Control requests the inclusion of the following conditions and informative statement:

CONTAMINATED LAND MEASURES – ASSESSMENT  
CONTAMINATED LAND MEASURES – REMEDIATION & VERIFICATION  
PLAN  
CONTAMINATED LAND MEASURES - REMEDIATION & VERIFICATION  
CONTAMINATED LAND MEASURES – UNFORESEEN CONTAMINATION  
IMPORTED SOIL  
IMPORTED AGGREGATES  
USE OF SITE WON MATERIALS  
CONTAMINATION AND UNSTABLE LAND ADVISORY NOTICE

## 5.7 **Housing**

The Housing Manager confirms that the development would be required to provide affordable housing in accord with the Council's Supplementary Planning Guidance; but that it is unlikely that a Registered Social Landlord would wish to acquire or manage units which would share communal areas and servicing with others as part of a larger complex. As this is the case it would more appropriate to accept a financial contribution in lieu of on-site provision in order to support Affordable Housing Development elsewhere.

A Contribution has been calculated on the basis of 20% allocation appropriate to a brownfield site (9 units) and based on 2 x 1 bed and 7 x 2bed units in line with extant SPG (2007).

This results in a contribution of **£667,290**.

The agent has agreed to the payment of this sum, However he has also asked whether the Housing Manager would accept the delivery of an off site affordable housing development. The Housing Manager accepts the principle of such provision, but would require greater clarity as to the nature and location of the accommodation to be provided.

The scheme would also have to come forward within an agreed timeframe it should come forward at the same time as the original site and the developer must demonstrate that the affordable housing secured on this mutually agreed site will accommodate the full requirement (10 units).

The developer will need to establish a clear, deliverable and guaranteed means of delivery and should first obtain planning permission for the offsite development, build out the units to DQR standards and sell them to an RSL at the following applicable prices:

	<b>Benchmark/Social Rent</b>	
<b>1 bed flat</b>	£	<b>45,000</b>
<b>2 bed flat</b>	£	<b>52,000</b>
<b>2 bed house</b>	£	<b>65,237</b>
<b>3 bed house</b>	£	<b>71,854</b>
<b>4 bed house</b>	£	<b>96,000</b>

If such alternative provision was accepted but delivery did not take place within a mutually agreed timeframe, then the S106 agreement would need to be drafted on an either/or basis where the full financial contribution of £667,290 (in lieu of 9 units) becomes due before the principal development is completed.

## 5.8 Trees

The only tree that could conceivably be harmed by development is a highway cherry 0021 on Agate Street. This tree will require protection in the form of a tree box for the full course of demolition and construction.

Landscaping is a reserved matter.

Any reserved matters application should include a detailed upfront landscaping scheme comprising scaled planting plan, plant schedule, topsoil and subsoil specification, tree pit section and plan views, planting methodology and aftercare methodology.

## 5.9 **Waste**

Waste Manager confirms acceptance of the position of the revised refuse store, but would seek an additional area for the storage of bulky goods, and a revision of bin numbers to accommodate appropriate waste streams.

## 6. **EXTERNAL CONSULTEE RESPONSES**

### 6.1 **Welsh Water**

Do not envisage any issues with water supply or foul drainage; they suggest the following condition however.

*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.*

### 6.2 **Natural resources Wales**

Offer no objection to proposed development. But note they have not considered possible effects on protected species or habitats which falls to the Local Authority to consider in discharge of its NERC (Natural Environment and Rural Communities) duties.

### 6.3 **South Wales Police**

Analysis has shown that overall crime in the vicinity adjacent to the proposed development is high when compared to other areas in Cardiff and are as follows:

The development is located within the council ward of Adamsdown. Over a period between September 2014 and September 2015 there were 3160 incidents reported to South Wales Police in the Adamsdown ward.

Over the same period the area adjacent to the proposed site saw 368 incidents

reported to South Wales Police which include 42 violent incidents, 31 incidents of anti-social behaviour, 25 thefts, 14 burglaries and 12 damages.

With the above in mind South Wales Police would welcome the opportunity for detailed consultation with the developers with an aim of fully exploring the opportunities for designing out crime prior to any decisions being made. In view of this South Wales Police recommend details/consideration of :

Security and general lighting; Doors and windows; Access Controls; Undercroft Parking access controls and surveillance; Cycle Storage; Internal Areas; CCTV; Smoke/ Fire Alarms; Communal mail delivery; Dwelling Identification; Service Meters; Loft Hatches; and landscaping in order to achieve certification under SWP 'Secured by Design' initiative.

#### 6.4 **Wales and West Utilities**

Have provided an indicative plan of the likely position of their services and equipment in the area which appears to be outside of the boundaries of the site.

### 7. **REPRESENTATIONS**

7.1 **Neighbours** have been consulted and the application has been advertised on site and in the local press as a Major Development.

Objections have been received from 17 residents in Pearl Street, Diamond Street, and Agate Street, close to the development and from residents in Habershon Street, Heath Park Avenue and Gerry Galvin Court.

The principle reasons for objection are

- Lack of available parking in the area and proposed by the development
- Increased Traffic Movements
- Building Scale and Height
- Design being out of keeping
- Lack of historic reverence,
- Waste Management/Rubbish generation
- Will attract transient occupation
- Already too many vacant flats in the bay
- Will place additional pressure on schools places

7.2 Representations of Support have been received from 6 residents from Diamond Street, Pearl St, and Clifton Street, and from 6 persons with residential or local business interests in the area.

The principal reasons for support are

- The redevelopment of the site
- The provision of an underground car park
- The now tiered design
- Agreement to contributions to local amenities

- Cycle parking provision
- Provision of much needed one and two bedroom flats in the area
- Provision of accommodation for young people

## 8. **ANALYSIS**

**This application was first presented to Planning Committee on 18<sup>th</sup> May 2016 but was deferred for the purposes of a Site Visit by Planning Committee on 8<sup>th</sup> June 2016. There is no change to the report's recommendation.**

**Members will note however that there are changes at sections 5.7, 8 and 9 of the report in respect of necessary S106 provisions to allow for the potential for either the provision of an affordable housing scheme to be constructed off site (or) for the receipt of a financial contribution for Affordable Housing. Changes to the report are in bold type.**

### 8.1 **Environmental Impact Assessment**

The works are not a Schedule 2 development for the purposes of assessment under the Environmental Impact Assessment regulations and are not considered to have any significant environmental effects warranting the submission of an Environmental Statement to allow the Local Planning Authority to determine the application.

### 8.2 **Land Use**

The application site is located within an existing residential area. It falls inside the settlement boundary, as shown on the Cardiff Local Development Plan Proposals Map. As such, the existing bingo hall is offered no protection in land use policy terms in this location. The redevelopment of the site for residential purposes is considered acceptable in policy terms.

### 8.3 **Affordable Housing**

The development was originally promoted as an Affordable Housing Development, and there is a recognised Affordable housing need in the area, However as the Applicant is not a Registered Social Landlord and is not partnered by an RSL to deliver the scheme, then the Local Planning Authority has no choice but to consider the scheme as Market Housing to which Affordable Housing Policy would apply.

In this respect the developer has attempted to design a building, an element of which might be independently managed to realise 20% on site affordable provision, however as no RSL has indicated a willingness to take on such accommodation, the Local Authority Housing officer has requested a financial contribution. In this instance, a sum of £667,290 has been calculated as the appropriate payment to secure affordable housing elsewhere. This is considered acceptable.

**The developer has also proposed that there may be potential to construct an affordable housing scheme elsewhere. This would be acceptable to the Housing Manager in principle subject to detail of the nature of accommodation to be provided and its proposed location. The Planning Officer is of the opinion that this could be accommodated within the provision of a S106 agreement subject to an 'either/or' clause.**

#### **8.4 Design**

##### **Scale**

The amended plans provide for a tiered development of a maximum of 5 storeys, but with the highest element set back from the building edge to lessen the perception of height in the street scene. The resulting relationship is therefore of a principally 4 storey feature corner when viewed from ground level. To the rear, as viewed from the rear of properties in Diamond Street, the building would provide for a cascade from five storey to a two and a half storey juxtaposition with adjacent two storey terraced dwellings. Properties at 5 Agate Street and 17 Pearl St. which currently abut the site are approximately 8 1/4m to ridge / 6m to eaves. The new building would join these with approximate eaves of 7m and ridge of 10m which is a lesser increase than provided by the previous building.

The feature corner of the building with a parapet height of approximately 11m in this location and an overall building height of 14.7m above the footway is considered to provide an acceptable relationship with other buildings in the area, especially when considered against the scale and form of the previous building on the site.

##### **Footprint**

The building covers approximately 60% of the available site area whilst preserving the existing front building line. This realises a minimum of 300m<sup>2</sup> of usable private amenity space, which is considered acceptable.

#### **8.5 Access**

The decision to favour access to the apartment stair cores from the rear of the building rather than from the highway elevation is noted but not objectionable. Limiting building access to one entrance only on Agate Street and Pearl Street may act positively in respect of site security also.

#### **8.6 Parking**

Reference to the Adopted Parking Guidelines for Non Central Area /Bay Core Residential Development would require a Minimum of 24 residential car parking spaces, a maximum of 12 Visitor Spaces and a minimum of 83 secure cycle spaces.

The development is therefore policy compliant in respect of off street car parking, and on the assumption that the proposed cycle racks would allow for a bicycle to each side of the rack, policy compliant for cycle parking also.

8.7 It is noted that very many letters of objection describe an existing on street parking situation where demand outstrips supply, as is evident in a number of areas of the city characterised by terraced housing with back to back curtilages or restricted rear access. It is also noted however that many of the surrounding streets are provided with 'Resident Only' badge schemes and it should be clarified that residents of the new development would not be entitled to qualify for this scheme. As such the balance of off street car parking proposed and secure cycle storage is considered supportive of the City's sustainable transport agenda in discouraging use of the private car over more sustainable modes. In addition to this, the proximity of the development to local shops and facilities, public transport, and proximity to the town centre should realise an efficient development where it is less of a necessity to own a car. There is therefore no objection to the development from a car parking perspective.

The Transport Managers comments regarding the potential for an improved car park layout to assist manoeuvring is noted, and an appropriate condition recommended to allow for future adjustment.

#### 8.8 **Amenity Considerations.**

The building is significantly larger than surrounding terraced residences at its highest point, however the scale and site coverage of the former building on the site is a material consideration, and the proposed development is considered to improve substantially on the relationship with adjacent and surrounding buildings to that former structure.

Habitable room windows are set directly to the back of the footway, but this is no different to the arrangement exhibited by many hundreds of dwellings in the area.

Windows to the rear elevation of the building are principally bedroom windows and are located a minimum of 10m from the site boundary with Diamond Street where all residences have approximately 10m long gardens to the rear. This privacy relationship is considered acceptable, and should also allow for better outlook and daylight receipt to those properties.

Potentially adverse amenity implications caused by the noise of operation of the proposed vehicle roller shutter access to under building car parking from Agate Street is however considered by the planning officer to be a potential issue. For this reason the developer is asked to provide a specification for the shutter, or to omit, or relocate it in an alternative location where its operation would be less of an irritant to the immediate neighbour.

Access for pedestrian, cycle, wheel chair or other wheeled transport is considered appropriate.

Amended Plans now provide for a refuse store sited closer to the entrance on Agate Street and for bins to be within 25m of a refuse vehicle parked on Agate Street. This is considered acceptable. A condition is recommended to secure

detail of refuse storage and collection arrangements.

#### **8.9 Pollution**

The development is not considered likely to result in any undue light pollution.

The Pollution Control Officer's comments in respect of potential ground contamination and in respect of potential nuisance caused by traffic noise are noted and concurred with and the application off conditions to require testing and mitigation of such issues if required concurred with.

#### **8.10 Open Space**

The development provides for no on site public open space and the request of the Parks Officer is noted and concurred with in respect of the requirement for a financial contribution toward the provision of new, or enhancement of existing public open space in the area. The figure of £72,969 is considered proportionate to the development proposed, and in accord with the formulae approved within the Council's SPG.

#### **8.11 Community Facilities**

The rationale of the Council's regeneration officer in requesting a financial contribution for improvements to existing community facilities / additional community facilities in the area, and the amount of £27, 542 requested is considered proportionate to the development proposed, and in accord with the formulae approved within the Council's SPG.

No onsite community facilities have been proposed therefore a contribution towards local community facilities is required.

#### **8.12 Equalities**

Section 149 Equality Act 2010 requires that due regard be given to any actual or potential differential impact of the development on the needs of those with protected characteristics.

The scheme includes for a ramped access to a lift and stair core and for lift access from a disabled car parking bay within the basement.

On this basis it is concluded that the proposal results in no apparent abnormal differential impact to those with protected characteristics.

#### **8.13 Other matters raised by objectors**

Call for a replication of Terraced houses.

A number of letters of objection suggest the scheme to be out of keeping or discordant with the terraced cottage vernacular of the area; and suggest that it would be preferable to replicate this form of building.

However the area is also not a conservation area where there is a planning policy presumption to preserve or enhance the particular character of an area; or have reverence to an existing building style and so there would be no policy basis upon which to resist the proposal which is otherwise policy compliant.

#### **8.14 Density**

A number of representations cite the density of development as reason for objection. However TAN 12 and the Council's SPG on infill development would support higher density development as an efficient use of land provided that development can accommodate a reasonable level of amenity space and sustainable parking and servicing arrangements; which this development would allow for.

#### **8.15 Litter**

A number of representations suggest that litter and an excess of on street refuse is the product of subdivision of family residences in the area, of transient occupation, and resultant lack of community pride. However there is nothing to suggest that this development, which will meet the Council's refuse and servicing requirements will result in such a situation or that the one and two bedroomed flat units will not respond to local community accommodation needs or attract transient tenants. If dumping or storage of refuse and litter on the highway were to occur for any reason, though this is not envisaged, then the Council has statutory powers to prosecute any civil offences.

#### **8.16 'The development does not provide for family accommodation'**

The Council has no policy which seeks to promote any particular type of tenure or ownership in any particular area of the city.

#### **8.17 Lack of Historic Reverence**

It is uncertain how any proposed development might incorporate references to the design or use of the former building and history of the site.

#### **8.18 Pressure on Schools**

Consultation has been made with Schools services. No representations have been received. There is evidently potential for the 36 No. two bedroomed units to accommodate children, but considered unlikely that this will be the preferred market, and unlikely that all such units would provide for family accommodation. In any event such numbers are not considered likely to place undue strain on the existing service.

#### **8.19 Levels of vacancy of flatted accommodation within the Cardiff Bay area.**

This is not a material consideration in respect of the acceptability of the environmental/amenity impacts of this proposal.

## 8.20 **Transient Occupation**

There is nothing to suggest that the development would favour transient occupation.

## 9. **SECTION 106 MATTERS**

It is considered reasonable and necessary for the developer to provide financial contributions /works in lieu of the provision of on site:

Affordable Housing	Either the sum of £667,290 or such alternative Affordable Housing provision acceptable to the Housing Manager.
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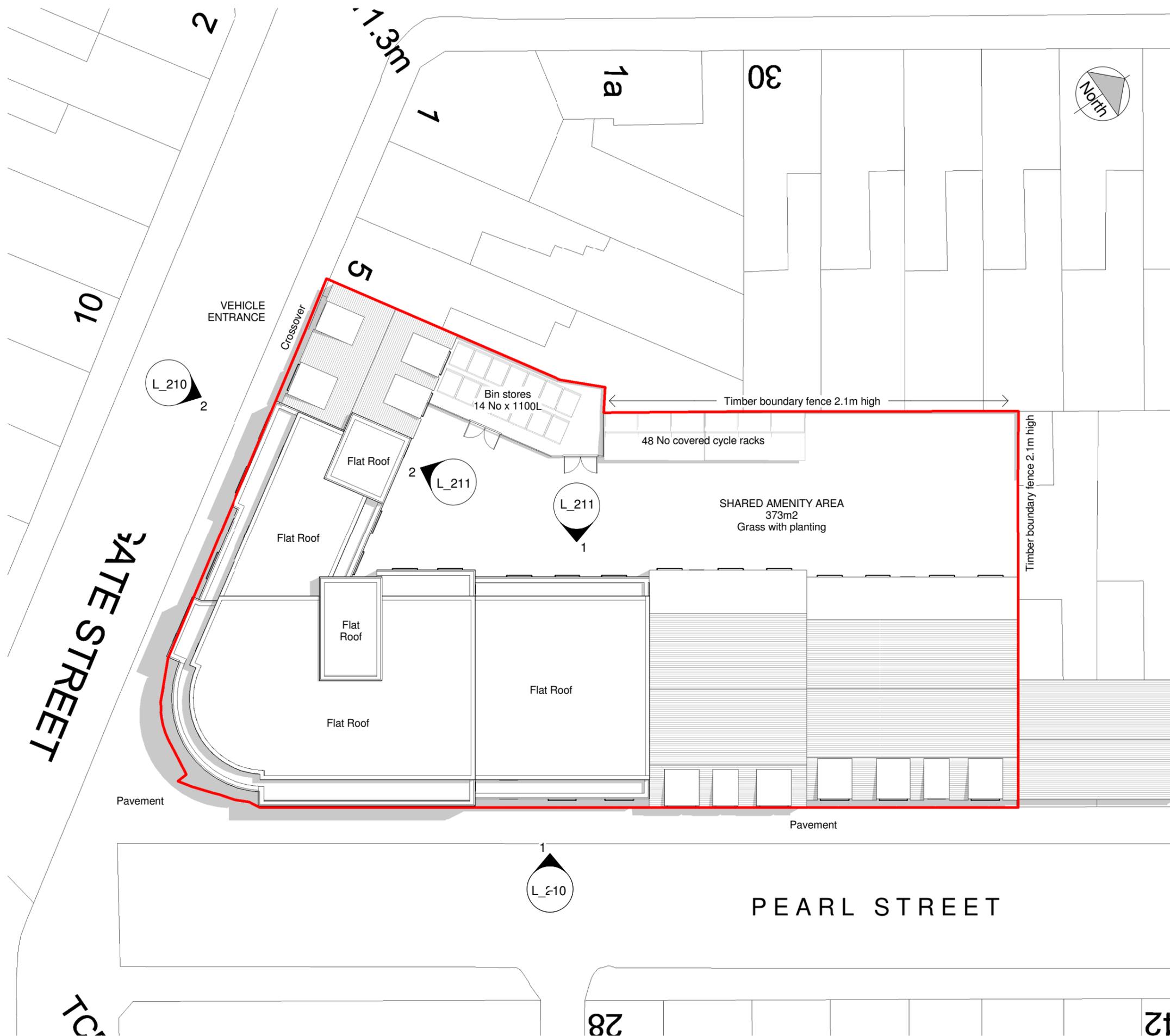
Public Open Space	£72,969
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Community Facilities	£27, 542
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The applicant has agreed to the provision of such contributions.

## 10. **CONCLUSION**

That Outline Planning permission be Granted.



Responsibility is not accepted for errors made by others in scaling from this drawing. All construction information should be taken from figured dimensions only.

0mm 50mm

**A3** Original Sheet Size

**TOTAL SITE AREA: 1465m<sup>2</sup>**

**Car Parking:**  
 35 No Resident spaces  
 1 No Disabled spaces  
 2 No Visitor spaces  
 48 No Cycle spaces

**SCHEDULE OF ACCOMODATION**

47 No total flats  
 (36 No two bed flats)  
 (11 No one bed flats)

**DRAINAGE NOTES:**

Surface water & Highway drainage to new soakaways to be designed in accordance with BRE 365

**BIN STORAGE:**

Recycling: 5 x 1100L bins  
 Composting: 4 x 1100L bins  
 Waste: 5 x 1100L bins

**Planning Issue**

date	rev	name	chk	note
05/05/16	A	PL	ZM	Bin stores repositioned & entrance widened



Architectural Design - Feasibility - Planning - Building Control - Construction Details - Sustainable Design  
 Systems House 89 Heol Don Cardiff CF14 2AT  
 T 02920316857 M 07785582007 info@dlparchitecture.co.uk

PROJECT  
 Proposed erection of new development to form 47 apartments

Riva Bingo, Agate Street, Cardiff, CF24 1PF

DRAWING TITLE  
 Site Plan as Proposed

SCALE	DATE	DRAWN BY	CHECKED BY
1 : 250	13/03/16	PL	ZM

DRAWING NUMBER	REVISION
P516 L_002	A

Site Plan as Proposed  
 1 : 250



Ground Floor Plan  
1 : 200

# Planning Issue

05/05/16	A	PL	ZM	Bins stores repositioned & entrance widened
date	rev	name	chk	note



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DRAWING TITLE  
Ground Floor Plans as Proposed

SCALE	DATE	DRAWN BY	CHECKED BY
1 : 200	11/03/16	PL	ZM

DRAWING NUMBER	REVISION
P516 L_201	A

Responsibility is not accepted for errors made by others in scaling from this drawing. All construction information should be taken from figured dimensions only.

0mm 50mm

A3 Original Sheet Size



South East Elevation  
1 : 200



South West Elevation  
1 : 200

## Planning Issue

date	rev	name	chk	note
05/05/16	A	PL	ZM	Bins stores repositioned & entrance widened



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DRAWING TITLE  
Elevations 1 of 2 as Proposed

SCALE	DATE	DRAWN BY	CHECKED BY
1 : 200	11/03/16	PL	ZM

DRAWING NUMBER	REVISION
P516 L_210	A



North East Elevation  
1 : 200



North West Elevation  
1 : 200

## Planning Issue

05/05/16	A	PL	ZM	Bins stores repositioned & entrance widened
date	rev	name	chk	note



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DRAWING TITLE  
Elevations 2 of 2 as Proposed

SCALE	DATE	DRAWN BY	CHECKED BY
1 : 200	11/03/16	PL	ZM

DRAWING NUMBER	REVISION
P516 L_211	A