

## LOCAL MEMBER OBJECTION

COMMITTEE DATE: 16/08/2017

APPLICATION No. **17/00969/MJR** APPLICATION DATE: 03/05/2017

ED: **CAERAU**

APP: TYPE: Full Planning Permission

APPLICANT: Wates Residential

LOCATION: FORMER TY NEWYDD CARE HOME, 343 HEOL TRELAI,  
CAERAU, CARDIFF, CF5 5LJ

PROPOSAL: DEVELOPMENT OF 16 AFFORDABLE DWELLINGS ON THE  
FORMER TY NEWYDD CARE HOME SITE (INCLUDING LAND  
TO THE REAR OF HEOL TRENEWYDD) COMPRISING 6NO,  
SUPPORTED HOUSING APARTMENTS, 8NO, WALK-UP  
APARTMENTS AND 2NO. BUNGALOWS, ASSOCIATED  
LANDSCAPING, ACCESS, DRAINAGE AND HIGHWAYS  
WORKS

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**RECOMMENDATION 1** : That planning permission be **GRANTED** subject to the following conditions :

1. C01 Statutory Time Limit
2. This approval is in respect of the following plans and documents, unless otherwise amended by any other condition attached to this consent:

3514\_PA\_001, 003J, 004A, 100B, 110A, 111A, 112A, 200A, 301A, 400A, 401C, 402, 403B and 404; CC15585/CAM 00 00 GA C/500/P6, C/512/P4 and C/514/25; TDA2097.03 RevC, .05 RevD, and 06; TDHA/16/5232/4/LHJ; and TDA/2097/AMS/AMP/0.17 updated July 2017 and TDA/2097/TS&A/RhC/0.15 January 2015.

Reason: To avoid doubt and confusion as to the approved plans.

3. No development shall take place until the following have been submitted to and approved in writing by the Local Planning Authority (LPA) in accordance with the current British Standard 5837:
  - A finalised Arboricultural Method Statement (AMS) detailing the methods to be used to prevent loss of or damage to retained trees within and bounding the site, and existing structural planting or areas designated for new structural planting.

The AMS shall include details of site monitoring of tree protection and tree condition by a qualified arboriculturist, undertaken throughout the development and after its completion, to monitor tree condition. This

shall include the preparation of a chronological programme for site monitoring and production of site reports, to be sent to the LPA during the different phases of development and demonstrating how the approved tree protection measures have been complied with.

- A Tree Protection Plan (TPP) in the form of a scale drawing showing the finalised layout and the tree and landscaping protection methods detailed in the AMS that can be shown graphically.

The development shall be carried out in full conformity with the approved AMS and TPP.

Reason: To enable the Local Planning Authority to assess the effects of the proposals on existing trees and landscape; the measures for their protection; to monitor compliance and to make good losses.

4. Notwithstanding the submitted landscaping details no development shall take place until full details of hard and soft landscaping have been submitted to and approved in writing by the Local Planning Authority. These details shall include:

- A landscaping implementation programme.
- Scaled planting plans prepared by a qualified landscape architect.
- Proposed finished levels.
- Earthworks.
- Hard surfacing materials.
- Existing and proposed services and drainage above and below ground level.

Planting plans shall be supplemented by:

- Schedules of plant species, sizes, numbers or densities prepared by a qualified landscape architect.
- Scaled tree pit sectional and plan drawings prepared by a qualified landscape architect.
- Topsoil and subsoil specification for all planting types, including full details of soil assessment, protection, stripping, storage, handling, amelioration and placement, to accord with the submitted Soil Resource Survey and Soil Resource Plan, to ensure it is fit for purpose. Where imported planting soils are proposed, full specification details shall be supplied, including certification in accordance with British Standards and interpretive reports by a soil scientist demonstrating fitness for purpose and a methodology for handling, amelioration and placement.
- Planting methodology and post-planting aftercare methodology prepared by a qualified landscape architect.

The submitted details shall be consistent with other plans submitted in support of the application except that the tree species should be

selected to be appropriate to the above and below ground space available and the residential context.

Reason: To enable the Local Planning Authority to determine that the proposals will maintain and improve the amenity and environmental value of the area, and to monitor compliance.

5. Any newly planted trees, plants or hedgerows, which within a period of 5 years from the completion of the development die, are removed, become seriously damaged or diseased, or in the opinion of the Local Planning Authority (LPA) otherwise defective, shall be replaced.

Replacement planting shall take place during the first available planting season, to the same specification as that originally approved.

Reason: To maintain and improve the amenity and environmental value of the area.

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 shall 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 shall 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).

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 neighbours and other offsite receptors in accordance with policy EN13 of the Cardiff Local Development Plan.

7. The remediation scheme approved by condition 4 shall be fully undertaken in accordance with its terms prior to the occupation of any part of the development. The Local Planning Authority shall 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 shall be submitted to and

approved in writing by the Local Planning Authority.

All work and submissions carried out for the purposes of this condition shall 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.

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 neighbours and other offsite receptors in accordance with policy EN13 of the Cardiff Local Development Plan.

8. In the event that contamination is found at any time when carrying out the approved development that was not previously identified it shall be reported in writing within 2 days to the Local Planning Authority, all associated works shall 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 shall be undertaken and where remediation is necessary a remediation scheme and verification plan shall 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 shall 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 neighbours and other offsite receptor in accordance with policy EN13 of the Cardiff Local Development Plan.

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 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.

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 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.

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 in accordance with policy EN13 of the Cardiff Local Development Plan.

12. Prior to the commencement of development a scheme of construction management shall be submitted to and approved by the Local Planning Authority, to include details of construction traffic routes, delivery times, site hoardings, site access, site compound, contractor parking, materials storage, measures for dust control 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.

13. No surface water and/or land drainage shall be allowed to connect directly or indirectly with the public combined sewer.

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.

14. No clearance of trees, bushes or shrubs shall take place between 1st February and 15th August unless it can be demonstrated that there are no birds nesting in this vegetation immediately (48 hrs) before works commence.

Reason: To avoid disturbance to nesting birds which are protected

under the Wildlife and Countryside Act 1981: Part 1, 1(1)(b), it is an offence to intentionally take, damage or destroy the nest of any wild bird while that nest is in use or being built.

15. Prior to work commencing on the approved dwellings details of the position of 1 x Bat box, 1 x Swift nest box, 1 x Swallow nest cup and 1 x House Martin double nest cups to be installed on dwellings and a programme for their installation shall be submitted to and agreed in writing by the Local Planning Authority and then be installed as agreed.  
Reason: In the interests of biodiversity.
16. The first and second floor side kitchen windows and the first and second floor front and side windows in the stairwell of apartment block F shall be fitted with obscure glazing which shall be retained in perpetuity.  
Reason: In the interests of privacy.
17. D3D Maintenance of Parking Within Site
18. Prior to the start of work on site full engineering details of the road including measures to ensure pedestrian safety within the proposed shared space arrangement shall be submitted to the Local Planning Authority for approval. The approved details shall be implemented prior to the beneficial occupation of any of the dwellings.  
Reason In the interests of highway safety.

**RECOMMENDATION 2** : The applicant is advised to have due regard to the advisory notes provided by consultees.

**RECOMMENDATION 3** : 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; (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 4** : Prior to the commencement of development, the developer shall notify the Local Planning Authority of the commencement of development , and shall display a site notice and plan on, or near the site, in accordance with the requirements of Article 12 of the Town & Country Planning (Development Management Procedure) (Wales) (Amendment) Order 2016.

**RECOMMENDATION 5**: To protect the amenities of occupiers of other premises in the vicinity attention is drawn to the provisions of Section 60 of the Control of Pollution Act 1974 in relation to the control of noise from demolition and construction activities. Further to this the applicant is advised that no noise audible outside the site boundary adjacent to the curtilage of residential property shall be created by construction activities in respect of the implementation of this consent outside the hours of 0800-1800 hours Mondays to Fridays and 0800 - 1300 hours on Saturdays or at any time on Sunday or public holidays. The applicant is also advised to seek approval for any proposed piling operations.

## **1. DESCRIPTION OF DEVELOPMENT**

- 1.1 The proposal is for full planning permission for affordable residential development on this site for over 55's. This would comprise two bungalows on the western part of the site for residents with learning difficulties; two apartment blocks, that would look like two pairs of two storey semi-detached dwelling houses, accommodating 8 one bedroom flats in the centre of the site; and a three storey block in the eastern corner of the site accommodating 5 two bedroom and 1 one bedroom apartments (it is intended that one of the bedrooms would be used by a live-in carer).
- 1.2 The buildings would have pitched roofs finished in grey tiles with walls in red multi gilt stock with Staffordshire smooth rend banding every third course and a grey colour render on the upper floors of the staircase to the three storey apartment building. The bungalows would have a gabled roof and all the other buildings would have hipped roofs.
- 1.3 18 car parking spaces are proposed. The bungalows would have private garden areas and the apartments would have communal space for amenity purposes. The access road at the end of 341 Heol Trelai would be extended within the site by some 60m to serve the development.
- 1.4 This proposal is part of the Housing Partnership Programme (HPP) between Wates and the Council. The aim of the HPP is to build around 1500 mixed tenure, energy efficient, sustainable and high quality homes across 40 Council owned sites within Cardiff. Overall the programme will provide 40% affordable homes across these sites.

- 1.5 The layout has been amended since submission so that the bungalows now face Heol Trelai rather than as originally proposed at 90 degree to the road with a rear boundary fence that prevented surveillance of the adjoining open amenity area. Windows in the side of the bungalow will now overlook the amenity area.

## 2. **DESCRIPTION OF SITE**

- 2.1 The site is 5246 sq m in area. The site fronts Heol Trelai adjoining no 341 and backing onto residential properties in Heol Treenwydd and a lane then residential/commercial properties in Heol Poyston. The site is generally level with part of it rising approximately 1m behind 337 – 341 Heol Trelai.
- 2.2 The site was formerly occupied by a care home and garages but it has since been cleared. Vehicular access to the care home was from a secondary road in front of 341 Heol Trelai rather than a direct link onto the principal road.
- 2.3 There a number of services that cross the site and the easements have to be protected.

## 3. **SITE HISTORY**

- 3.1 03/02166/R Planning permission for a pair of semi detached houses to the rear of the three storey units at Heol Treenwydd, south of 339 Heol Trelai and north of 68 Heol Poyston was approved on 05/09/03
- 3.2 07/00927/W Planning permission for a pair of semi detached houses to the rear of Heol Treenwydd, south of 339 Heol Trelai and north of 68 Heol Poyston with access to Heol Trelai was approved on 13/04/07
- 3.3 08/02463/W Planning permission for a pair of semi detached houses on the same site as 07/00927/W but with access to the lane at the rear of Heol Treenwydd was approved on 31/10/08
- 3.4 14/00079/DCO Demolition of care home approved 10/01/14

## 4. **POLICY FRAMEWORK**

- 4.1 It is considered that the following LDP policies are relevant to this application:- KP5, KP7, KP13, KP16, EN6, EN8, EN13, T1, T6, C5 and W2

## 5. **INTERNAL CONSULTATIONS**

- 5.1 (a) The Parks Officer states:

Overall the layout of the new properties appears reasonable, avoiding significant impact on neighbouring dwellings (although the supported housing provision does feel rather tight in the space available), and providing good visibility over the highway. However I share the comments made by the design team in relation to the relationship between the bungalows and the



neighbouring space. The space is very much isolated from the main development, hidden both by a hedge and without significant active surveillance from any existing or proposed properties. This leads to a greatly increased risk of anti-social behaviour in the space and makes it unattractive to residents to use. To the south the open space is overlooked to a greater degree by the existing house, with a fence separating the two.

I'd need to have further discussions on the character of this area of land, and how the overall design could be revised to accommodate it better, e.g. by moving the bungalows westwards and bringing the space into the main development, although I accept there may be reasons why this is not feasible or desirable, such as services.

With regard to the trees retention of the four large trees along the highway is welcome. There are a number of new trees being proposed but these are very small with low impact. However the better incorporation of the existing open space area to the west could allow planting of significant sized trees. The 5 Malus trees shown along the western boundary are all shown as fair/poor; I think

Further details are needed on these to decide if they are worth retaining or should be replaced by new planting to create a more coherent design.

The planting scheme proposed contains a lot of evergreen shrubs, but very little in the way of flowering plants, and doesn't meet the aspirations of the DAS. For example the planting strip along the front of the site is simply a narrow bed made up of one low evergreen (with the bed itself narrowing to a point where planting won't be feasible); this will provide very little in the way of visual or seasonal interest. In terms of the planting schemes and maintenance further discussions should take place with Parks maintenance.

These comments relate to the current LDP (C5 Provision for Open Space, Outdoor Recreation, Children's Play and Sport; KP16 Green Infrastructure), and the 2017 Planning Obligations Supplementary Planning Guidance (SPG), supported by policies set out in the 2008 SPG for Open Space which set the Council's approach to open space provision.

(b) The Parks Officer originally requested a S106 contribution but he is no longer seeking to obtain an off-site POS contribution on this scheme due to the liability assessment provided by the Housing Officer. I'm aware that the site has a number of issues that make development more expensive than normal and therefore I would not wish to jeopardise the development on the grounds of viability by pursuing a contribution.

5.2 The Neighbourhood Services Officer requests a noise advisory (see recommendation 5 above).

5.3 The Waste Officer states inter alia that:

The bin storage area indicated within current site plans is acceptable.

Waste Management will not carry keys or access codes for bin storage areas; so waste must either be presented at the entrance to the development for collection, or the access gates to the site must be left open.

Vehicle tracking will have to be carried out on the site to ensure our biggest vehicles can enter and exit in a forward gear. If this cannot be accommodated a collection point may have to be set up close to the site entrance to allow our crews to collect.

Bulk containers must be provided by the developer/other appropriate agent, to the Councils' specification (steel containers are required where capacity exceeds 240 litres) as determined by S46 of the Environment Protection Act 1990 and can be purchased directly from the Council.

Refuse storage, once implemented, must be retained for future use. Please refer the agent/architect to the Waste Collection and Storage Facilities Supplementary Planning Guidance for further relevant information.

5.4 The Contamination Team recommend six conditions and an advisory note (see conditions 6-11 and Recommendation 3 above

5.5 The Tree Officer states in respect of the amended layout that :

The Arboricultural Method Statement is fine, except that provision needs to be made for an auditable system of arboricultural site monitoring, with update reports provided to the LPA at each stage.

Understandably, given the losses of large trees at this site, the Landscape Architect is trying to secure new, large species trees as part of the development. Unfortunately appropriate spaces to allow this are not available, and the focus should be on the 'right tree for the right place'. As such, I advise that the Liquidambar styraciflua proposed to the north of the existing L. styraciflua be deleted, to avoid problems of mutual suppression. Contrary to popular belief, L. styraciflua is a large and spreading tree, with potentially nuisance causing fruits. One is ample for the space available. The proposed Ginkgo biloba fronting the boundary between plots 03-06 and 07-10 should be replaced by an upright male form (e.g. 'Princeton Sentry', 'Magyar' or Fastigiata Blagon'), or, as per my previous advice and to tie in with the existing Liquidambar, L. styraciflua 'Slender Silhouette' which is a tightly fastigated version of the species. Fronting plots 01-02 I suggest x2 Malus baccata 'Street Parade' at either end rather than squeezed together. The single Pinus sylvestris adjoining retained trees and the rear garden of plot 1, will suffer mutual suppression and be likely to over-dominate the garden. Rather than just randomly planting trees in the POS, I suggest a landscape design using x3 trees and low maintenance groundcover surrounds such as Pulmonaria species. Suitable trees for this treatment, to be planted in positions where they will not over-dominate or impede desire lines, include Crataegus x prunifolia Splendens', Magnolia kobus and Malus hupehensis. On the rear boundary of plots 11-16, Corylus colurna will completely over-dominate the gardens, so I

suggest, as per my previous observations, *Crataegus x lavalleei* instead.

5.6 Shared Regulatory Services states:

I have examined the submitted documentation in support of planning application 17/00969/MJR from an Air Quality perspective. Examining the proposed plans I am satisfied that little risk is placed upon future residents and nearby residents in terms of traffic derived emissions.

Reviewing the application from a dust emissions perspective, due to the close proximity of residential dwellings to the proposed development it is considered best practise to adopt the principles stipulated in IAQM "Guidance on the assessment of dust from demolition and construction." The guidance provides a risk based approach based on the potential dust emission magnitude of the site (small, medium or large) and the sensitivity of the area to dust effects. The importance of professional judgment is noted throughout the guidance. The guidance recommends that once the risk class of the site has identified, the appropriate level of mitigation measures are implemented to ensure that the construction activities have no significant impacts. In accordance with the guidance, Chapter 6, Step 1, Box 1 highlights certain screening criteria which needs to be considered and if a development qualifies for an assessment. The document states "An assessment will normally be required where there is: a 'human receptor' within: - 350 m of the boundary of the site; or- 50 m of the route(s) used by construction vehicles on the public highway, up to 500 m from the site entrance(s)." It is apparent that there are residential dwellings located in close proximity to the proposed site (<25m), therefore satisfying the 'human receptor' criteria stipulated in the cited guidance and the need for a detailed dust assessment to be produced.

I would ask for the following condition to be implemented:

Unless otherwise agreed with the LPA, the applicant is required to undertake a detailed dust assessment which shall quantify the magnitude of risk to surrounding/ nearby sensitive receptors, this being the various residential properties located within 350m to the site boundary, during the demolition and construction phase of the development. Prior to the commencement of development a scheme (Construction Environmental Management Plan) to minimise dust emissions arising from construction activities on the site shall be submitted to and approved in writing by the Local Planning Authority. The scheme shall include details of dust suppression measures and the methods to monitor emissions of dust arising from the development. The construction phase shall be implemented in accordance with the approved scheme, with the approved dust suppression measures being maintained in a fully functional condition for the duration of the construction phase.

Reason: To assess air quality and agree any mitigation measures that may be required to safeguard the amenity of nearby residents in the area.

5.7 The Ecologist says that:

In relation to birds, there is likely to be nesting activity in the scrub and other

vegetation on site, so we should attach our usual nesting bird condition.

I would not say that there are any other likely significant effects upon nature conservation issues at this site. However, mindful of our duty under the Environment (Wales) Act 2016 to seek to maintain and enhance biodiversity in the exercise of our functions, we should seek to secure biodiversity enhancements at this site.

I suggest the following measures:-

Bat and bird boxes should be incorporated into new buildings in broad accordance with the advice given in the TCPA's '*Biodiversity Positive: Eco-towns Biodiversity Worksheet 2009*', and in the Bat Conservation Trust's '*Biodiversity for Low and Zero Carbon Buildings: A Technical Guide for New Build 2010*', With a small development such as this, I would say that an appropriate level of enhancement would be :-

- 1 x Bat box
- 1 x Swift nest box
- 1 x Swallow nest cup
- 1 x House Martin double nest cups

The applicant's ecologist can advise of the model and installation of these features.

#### 5.8 The Housing Officer states:

(a) This scheme forms part of the Council's Housing Partnership Programme (HPP) which is a partnership between the Housing Development Team and Wates Living Homes. The aim of the HPP is to build around 1,500 mixed tenure, energy efficient, sustainable and high quality homes across circa 40 Council owned sites within Cardiff. Overall, the programme will provide 40% affordable homes across the portfolio of sites with the remaining dwellings being placed on open market sale by Wates Living Homes.

This planning application is for the proposed new-build development on the site at the Ty Newydd Care Home site (including land to the rear of Heol Trenewydd), which will provide a total of 16 homes, to be owned by Cardiff Council for social rented accommodation.

This proposal exceeds the planning policy requirements of 20% on brownfield sites, and we are fully supportive of this affordable housing scheme.

(b) The Housing Officer in their partnership role states:

As you know we have submitted a Planning Application for the Ty Newydd HPP site. This site is a 100% affordable site and delivers the energy performance and high quality design aspirations we are trying to achieve for the whole of the HPP. The site is challenging due the amount of services within the site. There was also a requirement for bungalows on this site which has obvious effects on density and so viability. This site also has abnormal costs not identified at final tender stage.

We have reviewed the overall contribution towards Section 106 obligations after known and estimated commuted sums and assessed what the scheme is able to afford and maintain viability. Due to the viability of this site we are unable to offer any Section 106 contributions on this site.

5.9 The Highway Officer states:

The proposed arrangements are generally satisfactory subject to submission of details in order to ensure public safety with respect to the proposed shared surface arrangements. I'd therefore have no objection subject to conditions relating to retention of parking (D3D), and to the submission to the LPA for approval prior to the start of work on site of full engineering details of the road – including adequate measures to ensure pedestrian safety within the proposed shared space arrangement. The approved details to be implemented prior to beneficial occupation.

I'd also suggest a second recommendation advising the applicant that highway works will be subject to an agreement under Sections 278 and 38 of the Highways Act 1980. (A copy of these comments has been forwarded to the applicant).

6. **EXTERNAL CONSULTATIONS**

6.1 GGAT has no objection

6.2 Wales and West Utilities has submitted a plan identify their apparatus at the entrance to the site. The developer must not built over their apparatus and advise that the developer is required to contact them to discuss requirements before development commences.

7. **REPRESENTATIONS**

7.1 Local Members have been consulted. Councillor Bradbury has advised that he will only support bungalows for elderly persons on this site. He does not support high rise apartments. Councillor Simmons says that we were originally informed that the application would be for bungalows. The former Heol Trenewydd site was a residential home for the elderly and its only fit and proper that we invest in accommodation for the elderly in the area i.e. bungalows. For this reason she opposes this planning application as it stands.

7.2 Amended plans were received on 28/07/2107 revising the position of the bungalows by 90 degrees and were forwarded that day to the Local Members. The Local Members asked for the applications not to be reported to the August Committee so that they could have more time to study the plans.

7.3 The proposal was advertised by site notices.

7.4 Neighbouring occupiers were consulted by letter. A local resident states that:

We are residents directly affected by the proposals and one of our main concern is regarding access to the site by contractors and eventually residents of the completed properties.

We have experienced first hand the upheaval and difficulties caused by large lorries and containers trying to access the site by the feeder road in front of our home. The site was recently used as a base by Wates, the contractors used by Cardiff Council to renew roofs on council properties in the area. On a number of occasions we have had our driveway blocked by contractors cars and have had to visit the site to ask for the driver to remove the car so that we can leave our driveway. One neighbour has had to park on Heol Trelai and carry her young baby plus shopping across to her house because of the volume of traffic parked in the small feeder road.

Our further objection is the main access to the proposed site which will be via a feeder road, and the crossover point further down the road in Heol Trelai. This junction is not only used by residents of this part of Heol Trelai and Heol Trewydd but also by residents who live in the opposite direction to Church Road, Heol Poyston and Heol Carnau. The access needs to be reviewed urgently. Whilst the feeder road was used by users of the former Ty Newydd Home, the amount of traffic was limited to staff, many of whom used public transport and occasional visitors to residents. The new proposals of 16 properties will ensure that traffic volume is increased permanently.

Previously, emergency and regular service vehicles had access to Ty Newydd Care Home directly from Heol Trelai and it may be that this should be reconsidered for the new properties. We understand that many of the properties will be offered to older residents and it is quite clear that there could be an above average amount of health care needed with urgent access via emergency vehicles.

Access via the rear of the site from Heol Poyston does not seem to have been considered. This access would greatly reduce the amount of traffic using the feeder road.

Our other major concern regards the height of the proposed buildings to the rear of our property. I note that Elevation 4 on the plans directly overlooks our house, allowing residents to view into our garden and bedroom windows. We understand that the building of three storeys on the proposed apartments to the rear of our home is in direct contravention of the Human Rights Act. This states that everyone has the right to respect for their private and family life, their home and their correspondence. The lack of privacy in our own home is of major concern to us and we would strongly request that the height of the apartments is reduced to two storeys.

We would be grateful if the above points could be considered before planning approval is given.

## 8. **ANALYSIS**

- 8.1 The provision of 16 affordable dwellings for persons over 55 and for people in need of assistance is to be welcomed. Nevertheless the impact of the development on the amenities of occupiers of surrounding properties, the appearance of the area and other matters such as ecology and landscaping needs to be carefully considered.
- 8.2 In respect of the issues raised by the Local Members the Director for Communities, Housing and Customer Services has advised them that:-
- a) The sole provision of bungalows on the site could make the scheme unviable. This has proved to be the case but the team took on board fully the overall objective to increase the amount of older persons' accommodation on the scheme. Therefore the number of units allocated on the site for older persons was increased from 2 to 10 with the loss of the original planned 6 houses for sale being replaced with 8 one up one down council owned flats allocated solely for older people. The ground floor flats have their own front and back door with direct access to a private patio and outdoor space so that they can be allocated to older people who need fully accessible accommodation with the flats above allocated to more mobile older people.
  - b) The 6 remaining flats have been designed to provide supported accommodation which social care colleagues have confirmed is a significant identified need for the area and are 3 storeys only designed in consultation with planning and in compliance with planning policy.
  - c) Whilst she appreciates that this still may fall short of the local member's aspirations for the site the team have tried hard to accommodate as many requirements as possible whilst maintaining viability.
- 8.3 In respect of the issues raised by the local members I have the following planning comments:-
- a) The local member's letter was addressed to Sarah McGill requesting a change in the mix of housing types that the Housing Development in conjunction with their partners Wates considered appropriate for this site. The Local Planning Authority has to consider whether the residential development proposed for this site is acceptable in land use planning terms. Such considerations would cover matters such as appearance and amenity issues.
  - b) The proposed 3 storey building is located approximately 27m from the rear of the three storey units at Heol Trenwydd, 22m south of the rear wall of the dwelling at 339 Heol Trelai and 20m north of the rear wall of the dwelling at 68 Heol Poyston. The principal habitable rooms in the apartments (the living room and bedroom 1) are to face east towards Heol Trenwydd. A ground floor kitchen, bathroom and second bedroom windows are to face west but will be screened by a 1.8m high fence to safeguard privacy. Windows to bedroom 2 and bathrooms at first and second floor will face west. The side facing windows that would serve an open kitchen to the living room would and face north and south are to be

fitted with obscure glazing. Windows in the staircase of the apartments face east north and south and those at first and second floor levels could be fitted with obscure glazing to avoid overlooking from this position.

- c) The proposed 3 storey building is set back over 40m from Heol Trelai and positioned between the existing dwellings at 335-341 Heol Trelai and the dwellings in Heol Postyn which rise behind. The properties in Heol Trelai will screen most of the apartment building when viewed from the north as will the properties in Heol Postyn when viewed from the south. The properties in Heol Tynewydd screen the proposed building from the east. Existing and proposed trees and the new houses will restrict views of the apartments from the west.
- d) The proposed 3 storey building is close to the boundary with 339 Heol Trelai so will cast a shadow over part of the neighbour's garden for part of the day. There is some existing vegetation along or near the rear boundary of 339 which appears to already cast an existing shadow over part of the rear garden of this property, which is on average 20m long.
- e) The SPG on Residential Development includes a 25 degree rule. This provides an indication whether a new building would obstruct reasonable light to a habitable room window if it breaks a line projecting up from the centre of such a window 25 degrees from the horizontal. There may be a marginal infringement of the 25 degree rule at the tip of the hipped roof in relation to a ground floor window to no 339 but this is considered insignificant. The objector's property faces the proposed rear amenity of the apartments rather than the wall and roof of the apartment.
- f) The Local Members have over 14 days to study the amended plans and submit representations in writing or verbally to the Committee.

8.4 The agent does not believe the Local Members' objection is a matter for planning but if more information is required she would be happy to assist. In respect of the Local Members objection I am of the opinion that I have identified in the preceding paragraphs the issues that the Housing Officer is responsible for and the planning issues that the Local Planning Authority is responsible for.

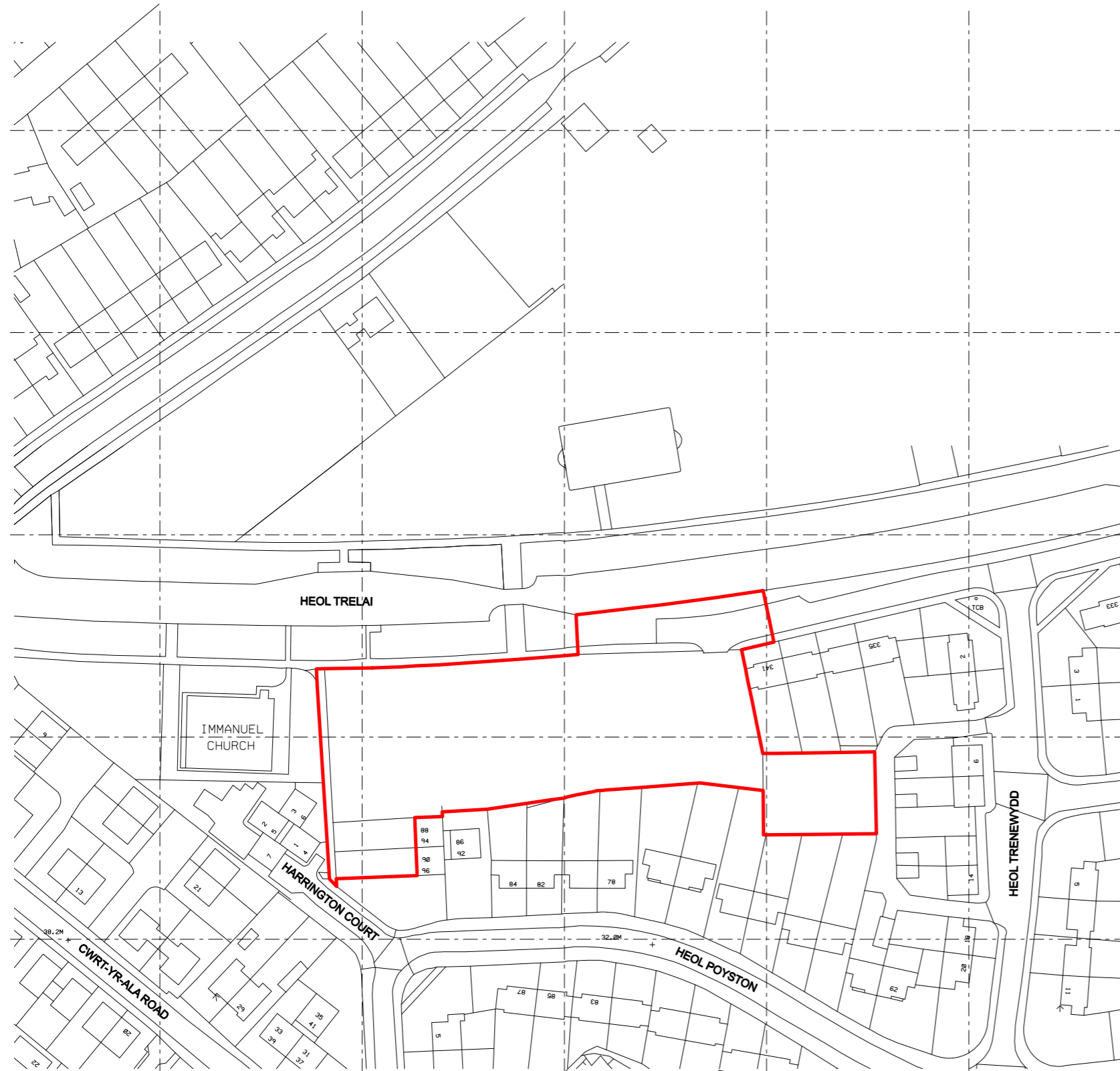
8.5 To date one objection has been received from a local resident to this proposal and appears to be the same person who raised objections at the pre application consultation stage. The objection is primarily to the access but also to the 3 storey unit, principally on grounds of overlooking. I do not know whether the resident is aware that the nearest windows facing properties in Heol Trelai are to be obscurely glazed. If this were not the case then there would be a material reason to object to this element of this application. Condition 16 will safeguard this arrangement. From the rear of the proposed apartment building there would be the possibility of overlooking part of the garden of no 337 but this would be at an acute angle.

8.6 In terms of access arrangements the access served the former care home on the site so has enjoyed an established use. The type of accommodation proposed is not likely to generate the same level of vehicle movements that would be associated with general family accommodation. Whilst construction traffic can cause some disturbance in the immediate vicinity of the site this will be for a temporary period only. Proposed condition 10 requiring a construction



management scheme will help mitigate any inconvenience. The Highway Officer has no objection subject to conditions.

- 8.7 The site is in a sustainable location within the built up area of Cardiff. 120m from the site is a bus stop for a frequent bus service, and adjoins shops in Heol Trenewydd and a church. In the vicinity there is a surgery, post office and club.
- 8.8 The applicant considers that the site has a low ecological value. The Council's ecologist has identified some ecological issues that can be addressed by conditions.
- 8.9 The proposal would necessitate the removal of 12 trees of varying quality, two of which would lie within the Welsh Water easement. The developer's initial landscaping plan sought to safeguard several of these trees but the Tree Officer was concerned that the retention of several of the quality trees would adversely affect the residential amenities of future residents as they mature. Eight replacement trees are proposed that the Tree Officer would be content with, subject to the species he has identified. There are five mature deciduous trees between the proposed dwellings and Heol Trelai which will help integrate the development into the street scene.
- 8.10 The requirement for dust control measures is included within condition 12.
- 8.11 During the processing of the application the area around the bungalows has been adjusted to remove an unnecessary length of road and enlarge the area available for landscaping to the south east of the bungalows. Since the Parks Officer's comments were received the bungalows have been re-orientated to overlook the adjoining POS from a lounge and kitchen window.
- 8.12 Well-Being of Future Generations Act 2016 - Section 3 of this Act imposes a duty on public bodies to carry out sustainable development in accordance with the sustainable development principle to act in a manner which seeks to ensure that the needs of the present are met without compromising the ability of future generations to meet their own needs (Section 5). This duty has been considered in the evaluation of this application. It is considered that there would be no significant or unacceptable impact upon the achievement of wellbeing objectives as a result of the recommended decision.
- 8.13 The proposal is considered acceptable in design terms and will have a limited impact on the amenities of nearby properties. The provision of 16 affordable dwellings is a welcome contribution towards Cardiff's housing needs. There are no fundamental objections from internal or external consultees to this application since the amendment to the layout and subject to conditions. It is considered that the planning objection from Local Members and a local resident has been properly addressed within the report. The proposal is considered to comply with the policies of the LDP and is acceptable in planning terms subject to conditions.



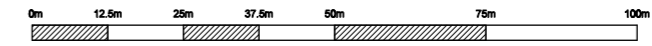
ORDNANCE SURVEY (C) CROWN COPYRIGHT 2017. ALL RIGHTS RESERVED. LICENCE NUMBER 100022432



NORTH

— SITE BOUNDARY

SITE AREA 0.52 (hectares)



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Project  
TY NEWYDD & HEOL TRENEWYDD, CAERAU

Client  
WATES RESIDENTIAL

Drawing Title

**SITE LOCATION PLAN**

NOTES. Do not scale. All dimensions are in millimetres unless stated otherwise

Date  
FEB '17

Scale  
1:1250 @ A3

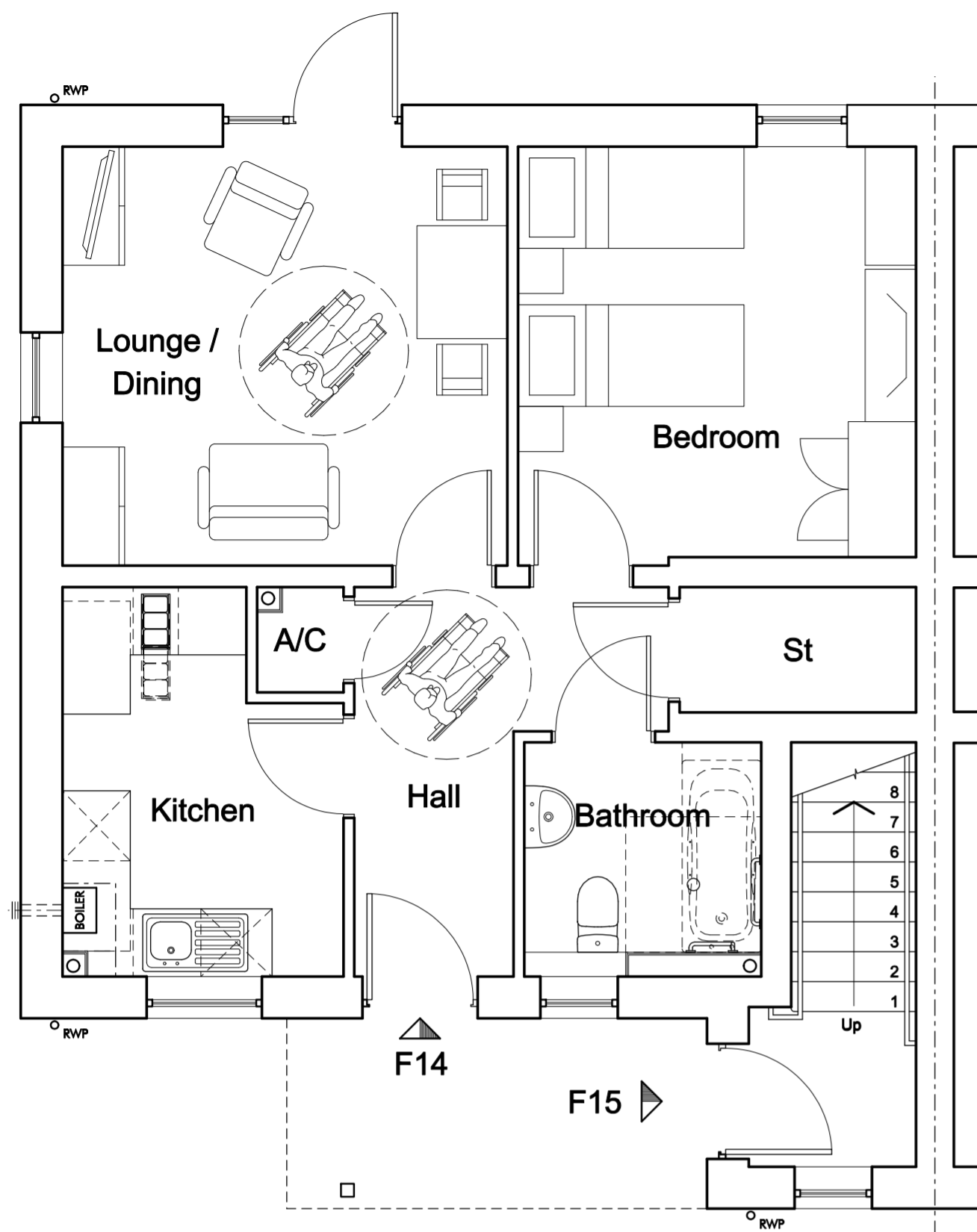
Drawing No.  
3 5 1 4 \_ P A \_ 0 0 1

Rev.  
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Revisions

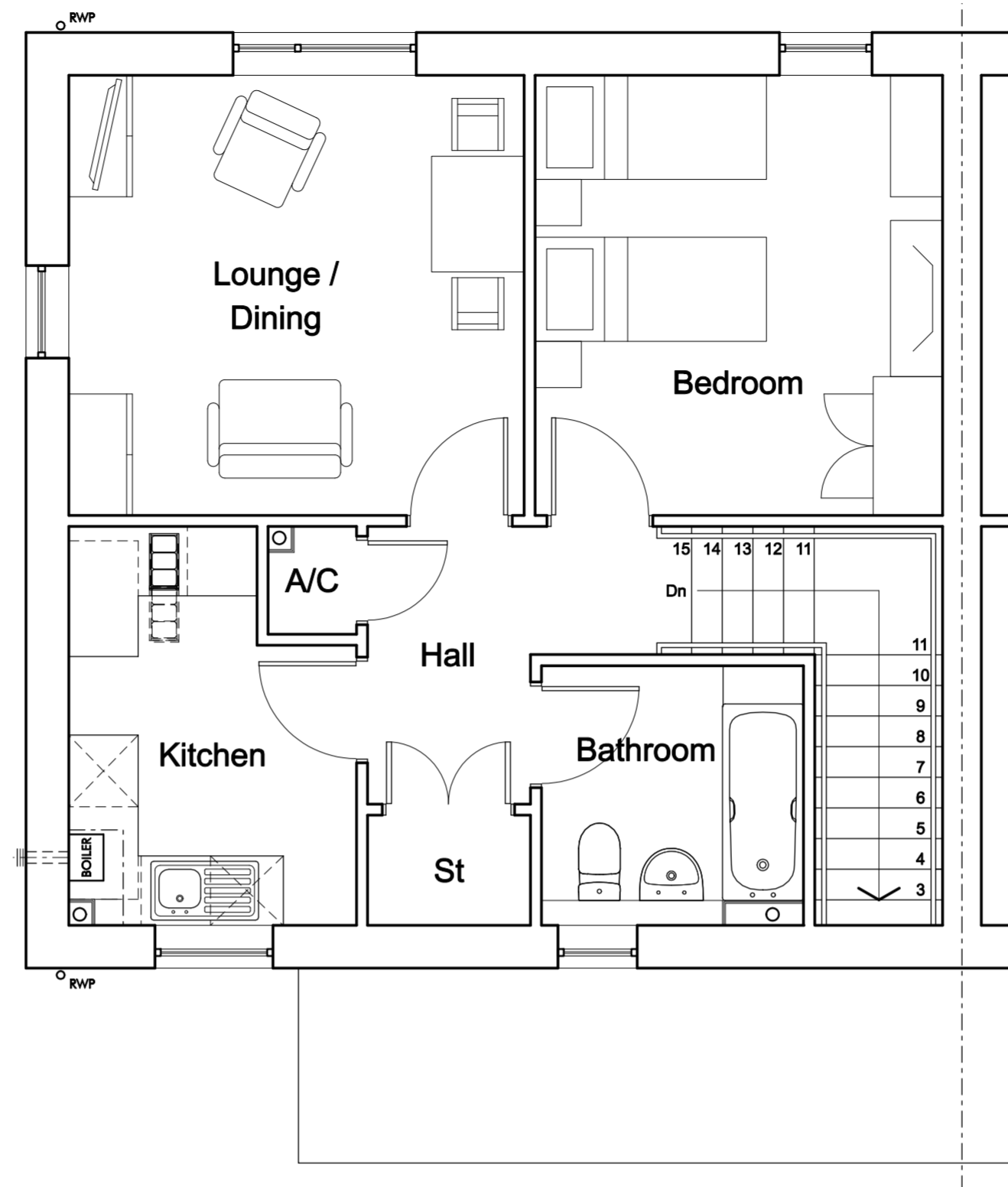
- A APARTMENT BLOCK 11-16 ROTATED & ASSOCIATED LANDSCAPING ADJUSTED TO SUIT. 25 APR '17
- B BUNGALOW FLOOR PLANS HANDED & FENCE UPDATED. PROPOSED TREE PLANTING ALTERED IN LINE WITH ARBORICULTURIST REVISED INFORMATION. 20 JUNE '17
- C BUNGALOW ROTATED & ASSOCIATED LANDSCAPING ADJUSTED TO SUIT. 26 JULY '17





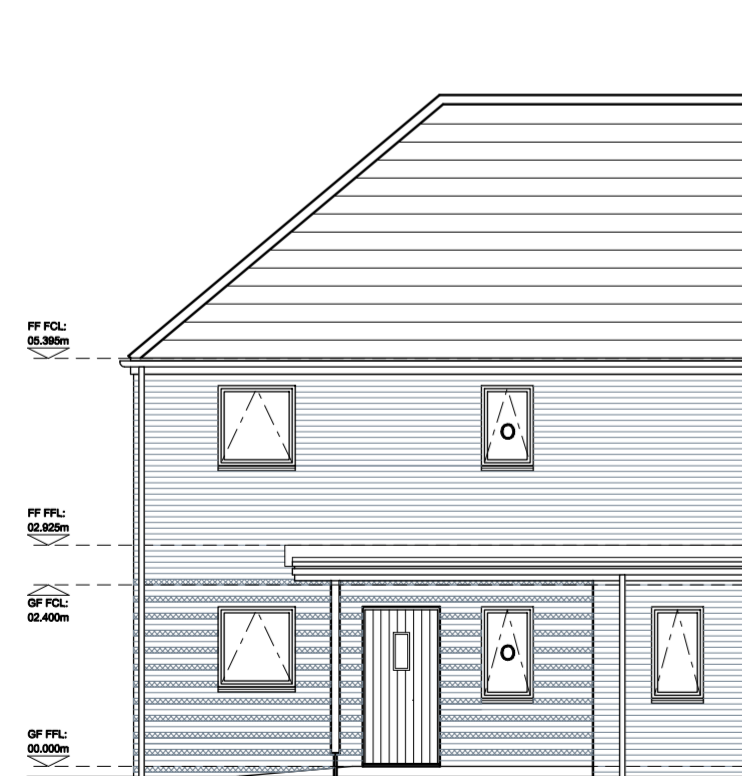
Ground Floor Plan

1:50



First Floor Plan

1:50



Front Elevation

1:100



Side Elevation

1:100



Rear Elevation

1:100

Finishes

**Walls**  
Facing brickwork - Blended Red Multi Gilt Stock with Staffordshire smooth red banding, every 3rd course. Natural Mortar.

**Mortar:**  
Remix Natural Light.

**Pitched Roof**  
Marley Modern Duo 'Smooth Grey' interlocking concrete tile with mortar-bedded verges.

**Windows and Doors**  
White PVCu. GRP entrance doors in 'blue' colour.

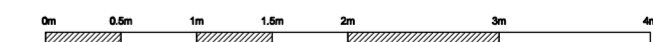
**Window Sills:**  
65mm re-constituted stone sills with no stools in 'Portland Grey'  
Sills to front & side elevations only.

**Fascias**  
White PVCu.

**Canopies / Flat Roof**  
Timber post and beam structure with dark grey GRP canopy / flat roof.

**Rainwater Goods**  
Black PVCu.

O Obscure glazing



GIA: 56.0m<sup>2</sup>

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Project  
TY NEWYDD & HEOL TRENEWYDD, CAERAU

Client  
WATES RESIDENTIAL

Drawing Title  
**(APT. TYPES F14 & F15)  
General Arrangement & Elevations**

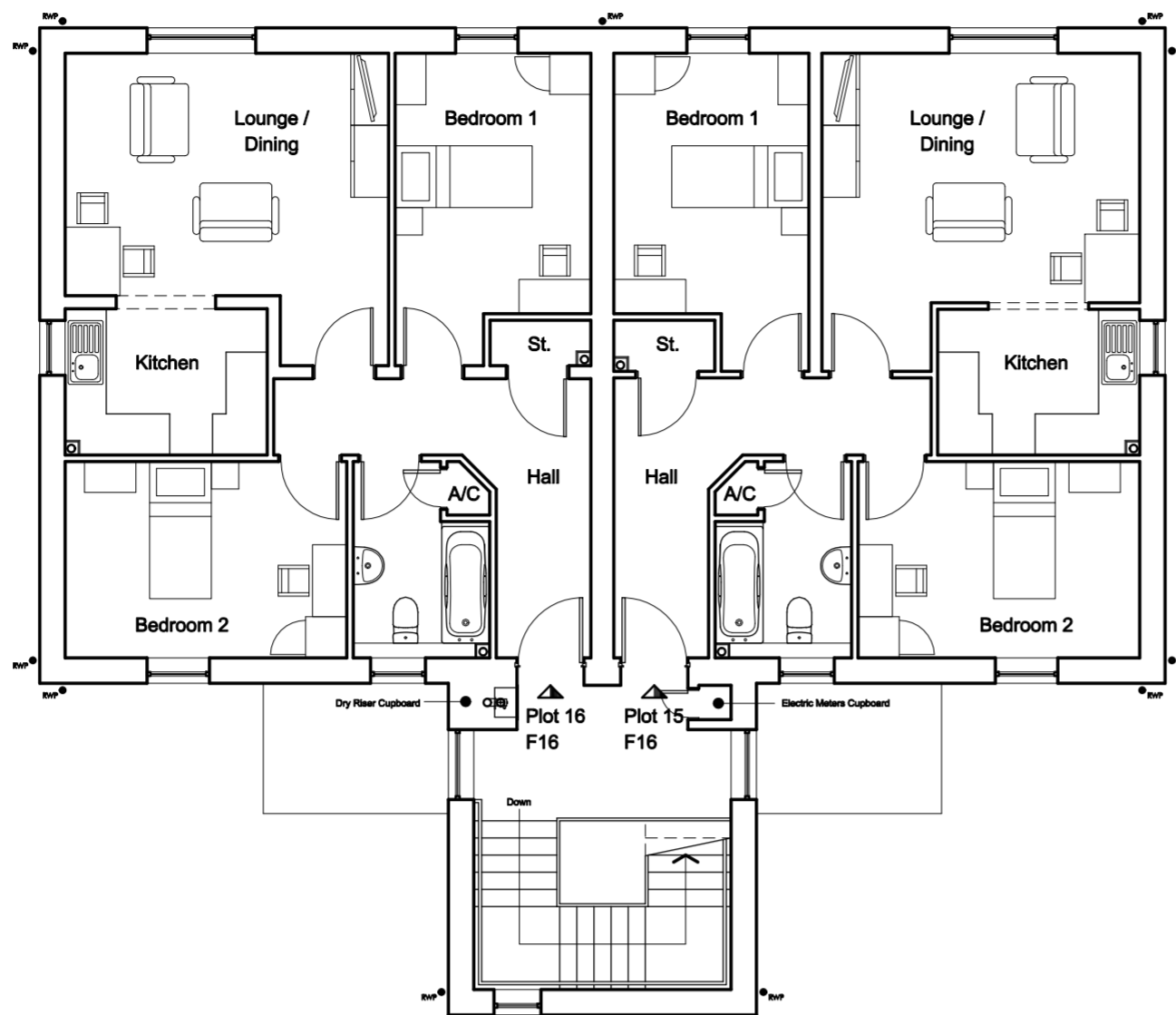
Date  
FEB '17

Scale  
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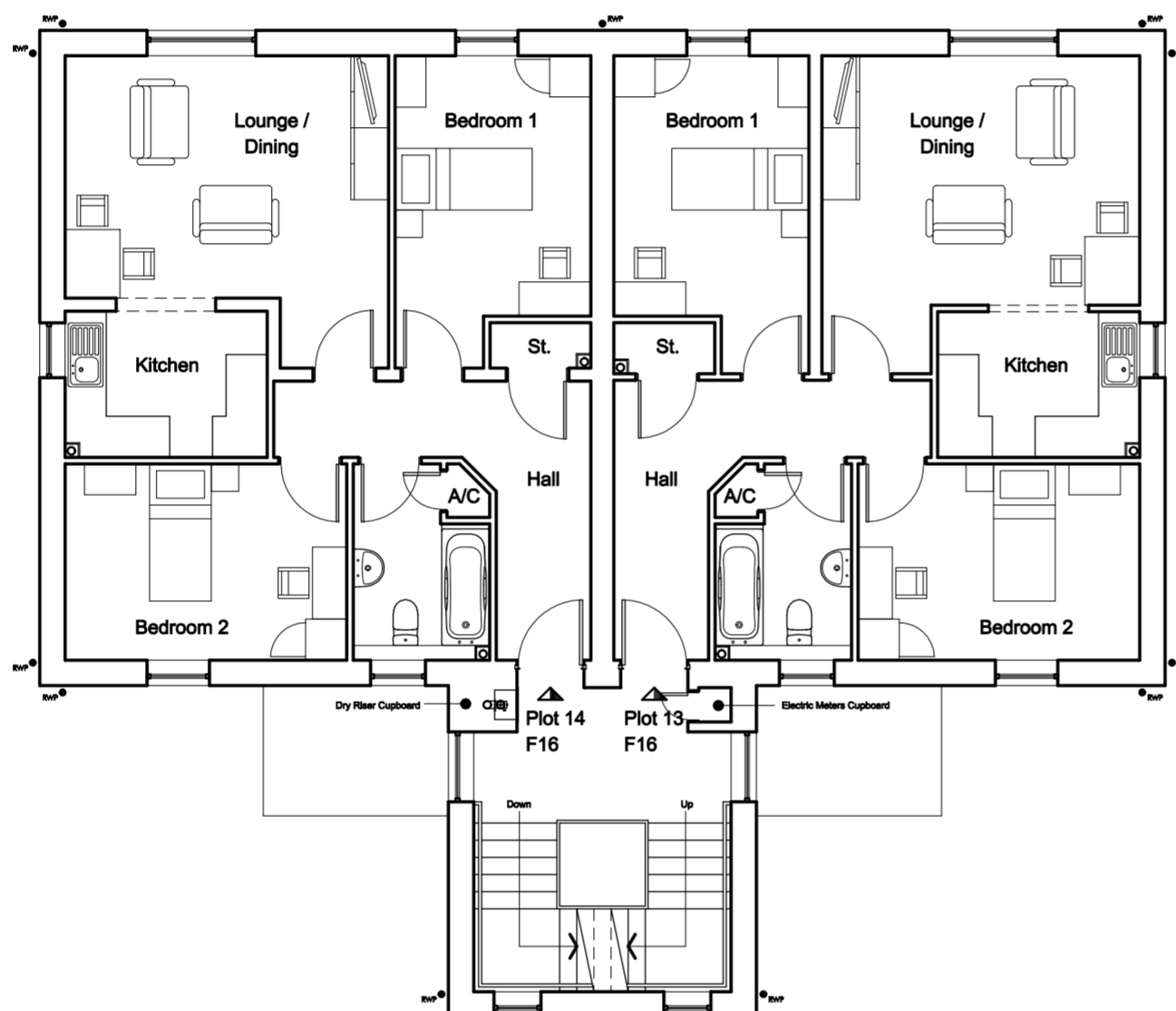
Drawing No.  
3514\_PA\_110

Rev.  
A

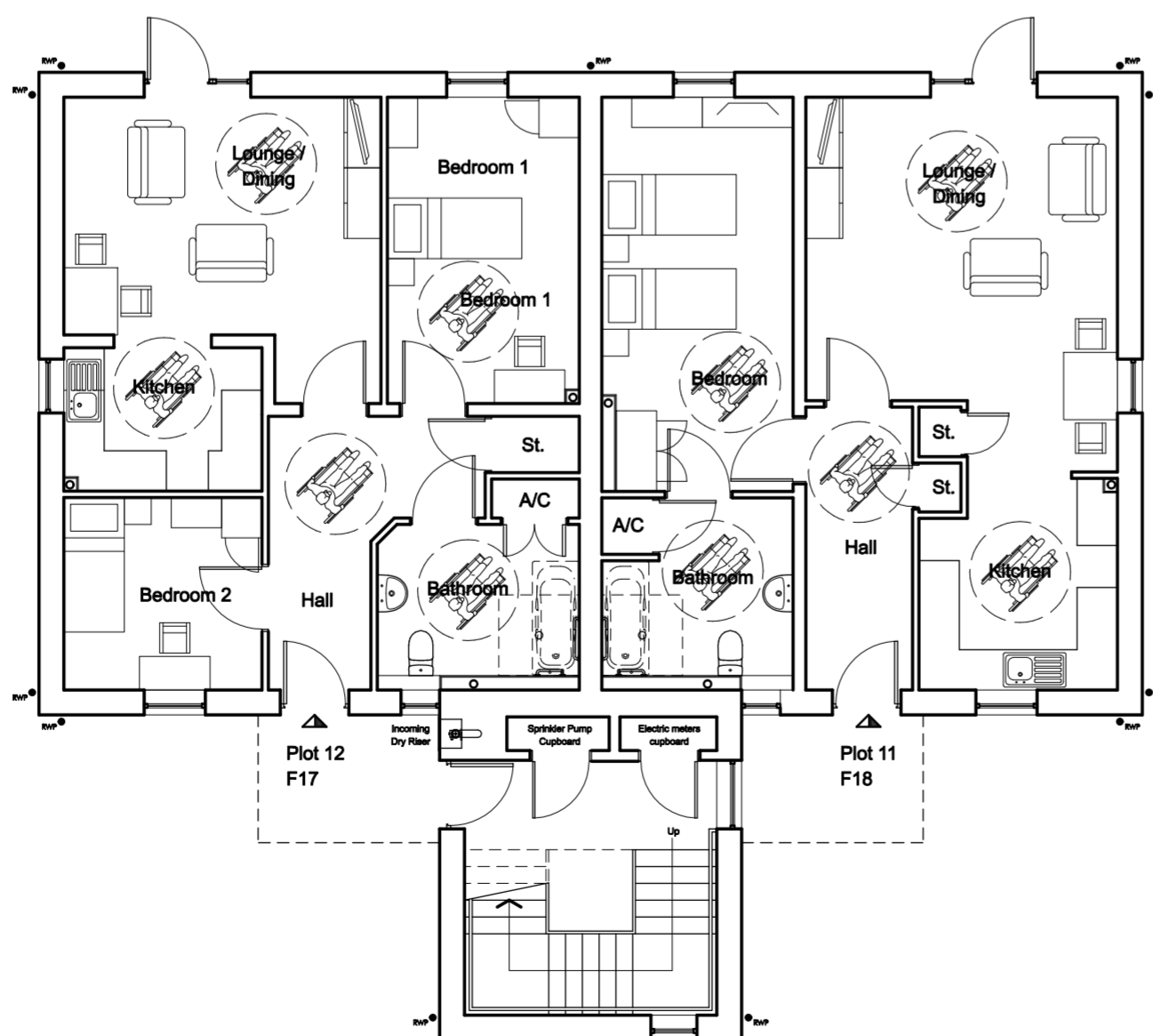
NOTES. Do not scale. All dimensions are in millimetres unless stated otherwise



Second Floor Plan

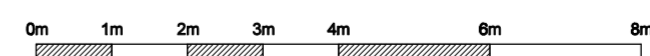


First Floor Plan



Ground Floor Plan

INDIVIDUAL APARTMENT GIA: 67.6m<sup>2</sup>



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Client  
WATES RESIDENTIAL

Drawing Title  
**APARTMENT BLOCK F**  
**General Arrangements**  
**(APT. TYPES F16, F17 & F18)**

NOTES: Do not scale. All dimensions are in millimetres unless stated otherwise

Date  
FEB '17

Scale  
1:100 @ A2

Drawing No.  
3514\_PA\_111

Rev.  
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ELEVATION 1



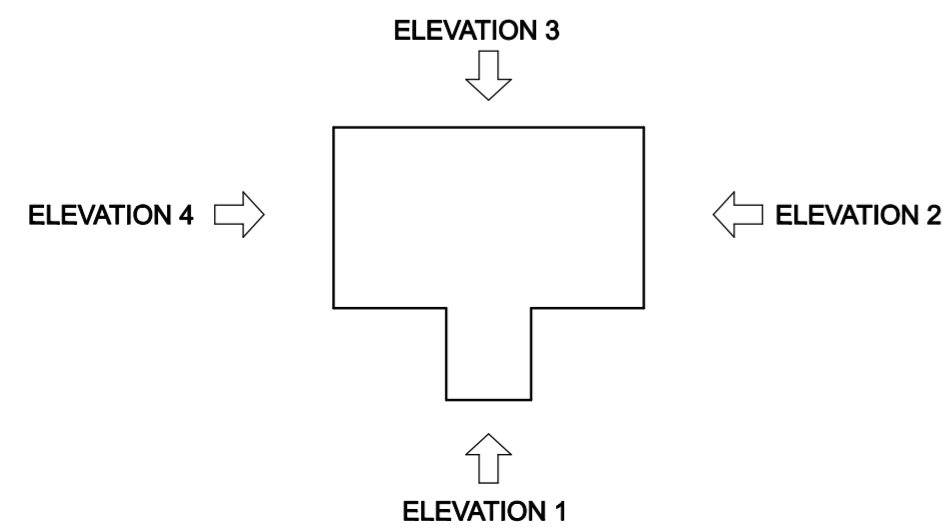
ELEVATION 2



ELEVATION 3



ELEVATION 4



**Finishes**

**Walls:**  
Facing brickwork - Blended Red Multi Gilt Stock with Staffordshire Smooth Red banding, every 3rd course.

**Mortar:**  
Remix Natural Mortar.

**Render:**  
Parex through-coloured render in 'Mouse Grey' colour.

**Pitched Roof:**  
Marley Modern Duo 'Smooth Grey' interlocking concrete tile with

**Windows and Doors:**  
White PVCu. GRP entrance doors in 'blue' colour.

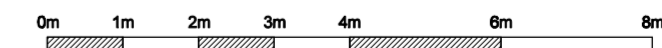
**Window Sills**  
65mm re-constituted stone sills with no stools in 'Portland Grey'.  
Sills to front elevation & side elevations of staircase projection only.

**Fascias**  
White PVCu.

**Canopies / Flat Roof**  
Timber post and beam structure with dark grey GRP canopy / flat roof.

**Rainwater Goods**  
Black PVCu.

○ Obscure glazing



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Project  
TY NEWYDD & HEOL TRENEWYDD, CAERAU

Client  
WATES RESIDENTIAL

Drawing Title  
**APARTMENT BLOCK F**  
Elevations  
(APT. TYPES F16, F17 & F18)

Date  
FEB '17

Scale  
1:100 @ A2

Drawing No.  
3514\_PA\_112

Rev.  
A

NOTES. Do not scale. All dimensions are in millimetres unless stated otherwise

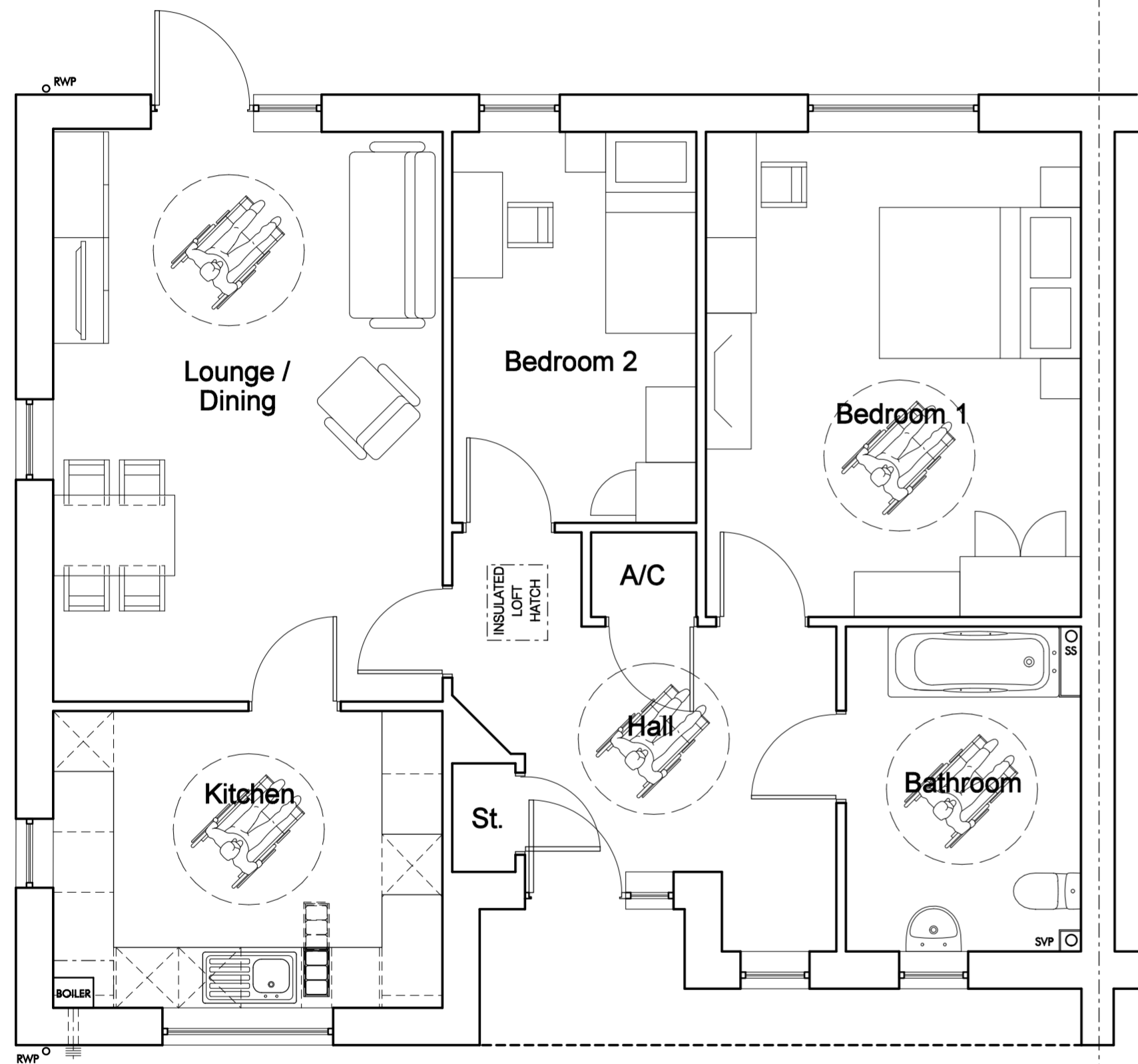
Revisions

A FINISHES KEY UPDATED

24 APR '17

B FLOOR PLAN HANDED & ELEVATIONS UPDATED TO SUIT.

06 JUNE '17



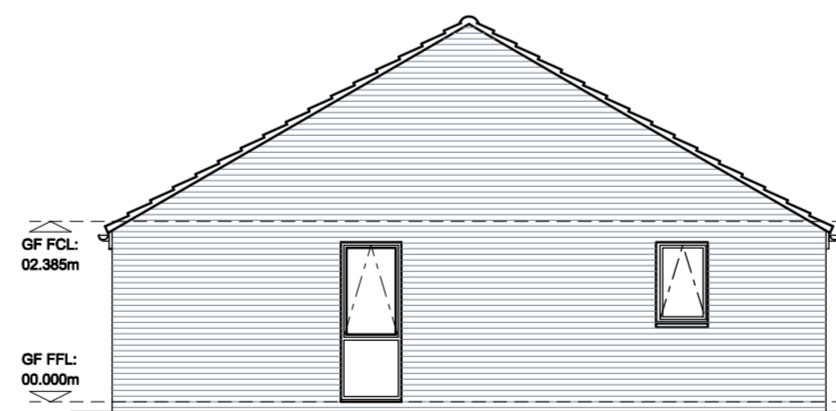
Ground Floor Plan  
1:50



Rear Elevation  
1:100



Front Elevation  
1:100



Gable End Elevation  
1:100

Finishes

**Walls:**  
Facing Brickwork Blended Red Multi Gilt Stock with Staffordshire Smooth Red banding, every 3rd course.

**Mortar:**  
Remix Natural Light

**Pitched Roof:**  
Marley Modern Duo 'Smooth Grey' interlocking concrete tile with mortar-bedded verges.

**Windows and Doors:**  
White PVCu. GRP entrance doors in 'blue' colour.

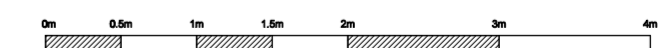
**Window Sills**  
65mm re-constituted stone sills with no stools in 'Portland Grey'. Sills to front elevations only.

**Fascias & Soffits**  
White PVCu.

**Rainwater Goods**  
Black PVCu.

O Obscure glazing.

GIA: 83.0m<sup>2</sup>



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Project  
TY NEWYDD & HEOL TRENEWYDD, CAERAU  
Client  
WATES RESIDENTIAL  
Drawing Title

HOUSE TYPE L

NOTES. Do not scale. All dimensions are in millimetres unless stated otherwise

Date  
FEB' 17  
Scale  
1:50/1:100 @ A2  
Drawing No.  
3514\_PA\_100  
Rev.  
B

