

LOCAL MEMBER, AM, MP OBJECTIONS & PETITION

COMMITTEE DATE: 09/05/2018

APPLICATION No. **17/03034/MJR** APPLICATION DATE: 15/12/2017

ED: **RADYR**

APP: TYPE: Full Planning Permission

APPLICANT: Taff Housing Association

LOCATION: LAND AT DE CLARE DRIVE, RADYR, CARDIFF

PROPOSAL: ERECTION OF 36 AFFORDABLE HOUSING UNITS, BIN STORE, BUGGY AND BICYCLE STORE, SURFACE LEVEL CAR PARK AND ASSOCIATED WORKS

RECOMMENDATION 1 : That, subject to relevant parties entering into a binding legal agreement with the Council under the provisions of **SECTION 106** of the Town and Country Planning Act 1990, within 6 months of the date of this Resolution unless otherwise agreed by the Council in writing, in respect of matters detailed in paragraph 9 of this report, planning permission be **GRANTED** subject to the following conditions:

1. C01 Statutory Time Limit
2. This consent relates to the following approved plans and documents:

Plans

Drawing No. A110 (Site Location Plan);
Drawing No. A111 (Existing Site Layout);
Drawing No. A112 (site layout);
Drawing No. A113 (Proposed Landscaping and Boundaries Layout);
Drawing No.A 114 (Floor Plans Sheet 1 Of 2);
Drawing No. A115 (Floor Plans Sheet 1 Of 2);
Drawing No. A116 (Block A – Elevations);
Drawing No.A 117 (Block B – Floor Plans Sheet 1 of 2);
Drawing No. A118 (Block B – Floor Plans Sheet 2 of 2);
Drawing No. A119 (Block B – Elevation);
Drawing No.A120 (Houses – Floor Plans);
Drawing No. A121 (Houses – Elevations);
Drawing No.A 122(Contextual Elevation Sheet 1);
Drawing No. A123(Contextual Elevation Sheet 2);
Drawing No. A124 (Aerial Perspective);
Drawing No.A 125 (Perspective View 1);
Drawing No.A 126 (Perspective View 2);
Drawing No. A127 (Perspective View 3);
Drawing No. A 129 (Parking Layout)

Documents

Planning, Design and Access Statement (WYG)
Statement of Community Involvement (WYG);
Phase 1 Ecology Report (Wildwood Ecology) ref WWE17116;
Transport Statement (JUBB)

Reason: For the avoidance of doubt.

3. Prior to their installation samples of the external finishing materials shall be submitted to and approved in writing by the Local Planning Authority. The development shall be carried out in accordance with the approved details.
Reason: To ensure that the finished appearance of the development is in keeping with the area in accordance with policy KP5 of the Cardiff Local Development Plan.
4. Prior to beneficial occupation details of the means of enclosure shall be submitted to and approved in writing with the Local Planning Authority. The approved detail shall be implemented on site before the beneficial use of the dwellings hereby approved.
Reason: To ensure an acceptable form of development that is in keeping with the area in accordance with Policy KP5.
5. 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 demonstrate how the site will be effectively drained, the means of disposal of surface water and indicate how foul flows will communicate to the existing public sewerage system. Details shall also be submitted on the management/maintenance of the drainage in the event that Welsh Water do not adopt drainage infrastructure. Thereafter, the scheme shall be implemented in accordance with the approved details prior to the occupation of the building and shall thereafter be retained.
Reason: To prevent hydraulic overloading of the public sewerage system, to protect the health and safety of existing residents and ensure no pollution of or detriment to the environment in accordance with policy EN10 of the Cardiff Local Development Plan.
6. No development, shall take place until full details of 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.
 - 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 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 (including profile depths). Site won soil shall only be used for landscaping purposes where a Soil Resource Survey and Plan, prepared in accordance with the 2009 DEFRA Code, is submitted and approved, demonstrating that site won soil is fit for purpose.
- 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 and the landscaping shall be carried out in accordance with the approved design and implementation programme.

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 in accordance with policy KP5 of the Cardiff Local Development Plan.

7. Any trees, plants, or hedgerows which within a period of five years from the completion of the development die, are removed, become seriously damaged or diseased, or become (in the opinion of the Local Planning Authority) otherwise defective, shall be replaced in the current planting season or the first two months of the next planting season, whichever is the sooner, unless the Local Planning Authority gives written consent to any variation.

Reason: To maintain and improve the amenity of the area in accordance with policies KP5 and EN8 of the Cardiff Local Development Plan.

8. Prior to beneficial occupation of the development hereby approved the Recommendation, outlined in Section 5 of the Preliminary Ecological Appraisal by Wildwood ecology, shall implemented and maintained.

Reason: To ensure an acceptable form of development in accordance with Policy EN7 of the Cardiff Local Development Plan.

9. No development shall take place until details of facilities for the storage of refuse containers (both internal and external) have been submitted to and approved by the Local Planning Authority and the development shall not be put into beneficial use until the approved facilities are provided and thereafter refuse shall only be stored in accordance with the approved details.

Reason : To secure an orderly form of development and to protect the amenities of the area in accordance with Policy W2 of the Cardiff Local

Development Plan.

10. The development shall not be brought into use until the car parking spaces are laid out in accordance with the approved details, as shown on DWG no A129 . Thereafter the spaces shall not be used for any purpose other than the parking of vehicles.
Reason: To make provision for the parking of vehicles clear of the roads so as not to prejudice the safety, convenience and free flow of traffic.
11. Prior to beneficial occupation shall take place until details showing the provision of cycle parking spaces (which shall be designed to safe, secure and sheltered) 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.
12. No development shall commence, including any works of demolition, until a Construction Method Statement (CMS) has been submitted to and approved in writing by the Local Planning Authority. The approved CMS shall be adhered to throughout the construction period. The CMS shall provide for: (i) The parking of vehicles of site operatives and visitors; (ii) Loading and unloading of plant and materials; (iii) Storage of plant and materials used on constructing the development; (iv) The erection and maintenance of security hoarding including decorative displays and facilities for public viewing, where appropriate; (v) Details of highways/footway closures; (vi) Wheel washing facilities; (vii) A dust assessment with measures to monitor and control the emission of dust and dirt during demolition and construction; and (viii) A scheme for the recycling/disposing of waste resulting from demolition and construction works.
Reason: In the interests of highway safety and public amenity.
13. No part of the development hereby permitted shall be occupied until a travel plan which shall include, but not limited to, the promotion of public transport and other alternatives to the private car; control of resident car parking within the site, provision of a named travel plan co-ordinator, has been submitted to and approved in writing by the Local Planning Authority. The plan shall be presented to all new residents and be monitored for a period of five years following occupation of the final dwelling. Reason: in the interest of highway safety and to regulate the impact of the development on use of the adjacent highway in accordance with policy T5 of the Cardiff Local Development Plan
14. Prior to occupation of any part of the development hereby approved details of appropriate gas protection measures to ensure the safe and inoffensive dispersal or management of gases and to prevent lateral migration of gases into or from land surrounding the application site shall be submitted to and approved in writing to the LPA.

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

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

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

15. Prior to the construction phase 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) not required.
- (ii) an intrusive investigation to assess the extent, scale and nature of contamination which may be present;
- (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 / WG / NRW guidance document ' Land Contamination: A guide for Developers' (2017),, 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 in accordance with policy EN13 of the Cardiff Local Development Plan.

16. Prior to the construction phase 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 / WG / NRW guidance document ' Land Contamination: A guide for Developers' (2017), 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 in accordance with policy EN13 of the Cardiff Local Development Plan.

17. The remediation scheme approved by condition 16 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 / WG / NRW guidance document ' Land Contamination: A guide for Developers' (2017),, 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 in accordance with policy EN13 of the Cardiff Local Development Plan.

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

19. Any topsoil [natural or manufactured], subsoil, or 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 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 EN13 of the Cardiff Local Development Plan.

20. Piling or any other foundation designs using penetrative methods shall not be permitted other than with the express written consent of the Local Planning Authority, which may be given for those parts of the site where it has been demonstrated that there is no resultant unacceptable risk to groundwater.
Reason: There is an increased potential for pollution of controlled waters from inappropriate methods of piling.
21. Notwithstanding the provisions of the Town and Country Planning (General Permitted Development) Order 1995 (or any Order amending, revoking, or re-enacting that Order) no structure or extension shall be placed within the curtilage of any dwelling or alteration to any roof.
Reason: To ensure the orderly development of the area with adequate space about buildings and in the interests of the visual amenity of the area in accordance with policy KP5 of the Cardiff Local Development Plan.

RECOMMENDATION 2 : 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.

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 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 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 and Country Planning (Development Management Procedure) (Wales) (Amendment) Order 2016.

1. **DESCRIPTION OF PROPOSED DEVELOPMENT**

- 1.1 Detailed planning permission is sought to develop a vacant plot within an existing residential estate to provide 36 affordable housing units.
- 1.2 The affordable housing would be a mixture of houses and two blocks of flats. The unit mix of the proposed development is as follows:-
4 x 2 bedroom adapted flats;
18 x 1 bedroom flats;
6 x 2 bedroom flats;
8 x 3 bedroom houses
- 1.3 Both blocks of flats (known as blocks A & B) would be 'L shaped and be three storeys in height. The blocks would have hipped roofs with gable frontage features. The proposed finished materials would be render on the ground floor with the upper floors being red brick and the roof finished in tiles and capped with red coloured ridge tiles.

The flats would be sited facing the existing park (i.e NW frontage and SE rear). The proposed bins/cycle storage is proposed to be sited within the 'dog leg' extension of block 'B'.

- 1.4 The proposed houses have been designed as two two storey terraced blocks consisting of 4 dwellings (known as blocks C & D). The end of each block (plots 1 & 8) are gable ended with their principal entrances being at 90 degrees to the rest of their respective terraced block. The materials to be used on these properties would be brick. All the houses would benefit from an enclosed rear garden beyond which would be a access footpath to the parking courtyard.
- 1.5 A total of 34 car parking spaces (2 of which are proposed for disabled use) would be provided to service the 36 proposed units . The vast majority of the proposed parking spaces (30) would be located within an inner courtyard that would be accessed under the 'flying' first floor floors of the side (south-west /

north-east) of the development. Two are proposed between the two terrace blocks and 2 adjacent to plot 8.

- 1.6 The following reports have been submitted to accompany the application:
Planning, Design and Access Statement (WYG);
Statement of Community Involvement (WYG);
Phase 1 Ecology Report (Wildwood Ecology);
Transport Statement (JUBB);
- 1.6 Certificate B has been served on Taylor Wimpy as the roads are not currently adopted by the council.
- 1.7 A site visit was undertaken by the planning committee on the 30th April, 2018.

2. **DESCRIPTION OF SITE**

- 2.1 The site measures 0.30ha in area and is a grassed open area that is generally level. Surrounding the site are pavements/roads and it is enclosed on three sides by residential houses. The remaining side faces public open space.
- 2.2 The site is not located within a flood zone. No Listed buildings or protected trees are affected by this development.
- 2.3 As the roads within the site are not currently adopted, the applicant has served notice on Talyor Wimpey, as the land owner.

3. **SITE HISTORY**

- 3.1 01/2140/W – Outline planning permission granted on 29/11/02, permits the residential redevelopment on the former Radyr Sidings site.

The Section 106 Agreement attached to the outline planning permission (Ref. 01/2140/W as amended) required, inter alia, the submission and agreement of a Development Framework for the Radyr sidings development, prior to the commencement of development on any dwellings within the site.

- 3.2 04/0694/W – Modification of Condition 1 of planning permission No. 01/2140 to extend the period for the submission of reserved matters, and for the commencement of development (extending submission of reserved matters to 29/11/08 and commencement of development to 29/11/10). Planning permission issued 22nd October 2004 subject to S106 Agreement as per Planning Application No 01/2140/W.
- 3.3 05/0227/W – Access Road Bridge over railway line – Granted 18/03/05. - approved
- 3.4 05/0791/W – Engineering Operations: Spine Road with associated services, sewers and drainage outfalls (Full), Granted 10th April 2006. - approved
- 3.5 05/0735W – Approval of reserved matters for 136 dwellings on western side of site

in February, 2006.- approved

- 3.6 05/0871/W – Central Public Open Space (Reserved Matters), Granted 24th April 2006. - approved
- 3.7 06/2775W – Approval of reserved matters for 99 dwellings on eastern side of site in March, 2007.- approved
- 3.8 07/01749/W- additional 176 Dwellings - approved

4. **POLICY FRAMEWORK**

- 4.1 Planning Policy Wales, Edition 9 (November 2016).

4.2.2 The planning system provides for a presumption in favour of sustainable development to ensure that social, economic and environmental issues are balanced and integrated, at the same time, by the decision-taker when...taking decisions on individual planning applications.

4.2.4 Legislation secures a presumption in favour of development in accordance with the development plan for the area unless material considerations indicate otherwise.

4.3.1 All those involved in the planning system are expected to adhere to (inter alia):

- *putting people, and their quality of life now and in the future, at the centre of decision-making;*
- *taking a long term perspective to safeguard the interests of future generations, whilst at the same time meeting needs of people today;*
- *respect for environmental limits, so that resources are not irrecoverably depleted or the environment irreversibly damaged. This means, for example, mitigating climate change, protecting and enhancing biodiversity, minimising harmful emissions, and promoting sustainable use of natural resources;*
- *tackling climate change by reducing the greenhouse gas emissions that cause climate change and ensuring that places are resilient to the consequences of climate change; and*
- *taking account of the full range of costs and benefits over the lifetime of a development, including those which cannot be easily valued in money terms when making plans and decisions and taking account of timing, risks and uncertainties. This also includes recognition of the climate a development is likely to experience over its intended lifetime.*

4.1 The following sustainability objectives for the planning system reflect our vision for sustainable development and the outcomes we seek to deliver across Wales. These objectives should be taken into account...in taking decisions on individual planning applications in Wales. These reflect the sustainable development outcomes that we see the planning system facilitating across Wales.

4.4.3 Planning policies, decisions, and proposals should (inter alia):

- *Contribute to the protection and improvement of the environment so as to improve the quality of life and protect local and global ecosystems*
- *Ensure that all communities have sufficient good quality housing – including affordable housing – in safe neighbourhoods*
- *Promote access to employment, shopping, education, health, community facilities and green space*
- *Foster improvements to transport facilities*
- *Foster social inclusion.*
- *Promote resource-efficient and climate change resilient settlement patterns that minimise land-take and urban sprawl, especially through preference for the re-use of suitable previously developed land and buildings, wherever possible avoiding development on greenfield sites;*
- *Locate developments so as to minimise the demand for travel, especially by private car;*
- *Support the need to tackle the causes of climate change by moving towards a low carbon economy.*
- *Play an appropriate role to facilitate sustainable building standards (including zero carbon) that seek to minimise the sustainability and environmental impacts of buildings.*
- *Contribute to the protection and improvement of the environment, so as to improve the quality of life, and protect local and global ecosystems.*
- *Ensure that all local communities – both urban and rural – have sufficient good quality housing for their needs, including affordable housing for local needs and for special needs where appropriate, in safe neighbourhoods.*
- *Promote access to employment, shopping, education, health, community, leisure and sports facilities and open and green space, maximising opportunities for community development and social welfare.*
- *Foster improvements to transport facilities and services which maintain or improve accessibility to services and facilities, secure employment, economic and environmental objectives, and improve safety and amenity.*
- *Foster social inclusion by ensuring that full advantage is taken of the opportunities to secure a more accessible environment for everyone that the development of land and buildings provides. This includes helping to ensure that development is accessible by means other than the private car.*

4.2 Technical Advice Notes (TANs):

2	Planning and Affordable Housing
5	Nature Conservation and Planning
11	Noise
12	Design
16	Sport, Recreation and Open Space
18	Transport
21	Waste

4.3 Local Development Plan (January 2016):

KP5	Good Quality and Sustainable Design
KP7	Planning Obligations
KP8	Sustainable Transport
KP12	Waste
KP14	Healthy Living
KP15	Climate Change
KP16	Green Infrastructure
KP18	Natural Resources
H3	Affordable Housing
EN7	Priority Habitats and Species
EN10	Water Sensitive Design
EN12	Renewable Energy and Low Carbon Technologies
EN13	Air, Noise, Light Pollution and Land Contamination
T1	Walking and Cycling
T2	Strategic Rapid Transit and Bus Corridor Enhancement
T5	Managing Transport Impacts
T6	Impact on Transport Networks and Services
C1	Community Facilities
C3	Community Safety/Creating Safe Environments
C5	Provision for Open Space, Outdoor Recreation, Children's Play and Sport
C6	Health
C7	Planning for Schools
W2	Provision for Waste Management Facilities in Development

4.4 The following guidance documents were supplementary to the City of Cardiff Local Plan (1996), now superseded by the Local Development Plan (LDP). They remain a material consideration insofar as they are consistent with LDP policy:

Access, Circulation and Parking Standards (January 2010)

4.5 Supplementary Planning Guidance:

Waste Collection and Storage Facilities (October 2016)
Planning Obligations (January 2017)
Residential Design Guide (January 2017)
Location of Waste Management Facilities (January 2017)

5. **INTERNAL CONSULTEES RESPONSES**

5.1 The Operational Manager, Transportation:

The proposed parking of 32 spaces for 36 units is at the upper range of the parking standards (the development would accord with the parking standard with a provision of 10 parking spaces) but it is in accordance with the council's

adopted parking standards and is therefore acceptable.

In terms of highways safety, the application is supported by a Transport Statement that has assessed the impact of the proposed development upon the transport network . The Transport Statement concludes as follows:

Highway safety

“It is reasonable to conclude that the adjoining highway does not suffer from any inherent infrastructure weakness that would be considered as dangerous. Furthermore, the traffic impact of this development is likely to be insignificant and is therefore unlikely to have a material impact on highway safety.”

Whilst objectors question the proposed assessment and that there has been 4 accidents 9 that the council are aware of) in the vicinity of the estate within the period of 2012-2016(closest of which was located on the roundabout to the estate) which are not report within the transport assessment this does not undermine the conclusion reached within the Transport Assessment.

In terms of the potential traffic movements from the development against a care home, the traffic assessment states:

Period	Arr	Dep	Total
Vehicle Trip Rates for Care Home (Site Area per ha)			
08:00-09:00	19.9	11.4	31.3
17:00-18:00	4.7	10.8	15.4
Traffic Generation by the Permitted 0.3ha Care Home			
08:00-09:00	6.0	3.4	9.4
17:00-18:00	1.4	3.2	4.6

Table 6.1 Consented Vehicle Trips

Period	Arr	Dep	Total
Vehicle Trip Rates for Affordable Houses			
08:00-09:00	0.169	0.296	0.465
17:00-18:00	0.310	0.218	0.528
Vehicle Trip Rates for Affordable Flats			
08:00-09:00	0.103	0.118	0.221
17:00-18:00	0.125	0.080	0.205

Table 6.2 Vehicle Trip Rates for Privately Owned Houses and Apartments

The assessment concludes “that the forecast traffic generation associated with the proposed residential units is of a low level with approximately 10 vehicles in 2-way movements predicted during the peak periods. This is equivalent to 1 additional vehicle per every 6 minutes. Such a minor increase in traffic flow will not be a noticeable and will fall within the bounds of normal daily fluctuations in traffic flows along local highway network. ”

In terms of S106 contributions it is considered that on this occasion the Councils’ Transportation section will not be seeking any contributions.

- 5.2 The Operational Manager, Environment (Contaminated Land): No objections subject to assessment of land contamination and remediation conditions
- 5.3 The Council’s Tree Officer: No objection subject to a landscaping condition.
- 5.4 The Operational Manager, Waste Management,: No objection subject to an appropriate condition seeking acceptable provision of bin storage
- 5.5 The County Ecologist: No objections subject to an appropriately worded condition seeking the recommendations of the submitted Ecology report to be implemented on site
- 5.6 The Operational Manager, Environment (Noise & Air): No comments received to date.
- 5.7 Team Leader, Neighbourhood Regeneration: No objection subject to the applicant entering into a legal agreement to contribute towards community facilities at the old Church Rooms and Morganstown Community Hall (the amount is outlined in section 9 of this report)
- 5.8 The Chief Schools Officer: Our evaluations of pupil yield based on a typical distribution per property type as averaged across the city, including all phases of education comes to 6.12 pupils, below our threshold for which an obligation would be sought. As this yield is below threshold, there is no requirement to determine a net provision requirement based on existing school place availability.

With regards to the objections received concerning the demands placed on the existing schools by this development, notwithstanding the pupil yield as calculated above, 10 of the 59 places allocated to Radyr

Primary School at reception and 46 of 181 year 7 places allocated to Radyr Comprehensive School in September 2017, were from outside of catchment. Considering also that the 6.12 pupils could be distributed over all school years, it seems unlikely that this development will have significant impact on school place provision in the local area.

- 5.9 The Operational Manager, Drainage Division: No objection subject to a condition requiring details of a drainage scheme for the site

5.10 The Operational Manager, Parks and Sport:

From a Parks perspective the design does not adversely impact the existing open space, and provides some additional informal supervision onto it from the front properties.

On the planting I'd question whether there is a need for defensive planting consisting of Berberis species in this location. From the landscape and boundaries plan all areas are shown as defensive planting (in pink) which appears to be in error as the key refers to more ornamental planting (in brown) which doesn't seem to appear on the drawing. The development is well overlooked, in a relatively prosperous location and I'd have thought it more important to have attractive varied planting that enhances the development and experience of people living within it.

I agree with the Council's Tree Officer, that a soil resource plan, and detailed, upfront landscaping scheme (scaled planting plan, plant schedule, topsoil and subsoil specification, tree pit section and plan views, planting methodology, aftercare methodology and implementation programme), prepared by a Landscape Architect should be provided and this should take into account presence of services and any adjacent street lighting. The soil resource survey is key as the site was previously used as a site compound for the Taylor Wimpey development – it may contain very little reusable soil but this needs to be established, along with presence of any contamination.

One other issue to resolve is where the site compound would be sited during the construction process. The open space is currently still under the ownership of Taylor Wimpey, but active negotiations are taking place on its transfer to the Council with an agreed list of defects to be rectified. Placing a compound on the open space will not be accepted by Parks.

Open Space Provision

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.

The Council's LDP requires provision of a satisfactory level and standard of open space on all new housing/student developments, or an off-site contribution towards existing open space for smaller scale developments where new on-site provision is not applicable.

Based on the information provided on the number and type of units, I have calculated the additional population generated by the development to be **61.4**. This generates an open space requirement of **0.149 ha** of on-site open space based on the criteria set for **Housing accommodation**, or an off-site contribution of **£63,706**. I enclose a copy of the calculation

As no public open space is being provided on-site, the developers will be

required to make a financial contribution towards the provision of new open space, or the design, improvement and/or maintenance of existing open space in the locality, given that demand for usage of the existing open spaces would increase in the locality as a result of the development.

The use of S106 contribution from this development will need to satisfy CIL and the current distance requirements set out in the 2017 Planning Obligations SPG – play areas 600m (not applicable to student and sheltered accommodation), informal recreation 1000m, and formal recreation 1500mm, measured from edge of the site.

- 5.11 The Housing Development (Enabling) Team: Supports the application as it will assist in meeting the Council's affordable housing requirements

6. **EXTERNAL CONSULTEES RESPONSES**

- 6.1 Dwr Cymru Welsh Water : No Objection subject to drainage details to be submitted to and approved with the LPA
- 6.2 Natural Resources Wales: the proposal does not affect matters under their jurisdiction; therefore, they have no comments to make.
- 6.3 The South Wales Police Crime Prevention Design Advisor: No objection Information from the South Wales Police Niche information system indicates that overall crime in the Radyr area saw 859 incidents reported to South Wales Police over a period from December 2016 to December 2017. Over that same period reported incidents in the close vicinity of the proposed development included 10 violent incidents, 6 thefts, 3 burglaries, 3 incidents of anti-social behaviour and 3 damages.

Recommendations

All affordable/social housing and Welsh Government funded projects are required to meet Secured by Design standards, therefore it is recommended that liaison is undertaken with the South Wales Police Designing out Crime officer prior to any detailed planning approval. South Wales Police would recommend that the development is built to Secured by Design standards.

- 6.4 The South Wales Fire and Rescue Service: No objections
- 6.5 Network Rail: No objections

7. **REPRESENTATIONS**

- 7.1 The application has been publicised in accordance with the statutory requirements through notifying adjoining neighbouring properties along with site and press notices. . A total of 124 representations have been received, all objecting to the proposal. A summary of those objections are outlined below:

- (i) Access to the site will be problematic given it is the single point of access to the site, which already has a significant level of street parking within the sidings and the surrounding area, which has been exacerbated by the increased park and ride facility at Radyr Railway station;
- (ii) Parking within the sidings is inadequate given that most residents park their cars on street. This proposal will make an unacceptable situation worse;
- (iii) The suggested public transport options are unrealistic as the bus stops are too far away and are not easy to walk to. The trains are overcrowded and cannot be accessed during peak times;
- (iv) Concern over highway safety from construction vehicles accessing the site, given the close proximity of the children's play area;
- (v) The roads are not adopted within the site, so who will repair any damage to the roads;
- (vi) The Transport statement is inaccurate and is not a true reflection of the situation on the ground;
- (vii) The social infrastructure (GP/ Dentist surgeries) cannot cope with the existing demand this proposal along with the Plasdwr development would create an unacceptable strain on limited resources;
- (viii) The local schools (both primary and secondary) are oversubscribed. The objectors have evidence that children living within the catchment area cannot attend the local schools;
- (ix) The existing sewerage system cannot cope with the existing number of dwellings, which in 2017 resulted in the need for the drainage system to be cleaned. These additional units would add to an already unacceptable situation;
- (x) The sidings are already overdeveloped from the original permission; this would add to an already overdeveloped site;
- (xi) Given the overdevelopment of the overall site there is too little public open space and this land should be used for that.
- (xii) The site seeks too many units on a small plot;
- (xiii) The proposed scale, siting, design and materials are out of character with the area;
- (xiv) The development given its siting and design would result in the loss of light and privacy to existing residents;

- (xv) The proposal would by virtue of its siting and design represent an overbearing and unneighbourly form of development on the adjoining residents;
- (xvi) Loss of house value of the existing housing;
- (xvii) Concern over the potential for the creation of anti-social behaviour;
- (xviii) The proposal would result in the loss of a community facility i.e care home for additional houses.

7.2 A 67 signature petition has been submitted, that objects to this application. In addition, the Local residents have employed a Planning Consultant to represent them. The Planning Consultant has confirmed that they will speak on behalf of the residents at committee and has submitted a 10 page objection that can be summarised as follows:

- (i) The overall Sidings site has been developed to a level well above that which was originally proposed (420 units as opposed to 350 units).
- (ii) The development of 36 units on a site of only 0.75 acres is overdevelopment and this density is out of character with the existing estate.
- (iii) The scale and massing of the proposal is overbearing and will overshadow existing properties. It results in a claustrophobic environment and standard privacy distances cannot be met.
- (iv) The location of the development will lead to a reliance on the use of private cars. Public transport routes, pedestrian routes or cycling will not be attractive to the residents of the development.
- (v) There is only one vehicular access to the Sidings development. Congestion is already a problem further exacerbated by parking problems. Traffic is therefore an issue.
- (vi) The development will place further strain on the social infrastructure in the area. All schools are at capacity and the doctors surgery is also under pressure. The position will be further affected by the Plasdwr development which is already under construction.

7.3 The Local member for the area has been notified of the application and objects on the following grounds:

- The proposed density of 36 units on a 0.75 acre plot is grossly excessive. Taylor Wimpey who did most of that Sidings development constructed about 50% more units than were in the outline planning application for the entire plot; that is why the development is so congested with narrow streets and parking problems. Having said that,

T-W did not approach the housing density now proposed. Indeed when T-W obtained a similar infill plot of 0.5 acres they applied successfully to put 9 units on that plot. By comparison, Taff Housing Association want to put 36 units where T-W, proportionately, would put 14. As already pointed out, T-W was fairly bold in jamming in as many units as possible, so it is remarkable to see someone being dramatically bolder in this regard;

- The design of the proposed development is out of keeping with the surrounding architecture;
- Parking availability – there are concerns over the limited number of proposed parking spaces for the development because of the number of houses already built by T-W;
- School places – the authority will be aware of real pressures that have existed on school places in the Radyr area in recent years and the necessary steps taken to address them. The available school places in the catchment area of Radyr and Morganstown are barely sufficient to meet existing demand.
- Public open space deficit: this was assessed when outline permission was given for the original 300 dwellings and a financial contribution was made in the s106 agreement. Since then some 150 extra homes have been built and this would add a further 36; clearly the cumulative deficit in open space is now very large.

7.3 Mark Drakeford, AM and Kevin Brennan, MP make the following comments:

Many constituents have raised with us their concerns that the number of units on the site is disproportionate, with 36 units proposed on a 0.75 acre site. There are concerns that the density of the development would increase demand on local services, such as access to healthcare and school provision.

Constituents have also raised objections regarding the impact of the development on traffic and parking in the area.

7.4 Radyr Community Council objects to this application on the following grounds:

(i) Density: the additional 36 units is far higher than the density originally applied for which results in a sardine tin approach to design;

(ii) Overdevelopment: The site is already overdeveloped and there are existing problems that will be exacerbated should this development be accepted;

(iii) Parking: there is insufficient parking and in their view each house should have a minimum of 2 parking space, one of which should be wide enough to allow for wheel chair access;

(iv) Roads: the roads within the sidings are not adopted and concern is raised by the residents who will pay for any damage;

(v) Traffic: there are already issue, which the community council has flagged up, more so with the new park and ride. These additional units would make access to Heol Isaf more difficult at peak times;

(vi) The bridge to access the buses in Llandaff North is not considered acceptable for all ;

(vii) Access to shops and amenities: there are no shops or schools within the sidings development, which would result in resident required to drive;

(viii) local amenities: local schools and medical facilities re already under strain, and will become more so with the Plasdwr Development;

(ix) Public open space: there is a shortage of open space on the site and this will be reduced more by this development;

(x) Light: Everybody has a right to light. The sidings is built at the bottom of what was a river cliff. As such it gets limited sunshine, especially during the winter. This current application will significantly affect the amount of natural light houses to the east of the site will receive.

(xi) Sewage: this is a major concern. There already problems reported in 2017 where the sewer system need to be cleaned and un blocked. The existing foul waste water system is struggling to cope, more so given that Taylor Woodrow out 50% more houses on the land than originally granted.

8. **ANALYSIS**

8.1 The key planning considerations are:

- I) The principle of development;
- II) The impact upon the character of the area;
- III) The impact upon neighbouring properties;
- IV) The impact upon the future occupiers;
- V) The impact upon parking and highway safety;
- VI) The impact upon species and landscaping;
- VII) The impact upon community facilities;
- VIII) The impact upon the drainage infrastructure; and
- IX) Other matters raised;

8.2 **Principle of development**

The site has no specific land use allocation within the LDP Proposals Map. A legal agreement (S.106) restricted the site for a care home (planning reference 01/02140/W). Under the agreement, the land was transferred to the Council after the completion of the 200th dwelling and within the legal Agreement the Council had 2 years to progress the scheme. The council have not been able to progress the requirements of the care home within the timeframe, and as such the legal restriction no longer applies.

The site has been assessed against policy H6 'Change of Use or Redevelopment to Residential Use'. This states that change of use of redundant premises or redevelopment of redundant previously developed land for residential use will be permitted where:

- i. There is no overriding need to retain the existing use of the land or premises and no overriding alternative local land use requirement;*
- ii. The resulting residential accommodation and amenity will be satisfactory;*
- iii. There will be no unacceptable impact on the operating conditions of existing businesses;*
- iv. Necessary community and transportation facilities are accessible or can be readily provided or improved; and*
- v. It can be demonstrated that the change of use to a more sensitive end use has been assessed in terms of land contamination risk and that there are no unacceptable risks to end users.*

The term 'redundant' is defined within the accompanying text of the above policy, in para 5.27, as "Assessment of whether land or premises are redundant or need to be retained in their former use (criterion (i)) will include tests identified in relevant policies, notably Policy EC3 Alternative Use of Sites and Premises relating to the protection of employment land and premises."

The interpretation of Policy EC3 is defined in para 4.1 of the approved 'Safeguarding Business and Industrial Land and Premises' SPG as "Policy EC3 seeks the retention of employment land and premises (identified in Policy EC1 and Defined on the Proposals Map)". The land is not designated under Policy EC1 or on the proposal map, therefore policy EC3 would not apply in this instance.

The site formed part of the former railway sidings of Radyr Railway station, and is considered to be brownfield land as defined in figure 4.4 of Planning Policy Wales (November 2016). It is noted that the plot is currently grassed, but that does not alter its planning status as previously developed land.

The site is located within a residential area and is within close proximity to Radyr Railway Station. There are no existing businesses that would be adversely impacted by this proposal and, as such, the principle of residential use is considered acceptable in land use policy terms.

8.3 Impact upon the character of the area

Policy KP5 of the adopted Cardiff Local Development Plan 2006- 2026 (2016) (LDP) seeks to ensure that all new developments are of a high quality, sustainable design that makes a positive contribution to the creation of distinctive communities. Detailed advice on this policy is contained with the Council's approved 'Residential Design Guide' SPG.

In addition, planning application (05/00735/W) which increased the development by an additional 136 dwellings from the outline permission, established a Development Brief for the site (prepared for Taylor Wimpey by Maison Richards Planning dated June 03).

The Brief states: (p28)

“key frontages will define the public realm by increasing the scale of buildings fronting onto the open space with 3 and 4 storeys”.

The sense of scale and character around the public open space is characterised by higher density development (i.e up to 4 storeys). The properties beyond these reduce to 2 storeys (in line with the design strategy outlined above). The proposed application through its mixture of building types (i.e. 3 storey block of flats fronting the open space with 2 storey housing sited to the rear) is considered to accord with the design brief and responds well to the wider urban grain of the area.

The suggested finish of buildings is considered to be acceptable in this location and would add a focal point at a prominent location within the area.

The submitted plans break up the hardscape with proposed soft landscaping. This design philosophy ensures that the development provides an acceptable level of mix between the two. Conditions have been recommended requiring the developer to submit details of the species of trees, and the landscaping management of the green areas, to be agreed by the Local Planning Authority.

In summary, whilst recognising that the density of the site is greater than that previously consented for the neighbouring development, it is considered in design terms, that the scale, siting, massing, use of the materials and landscaping of the proposed development preserve the character and appearance of the surrounding area. The proposal is considered to accord with the Council's design policies and national guidance that seek the efficient use of previously development land.

8.4 Impact upon neighbouring properties

Policy KP5 (X) of the adopted Cardiff Local Development Plan 2006-2026 (LDP) seeks to ensure development does not have any undue effect on the amenity of neighbouring occupiers. Detailed advice on this policy is set within the council's approved 'Residential Design' SPG, which seeks, amongst other matters, to ensure suitable privacy distances from adjoining residential properties and that the scale, massing and design of a proposal would not result in development being overbearing or un-neighbourly on adjoining properties. This policy and guidance accords with national guidance, outlined in Planning Policy Wales, that seeks, inter alia, to ensure development does not cause damage to an area's character or amenity (this includes any such impact on neighbouring dwellings, such as serious loss of privacy or overshadowing) and these points have been assessed below.

8.4.1 Privacy

The Council's 'Residential Design Guide' SPG advises:

“A privacy distance of at least 21 metres will be required between facing windows to habitable rooms on the private side of a development.”

The proposed development would be sited approximately 12 metres from the frontages of the adjoining properties. However, this distance is considered acceptable, given the windows would not be sited on the private side of neighbouring properties. In addition, the proposed siting and windows relationship is consistent with the separation distance of other houses within the estate and is not considered to undermine the privacy of neighbouring properties. Where habitable room windows within the development are between the private sides of properties, the distances are above the 21 metre privacy distance required.

8.4.2 Scale, massing and design

To ensure that the scale, massing and design of a proposed development would not harm the amenities of neighbouring properties, the application has been considered having regard to the guidance contained in the approved Residential Design SPG. The proposed development has been assessed having regard to its scale, massing and likely impact on light. It is considered that the proposal will not result in an overbearing or un-neighbourly form of development.

The proposed separation distance between the development and the existing housing would be approximately 12 metres. This is consistent with the separation distance within the estate and therefore this development responds to, and respects, the urban grain of the area.

The proposed means of enclosure will be brick walls on prominent/ public locations and fencing. This is considered acceptable. However, a condition has been recommended to ensure that the materials used are acceptable, and that the brick wall continues around to the rear path serving the terraced properties.

8.5 Impact upon the future occupiers

8.5.1 Internal/external amenity space

Both national guidance and local policies seek to ensure acceptable living standards for future occupiers. The proposed levels of internal space, for both the houses and flats, along with their outlook are considered acceptable.

The proposed gardens serving the houses are also considered appropriate in scale and usability to their proposed occupancy.

In terms of the flats, the blocks will have an element of functional space available for the residents. Given the unit mix of the blocks; being primarily one bedroomed flats, this is considered acceptable. In terms of recreational space, the large public open space for the whole site is directly opposite. A financial contribution is sought to secure improvements to open space in the vicinity of the development in accordance with Council Policy and SPG. For the above

reasons, the on-site open space provision is considered acceptable in this instance.

8.5.2 Refuse provision

A bin/buggy store is proposed within one of the blocks of flats. It is however considered that the other block should also benefit from similar facilities. As such a condition has been imposed to ensure that both sets of occupiers have appropriately designed and sited refuse provision.

8.6 Impact upon parking and highway provision

The proposed parking accords with the Councils' approved parking standards, with access/egress to these spaces also considered acceptable to the Councils' Transportation section.

In terms of highway safety, the application has been supported by a Transport Statement that has assessed the impact of the proposed development upon the transport network and the Transport Statement concludes as follows:

"It is reasonable to conclude that the adjoining highway does not suffer from any inherent infrastructure weakness that would be considered as dangerous. Furthermore, as discussed later in this report, the traffic impact of this development is likely to be insignificant and is therefore unlikely to have a material impact on highway safety."

Whilst objectors question the proposed assessment and that there has been 4 accidents recorded since 2016, this is not considered to undermine the conclusion reached within the report.

In terms of the potential traffic movements from the development against a care home, the traffic assessment states:

Period	Arr	Dep	Total
Vehicle Trip Rates for Care Home (Site Area per ha)			
08:00-09:00	18.9	11.4	31.3
17:00-18:00	4.7	10.8	15.4
Traffic Generation by the Permitted 0.3ha Care Home			
08:00-09:00	6.0	3.4	9.4
17:00-18:00	1.4	3.2	4.6

Table 6.1 Consented Vehicle Trips

Period	Arr	Dep	Total
Traffic Generation for Privately Owned Houses			
AM Peak	1.4	2.4	3.7
PM Peak	2.5	1.7	4.2
Traffic Generation for Privately Owned Flats			
AM Peak	2.9	3.3	6.2
PM Peak	3.5	2.2	5.7
Total Development Traffic			
AM Peak	4.2	5.7	9.9
PM Peak	6.0	4.0	10.0

Table 6.3 Proposed Residential Use – Traffic Generation

The assessment concludes:

“that the forecast traffic generation associated with the proposed residential units is of a low level with approximately 10 vehicles in 2-way movements predicted during the peak periods. This is equivalent to 1 additional vehicle per every 6 minutes. Such a minor increase in traffic flow will not be noticeable and will fall within the bounds of normal daily fluctuations in traffic flows along local highway network.

The Council’s Transportation Section has assessed the application and submitted Transport Statement and raise no objection to this proposal. In forming this view the Council’s Transportation section have had regard to the existing on street parking and advise that to refuse this scheme, that is policy compliant because of the actions of existing residents and their parking behaviour, would be unreasonable.

8.7 Impact upon species and trees

8.7.1 Protected species

Policies EN6 and EN7 of the adopted LDP requires consideration of the protected species and their environment. The applicant has submitted an Ecological Appraisal from Wilwood Ecology dated August 2017 that undertook a desk study and Preliminary Ecological Appraisal (PEA) survey was undertaken in August 2017 following the Chartered Institute of Ecology and Environmental Management PEA (CIEEM) (2013) guidelines and standard Phase 1 Habitat Survey protocol (JNCC, 2010). The assessment concludes:

“Bats

There are no buildings or trees onsite capable of supporting a bat roost.

The Site is likely to provide good foraging opportunities for a range of more

common bat species given the location near to the River Taff and presence of a number of nectar-rich plant species, which are attractive to invertebrates on which bats prey upon.

The development is unlikely to impact on the local bat populations' favourable conservation statuses, although in the absence of mitigation, there may be an impact on foraging opportunities.

Nesting birds

There are limited features which can be used by nesting birds, for example there is no dense scrub or suitable trees. The neutral grassland habitat type in a wider sense would offer good opportunities for some species of ground-nesting birds, however the small size of the parcel and high disturbance levels mean that the Site is sub-optimal for nesting bird species.

The development is unlikely to impact upon nesting birds as a result of nest loss, although as in paragraph 4.10 (bats) above, there may be an impact on foraging opportunities."

"Overall therefore, given the small scale of the development proposals and the scope of those proposed mitigation measures (buffer zones and on site monitoring), EDP considers that the scheme is capable of compliance with relevant planning policy for the conservation of the natural environment at all levels"

In terms of other protected species, reptiles, amphibians, invertebrates and plants, the assessment states that they will not be affected by this proposal.

The Council's Ecology Officer has assessed the submitted report and raises no objection to the impact on ecological grounds, subject to the recommended condition above.

8.7.2 Trees

There are no trees within the site or adjoining trees that would be affected by this proposal. However, the tree officer has advised that the suggested landscaping requires alternative species but believes this can be delivered through an appropriately worded condition.

8.8 Impact upon community services

Concerns have been raised that the provision of 36 affordable residential units would create unacceptable strain upon local GP/dental surgery, and schools.

In terms of health provision, Policy C1 (community facilities) only seeks provision of new health facilities on strategic sites identified within the adopted plan (para 5.305). Paragraph 5.306 also acknowledges that on other significant sites there may need to be a provision for health care, significant is defined within the approved Planning Obligations SPG (para 9.2) as 500 or more dwellings. This application seeks permission for 36 units and as such falls below the policy threshold to provide extra health provision. In addition, the local GP Surgery has been notified of this application and has made no

comments.

In relation to schools, the council's school section has been consulted on this application and raises no objection. In addition the number of units falls below the criteria to trigger any S106 payments.

Provision has been agreed for funding towards community facilities at the old Church Rooms and Morganstown Community Hall, which is in line within the provision of the Planning Obligations SPG.

8.9 Impact upon the drainage infrastructure

Officers note the concerns of residents over the ability of the drainage system to cope with the proposed demand from this development. However, the advice from the technical consultees on this matter: the Council's Drainage section and Welsh Water, are that there is not an objection in principle to the drainage system being able to meet the demand from this development. A condition has been imposed so that the technical issues of flows and access to the existing sewage network can be agreed.

Other matters not assessed above

8.9.1 The Welsh Minister for Environment and Rural Affairs in her letter to Chief Planning Officer dated 23 February, 2017 advised the following:

"The delivery of housing remains one of the highest priorities of this Government. It is essential for the planning system to facilitate the provision of additional housing through robust evidence based Local Development Plans (LDPs). We have an ambitious target of delivering 20,000 affordable homes over this term of Government. If we are to realise our ambition, it will be necessary to use all available policy levers to their full potential, including the planning system.

I reiterate all such applications should be assessed against relevant policy considerations, including the need to increase housing land supply and the principle of sustainable development.

The Welsh Government remains committed to increasing housing land supply by requiring Local Planning Authorities to give it considerable weight as a material consideration when dealing with planning applications for housing. However, this is subject to the development otherwise complying with development plan and national planning policies, as clearly set out in paragraph 6.2 of TAN 1.

This includes ensuring development proposals are well related to the existing settlement form and do not lead to unacceptable impacts on local economic, social and environmental infrastructure. The principles of sustainable development and the creation of cohesive communities, which forms the basis of the Welsh Government's planning policy, remains and should not be undermined by the need to increase housing land supply."

The proposal meets this objective as set within the letter.

- 8.9.2 In terms of loss of house values, and views, para 3.1.4 of Planning Policy Wales (2016) states:

“Factors to be taken into account in making planning decisions (material considerations) must be planning matters; that is, they must be relevant to the regulation of the development and use of land in the public interest, towards the goal of sustainability (see 4.2). The planning system does not exist to protect the private interests of one person against the activities of another. Proposals should be considered in terms of their effect on the amenity and existing use of land and buildings in the public interest. When determining planning applications local planning authorities must take into account any relevant view on planning matters expressed by neighbouring occupiers, local residents and any other third parties. While the substance of local views must be considered, the duty is to decide each case on its planning merits.”

Whilst these matters are of concern to nearby owners, they are not matters that can be considered through the planning process. The development is considered acceptable in respect of its likely environmental and amenity impact.

- 8.9.3 Any traffic disruption during the construction period will be temporary in nature and is a feature of all development proposals and not grounds for refusal. However, a condition has been imposed for a construction management plan to be submitted for approval to ensure construction activities are not unduly detrimental to amenity.
- 8.9.4 In terms of social infrastructure (i.e schools, doctors and dentist provision)
The Education Authority has stated that the limited numbers of potential pupils from this development can be accommodated and have had regard to the number of children attending local schools from outside the catchment. The Council have notified the local doctors surgery for their comments and no objection has been received. The provision of a dental service is noted but is below the policy threshold for obligations of 500 dwellings, where such provision is not considered to be a material planning consideration in this instance.
- 8.9.5 The suggestion that 100% affordable housing on this site would result in negative consequences is not supported. The proposal is seen in the context of the area as a whole as well of the household types within the site. As such the proposal would support the creation of mixed communities.
- 8.9.6 The notion that this development would result in negative effects upon the existing community is again not supported. To suggest that future occupiers on this development would harm the existing community is without foundation and is considered an unreasonable ground to refuse this application.
- 8.9.6 Article 1 (Right to peaceful enjoyment of possessions and protection of property) of the Human Rights Act has been raised. Like Articles 6 (Right to a

fair and public trial) and 8 (Right to respect for private and family life) these rights are not absolute and are balanced against the public interest. Having regard to national requirements to promote sustainable development and taking into consideration that this application will provide 36 affordable housing units it is not considered that approval of this proposal would conflict with the Human Rights Act.

8.9.7 The granting of this consent would have considerable benefits through providing affordable homes in a development that would be of an appropriate density and is sympathetic to the character of the area.

8.9.8 A construction management condition has been imposed to ensure that the dust, noise and construction traffic does not result in an acceptable impact upon the residents.

8.9.10 Any damage to the existing road from the construction activities of the developer is a private matter between the owner of the roads and the developer.

9. **SECTION 106 AGREEMENT**

9.1 The following contribution requests have been made:

Parks – A contribution of **£63,706.00** is requested towards the provision of open space in the vicinity of the site (this figure has taken account of the proposed on site public open space) .

Regeneration – A contribution of **£34,030.28** is requested towards the provision of community facilities in the vicinity of the site.

Limiting the use of the properties to affordable housing only

Having regard to the legal test set within Regulation 122 of Community Infrastructure Levy Regulation 2010 (as amended), the policy sets out in W/O circular 13/97 'Planning obligations' and the requirements outlined in Policy KP 7 (Planning Obligations) of the adopted Cardiff Local Plan. The requested contributions meet those requirements. The amounts are calculated using the formula contained within the Council's approved Planning Obligations SPG.

The triggers for payment and where the money will be spent will be agreed during the S106 process.

The agent has confirmed that the above mentioned contributions are acceptable to the applicant.

10. **CONCLUSION**

The proposal will utilise a brownfield site for affordable housing. The proposed siting, scale and design ensures that the development would accord with the character of the area without having a detrimental impact upon the existing residential properties.

Conditions have been imposed to control remediation matters and maintenance of the site. The conditions imposed meet the tests of valid conditions as outlined in national guidance.

11. **RECOMMENDATION**

The application is recommend for approval subject to the applicant signing a legal agreement and the imposed conditions.

12. Legal duties imposed on the Local Planning Authority

Crime and Disorder Act 1998 – Section 17(1) of the Crime and Disorder Act 1998 imposes a duty on the Local Authority to exercise its various functions with due regard to the likely effect of the exercise of those functions on, and the need to do all that it reasonably can to prevent, crime and disorder in its area. This duty has been considered in the evaluation of this application. It is considered that there would be no significant or unacceptable increase in crime and disorder as a result of the proposed decision.

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

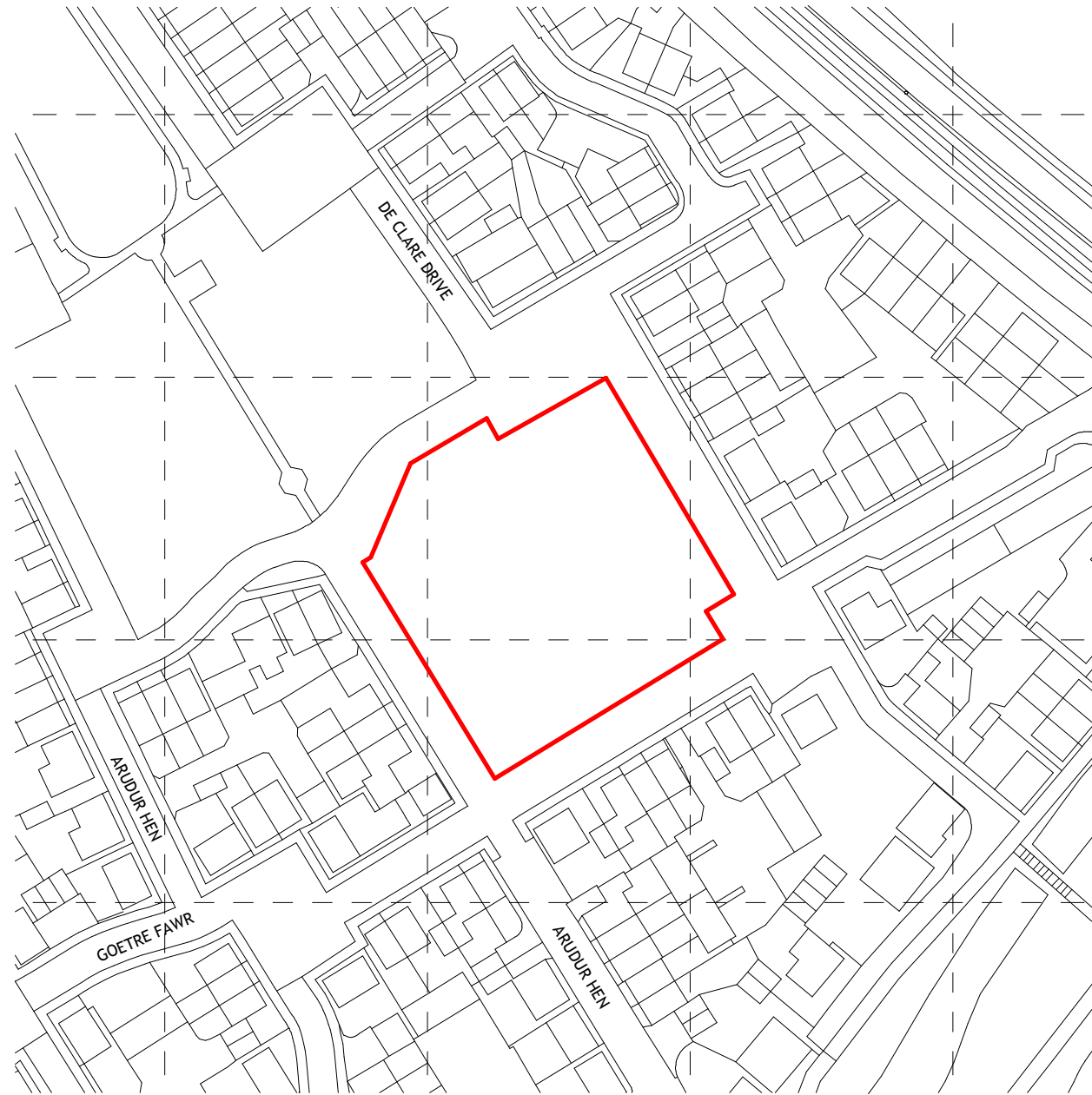
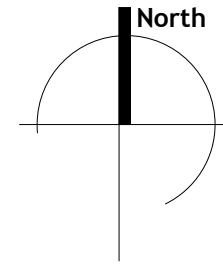
Well-Being of Future Generations Act 2016 – Section 3 of this Act imposes a duty on public bodies to carry out sustainable development in accordance with the sustainable development principle to act in a manner which seeks to ensure that the needs of the present are met without compromising the ability 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.

Environment (Wales) Act 2016- Section 6(1) states a public authority must seek to maintain and enhance biodiversity in the exercise of functions in relation to Wales, and in so doing promote the resilience of ecosystems, so far as consistent with the proper exercise of those functions. It is considered that subject to conditions the proposal will maintain the biodiversity on site and therefore this duty has been considered.

10 0 10 20 30 40 50 m



1:1250



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Rev | Revision | By | Date



Project:
**RESIDENTIAL DEVELOPMENT:
DE CLARE DRIVE, RADYR, CARDIFF**

Job Number: **L614**

Date: **08.11.17**

Drawn by: **PC**

Dwg No: **A110**

SITE LOCATION PLAN

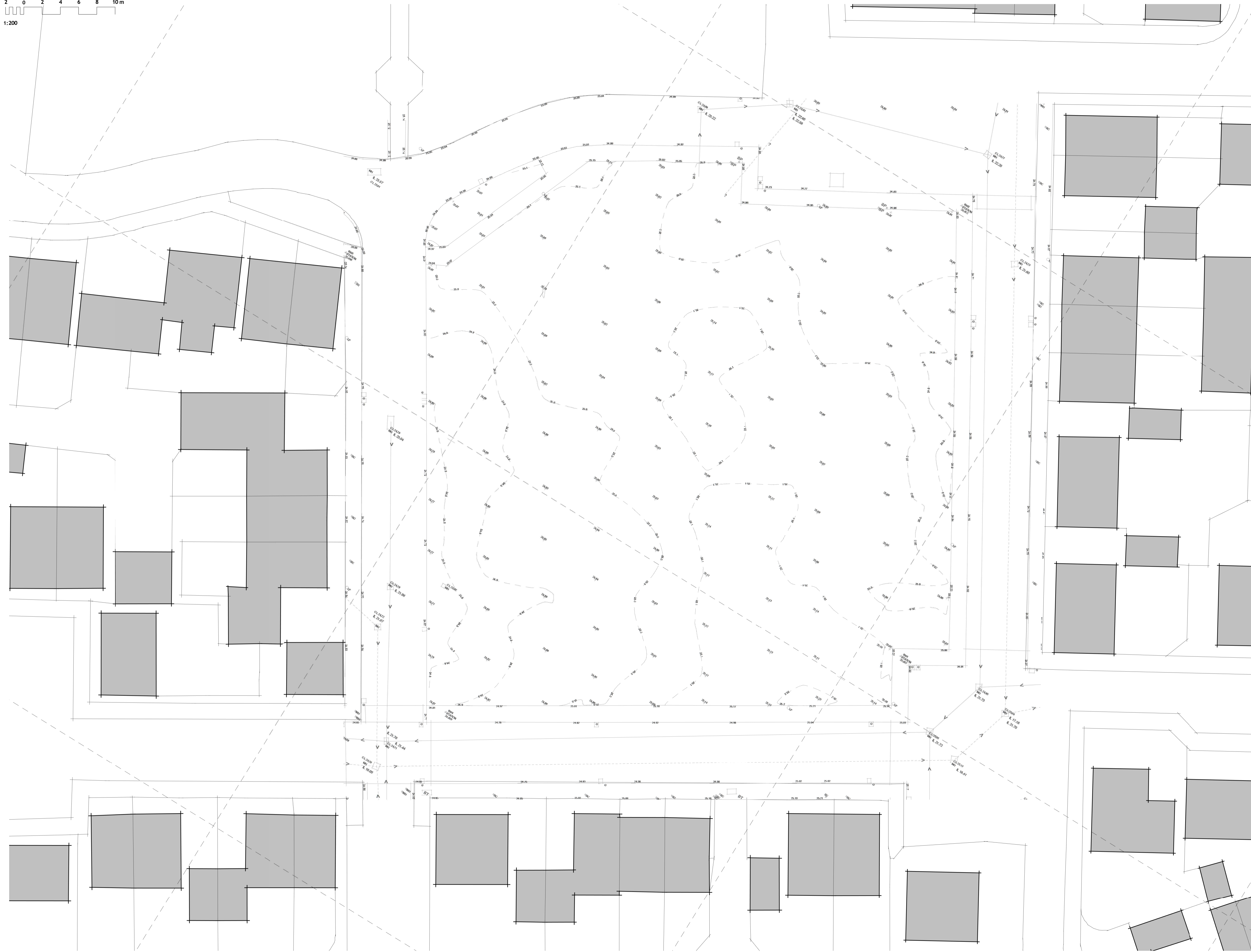
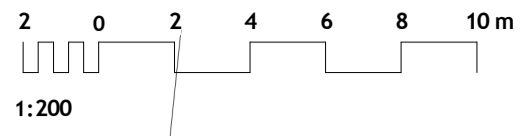
Revision:

Scale: **1 : 1250 @ A3**

Drawing Status:
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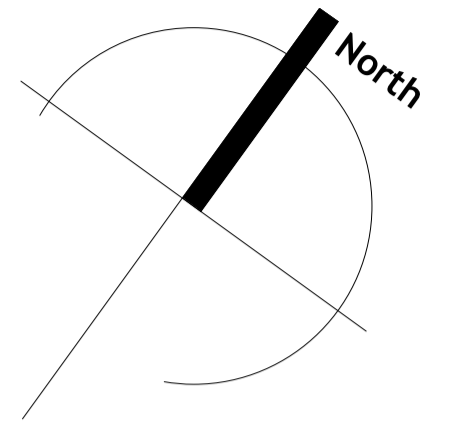
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01 EXISTING SITE LAYOUT
1 : 200

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Project:
**RESIDENTIAL DEVELOPMENT:
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Job Number: **L614**

Date: **03.11.17**

Drawn by: **PC**

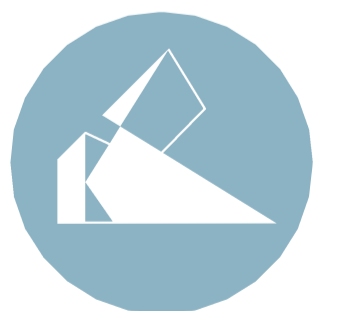
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EXISTING SITE LAYOUT

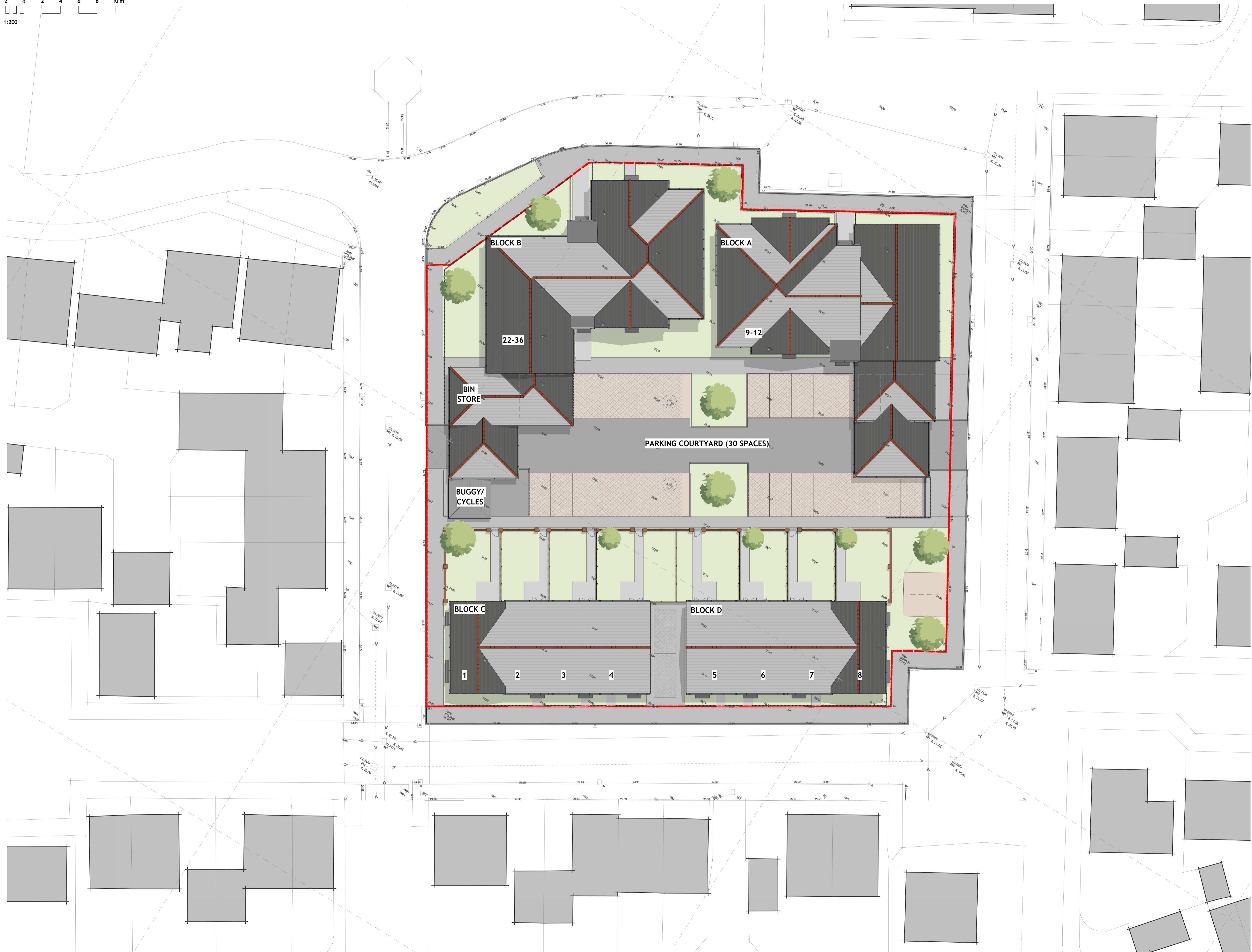
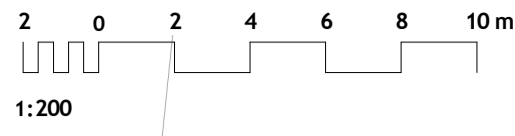
Revision:

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Drawing Status:
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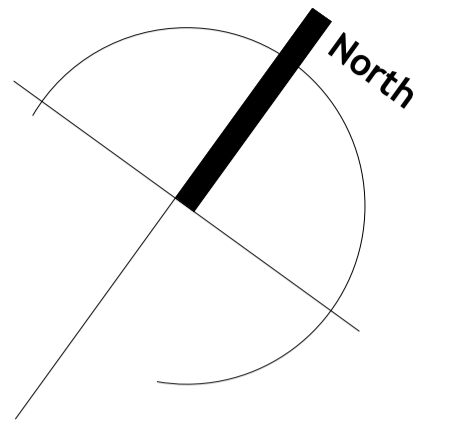


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SCHEDULE OF ACCOMMODATION
 4 X 2 BED PERSON ADAPTED FLATS (75M SQ)
 18 X 1 BED 2 PERSON FLATS (48M SQ)
 6 X 2 BED 3 PERSON FLATS (58M SQ)
 8 X 3 BED 5 PERSON HOUSES (90M SQ)
 TOTAL 36 UNITS
 PARKING - TOTAL 34

Rev/Revision By Date



Project:
**RESIDENTIAL DEVELOPMENT:
DE CLARE DRIVE, RADYR, CARDIFF**

Job Number: **L614**

Date: **03.11.17**

Drawn by: **PC**

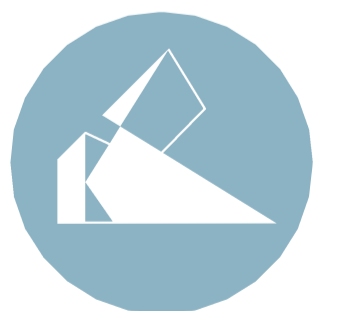
Dwg No: **A112**

SITE LAYOUT

Revision:

Scale: **1 : 200 @ A1**

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Rev/Revision By Date

Client:


Project:
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DE CLARE DRIVE, RADYR, CARDIFF**

Job Number: L614

Date: 09.02.18

Drawn by: PC

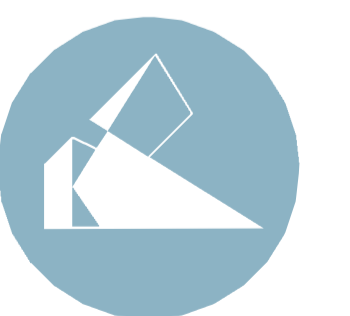
Dwg No: A129

PARKING LAYOUT

Revision:

Scale: 1 : 200 @ A1

Drawing Status:
PLANNING



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01 STREET ELEVATION 4
1 : 250



02 COURTYARD ELEVATION 1
1 : 250



03 COURTYARD ELEVATION 2
1 : 250

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Client:
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Job Number: L614

Date: 08.11.17

Drawn by: PC

Dwg No: A123

CONTEXT ELEVATIONS SHEET 2

Revision:

Scale: 1 : 250 @ A3

Drawing Status:
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01 STREET ELEVATION 1
1 : 250



02 STREET ELEVATION 2
1 : 250



03 STREET ELEVATION 3
1 : 250

Rev | Revision | By | Date



Client:
Project:
RESIDENTIAL DEVELOPMENT:
DE CLARE DRIVE, RADYR, CARDIFF

Job Number: L614

Date: 08.11.17

Drawn by: PC

Dwg No: A122

CONTEXT ELEVATIONS SHEET 1

Revision:

Scale: 1 : 250 @ A3

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Project:
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Job Number: **L614**

Date: **08.11.17**

Drawn by: **PC**

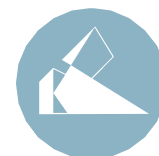
Dwg No: **A124**

AERIAL VIEW

Revision:

Scale: **@ A3**

Drawing Status:
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