

LOCAL MEMBERS x 4, AM, and MP OBJECTIONS

COMMITTEE DATE: 20/04/2016

APPLICATION No. **15/03159/MJR** APPLICATION DATE: 06/01/2016

ED: **PLASNEWYDD**

APP: TYPE: Full Planning Permission

APPLICANT: Willis Construction

LOCATION: CARDIFF SIXTH FORM COLLEGE, 97-99 NEWPORT ROAD, ROATH, CARDIFF, CF24 0AG

PROPOSAL: CONSTRUCTION OF 48 DWELLINGS AND ASSOCIATED WORKS

RECOMMENDATION 1 : That, subject to relevant parties entering into a binding planning obligation in agreement with the Council under **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 9.2 of this report, planning permission be **GRANTED** subject to the following conditions:

1. C01 Statutory Time Limit
2. The consent relates to the application plans numbered:
 - 1969-000 Survey
 - 1969-011A Proposed site plan
 - 1969-012 Ground floor plan
 - 1969-013 First floor plan
 - 1969-014 Second floor plan
 - 1969-015 Third floor plan
 - 1969-016 Fourth floor plan
 - 1969-017 Street elevations
 - 1969-018 Courtyard elevationsReason: the plans form part of the application.
3. No development shall take place until samples of the external finishing materials have been submitted to and approved by the Local Planning Authority. The development shall be carried out in accordance with the approved details.
Reason: To ensure a satisfactory finished appearance to the development.
4. No development shall take place until details of the boundary treatment have been submitted to and approved by the Local Planning Authority. The boundary treatment shall be constructed in accordance with the approved details prior to the development being put into beneficial use.

Reason: To ensure that the amenities of the area are protected.

5. The gable windows at first, second, third and fourth floors adjacent to the boundary with the school grounds (see north-east elevation on dwg. 1969.017) shall be non-opening below a height of 1.8m above internal floor level and glazed with obscure glass and thereafter be so maintained.

Reason: To ensure the privacy of adjoining occupiers is protected.

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

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

7. E3D Retain Parking Within Site

8. C3F Details of Access Road Junction

9. No development shall take place until a scheme of construction management has been submitted to and approved by the Local Planning Authority, to include details of site hoardings, site access and wheel washing facilities. Construction of the development shall be managed strictly in accordance with the scheme so approved.

Reason: In the interests of highway safety and public amenity.

10. No part of the development hereby permitted shall be commenced until a scheme of environmental improvements to the footways on Newport Road and Wordsworth Avenue adjacent to the site has been submitted to and approved in writing by the Local Planning Authority. The scheme shall include, but not be limited to the resurfacing of the footways, including as required the renewal or resetting of sunken or damaged kerbs, channels and edging as may be required. The agreed scheme to be implemented to the satisfaction of the Local Planning Authority prior to beneficial occupation of the site.

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

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

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

12. No development shall take place until an air quality assessment, including any mitigation measures that may be necessary, has been submitted to and approved in writing by the Local Planning Authority. The agreed mitigation measures shall be implemented to the satisfaction of the Local Planning Authority prior to beneficial occupation.
Reason: In the interests of the health of future occupiers.

13. *Road Traffic Noise:*
Prior to commencement of development a scheme shall be submitted to and approved in writing by the Local Planning Authority to provide that all habitable rooms exposed to external road traffic noise in excess of 63 dBA Leq 16 hour [free field] during the day [07.00 to 23.00 hours] or 57 dBA Leq 8 hour [free field] at night [23.00 to 07.00 hours] shall be subject to sound insulation measures to ensure that all such rooms achieve an internal noise level of 40 dBA Leq 16 hour during the day and 35 dBA Leq 8 hour at night. The submitted scheme shall ensure that habitable rooms subject to sound insulation measures shall be provided with acoustically treated active ventilation units. Each ventilation unit (with air filter in position), by itself or with an integral air supply duct and cowl (or grille), shall be capable of giving variable ventilation rates ranging from – 1) an upper rate of not less than 37 litres per second against a back pressure of 10 newtons per square metre and not less than 31 litres per second against a back pressure of 30 newtons per square metre, to 2) a lower rate of between 10 and 17 litres per second against zero back pressure. No habitable room shall be occupied until the approved sound insulation and ventilation measures have been installed in that room. Any private open space (excepting terraces or balconies to any apartment) shall be designed to provide an area which is at least 50% of the area for sitting out where the maximum day time noise level does not exceed 55 dBA Leq 16 hour [free field].
Reason: To ensure that the amenities of future occupiers are protected.

14. C7Z Contaminated Land Measures

15. *Submission of Remediation Scheme and Verification Plan:*
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. 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.

16. *Undertaking of Remediation and Issue of Verification Report:*
The remediation scheme as approved by the Local Planning Authority 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.
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.
17. *Identification of Unsuspected Contamination:*
In the event that contamination is found at any time when carrying out the approved development that was not previously identified it must be reported in writing within 2 days to the Local Planning Authority, all associated works must stop, and no further development shall take place unless otherwise agreed in writing until a scheme to deal with the contamination found has been approved. An investigation and risk assessment must be undertaken and where remediation is necessary a remediation scheme and verification plan must be prepared and submitted to and approved in writing by the Local Planning Authority. Following completion of measures identified in the approved remediation scheme a verification report must be submitted to and approved in writing by the Local Planning Authority. The timescale for the above actions shall be agreed with the Local Planning Authority within 2 weeks of the discovery of any unsuspected contamination.
Reason: To ensure that any unacceptable risks from land contamination to the future users of the land , neighbouring land, controlled waters, property and ecological systems are minimised, and to ensure that the development can be carried out safely without unacceptable risks to workers, neighbours and other offsite receptors.
18. *Imported soil:*
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 to 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, verification sampling of the material received at the development site is required to verify that the imported soil is free from contamination and shall be undertaken in accordance with a scheme agreed with in writing by the Local Planning Authority.

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

19. *Imported aggregates:*

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

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

20. *Use of site-won materials:*

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.

21. C2N Drainage details

22. C7S Details of Refuse Storage

23. C4P Landscaping Design & Implementation Pro

24. C4R Landscaping Implementation

25. *Tree Protection:*

No demolition, site preparation or 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:

- An Arboricultural Method Statement (AMS) detailing the methods to be used to prevent loss of or damage to retained street trees 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

compliance with the approved tree protection measures.

- 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.

Unless written consent is obtained from the LPA, 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.

RECOMMENDATION 2: The highway works condition and any other works to existing or proposed adopted public highway are to be subject to an agreement under Section 38 and/or Section 278 Highways Act 1980 between the developer and Local Highway Authority.

RECOMMENDATION 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: 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 5: The applicant is requested to provide future residents with a welcome pack upon their arrival, detailing sustainable transport options available in the area, to help promote sustainable transport. Leaflets and advice in connection with production of the packs are available from Transport Vision, Strategy & Policy Team, Cardiff Council, County Hall, Atlantic Wharf.

1. **DESCRIPTION OF PROPOSED DEVELOPMENT**

- 1.1 The detailed application is for the construction of 48 apartments in an L-shaped block fronting Newport Road and Wordsworth Avenue.
- 1.2 The wing facing Newport Road is 4-and-a-half storeys in height, the wing facing Wordsworth Avenue is staggered to respect the Wordsworth Avenue building line and steps down to 3-and-a-half storeys in height. Both wings are traditional design in render and brick with bay windows and pitched roofs with the top storey accommodated within the roof space.
- 1.3 There are front gardens to both wings of the block and an area of communal open space to the rear.
- 1.4 The access makes use of the existing access from Wordsworth Avenue and there are 13 on-site parking spaces. 19 cycle parking spaces are provided.
- 1.5 The application is supported by the following additional information:
 - Planning Statement, April 2015
 - Design and Access Statement, April 2015

2. **DESCRIPTION OF SITE**

- 2.1 The application site is 0.20 hectares in area and located on the corner of Newport Road and Wordsworth Avenue. The site is cleared. Access is from Wordsworth Avenue.
- 2.2 Previous uses on the site were the former Cardiff Sixth Form College building at 97-99 Newport Road, and the Four Elms Medical Centre and adjacent residential unit at 101-103 Newport Road.

2.3 The site is bounded to the east by the grounds of St. Peters Primary School and to the north by a lane serving the former Doctor's Surgery and rear gardens of properties on Southey Street, and by traditional 2 storey housing. To the west on the other side of Wordsworth Avenue is Stephenson Court, a 4 and 3 storey traditional brick residential block with pitched roof.

2.4 The Wordsworth Avenue Conservation Area lies immediately to the north of the site.

3. **PLANNING HISTORY**

- 15/2346/MJR Prior approval granted October 2015 for demolition of 2no. 2 storey buildings.
- 14/01659/DCI Application for full planning permission for demolition of existing buildings and redevelopment to provide 40 flats with associated amenity space, parking and infrastructure withdrawn by applicant in August 2015.
- 10/1271/DCI Planning permission granted Aug 2010 at 97-99 Newport Road for erection of additional classrooms.
- 03/2523/C Application at 101-103 Newport Road for 10 apartments in 2 blocks, subsequently withdrawn.

4. **POLICY FRAMEWORK**

4.1 Planning Policy Wales (PPW) Edition 8, 2016 favours the sustainable re-use of previously developed land.

4.2 The following Technical Advice Notes (TANs) are relevant:

- TAN 12: Design (2009)

4.3 The following policies of the recently adopted 2016 City of Cardiff LDP are relevant to the consideration of this application:-

- KP1 Level of Growth
- KP5 Good Quality and Sustainable Design
- KP6 New Infrastructure
- KP7 Planning Obligations
- C1 Community Facilities
- C5 Provision for Open Space, Outdoor Recreation, Childrens' Play and Sport
- EN9 Conservation of the Historic Environment
- EN12 Renewable Energy and Low Carbon Technologies
- H3 Affordable Housing
- H6 Change of Use or Redevelopment to Residential Use

4.4 The following Supplementary Planning Guidance relates to the previous 1996 Local Plan. It is under review following the adoption of the LDP however it remains a material consideration in considering the application insofar as it is consistent with LDP policy:

- Open Space Supplementary Planning Guidance (2008)
- Community Facilities and Residential Development (2007)

- Access, Circulation & Parking Standards (2010)
- Developer Contributions for School Facilities (2007)
- Trees and Development (2007)
- Residential Design Guide (2008)
- Wordsworth Ave Conservation Area Appraisal (2008)

5. **INTERNAL CONSULTEE RESPONSES**

- 5.1 Transportation: The Council's Transportation Officer comments as follows: The Council's adopted Access, Circulation & Parking Standards SPG (Jan 2010) identifies a minimum car parking requirement of 0.5 spaces per dwelling for one and two bedroom units, which are reduced by half for affordable housing developments. A cycle parking requirement of one space per unit also applies in this instance. In accordance with the SPG the proposed development should provide a minimum of 12 car parking and 48 cycle parking spaces.
- 5.2 The submission makes provision for 13 car parking spaces in the proposed courtyard car park and may therefore be considered to be Policy compliant. It is noted that the cycle parking provision is for 19 spaces, which I would seek to increase in line with the above SPG and as such have sought to secure this by way of a standard condition.
- 5.3 There are a number of objections to the application that mention traffic and car parking as a concern/ reason for objection. However as above the proposals are considered to be acceptable in parking terms, subject to the requested conditions, and on the basis of the former uses are considered to result in reduced vehicle trips. In considering the matter I have taken into account the former uses as a Sixth Form College, dwelling house and Doctors Surgery which would have had an associated car parking requirement and vehicular trip generation.
- 5.4 I must also take into account that the site is within an easy, level walking distance of shops and services locally; less than 100m from inbound and outbound bus stops/shelters, served by high frequency services; and is easily accessible by bicycle. The site is therefore considered to be in an extremely sustainable location in transport terms and given its nature (predominantly one and two bed apartments) is more likely to attract residents who economically or consciously choose not to own a car than would be the case for traditional dwelling houses.
- 5.5 I would further confirm that incoming residents of the development will not be eligible for 'Resident Parking Permits' (where such a scheme currently exists or where such a scheme may be introduced in the future) and as such not add to parking pressure on the existing bays. Therefore while acknowledging that parking demand may well exceed existing uncontrolled on-street provision at certain times of the day/week, as is the case in the majority of areas where traditional terraced housing predominates, a positive determination of this application will not itself add to pressure on existing resident permit bays.

- 5.6 I would therefore conclude that an objection on parking or traffic grounds would be unsustainable and that any reason for refusal on this basis would likely not withstand challenge.
- 5.7 It is also noted that there are a number of representations that make reference to illegal turns, contravention of one-way orders and accidents/traffic safety at the Newport Road/Wordsworth Avenue junction. In respect of the first two points I would confirm that the enforcement of moving traffic offences, such as those mentioned, is a matter for the Police and in this case not material in terms of the proposed development.
- 5.8 In relation to the reported safety concerns, I would reiterate that the calculated moving traffic associated with the site will be reduced as a result of the proposed development and should therefore result in a corresponding reduction in the likely incidence of collisions. Notwithstanding, a contribution is sought towards the implementation of improvements to the traffic management signing and lining at the Newport Road/Wordsworth Avenue junction.
- 5.9 In conclusion and while acknowledging that there may well be times when parking demand exceeds supply in the area, the site is considered to be policy compliant, is in an extremely sustainable location in transport terms and given its nature likely to attract residents who are more likely not to own/use a car than otherwise might be the case. I must therefore reiterate that I consider an objection on parking or traffic grounds would be unsustainable and that any reason for refusal on this basis would likely not withstand challenge.
- 5.10 On the basis of the above, I can therefore confirm that I would have no objection to the proposed development as submitted, subject to cycle parking, retention of on-site car parking, details of access road junction, construction management plan, highway improvement works, and car parking allocation plan conditions, and a S106 financial contribution of £2,120 towards the upgrading of the traffic management signing and lining at the Newport Road/Wordsworth Avenue junction adjacent to the development.
- 5.11 With reference to the attached Transport Statement (TS) dated February 2016, the officer provides the following further comments:
- 5.12 The submitted TS identifies that the proposed use (48No affordable dwellings) would likely generate 10No (2way) and 12No (2 way) vehicular trips in the AM and PM peak hours respectively. These trip rates have been obtained from TRICS (Trip Rate Information Computer System) which is a nationally recognised database.
- 5.13 It also indicates that the existing use (Sixth Form College and Doctors Surgery) would likely have generated 59No (2 way) and 47No (2 way) vehicular trips in the AM and PM peak hours respectively. These figures have been taken from the Transport Statement that accompanied the previous application on this site (14/01659/DCI) and which was accepted at that time as being representative of the existing situation.

- 5.14 In addition the TS highlights those collisions that have taken place at the junction of Newport Road/Wordsworth Avenue which I have previously addressed in my comments including a request for a financial contribution.
- 5.15 On the basis of the above, I would consider that the traffic impact associated with the proposal to be less than that which would have been generated by the extant permission and therefore my observations as previously provided remain valid - including those conditions, recommendations and S106 Matters requested.
- 5.16 Parks Services: Parks have confirmed that in accordance with SPG Open Space a financial contribution of £72,557 is sought towards the improvement (including design and maintenance) of existing open space in the locality. The closest recreational open spaces are Shelley Gardens, Roath Pleasure Gardens and Roath Recreation Ground. The Parks Officer supports the comments made by the Tree Officer in relation to the adjacent street trees._
- 5.17 Trees: The Tree Officer makes the following comments: Existing trees within the site have been removed as part of the implementation of 15/02346/MJR. Existing trees bounding the site from the highway verges on Newport Road and Wordsworth Avenue and the grounds of the adjoining school are retained.
- 5.18 The trees bounding the site have not been assessed in accordance with BS 5837:2012, but based on the submitted proposed layout plan I conclude that they will not suffer unacceptable harm through implementation of development, so long as it accords with an approved Arboricultural Method Statement and Tree Protection Plan. Highway trees will require tree protection boxes, whilst construction and landscaping around the boundaries closest the trees will require careful controls (e.g. excavation under arboricultural supervision) to minimise damage to and loss of any roots and branches that extend into the site.
- 5.19 I suspect that existing site soils will not be appropriate for most of the proposed landscaping functions, and therefore will likely need to be removed and replaced with imported soils. The removal of existing soils close to retained off-site trees could be especially damaging if uncontrolled, though I suspect rooting into the site is not extensive given the extent of hard-standing prior to demolition. The provision of new areas of soft-scape bounding the site could benefit the existing off-site trees by increasing their root available soil volume (RASV).
- 5.20 I support the provision of soft landscaped amenity space as proposed, including new tree planting. Landscaping details are currently indicative but I would prefer to see full upfront details comprising scaled planting plan, plant schedule, topsoil and subsoil specification, tree pit section, planting methodology and aftercare methodology. Although I suspect that the extent of pre-existing sealing and the effects of compaction during demolition will have rendered existing soils of low quality in relation to re-use for landscaping functions, the fact that trees did grow on the site suggests that soils potentially suitable for re-use as part of landscaping may be present at the site. As such, A

Soil Resource Survey and Plan should be undertaken in accordance with the 2009 DEFRA Construction Code of Practice for the Sustainable Use of Soils on Construction Sites and used to inform the landscaping details.

- 5.21 Landscaping details should not be finalised until detailed knowledge of existing and proposed service constraints have been scrutinised. All proposed services including drainage should be designed to avoid soft landscaping areas, particularly where trees are proposed and the service in question will constrain their RASV. Leaving landscaping to conditions stage can be especially problematic where service constraints come to light late in the day and result in a downgrading of the landscaping.
- 5.22 Neighbourhood Regeneration: The officer makes the following observations: Supplementary Planning Guidance (SPG) on Community Facilities and Residential Development states that 'the Council will seek a financial contribution for improvements to existing community facilities or the provision of additional community facilities on all significant developments because the increased population will result in increased demand for local community facilities'. If no onsite provision is proposed, a financial contribution is sought on residential developments containing 25 or more new dwellings where it has been identified that investment in community facilities will be required to meet the needs of the new population. The formula in the SPG is based on the number of habitable rooms per dwellings. In summary a contribution of £28,284 is requested.
- 5.23 The SPG for 'Community Facilities and Residential Development' was formally adopted by Council on 22nd March 2007. The SPG was adopted to provide guidance on national and local planning policy which highlights the importance of the planning system in ensuring that the infrastructure on which communities depend is adequate to accommodate proposed development. Policy 21 of the City of Cardiff Local Plan (adopted January 1996) supports the provision of community facilities as part of new residential developments.
- 5.24 The contribution would be directed towards community facilities within the Plasnewydd Ward.
- 5.25 Education: No comments received.
- 5.26 Housing Development: The planning application has been submitted by Willis Construction, however the site will be subsequently purchased by a Registered Social Landlord (RSL). The RSL (Cadwyn Housing Association) will ultimately own and manage all the affordable housing units on the site, and will deliver a 100% affordable housing (social rented) scheme.
- 5.27 The Housing Development Enabling team fully supports the development of the units on this site for affordable housing, given the high levels of housing need in the area, and have been working very closely with Cadwyn Housing Association to ensure the successful delivery of the scheme. The affordable housing development will comprise of 48 units of new affordable housing for

singles, couples, and small families, all of which are in high demand in this area of Cardiff.

- 5.28 All social rented units will meet Welsh Government Development Quality Requirements (DQR) & the Welsh Housing Quality Standard (WHQS).
- 5.29 We would use legal contract/agreement to cover: the provision of affordable housing on site including numbers, site mix and layout; the timing and phasing of the provision as relating to open market housing provision. The precise terms of the legal contract/agreement would be drafted by Legal Services.
- 5.30 Drainage Management: No comments have been received.
- 5.31 Waste Management: The Waste Strategy Officer has no objection.
- 5.32 Pollution Control (Contaminated Land): The Contaminated Land Officer makes the following observations: In reviewing available records and the application for the proposed development, the site has been identified as formerly a college, residential house, and doctors' surgery with car parking areas to the rear of the main buildings. Formerly, there were minor outbuildings/ domestic garage(s) in the car parking area. In addition there is a history of localised fly-tipping on site.
- 5.33 Activities associated with the above may have caused the land to become contaminated and therefore may give rise to potential risks to human health and the environment for the proposed end use. Pollution Control therefore requests standard contamination, remediation, unforeseen contamination, and imported soils and aggregates conditions.
- 5.34 Pollution Control (Noise & Air): The Pollution Control Officer makes the following observations: He requests the submission of a noise report to establish the potential impacts of existing noise on the development site and establish any mitigation measures that may be required.
- 5.35 In relation to air quality it is noted that the proposed development is in an area where emissions from road traffic on Newport Road may be leading to concentrations of nitrogen dioxide in excess of National Air Quality Standards at the site of the proposed development.
- 5.36 National Air Quality Standards have been set by central Government. The Council, like all local authorities in Wales and England, is required by statute to assess air quality in its area against these Standards and take action to rectify breaches of the standards where these have been identified. National Air Quality Standards have been set for the protection of human health and I am therefore concerned that occupants of the proposed development may experience adverse health effects as a result of exposure to nitrogen dioxide.
- 5.37 The proposed development would introduce relevant exposure into the area and there is no measurement data with regard to concentrations of nitrogen

dioxide. There is therefore no data available to the Council against which to assess likely exposure.

5.38 It is recommended that the applicant be advised that the submission of an Air Quality Assessment will be required before the application is determined.

5.39 Ecology: No comments have been received.

6. **EXTERNAL CONSULTEE RESPONSES**

6.1 DCWW: No objection subject to a condition requiring submission and approval in writing by the LPA of a comprehensive drainage scheme (including an assessment of the potential for disposal of surface and land water by sustainable means.

6.2 Natural Resources Wales (NRW): having reviewed the scheme NRW have no comments.

7. **REPRESENTATIONS**

7.1 The application was advertised on site and in the press as a major application. Neighbours and local members were notified. Letters of objection have been received from local member Cllr. De'Ath, AM Eluned Parrott, MP Jo Stevens, and 32 local residents.

7.2 The local members request a site visit and object on the following grounds:

- Limited number of parking spaces will have an adverse impact on the area
- Scale of the building and its impact on the Wordsworth Ave Conservation Area.
- Impact of the extra dwellings on traffic management in the area.
- Overshadowing of Stephenson Court and neighbouring properties on Wordsworth Avenue

7.3 On behalf of local residents AM Eluned Parrott requests that Planning Committee members visit the site during either the morning or evening rush hour, and also at the start or end of the school day, and objects on the following grounds:

- Impact of increased traffic on motorist and pedestrian safety, in particular on the Oxford lane/ Wordsworth Ave/ Newport road junction which already has safety issues arising from vehicles turning right from Newport Road into Wordsworth Ave and traffic using Oxford Street and Wordsworth Ave as a short cut into and out of City Road. These safety issues are heightened because Wordsworth Ave serves St Peters School (pick-up and drop-off).
- Insufficient parking leading to future residents to park in the surrounding streets
- Detrimental effect on the conservation area and daylighting and privacy enjoyed by neighbouring properties arising from height of proposals

- 7.4 On behalf of local residents MP Jo Stevens requests that Planning Committee members visit the site during either the morning or evening rush hour, and also at the start or end of the school day, and objects on the following grounds:
- Insufficient parking leading to future residents to park in the surrounding streets
 - Impact of increased traffic on motorist and pedestrian safety, in particular on the Oxford lane/ Wordsworth Ave/ Newport road junction which already has safety issues arising from vehicles turning right from Newport Road into Wordsworth Ave and traffic using Oxford Street and Wordsworth Ave as a short cut into and out of City Road. These safety issues are heightened because Wordsworth Ave serves St Peters School (pick-up and drop-off).
 - Scale not appropriate for its location on the edge of a conservation area. It is an overdevelopment of the site.
- 7.5 Local residents object on the following grounds:
- Inadequate on-site parking provision resulting in increased pressure on limited uncontrolled on-street parking which is already heavily parked during the day by commuters.
 - These safety issues heightened because Wordsworth Ave serves St Peters School (pick-up and drop-off) and elderly persons' flats.
 - Scale of development has negative impact on setting of con area, contrary to development plan
 - Overdevelopment of site
 - Too big in relation to neighbouring 2 storey terrace on Wordsworth Ave. Should be max 3 storeys – overbearing impact
 - Reduction in daylighting and overshadowing of neighbouring properties on Wordsworth Ave
 - Inadequate bin storage and unclear whether bin lorry can access site to collect waste.
 - Negative impact on market values
 - Overlooking of school grounds
 - Noise and disruption during construction period.
- 7.6 In summary, the main grounds for objection relate to inadequate levels of parking provision, traffic safety concerns at the Wordsworth Ave/ Newport Road junction, negative impact of the height and bulk of the building on daylighting levels enjoyed by neighbouring residents in Stephenson Court and 1A Wordsworth Ave., and scale out of keeping with the adjacent conservation area.

8. **ANALYSIS**

- 8.1 The application site falls within unallocated land as defined by the 2016 Local Development Plan Proposals Map. Given the site's location in a residential area the proposed redevelopment of the site for residential purposes is considered acceptable. The application raises no land use policy concerns.
- 8.2 The main issues to assess are scale and design, impact on conservation area, impact on amenity of neighbours, amenity of future occupiers (noise, air quality

and amenity space), inadequate parking provision and traffic impact on already congested area.

Scale and Design

- 8.3 The 4 and-a-half storey wing is of a similar height to Stephenson Court and is an appropriate height for a corner building on this section of Newport Road. After turning the corner on to Wordsworth Ave the block steps down to 3 and-a-half storeys to acknowledge the scale of residential development on Wordsworth Avenue. The footprint also steps back to follow the building line of Wordsworth Avenue. The scale and footprint is acceptable.
- 8.4 The design is traditional and has proper regard to the scale and character of Newport Road and the entrance to Wordsworth Avenue.
- 8.5 The application site is located immediately to the south-east of the Wordsworth Avenue Conservation Area. Policy EN9 requires that development will only be permitted where it can be demonstrated that it preserves or enhances the setting of a conservation area.
- 8.6 The Conservation Area Appraisal defines significant views within the area, and significant views into and out of the area. The view of the conservation area from Newport Road is one such view.
- 8.7 The scale of the proposals is similar to that of Stephenson Court, and reduces in height on Wordsworth Avenue to acknowledge the street's scale. The Wordsworth Avenue building line is respected, and the design is sympathetic in terms of materials and architecture.
- 8.8 The proposals are not therefore considered to harm this view, and insofar as they remove dilapidated buildings and a surface car park and propose acceptable development, preserve the setting of the conservation area.

Parking Provision / Access Arrangements / Traffic Impact

- 8.9 The adopted Access, Circulation and Parking Standards SPG identifies a minimum parking requirement for affordable housing in this location of 0.25 car spaces per residential unit. In accordance with SPG the development therefore requires a minimum of 12 car parking spaces. The proposals provide 13 car parking spaces and are therefore policy compliant.
- 8.10 The site is located on the edge of the city centre in a highly sustainable location close to public transport shops and community facilities. If the development was located on the other side of Newport Road it would be in the Central Area as defined by the Parking SPG with a minimum requirement of zero parking spaces.
- 8.11 It is also noted that the proposed use will result in fewer vehicle trips than the former uses. The proposed development may therefore be considered to generate less comparative parking demand than the existing use, along with

fewer trips, and consequently a reduced overall impact on the highway network. The proposed development is therefore considered to be acceptable.

- 8.12 In conclusion and while acknowledging that there may well be times when parking demand exceeds supply in the area, the site is considered to be policy compliant, is in an extremely sustainable location in transport terms and given its nature likely to attract residents who are more likely not to own/use a car than otherwise might be the case. An objection on traffic or parking grounds would be unsustainable and that any reason for refusal on this basis would not withstand challenge.
- 8.13 The number of secure covered cycle spaces proposed is not policy compliant – 19 spaces are proposed, SPG requires 48 spaces. Given the highly sustainable location a reduced number of cycle spaces is acceptable and a cycle parking condition is attached to address the shortfall. Details (including numbers) of cycle parking provision submitted to discharge the condition will be discussed and agreed with Transportation.
- 8.14 The proposed access makes use of the existing access and is acceptable subject to details required by condition. In relation to the Wordsworth Avenue/ Newport Road junction a 106 financial contribution is secured towards improving the signing and lining at the junction. The impact of the development on traffic movements and pedestrian safety is acceptable.
- 8.15 In relation to illegal turns from Newport Road, contravention of one-way orders on Oxford Lane, and unauthorised parking on restricted areas (all matters raised by objectors); these constitute traffic offences and are therefore matters for traffic Enforcement and the Police to enforce.

Amenity of Future Residents

- 8.16 *Noise:* A noise report submitted with the withdrawn application 14/1659/DCI concluded that in accordance with Planning Guidance (Wales) TAN 11, ambient noise levels place the site in “Category C” for the Newport Road façade, and “Category B” for the Wordsworth Avenue façade. TAN11 states that for sites falling into Exposure Category C planning consent should not normally be granted.
- 8.17 However, given that this applies only to proposed dwellings on the Newport Road façade, and that there is existing residential accommodation on the opposite side of Wordsworth Avenue, a standard road traffic noise condition and construction site noise advisory is recommended.
- 8.18 *Air Quality:* In relation to air quality the site of the proposed development is immediately adjacent to the Stephenson Court Air Quality Management Area (AQMA). The AQMA was declared due to concentrations of nitrogen dioxide in the area exceeding the National Air Quality Standard (NAQS) set for the protection of human health.

- 8.19 The development site is not included within the AQMA solely because of the current lack of relevant exposure at the site, i.e. no one currently lives there. It is very likely that the NAQS is being exceeded at the site. A condition is therefore imposed requiring the submission of an air quality assessment prior to commencement of development to allow an informed consideration of the application, and any remedial measures that may be required to ensure the protection of future residents.

Amenity of Neighbours

- 8.20 Overshadowing and daylighting: The residential block is 14m away from the 4 storey gable wall of Stephenson Court at its closest point. Windows to this gable appear to be secondary windows. The separation distance from the habitable room windows of the 3 storey wing of Stephenson Court is 16.5m at the closest point.
- 8.21 The Stephenson Court habitable room windows facing Wordsworth Avenue are the sole source of daylighting for those flats. Applying the 25' daylighting rule of thumb (Site Layout Planning for Daylight and Sunlight, Building Research Establishment 2011) at the closest point shows that daylighting levels for ground floor residents will be affected by the 4 storey element of the proposed development.
- 8.22 Planning policy on residential amenity states that development will not be permitted that would cause unacceptable harm. While it is acknowledged that the development will result in a reduction in daylighting levels for those residents on the ground floor of Stephenson Court whose habitable room windows are closest to the 4 storey element of the proposed development, it is considered that the separation distance of 16.5m and the modest height of the development would result in a marginal reduction only.
- 8.23 Furthermore separation distances between habitable room windows in a traditional dense urban context such as exists in Plasnewydd and elsewhere in the inner areas of the city are typically between 12 and 15m, and Stephenson Court itself is of a similar scale to the proposed development. Such a relationship is not therefore unusual, and a refusal based on loss of daylighting would be unlikely to be upheld in the event of an appeal.
- 8.24 In relation to the neighbouring property at 1A Wordsworth Avenue the separation distance of 8.0m will result in a more significant loss of daylighting for the habitable room windows in the gable wall facing the proposed development.
- 8.25 However, with the exception of the ground floor dining room window, the windows affected, although habitable room windows, are secondary gable windows and are not the only source of daylighting for the rooms in question, which have large windows to the front and to the rear.
- 8.26 There are also a number of mature trees along the boundary which significantly overshadow the property - these will be removed to enable the development. It

is likely that the impact of the development in terms of cutting out daylight will be similar to the current situation with the trees.

- 8.27 The nature of the windows affected has been confirmed by a site visit, and the impact of the development on the daylighting of 1A has been assessed. It is concluded that on balance the development will not cause unacceptable harm to the amenity of the occupiers of 1A Wordsworth Ave.
- 8.28 Overlooking and privacy: The Council's privacy standards require a minimum separation distance of 21m between windows of habitable rooms. In this case the separation distance (habitable room to habitable room) between the development and Stephenson Court is 16.5m (14.5m for Stephenson Court gable secondary windows).
- 8.29 The guidance recognises there is flexibility to relax this 21m distance in tighter grain urban situations and there is precedence for relaxing the recommended separation distances on urban infill schemes of this nature. Habitable room windows of terraced streets in the inner city typically overlook each other at a separation distance of between 12 and 15m.
- 8.30 In the case of 1A Wordsworth Avenue the gable elevation of the proposed development is blank (with the exception of obscure glazed bathroom windows) and there is therefore no overlooking.

Issues Arising from Representations

- 8.31 Local residents' objections on the grounds of scale and impact on the conservation area, parking provision and access, impact of increased traffic on highway and pedestrian safety, and residential amenity of neighbours are addressed above.
- 8.32 Noise and disruption during construction period: Noise is addressed through an additional construction site noise recommendation. A certain degree of disruption is inevitable however a standard construction management plan condition is added to minimise disruption caused by the works to the amenity of neighbours, and to the movement of traffic and pedestrians.
- 8.33 Parking for delivery vehicles and the potential for negative impact on market values of neighbouring properties are not planning issues.
- 8.34 In relation to arrangements for waste storage and collection Waste Management have no objection to the proposals. Bin lorries will be able to enter the site, collect the bins, and exit in forward gear. A standard waste storage condition is attached.

S106 Matters

8.35 In line with service area responses the following financial contributions are sought:

- £72,557 towards public open space improvements in the vicinity;
- £28,284 towards community facilities improvements in the vicinity,
- £2,120 towards transport and highways related improvements.

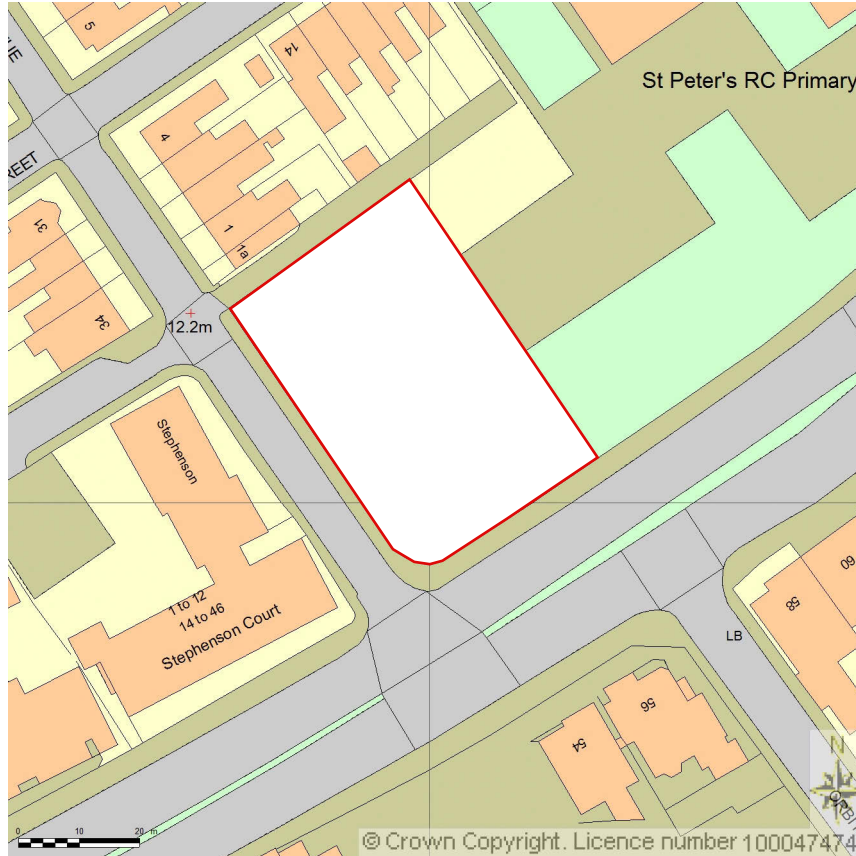
9. **CONCLUSION**

9.1 In conclusion the proposals redevelop a vacant plot and provide 48 affordable dwellings. The principle of residential development on this site is acceptable. The design has proper regard for the scale and character of Newport Road and the Wordsworth Conservation Area to the north. The proposals do not cause unacceptable harm to the residential amenity of neighbours. Parking provision is policy compliant and in such a highly sustainable location is considered acceptable.

9.2 The granting of planning permission is recommended subject to conditions being imposed and a legal agreement (Section 106) being signed to secure the following financial contributions:

- £72,557 for improvements to public open space in the vicinity
- £28,284 for improvements to community facilities in the vicinity, and
- £2,120 for transport and highway-related improvements.

SITE LOCATION PLAN
AREA 2 HA
SCALE: 1:1250 on A4
CENTRE COORDINATES: 319401 , 177012



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Willis Construction Ltd
97-103 Newport Road
Site location plan

planning - proposed site plan



newport road

wordsworth avenue

1:100 @ A1



Plan Date Action:
 This drawing is copyright.
 Dimensions to be checked on site and any discrepancies reported to the Architect immediately.
 Do not scale, use figured dimensions only.

cfw ARCHITECTS
 Willis Construction Ltd
 97-103 Newport Road
 Proposed site plan
 1:100 @ A1
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