

LOCAL MEMBER OBJECTION

COMMITTEE DATE: 13/01/2016

APPLICATION No. **14/02929/MJR** APPLICATION DATE: 19/01/2015

ED: **PONTPRENNAU/ST MELLONS**

APP: TYPE: Outline Planning Permission

APPLICANT: Minton Treharne & Davies Ltd

LOCATION: MINTON TREHARNE & DAVIES LTD T/A THE SOUTH WEST SCHOOL OF NON DESTRUCTIVE TESTING MERTON H, AVENUE INDUSTRIAL PARK, CROESCADARN CLOSE, PONTPRENNAU, CARDIFF, CF23 8HF

PROPOSAL: RESIDENTIAL DEVELOPMENT 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 8.9 of this report, outline planning permission be **GRANTED** subject to the following conditions:

1. C00 Standard outline
2. Details submitted in pursuance of condition 1 above shall accord with the scale and massing principles indicated in the amended indicative plans numbered AL(99)01 rev. B and AL(90)02 Rev. B.
Reason. To ensure that the development accords with the indicated principles of the approved plans.
3. Details submitted in pursuance of condition 1 above shall accord with 'Ecotone' principles as indicated in the approved Sylvian Ecology Arboricultural & Ecological Ecotone Method Statement (ref. F041) dated 1st September 2015.
Reason. To ensure that the development accords with the indicated principles of the approved document.
4. A scheme of construction management to include (but not be limited to) any; site hoardings, site access, management of all activities impinging on the highway, diversion of the existing footway during the construction period/traffic management measures/ re-instatement of the footway as a consequence of damage to it during construction etc. shall be submitted to and approved in writing by the local planning authority. The development shall be implemented in accordance with the approved scheme.
Reason: In the interests of highway safety and public amenity.

5. All habitable rooms exposed to external 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. No habitable room shall be occupied until the approved sound insulation 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.
6. Prior to commencement of development the submission of the chosen glazing specification meeting the following criteria shall be submitted in writing and approved by the local planning authority. Glazing and trickle ventilation to achieve a minimum insertion loss of 27dB.
Reason: To ensure that the amenities of future occupiers are protected.
7. Prior to commencement of development the design of the sound barrier is to be submitted in writing and approved by the local planning authority. The details of the barrier are to include its compliance with minimum density of 12kg m⁻².
Reason: To ensure that the amenities of future occupiers are protected.
8. The rating level of the noise emitted from fixed plant and equipment on the site shall not exceed the existing background noise level at the nearest noise sensitive premises, when measured and corrected in accordance with BS 4142: 2014(or any British Standard amending or superseding that standard).
Reason: To ensure that the amenities of occupiers of other premises in the vicinity are protected, in accordance with policy 2.24 of the deposit Unitary Development Plan and guidance contained within the adopted supplementary planning guidance, Restaurants, Takeaways and other Food and Drink Uses (1996).
9. C7Za CONTAMINATED LAND MEASURES - ASSESSMENT
10. C7Zb CLM - REMEDIATION & VERIFICATION PLAN
11. C7Zc CLM - REMEDIATION & VERIFICATION
12. C7Zd CLM - UNFORESEEN CONTAMINATION
13. D7Z Contaminated materials
14. E7Z Imported Aggregates

15. 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 that meets site specific target values approved by the local planning authority shall be reused.
Reason. To ensure that the safety of future occupiers is not prejudiced in accordance with policy 2.63 of the Cardiff Unitary Development Plan.
16. No development shall take place until ground permeability tests have been undertaken to ascertain whether sustainable drainage techniques can be utilised and a drainage scheme for the disposal of both surface water and foul sewage has been submitted to and approved by the local planning authority. No part of the development shall be occupied until the scheme is carried out and completed as approved.
Reason: To ensure an orderly form of development.
17. C3S Cycle Parking
18. Details submitted in pursuance of condition 1 above shall accord with the car parking principles indicated in the amended indicative plan numbered AL(90)02 Rev. B.
Reason. To ensure that the development accords with the indicated principles of the approved plans, and to ensure adequate on-site parking provision, in the interests of amenity and highway safety.
19. D4X Tree Protection - Complex Sites with On
20. C4P Landscaping Design & Implementation Pro
21. C4R Landscaping Implementation
22. No materials, waste, arisings or plant shall be stored or operated within the Pontpennau Wood SINC, outside the site boundary identified within the planning application, or allowed to fall, be washed or blown into it.
Reason: To protect the features of interest for nature conservation for which the SINC has been designated.
23. Prior to occupation, a lighting scheme for the site shall be submitted to and approved in writing by the local planning authority. The strategy shall show how and where external lighting will be installed (through the provision of appropriate lighting contour plans and technical specifications) so that it can be clearly demonstrated that areas to be lit will not disturb or prevent nocturnal species such as bats and dormice using their territory or having access to their breeding sites and resting places.

All external lighting shall be installed in accordance with the specifications and locations set out in the strategy, and these shall be maintained thereafter in accordance with the strategy. Under no circumstances should any other external lighting be installed without prior consent from the local planning authority.

Reason: To ensure that bats and dormice, which are European protected species in the context of the Conservation of Habitats and Species Regulations 2010 (as amended), are not disturbed by external lighting associated with this development.

24. No site clearance/demolition to take place between 1st February and 15th August unless otherwise approved in writing by the Local Planning Authority.

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

25. Details submitted in pursuance of condition 1 above shall provide for the appropriate storage and collection of refuse, in accordance with the Council's adopted standards.

Reason. To ensure an orderly form of development and to protect the amenities of the area.

26. Prior to the commencement of development, a scheme of highway improvements to the footway including, but not restricted to, the scarification and resurfacing of the Croescadarn Close frontage footway and re-engineering of the existing access, shall be submitted to and approved in writing by the local planning authority. The approved scheme shall be implemented prior to the beneficial occupation of the development.

Reason: in the interests of highway safety and to provide improved pedestrian access to the proposed development.

27. The consent relates to the application as amended by the revised plans received on 9th July 2015 attached to and forming part of this planning application.

Reason: The plans amend and form part of the application.

28. This consent relates to the application as supplemented by the information contained in the letter from the agent dated 22nd September 2015.

Reason: The information provided forms part of the application.

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.

30. RECOMMENDATION 3: The contamination assessments and the affects 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.

31. RECOMMENDATION 4: Nesting/roosting opportunities should be built in to new build in accordance with the advice given in the TCPA's '*Biodiversity Positive: Eco-towns Biodiversity Worksheet 2009*', and in the Bat Conservation Trust's '*Biodiversity for Low and Zero Carbon Buildings: A Technical Guide for New Build 2010*'. i.e.

Potentially appropriate species	Recommended number of roosts/nest sites
Crevice dwelling bats	1 in 20 structures
Bats requiring flight space	1 in 5 public buildings (non-residential)
Horseshoe bats	1 in 5 public buildings (non-residential)
Swifts	1 in 20 buildings
House martins	1 in 50 buildings
House sparrows	1 in 40 buildings
Starlings	1 in 100 buildings
Swallows	1 in 50 buildings
Barn owls	2 per medium-size development; 3 per large development
Peregrine	1 per medium-size development; 2 per large development
<i>Source: Bat Conservation Trust</i>	

RECOMMENDATION 5: That the applicant be advised that the highways improvements required under condition 26 above will be subject to a legal agreement under Section 278 of the Highways Act 1980.

1. **DESCRIPTION OF PROPOSED DEVELOPMENT**

- 1.1 An outline application for the demolition of all existing (2 storey) office and laboratory buildings on the site and redevelopment for residential use. All detailed matters are reserved. The application has been amended to reduce the potential scale of development.
- 1.2 The original submission provided indicative plans for up to 74 flats, set in three blocks of 4 to 5 storey height. The original indicative plans indicated an off-site parking provision for 47 vehicles.
- 1.3 The amended indicative plans provide for a reduced scale of four storey height (with the fourth floor being set back), with one large L shaped block and a second smaller block, set around a central communal amenity space area. The number of units indicated has been reduced to 60, with off-street parking provision for 60 vehicles.

The amended submission provides an indicative unit breakdown of 36x 1 bed flat and 24x 2 bed flats.

- 1.4 Although the application is in outline, with all matters (including landscaping) reserved, the amended submission includes a provision for an 'Ecotone' buffer between the proposed development and the land adjacent, to the north-east, which is Designated (Pontprennau Wood Site of Importance for Nature Conservation (SINC)).
- 1.5 The indicative plans show that access to the site is to be from the existing site access, off Croescadarn Close. Details of the access arrangement are reserved.

- 1.6 The application is supported by a Design and Access Statement; Planning Statement; Marketing Statement; Transport Statement; Noise Impact Assessment; Habitat Survey and Arboricultural Report.

2. **DESCRIPTION OF SITE**

- 2.1 The site is approx. 0.49Ha in area, forming the north-east corner plot of an existing industrial/commercial estate. The site is adjacent to, the Pontpennau Wood SINC. The ground level of the site is approx. 6.0m below that of the adjacent residential development, with dwellings fronting Blackberry Way (to the north-west boundary).
- 2.2 The adjacent properties on Croescadarn Close are manufacturers of medical equipment (RSR – Share south-east boundary to site) and financial services (Cadarn House) opposite. Other nearby commercial uses include a car showroom and a supermarket.
- 2.3 The existing buildings on site are of two storey, pitched roof design, with facing brick and profile cladding finishes. The building to the north of the site has a number of flue vents to the side elevation, adjacent to the boundary with no. 43 Blackberry Way. There are also a number of demountable buildings on the site.

3. **SITE HISTORY**

- 3.1 Nil.

4. **POLICY FRAMEWORK**

- 4.1 The site is located on land for business, industry and warehousing, as identified in the adopted City of Cardiff Local Plan 1996.
- 4.2 The relevant Local Plan Policies are:
- Policy 11 (Design and Aesthetic Quality)
 - Policy 17 (Parking and Servicing Facilities)
 - Policy 18 (Provision for Cyclists)
 - Policy 36 (Alternative Use of Business, Industrial and Warehousing Land)
- 4.3 The site is unallocated to any specific land use under the Cardiff Unitary Development Plan Deposit Written Statement 2003.
- 4.4 The relevant Deposit Unitary Development Plan Policies are:
- Policy 2.20 (Good Design)
 - Policy 2.24 (Residential Amenity)
 - Policy 2.57 (Access, Circulation and Parking Requirements)
 - Policy 2.74 (Provision for Waste Management Facilities in Development)

4.5 Supplementary Planning Guidance, 'Safeguarding Land for Business and Industry' June 2006.

5. **INTERNAL CONSULTEE RESPONSES**

5.1 The Transportation Manager has no objection to the proposals as amended, subject to the inclusion of conditions regarding parking and cycle parking, and the payment of a financial contribution of **£20,000** towards the provision of a bus shelter and crime camera at an existing bus stop on Pentwyn Road, making the following comments:

"With respect to the revised layout submitted 8/7/15, and subject to the previously agreed public transport contribution, I'd comment as follows;

Though this an outline application the revised indicative layout, which incorporates the provision of a total 60 of-street parking spaces in association with a development of 60 flats (36 one bed and 24 two bed) is satisfactory and in compliance with the SPG (Access, Circulation & Parking) – though I'd comment that a large proportion of these spaces (24) are contained within internal garages. I'd therefore suggest a second recommendation advising that in the event of this layout being submitted for future reserved matters consent a condition will be imposed requiring that these garages be retained for the purpose of parking vehicles and for no other use.

The road layout is also generally satisfactory – with the exception that the indicative plan appears to show the existing junction being retained and utilised without any alterations. I'd comment that, with Croescadarn Close being a cul de sac, it's currently designed to accommodate left in/right out turns only. However, in the future it will also need to accommodate left out manoeuvres by Council refuse vehicles. I'd therefore request a condition relating to the submission of details of the proposed access arrangements (C3F) worded to include accommodation for Council refuse vehicles.

I'd also suggest conditions relating to submission of details of the new interior road (D3L), to the provision of cycle parking (C3S) within a secure and centrally located structure(s), and also the standard Construction Management Plan condition.

The existing frontage footway adjacent to Croescadarn Close is in less than perfect condition in that it has been subject to several past excavations which give it patchwork quilt appearance, and further damage to it is inevitable as a consequence the construction activities/service connections which will be associated with the proposed development. I'd therefore request a further condition requiring that, prior to the commencement of developer, a scheme of highway improvements footway including, but not restricted to, the scarification and resurfacing of the Croescadarn Close frontage footway and re-engineering of the existing access, be submitted to the LPA for approval and implemented prior to beneficial occupation. Reason: in the interests of highway safety and to provide improved pedestrian access to the proposed development."

For Members' information, in raising concerns at the level of on-site parking in respect of the original proposals, the Transportation Manager also made the following comments in respect of a requested financial contribution towards the improvement of public transport facilities in the vicinity of the site:

*"Further to my previous comments my Public transport Infrastructure colleagues advise that though the bus stop closest to the site on Pentwyn Road has been provided with bus boarders it currently has no shelter. A contribution of £15,000 towards this, together with a further £5,000 for a crime camera i.e. **£20,000** total, would be an acceptable level of contribution and encourage the use of public transport rather than the private car."*

- 5.2 The Highways Drainage Manager has been consulted and no comments have been received.
- 5.3 The Waste Manager advised that the storage areas indicated in the original submission were acceptable. No comments have been received in respect of the amended proposals.
- 5.4 The Pollution Control Manager (Contaminated Land) has been consulted and no comments have been received.
- 5.5 The Pollution Control Manager (Noise & Air) has no objection subject to the imposition of conditions in respect of noise from neighbouring commercial uses, plant noise, and mechanical ventilation, with further advice in respect of construction site noise.
- 5.6 The Neighbourhood Renewal (Access) Manager has been consulted and any comments will be reported to Committee.
- 5.7 The Parks Manager has no objection to the amended proposals, subject to the developer agreeing to a financial contribution of **£84,239** towards the provision of or maintenance of existing open space in the vicinity of the site. The following comments are made:

"I have re calculated the POS contribution based on the reduced units detailed in the submitted information to be £79,471 plus the 6% planning administration fee giving a total of £84,239. As per original comments, dated 3/3/2015, I have not made any allowance for the area of space within the confines of the flats as this appears to be private space and not accessible public open space.

In the event that the Council is minded to approve the application, information on the specific project/s within Pontprennau Woodlands and associated open spaces to which the contribution will be allocated will be provided for inclusion in the Section 106 Agreement to secure payment of the contribution.

I welcome the inclusion of the 15 m buffer to the existing woodland margin which greatly improves the developments relationship with the woodland. Details of the planting proposals for this margin will need to

complement the existing woodland margin and provide a suitable transition from woodland to car park edge.

I would also support all of the tree officers comments in relation to the provision of a suitable Arboricultural Impact Assessment, Method Statement and Tree Protection Plan in relation to the amended plan and detail the impact on the surveyed trees, list the tree work required as part of development and describe the precautionary measures proposed to prevent or minimise harm to retained trees. Any works required to the trees or vegetation along the woodland edge must be agreed with the parks services arboricultural team and all access must be from the development site.”

5.8 The Neighbourhood Regeneration Manager has no objection, making the following comments:

“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 including student accommodation.”

On the basis of the amended plans, the proposals generate a requirement for a financial contribution, calculated on the basis of the information provided.

Number of habitable rooms (assumed, based on number of bedrooms)	Number of dwellings	Contribution per dwelling	Totals
2	36	£586	£21,096
3	24	£586	£14,064
TOTALS	60		£35,160

“The formula in the community facilities SPG is based on the number of habitable rooms per dwellings. In this instance the plan for the site does not include exact number of habitable rooms. It is recommended, therefore, that the development makes provision for payment of a financial contribution for community facilities to be calculated in accordance with the formula in the SPG. An exact request for community facilities contributions will be made once details of dwelling numbers and habitable rooms have been provided.

Community Infrastructure Levy (CIL)

CIL Regulation 122(2) provides:

A planning obligation may only constitute a reason for granting planning permission for the development if the obligation is—

- (a) necessary to make the development acceptable in planning terms;
- (b) directly related to the development; and
- (c) fairly and reasonably related in scale and kind to the development.

Comments in respect of the request for contributions towards community facilities are as follows:

(a) Necessary to make the development acceptable in planning terms:

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.

It is also in accord with Planning Policy Wales which supports the negotiation of planning obligations and states "Contributions from developers may be used to offset negative consequences of development, to help meet local needs, or to secure benefits which will make development more sustainable". A development proposing a significant increase in population, such as this, would create pressures on existing local facilities that need to be offset via a financial contribution. It would be unacceptable to grant planning consent in the absence of such provision.

(b) Directly related to the development

Several community facilities are located within proximity to the site and are likely to experience an added pressure as a result of the new population. It is envisaged that a forthcoming community facilities contribution would be directed towards these facilities:

- Pontprennau Community Centre (within Pontprennau School), and
- Pentwyn Drive Local Shopping Centre

(c) Fairly and reasonably related in scale and kind to the proposed development

Contributions towards community facilities are derived using a formula-based calculation which takes into account, amongst other things, the size of the residential development and the projected increase in population."

- 5.9 The Council's Ecologist has no objection. Having regard for the amended plans and Ecotone Document, the following comments are made:

Designated Sites

Site of Importance for Nature Conservation (SINC)

The site is adjacent to the Pontprennau Wood SINC, which is designated for its area of river valley semi-natural Alder/Birch woodland with varied ground flora indicative of ancient woodlands. In accordance with Section 5.5.3 of Technical Advice Note 5, the conservation and enhancement of locally designated sites is an important contribution to the implementation of Biodiversity Action Plans and to the management of features of the landscape of major importance for wild flora and fauna. Developers should avoid harm to those interests where possible. Where harm is unavoidable it should be minimised by mitigation measures and offset as far as possible by compensation measures designed to ensure there is no reduction in the overall nature conservation value of the area or feature. Therefore we should attach the following planning condition to any consent:-

Condition: No materials, waste, arisings or plant shall be stored or operated within the Pontprennau Wood SINC, outside the site boundary identified within the planning application, or allowed to fall, be washed or blown into it.

Reason: To protect the features of interest for nature conservation for which the SINC has been designated.

I support the inclusion of an ecotone between the proposed development and the Pontprennau Wood SINC, subject to any refinements that my colleague Ed Baker may require from an arboricultural perspective.

European Protected Species (EPS)

Bats – Woodland

Bats are very likely to be using the adjacent woodland for foraging and roosting, and lighting associated with the proposed development may well cause disturbance to these species. Whilst I would not expect a flight or roost survey for bats to be undertaken in respect of the woodland edge, we should nonetheless attach a lighting condition, based on the template given in section D3.5 of BS42020; the British Standard for Biodiversity:-

Condition:- Prior to occupation, a lighting scheme for the site shall be submitted to and approved in writing by the local planning authority. The strategy shall show how and where external lighting will be installed (through the provision of appropriate lighting contour plans and technical specifications) so that it can be clearly demonstrated that areas to be lit will not disturb or prevent nocturnal species such as bats and dormice using their territory or having access to their breeding sites and resting places. All external lighting shall be installed in accordance with the specifications and locations set out in the strategy, and these shall be maintained thereafter in accordance with the strategy. Under no circumstances should any other external lighting be installed without prior consent from the local planning authority.

Reason: To ensure that bats and dormice, which are European protected species in the context of the Conservation of Habitats and Species Regulations 2010 (as amended), are not disturbed by external lighting associated with this development.

Dormice

The woodland adjacent to the site may very well support Dormice, as the habitat is suitable and this species has been detected on sites very near by. However, as this proposed development does not entail any land-take of the woodland, I would not expect a Dormouse survey to be undertaken. Impacts upon dormice are likely to be limited to:-

- Increased lighting acting as a deterrent to Dormice, which are a nocturnal species, causing them to avoid well-lit areas, resulting in reduced foraging habitat
- Predation by domestic cats, thereby causing reduction in Dormouse population, or causing Dormice to avoid areas frequented by cats.

These impacts could be mitigated by implementation of a lighting scheme to avoid light spillage onto the woodland edge, as set out in relation to bats above, or maintenance of an ecotone between the woodland edge and development, as set out in relation to the woodland SINC, above.

Nesting Birds

As there is some vegetation management and tree removal proposed, we should attach the following condition to protect nesting birds:-

Condition: No site clearance/demolition to take place between 1st February and 15th August unless otherwise approved in writing by the Local Planning Authority.

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

Note that this does not mean that no vegetation clearance can take place in this period; if a consultant ecologist can evidence that there are no birds nesting in this vegetation immediately (48 hrs) before clearance, then we would normally advise that it can be cleared.

Enhancements

We should attach a recommendation to any consent to the effect that nesting/roosting opportunities should be built in to new build in accordance with the advice given in the TCPA's '*Biodiversity Positive: Eco-towns Biodiversity Worksheet 2009*', and in the Bat Conservation Trust's '*Biodiversity for Low and Zero Carbon Buildings: A Technical Guide for New Build 2010*'. i.e.

Potentially appropriate species	Recommended number of roosts/nest sites
Crevice dwelling bats	1 in 20 structures
Bats requiring flight space	1 in 5 public buildings (non-residential)
Horseshoe bats	1 in 5 public buildings (non-residential)
Swifts	1 in 20 buildings
House martins	1 in 50 buildings
House sparrows	1 in 40 buildings
Starlings	1 in 100 buildings
Swallows	1 in 50 buildings
Barn owls	2 per medium-size development; 3 per large development
Peregrine	1 per medium-size development; 2 per large development
<i>Source: Bat Conservation Trust</i>	

NERC Duty

These comments contribute to this Authority's discharge of its duties under Section 40 of the Natural Environment and Rural Communities (NERC) Act 2006, wherein: (1) Every public authority must, in exercising its functions, have regard, so far as is consistent with the proper exercise of those functions, to the purpose of conserving biodiversity. (3) Conserving biodiversity includes, in relation to a living organism or type of habitat, restoring or enhancing a population or habitat.

- 5.10 The Housing Strategy Manager has considered the proposals and makes the following comments:

"In line with the emerging Local Development Plan (LDP), an on-site affordable housing contribution of 20% of the units is sought on this brown-field site. Our priority is to deliver on-site affordable housing, in the form of intermediate rented accommodation. All intermediate rented units need to meet Welsh Government Development Quality Requirements (DQR) & the Welsh Housing Quality Standard (WHQS).

We will need to speak to the applicant to ascertain which block would be suitable for the affordable housing units and whether the number of units fully or partially meets the affordable housing requirement. If the number of units only partially meets the requirement then we could look to accept a financial contribution in lieu for the remainder.

For information, any affordable housing scheme should be appraised on a NIL Social Housing Grant (SHG) basis, and for the intermediate rented housing, the indicative amounts that a Registered Social Landlord (RSL) would pay for the units is based on an intermediate rent level and is specified below:

<i>1b2p flat</i>	<i>£60,000</i>
<i>2b3p flat</i>	<i>£77,548</i>

Please note that the above price relates to the properties only and any additional service charges for un-adopted roads, public open space, public realm etc. will not be due by any future residents of the affordable housing units. The affordable units will be delivered by a Registered Social Landlord (RSL) and the Council will identify a preferred RSL partner.

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.”

5.11 The Council's Trees Officer has considered the amended indicative site layout, in conjunction with the submitted Arboricultural & Ecological Ecotone Method Statement. Whilst there are no objections, any consent should be conditioned in respect of the Ecotone detailing, tree protection, landscape design and programming and landscape maintenance.

5.12 The Economic Development Manager has considered the proposals and makes the following comments:

“The Pentwyn Business Park is a popular location for business, it is located within substantial areas of housing in north east Cardiff and provides a convenient location for both business owners wanting proximity to home, and employees. The Pentwyn Business Park has proved to be a successful location for a range of business sectors including Financial Services, ICT and manufacturing.

In addition to the existing employers at the business park, significant investment has recently been made in developing new office facilities to the East of the site providing over 35,000 sq ft of high quality, flexible office space. There has already been significant interest in these new units.

We believe that the site should remain as employment land as there is still demand for out of town office space in this area of Cardiff.

This site benefits from a strategically significant position on the eastern edge of the city. It has excellent road links being located immediately adjacent to the A48 (M) and M4 motorways. Pentwyn Business Park is an important local employment site in the Pontprennau / Pentwyn area, which is well located to existing residential development in an area of high unemployment.

The business park also benefits from Assisted Area Status, and is therefore eligible for grant funding from Welsh Government.

Taking the above factors into consideration there is both a current need and demand to retain this site for employment use.

However, if the site be lost to for housing development it is suggested that a financial contribution is sought to address the concerns relating to the loss of this employment land at a key employment site in the north east of the city.

Economic Development would seek a financial contribution of £50,000. This contribution will form a package of assistance that will help support and develop companies throughout Cardiff and provide further employment opportunities. The sum of £50,000 will need to be incorporated into a Section 106 Agreement.

With regard to the requested contribution and the requirements of Regulation 122(2) of the Community Infrastructure Levy:

(a) Necessary to make the development acceptable in planning terms

The Welsh Government supports the use of Supplementary Planning Guidance (SPG) to set out detailed guidance on the way in which development plan policies will be applied in particular circumstances or areas. The SPG must be consistent with development plan policies and national planning policy guidance. It may be taken into account as a material planning consideration in planning decisions. The SPG for Safeguarding Land for Business and Industry was formally adopted by Council in June 2006.

Under current policy the proposed development is subject to Policy 36 of the Local Plan (Alternative Use of Business, Industrial and Warehousing Land), which requires that proposals for the alternative use of existing and proposed business, industrial and warehousing land will be assessed against the demand for and need to preserve a range and choice and quality of sites available for business, industrial and warehousing development.

Whilst satisfactory marketing evidence supports the application to demonstrate that the site is no longer in demand for its current use this is largely because the current premises are past their 'sell by' date and would be unviable to convert to alternative employment uses as opposed to the site itself no longer being well located for business, industry or warehousing opportunities. In similar situations it has been practice for the council to work with developers to develop a mixed use scheme on site which contains an element of employment opportunities in order to compensate for the complete loss of the site to residential development. Whilst it is recognised the site will become vacant because of the company expanding at an alternative location, the application site will be completely lost to employment generating activities. This loss is of particular concern, given the site benefits from a strategically significant position on the eastern edge of the city. It has excellent road links being located immediately adjacent to the A48 (M) and M4 motorways. Pentwyn Business Park is an important local employment site in the Pontprennau / Pentwyn area, which is well located to existing residential development in an area of high unemployment.

The business park also benefits from Assisted Area Status, and is therefore eligible for grant funding from Welsh Government.

The financial contribution would help address the impact of the loss of a local employment site in an area of high unemployment and provide opportunities for training/employment for residents of the new residential development.

(b) Directly related to the development

This contribution would address the impact of the loss of this local employment site by addressing the need for additional local employment/training opportunities in an area of high unemployment and for residents of the new residential development.

(c). Fairly and reasonably related to it in scale and kind

A financial contribution is sought to address the concerns relating to the loss of this employment land at a key employment site in the north of the city. Economic Development is seeking a financial contribution of £50,000. This contribution will form a package of assistance that will help support and develop companies within the Pentwyn ward and provide further employment opportunities. The figure of £50,000 is equitable to other figures that have been agreed on sites of the same size in Llanishen.”

- 5.13 The School Services Manager has been consulted and no comments have been received.

6. EXTERNAL CONSULTEE RESPONSES

- 6.1 Dwr Cymru/Welsh Water have no objection subject to conditions in respect of site drainage. Further advice is provided in respect of sewer easements.
- 6.2 Natural Resources Wales have no objection.
- 6.3 Glamorgan Gwent Archaeological Trust have no objection.

7. REPRESENTATIONS

- 7.1 Local Members were consulted in respect of the original submission and Councillor D Rees raised the following concerns:

“I am writing as councillor for Pontprennau and Old St Mellons having consulted with a number of residents of St Michaels Court who are neighbours to this site.

I have no objection in principle to residential development on this site ,however I object to the inadequate provision of parking in this application. Only 47 parking spaces for 74 flats are provided for, an inadequate provision in an area which is already beset with severe parking problems, which colleagues in highways will confirm. A scheme to address the issues of all day commuter parking is under consideration at present. What is proposed in this application can only add to existing problems for residents of Blackberry Way, Enbourn Drive and Pipkin Close. I urge you to go back to the developers and ask them to enlarge their parking provision in the application.

If the current application is not amended accordingly to increase parking spaces and the current application in its present form not withdrawn, I request

the matter is dealt with by planning committee and a site visit organised for the committee to see for themselves the severe parking congestion in the area. A site visit should be conducted during the working day between 11.00am and 16.00 pm when congestion from overspill parking from nearby office workers is at its heaviest.”

Local Members were re-consulted in respect of the amended proposals and no further comments have been received.

7.2 Adjacent Occupiers were consulted in respect of the original submission, and the application was advertised on site and in the press in accordance with procedures. Letters of objection were received from the occupiers of 17 & 25 Pipkin Close and 43 Blackberry Way, raising the following issues:

- Inadequate parking provision on site will exacerbate current instances of parking congestion and nuisance parking on the surrounding streets;
- Increased traffic congestion as a result of the new residential occupancy;
- The 4-5 storey scale of the proposed buildings will have a detrimental impact on views, will overshadow the gardens (to Blackberry Way) and cause unacceptable loss of light;
- The scale of the development and the negative impacts above will have a detrimental impact on property value.

Adjacent occupiers were re-consulted in respect of the amended proposals and no further comments have been received.

8. **ANALYSIS**

8.1 An outline application for the demolition of all existing (2 storey) office and laboratory buildings on the site and redevelopment for residential use. All detailed matters are reserved. The application has been amended to reduce the potential scale of development.

8.2 This application (as amended) is for the development of 60 residential units on land which is identified as existing business, industrial and warehousing land, as defined by the City of Cardiff Local Plan.

As an alternative use of such land, the application must be assessed against:-

- Policy E3 of the South Glamorgan (Cardiff Area) Replacement Structure Plan 1991-2011;
- Policy 36 of the Local Plan and;
- Supplementary Planning Guidance on ‘Safeguarding Land for Business and Industry’ (June 2006).

This policy framework aims to ensure that a sufficient range, choice and quality of development opportunities are available for both indigenous businesses and inward investors and requires development proposals for the alternative use of employment land to be assessed against 2 main policy criteria:

- (1) Whether there is demand for business, industry or warehouse use on the application site and;
- (2) Whether there is a need to retain the land for business, industrial or warehouse use.

The Deposit LDP identified the Avenue Industrial Park, including the application site as land to be protected for employment purposes. However, it should be recognised that at this stage the LDP carries little weight.

The marketing statement provides robust evidence in support of the application which aims to address these concerns. The site has been marketed over an extended period lasting in excess of five years for continued use as a commercial premises (in line with its established use).

The main reason for the lack of success in the market was the 'no better than reasonable' office space and the highly bespoke nature of the laboratories, the nature of which being so specialist as to dissuade prospective purchasers or tenants.

A rebuild of the site has also been deemed economically unviable given the peripheral location and competition with the city centre office offer.

The site is modest in size (0.4 ha) and is adjacent to existing residential dwellings to the north. The site is currently occupied, however, it is acknowledged that the business is expanding and has a requirement for large more modern premises that are more suitable to meet their operational needs. The company will be retained in Cardiff within a larger site at Forest Farm, with development land for expansion.

Furthermore, recent national policy, adopted since the application was submitted (TAN 23, February 2014), confirms that existing employment sites should be released for other uses if they have poor prospects of being re-occupied for their previous use; the particular market is over supplied; the existing employment use has unacceptable adverse impacts on amenity or environment; the proposed development does not unduly compromise neighbouring employment that are being retained and; other priorities, such as housing need, override more narrowly focussed economic considerations. Taking this into account, it would be difficult to sustain a policy objection to the residential use of the site.

In similar applications for residential development on protected employment land it is standard practice to work with the applicant to develop a mixed use scheme comprising a balanced approach to employment, housing and community facilities. This has not been considered by the applicant. However, given the small scale of the site and its proximity to residential developments, the opportunity for such a mixed use scheme or for future employment use on this site could be limited.

Nevertheless, there are concerns about the loss of employment land in this location; the encroachment of residential development in the business park and; the affect this is could have on the operating conditions of existing employers and future potential investors.

- 8.3 Notwithstanding that this is an outline application, with all matters reserved, it is nonetheless appropriate to consider the implications of the scale and nature of the proposal, having regard for the indicative plans submitted.

The amended proposals indicate a three storey, flat roof construction, to a height of approx. 11.4m above the ground level of the site. This represents an increase of approx. 0.5m above the ridge height of the existing buildings on site.

It is noted that the amended layout (as indicated) introduces a built form that would be closer (approx. 2.0m) to the shared boundary to the dwellings fronting Blackberry Way. However, it is also of note that the ground level of those dwellings is set approx. 6.0m above the application site, thus reducing the impact of the proposed buildings. In addition, the amended layout as indicated presents narrower end elevations to that shared boundary, with the angle orientation of the Blackberry Way dwellings further reducing the impact of the proposals on those occupiers.

- 8.4 The application site is located adjacent to the Pontprennau Wood SINC. As such a considerable amount of negotiation has taken place in order to secure an 'ecotone' buffer between the site and the SINC. The principles of the ecotone are acceptable to the Council's Trees Officer and Ecologist, subject to the submission and approval of finer details under any reserved matters application.

- 8.5 It is noted that the Pollution Control Manager (Contaminated Land) has not commented on this application. However, in light of the extant use and having regard for other developments and proposals in the vicinity of the site, it is considered prudent to impose the contaminated land conditions indicated above.

- 8.6 Whilst the concerns of the Economic Development Manager are noted and, to a degree, reflected in land use policy terms, the applicants have presented a compelling case that the land is no longer viable for employment purposes. In this case, they have satisfied the requirements of policy 36 of the adopted Local Plan. In addition, it is noted that the business currently run by the applicant on the site is relocating to larger premises within the City (not being lost), and the applicant has also agreed to make a financial contribution towards the improvement of business opportunities elsewhere in Pentwyn. In this case, and on balance, it is considered that there would be no sustainable grounds to refuse consent in respect of the loss of employment land.

- 8.7 The comments of the Transportation Manager are noted. However, as this is an outline application, with all matters reserved, the imposition of conditions relating to the details of any new access and internal roadway would be an

unnecessary duplication, as these issues will be considered under any Reserved Matters application.

8.8 With regard to the matters raised in representations;

- The proposals have been amended to reduce the number of flats and increase the on-site car parking provision to one space per flat. This is considered acceptable by the Transportation Manager;
- The proposals have been considered by the Transportation Manager, who has no objection in respect of traffic generation;
- The proposals have been amended to reduce the scale of development and to limit the degree of built form that is closest to the shared boundaries to the dwellings fronting Blackberry Way. In this regard, there would be no sustainable grounds to refuse consent in terms of overshadowing or loss of light;
- There is no right to a view under planning legislation. There would be no sustainable grounds to refuse consent in this regard;
- The impact of development on property values is not a material consideration.

8.9 S106 matters – The following contribution requests have been made, with reference made to the Community Infrastructure Levy tests:

Transportation - £20,000 – Bus shelter and Crime Camera in a bus stop close to the site on Pentwyn Road.

Neighbourhood Regeneration – £35,160– Towards the improvement of facilities at Pontpennau Community Centre (within Pontpennau School), and Pentwyn Drive Local Shopping Centre.

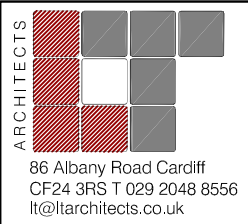
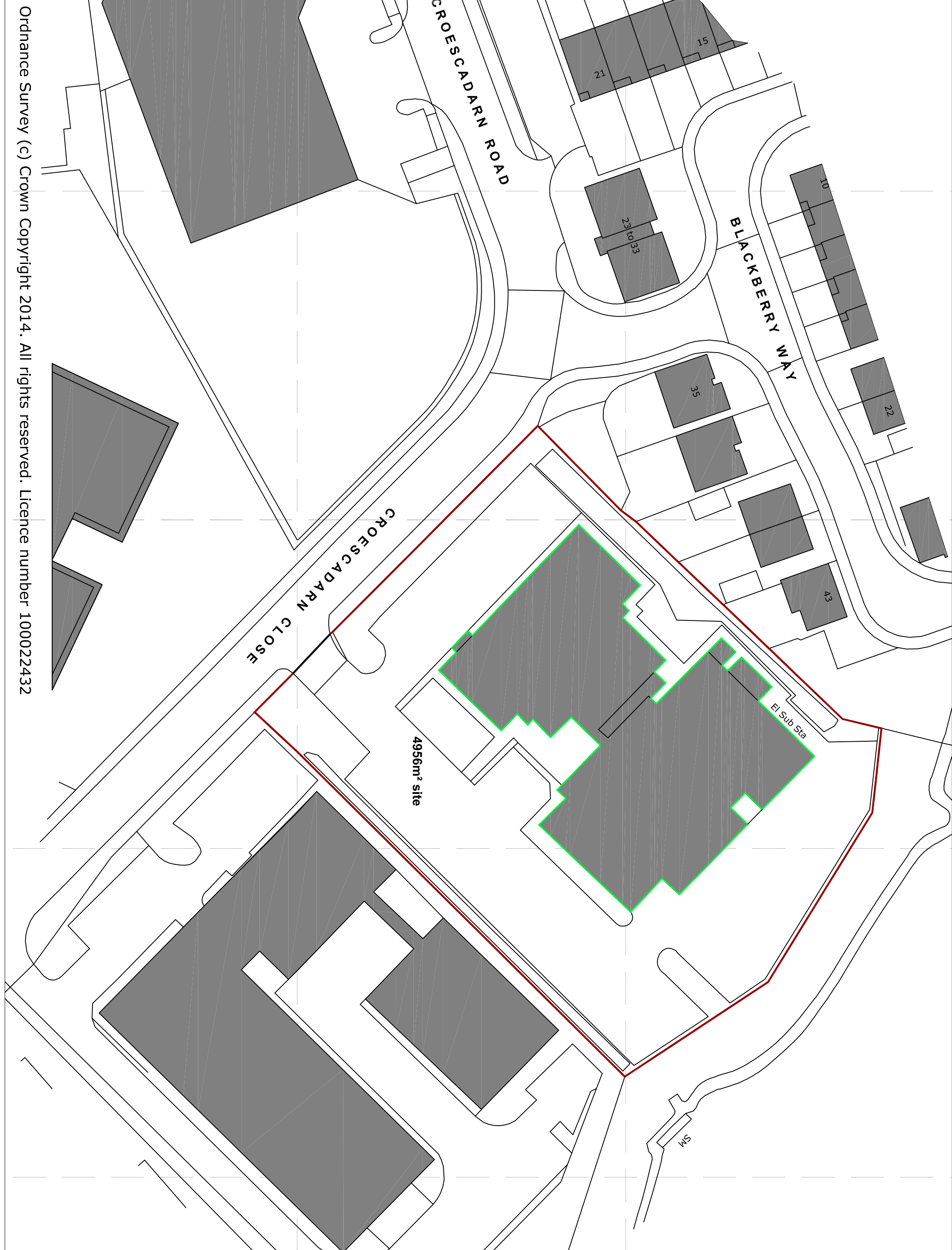
Parks – £84,239 – Towards the improvement of open space in the vicinity. Details to be agreed in line with the CIL tests.

Affordable Housing – An on-site provision of 20% is required.

Economic Development - £50,000 – Towards the support of companies in the Pentwyn area in compensation for the loss of employment land.

8.10 In light of the above, and having regard for adopted planning policy guidance it is recommended that outline planning permission be granted, subject to a legal agreement and conditions.

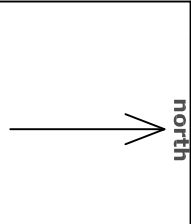
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Project: Change of Use to residential at Merton House.
 Address: MTD Ltd, Croescadarn Close, Pentwyn, Cardiff. CF23 8HF
 Title: Site Location Plan
 Date: December 2014

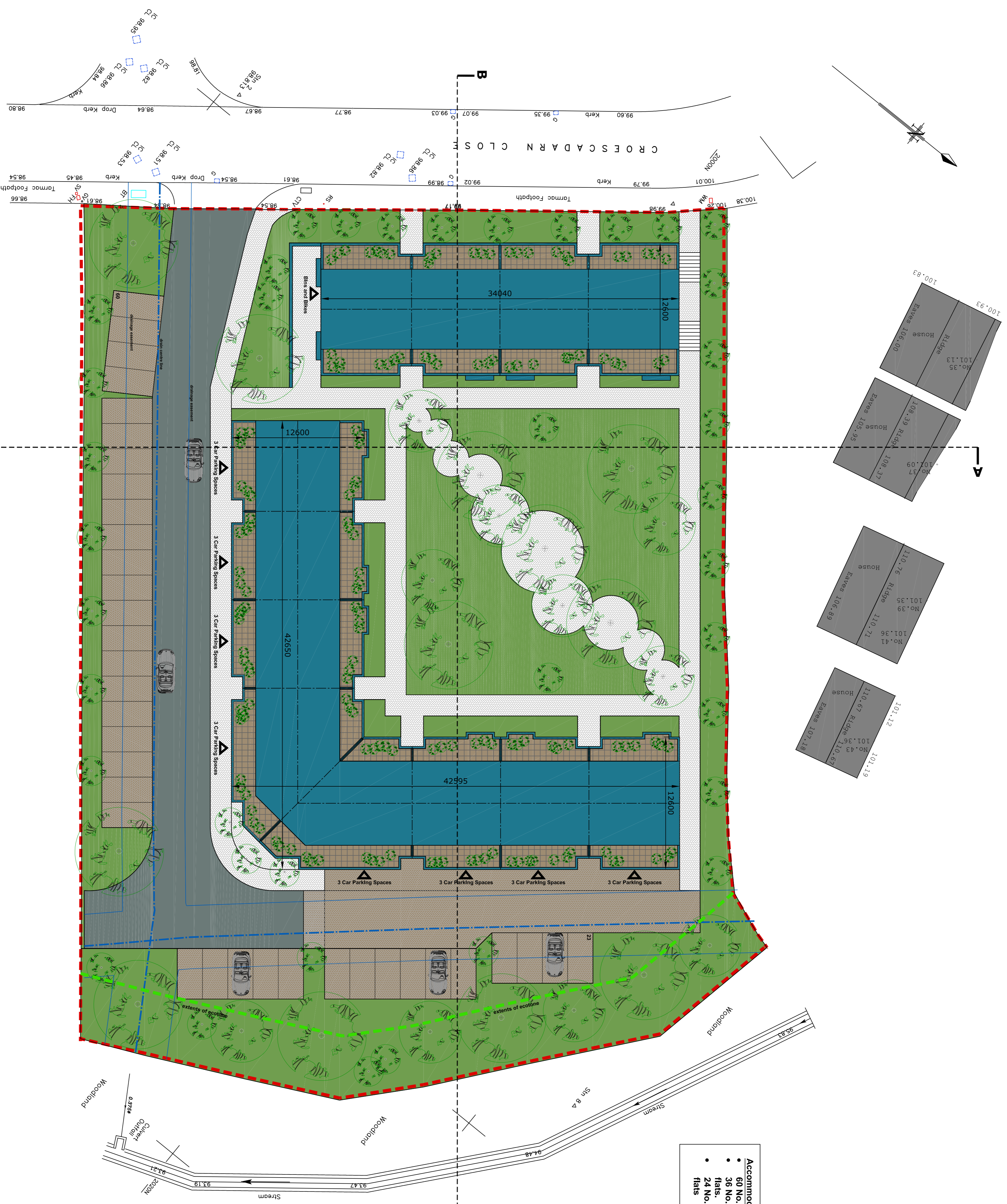
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Drawn By: SW
 Checked By: LT
 Revision:

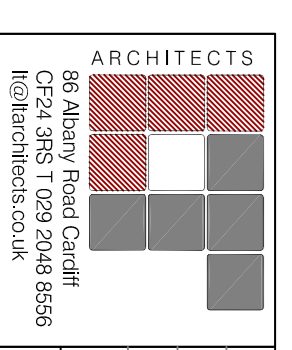


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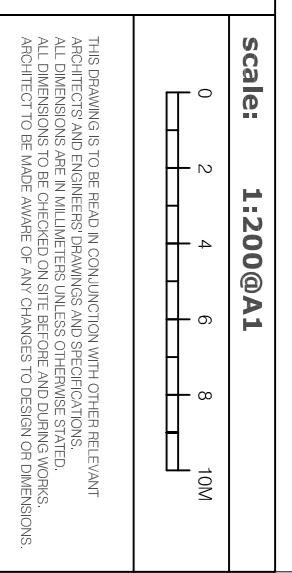
- Accommodation:**
- 60 No. Parking Spaces.
 - 36 No. 1 bedroom self contained flats.
 - 24 No. 2 bedroom self contained flats



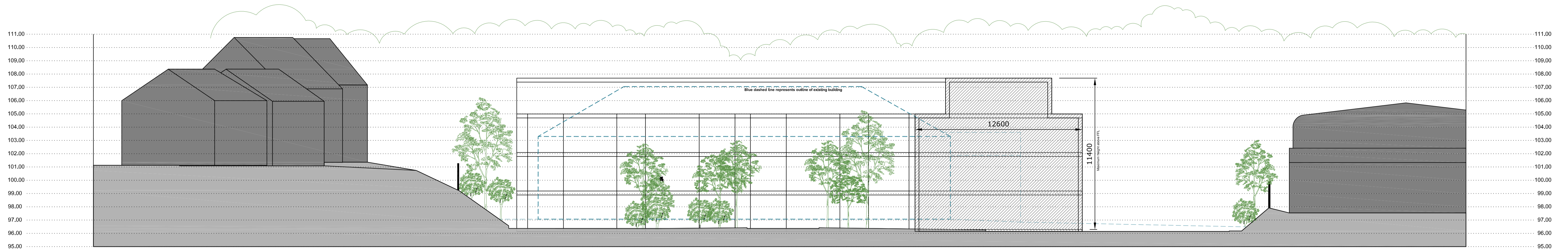
Project: Change of Use to residential at Merton House.
 Address: MTD Ltd, Croescedarn Close, Penhryn, Cardiff, CF23 8HF
 Title: Proposed Site Layout
 Date: December 2014

Drawn By: SW
 Checked By: LT
 Revision: To provide additional information to the planning authority

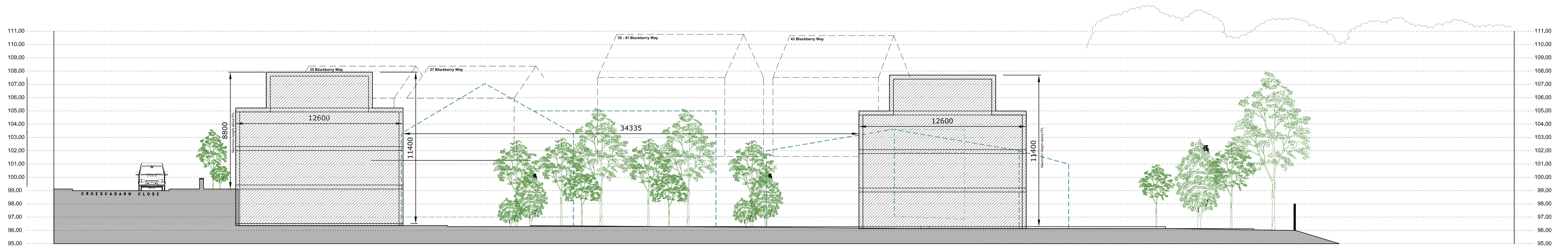
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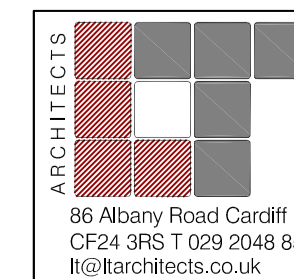
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Section A-A



Section B-B



Project: Change of Use to residential at Merton House.
 Address: MTD Ltd, Croescadarn Close, Pentwyn, Cardiff. CF23 8HF
 Title: Proposed Site Sections
 Date: December 2014
 Job No: 1025 Drawing No: AL(99)01

Drawn By: SW
 Checked By: LT
 Revision:
 A - 19.01.15 - Dimension added
 B - 08.07.15 - Revised Layout

scale: 1:150@A1

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