

COMMITTEE DATE: 9/03/2016

APPLICATION No. **15/02847/MJR**

APPLICATION DATE: 26/11/2015

ED: **ELY**

APP: TYPE: FULL PLANNING PERMISSION

APPLICANT: WATERSTONE HOMES LTD

LOCATION: LAND OFF, CLOS-Y-CWARRA, ST FAGANS, CARDIFF,
CF5 4QT

PROPOSAL: RESIDENTIAL DEVELOPMENT FOR 44 DWELLINGS AND
ASSOCIATED WORKS

RECOMMENDATION 1: That, subject to relevant parties entering into a binding legal agreement with the Council under the provisions of a **SECTION 106** of the Town and Country Planning Act 1990, within 6 months of the date of this Resolution unless otherwise agreed by the Council in writing, in respect of the provision of 44 social dwellings and £105,000 towards those matters detailed in paragraphs 5.9 and 5.11 of this report, planning permission be **GRANTED** subject to the following conditions:

1. C01
2. This approval shall be carried out in accordance with drawing numbers 2066-101 Rev D, 102 Rev A, 103 Rev A, 104 Rev A, 201,202, 203 and 204; 205-01 and 205-02; 12012/43020; and TDA.2067.01 and documents Preliminary Ecological Appraisal February 2013 and Preliminary Ecological Appraisal addendum September 2015; Transport Note October 2015; Geo-Environmental and Geotechnical Assessment November 2015; Environmental Noise Survey 12 October 2015, Landscape Specification and Management Plan, and Pre Development Tree Survey and Tree Constraints Plan (all by TDA dated February 2016).
Reason: To avoid doubt and confusion as to the approved plans and documents.
3. Prior to commencement of development a scheme of construction management shall be submitted to and approved by the Local Planning Authority to include details of construction traffic routes, site hoardings, site access, wheel washing facilities and parking of contractors vehicles. The development construction shall be managed strictly in accordance with the scheme so approved.
Reason: In the interests of highway safety, public amenity and to protect water quality and the integrity of the Ely Valley SSSI.
4. No development shall take place until a site assessment, including ground permeability testing, has been undertaken to determine whether sustainable drainage techniques can be utilised, and a

drainage scheme for the disposal of both surface water and foul sewage, including any connection to the existing drainage system, and land drainage flows 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.

- 5 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.

- 6 Any topsoil [natural or manufactured], or subsoil, to be imported shall be assessed for chemical or other potential contaminants in accordance with a scheme of investigation which shall be submitted to and approved in writing by the Local Planning Authority in advance of its importation. Only material approved by the Local Planning Authority shall be imported. All measures specified in the approved scheme shall be undertaken in accordance with the relevant Code of Practice and Guidance Notes. Subject to approval of the above, sampling of the material received at the development site to verify that the imported soil is free from contamination shall be undertaken in accordance with a scheme and timescale to be agreed in writing by the Local Planning Authority.

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

- 7 Any aggregate (other than virgin quarry stone) or recycled aggregate material to be imported shall be assessed for chemical or other potential contaminants in accordance with a scheme of investigation which shall be submitted to and approved in writing by the Local Planning Authority in advance of its importation. Only material approved by the Local Planning Authority shall be imported. All measures specified in the approved scheme shall be undertaken in accordance with the relevant Code of Practice and Guidance Notes.

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

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

- 8 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.
- 9 Prior to the commencement of any development works a scheme to investigate and monitor the site for the presence of gases* being generated at the site or land adjoining thereto, including a plan of the area to be monitored, shall be submitted to the Local Planning Authority for its approval.

Following completion of the approved monitoring scheme, the proposed details of appropriate gas protection measures to ensure the safe and inoffensive dispersal or management of gases and to prevent lateral migration of gases into or from land surrounding the application site shall be submitted to and approved in writing to the Local Planning Authority. If no protection measures are required than no further actions will be required.

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

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

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

10. No development shall take place until a method statement detailing how surface water and land drainage flows will be controlled without causing nuisance or flooding to adjacent land and highways during the construction period has been submitted to and approved in writing by the Local Planning Authority. Development shall be carried out in accordance with the approved method statement.

Reason: To ensure an orderly form of development.

11. No removal of trees, shrubs, bushes or hedgerows shall take place between 1st February and 15th August without prior written approval from the Local Planning Authority.
Reason: To avoid disturbance to nesting birds.
12. The mitigation measures set out in Table 1 in Section 4.4 of the September 2015 addendum to the February 2013 'Preliminary Ecological Appraisal' shall be implemented as detailed within the appraisal.
Reason: In the interests of conservation.
13. Should areas of Monk's Hood be cleared, the re-establishment of the species shall be through appropriate management, with no planting from stock outside of the site. Only rootstock found on site may be used to re-establish the species.
Reason : To protect the Ely Valley SSSI.
14. No development shall take place until a full surface and ground water drainage assessment has been carried out for the site.
Reason : To protect water quality and the integrity of the Ely Valley SSSI.
15. No development shall take place until a scheme to treat and remove suspended solids from surface water run-off during construction works has been submitted to, and approved in writing, by the Local Planning Authority.
Reason: To protect water quality and the integrity of the Ely Valley SSSI.
16. No development shall take place until the applicant, or their agents or successors in title, has secured the implementation of a programme of archaeological work in accordance with a written scheme of investigation which has been submitted by the applicant and approved in writing by the Local Planning Authority.
Reason: To identify and record any features of archaeological interest discovered during the works, in order to mitigate the impact of the works on the archaeological resource.
17. Prior to individual dwellings being brought into beneficial use the approved parking space(s) that serve them shall be completed and thereafter shall be maintained and shall not be used for any purpose other than the parking of vehicles.
Reason: To ensure that the use of the proposed development does not interfere with the safety and free flow of traffic passing the site.
18. No dwelling shall be occupied until that part of the road and footpath which provides access to it and all surface water drainage works for the said road have been laid out, constructed and completed (except for the final surfacing) in accordance with the approved plans.
Reason: To make provision for satisfactory access to any dwelling by

the future occupants.

19. Prior to the commencement of development a comprehensive phasing plan for the construction of the roads, footpaths and other publicly accessible areas shall be submitted to and agreed with the Local Planning Authority. The phasing plan shall identify phases of construction of development and where required shall ensure safe and convenient pedestrian, cycle and vehicular access through those areas not under construction or where construction is complete. The development shall be carried out in accordance with the provision of the approved phasing plan or any variation thereof agreed in writing with the Local Planning Authority.

Reason: To ensure safe access through and within the site.

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

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

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

Reason: In the interests of the amenities of the future occupiers of the dwellings

21. No development shall commence on the apartments until details of their bin store, cycle store and the access to these structures has been submitted to and approved in writing by the Local Planning Authority. The development shall be constructed in accordance with the approved details.

Reason: In the interests of visual amenities and the provision of satisfactory access to these structures.

22. C1B (Materials)

23. Prior to any development commencing on site details of a new

vehicular access to serve 43 Clos Y Cwarra and a timetable for its construction shall be submitted to and approved in writing by the Local Planning Authority and shall then be constructed in accordance with the agreed timetable.

Reason: To ensure satisfactory off street car parking is provided and in the interests of highway safety.

- 24 Notwithstanding the submitted landscaping details on drawing TDA.2189.04 a revised landscaping scheme shall be submitted to and approved by the Local Planning Authority prior to the commencement of development on site. The approved landscaping scheme shall then be implemented in accordance with a timetable to be submitted to and approved by the Local Planning Authority prior to the commencement of development on site. Any tree or plant which within a period of 5 years from the completion of the development die, are removed or become seriously damaged or diseased shall be replaced in the next planting season with another of similar size and species unless the Local Planning Authority gives written consent to any variation.

Reason: To maintain and improve the appearance of the area in the interests of visual amenity.

- 25 Notwithstanding the submitted Soil Resources Report a revised Soil Resources Report shall be submitted to and approved by the Local Planning Authority prior to the commencement of development on site. The revised Soil Resources Report shall be implemented as approved.

Reason: To ensure the soils used will facilitate the landscaping scheme required to maintain and improve the appearance of the area in the interests of visual amenity.

- 26 Notwithstanding the submitted Arboricultural Method Statement a revised Arboricultural Method Statement shall be submitted to and approved by the Local Planning Authority prior to the commencement of development on site. The revised Arboricultural Method Statement shall be implemented as approved.

Reason: To maintain and improve the appearance of the area in the interests of visual amenity

RECOMMENDATION 2: This development falls within an area which has a geological predisposition to radon and will require basic radon protective measures, as recommended for the purposes of the Building Regulations 2000. Should you have any queries in this matter I would suggest you consult with my Building Control Division.

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 licence. The following must not be imported to a development site:
- Unprocessed / unsorted demolition wastes.
 - Any materials originating from a site confirmed as being contaminated or potentially contaminated by chemical or radioactive substances.
 - Japanese Knotweed stems, leaves and rhizome infested soils. In addition to section 33 above, it is also an offence under the Wildlife and Countryside Act 1981 to spread this invasive weed; and
- (iii) the safe development and secure occupancy of the site rests with the developer.

Proposals for areas of possible land instability should take due account of the physical and chemical constraints and may include action on land reclamation or other remedial action to enable beneficial use of unstable land.

The Local Planning Authority has determined the application on the basis of the information available to it, but this does not mean that the land can be considered free from contamination.

RECOMMENDATION 4 : Light spill onto sensitive areas which have the potential to be used by commuting and foraging bats should be limited to levels of 1 lux or less. Suggestions for achieving this and for mitigating the lighting impact on bats are outlined in the best practice guidance by the Bat Conservation Trust Bats and Lighting in the UK (BCT, 2007).

RECOMMENDATION 5 : All bats and their roosts are protected against disturbance under UK and European legislation. If works are planned on a tree in which bats are roosting, Natural Resources Wales must be contacted. If work has already commenced and bats are found, or if any evidence that bats are using the site as a roost is found, work should cease and NRW should be contacted immediately. Where bats or their roosts are present in a tree, no works of felling, lopping or pruning of that tree should take place unless a licence to disturb these species and/or their roosts has been granted in accordance with the relevant legislation.

RECOMMENDATION 6 : That the access road and any other works which relate to the existing or proposed adopted highway will be subject to an agreement under Section 38 and/or Section 278 Highways Act 1980 between the developer and Local Highway Authority.

RECOMMENDATION 7 : Travel Information / Welcome Pack – It is recommended that public transport options are provided to tenants upon residency, as a welcome pack, as this can set in train sustainable transport

behaviours. Leaflets are available from the Council for the bus and cycle routes in the area as well as guidance on the kind of information to provide in the pack. Liaison with Nick Peers (tel: 02920 873722) of Transport Policy can be sought to help achieve this;

RECOMMENDATION 8 : 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 9 : The revised schemes required by conditions 26, 27 and 28 should be amended in line with the advice of the Council's Tree Officer.

1. **DESCRIPTION OF PROPOSED DEVELOPMENT**

- 1.1 This is a full application for 44 dwellings.
- 1.2 The housing proposed would comprise two 2 storey blocks of 6 one bedroom flats, eight pairs of semi-detached houses (four of which would be 3 bedroom units and two units would be 2 bedroom and the other two would be 4 bedroom), four terraces of 3 units (three of these short terraces would accommodate 2 bedrooms and the other one would accommodate 3 bedrooms) and one terrace would accommodate four units (each with 2 bedrooms).
- 1.3 The dwellings would have roofs of interlocking tiles with some of the units finished in brick and some finished in through colour render. Cills to the dwellings and headers would be finished in brick on end. The garden areas generally conform with the SPG Cardiff Residential Design Guidance. Whilst several of the proposed gardens are substantially larger than that indicated in the Guidelines 3 of the dwellings don't have gardens that are 10.5m in length but do meet or exceed the overall 50 sq m garden area which is also identified in the Guidelines. The garden of unit 12 has been markedly increased in size on the amended layout drawings received in February.
- 1.4 The road serving the development will meander down from Clos y Cwarra to respond to the gradient of the site. Many of the houses and associated car parking spaces will be stepped for the same reason. The car parking spaces are slightly larger than the minimum of 4.8m x 2.4m specified in the Council's SPG on Access, Circulation and Parking Standards. Each of the flats would have a parking space and 28 of the houses would have 2 spaces each and four would have 1 space. Four spaces have been omitted on the amended plans which has helped improve space around the development and provided the opportunity for planting between some of the grouped parking spaces.

Vehicular access would be between nos 43 and 45 Clos y Cwarra. The access road would be 5.5m with pavements either side. The amended plan indicates a footpath link at the western edge of the site.

- 1.5 The applicant has confirmed that the scheme will be 100% affordable housing as set out on the application forms and in the supporting Planning Statement and that United Welsh Housing Association is the preferred housing association. The intention is that Waterstone Homes (the applicant) will enter into contract with United Welsh to construct the development once planning permission is granted. The developer will enter into a S106 agreement which will enforce the delivery of the 100% affordable housing and the payment of the financial contribution as agreed during pre-application discussions.
- 1.6 Waterstone Homes (as applicant) will be a signatory to the S106 as will the current landowners who have had Notice served upon them. Certificate B has been submitted with the application. The applicant's agent understands that upon grant of planning permission, land ownership will transfer to United Welsh who will enter into a build contract with Waterstone Homes who will develop the site.
- 1.7 The proposed dwellings are shown sited outside the root protection areas, however one of the units marginally infringes this zone as do two of the car parking spaces. A collapsed ash and oak are to be removed, some coppicing and some branch removal is proposed and is more fully detailed in a "Pre-Development Tree Survey" submitted by Tree Maintenance Ltd. A revised landscaping scheme has been submitted following the comments by the Tree Officer.
- 1.8 The application has been accompanied by supporting drawings: a Design and Access statement; a Pre-Development Tree Survey; an Archaeological Desk Based Assessment; Preliminary Ecological Appraisal and Addendum; Geo-Environmental and Geotechnical Assessment; Landscape and visual Assessment; and Environmental Noise Survey.
- 1.9 Screen walls are to be erected where a rear garden boundary is to adjoin a highway. Fences are to be erected to screen rear boundaries in other situations.

2. **DESCRIPTION OF SITE**

- 2.1 This greenfield site measures 1.77 Hectares and is down to grass. The site is situated to the south west of Clos Y Cwarra, a late 20th century development of predominantly detached residential properties. The application site is a steeply sloping, falling from east to south west, towards Nant Y Plac. The site is bordered on the northern and southern sides by ancient semi natural woodland which is also a designated site 'Michaelston Marsh and Woods Site of Importance for Nature Conservation' (SINC) and protected by TPOs G02 and W03.
- 2.2 There is a public footpath running along the north western boundary of the site.

- 2.3 The site is not in a flood zone but is close to the Nant Y Plac and Ely River.
- 2.4 The upper part of the site is visible from a section of the A4232 on and close to the bridge over the Ely River.
- 2.5 The easternmost part of the site is 250m in a straight line from the nearest bus stop to the south and 600m from St Fagans Primary School. However these distances increase as the roads linking these facilities to the site meander quite markedly.
- 2.6 Part of the garden/parking/access area for no43 Clos Y Cwarra would be incorporated into the approved access.

3. **SITE HISTORY**

- 3.1 13/00444 An application for outline planning permission for up to 50 dwellings was considered by the Planning Committee on 12/3/2013 when Members decided to approve the application once a Section 106 agreement had been concluded. The Section 106 Agreement was signed in February 2016 and the planning permission has now been issued. The S106 Agreement would require 40% affordable housing (20% on site and 20% as a financial contribution), open space, education and transportation contributions.

4. **POLICY FRAMEWORK**

- 4.1 The recently approved Local Development Plan shows this development outside the settlement boundary and in a Special Landscape Area. However, Strategic Planning advise that as the principle of residential development of this site has already been established with the grant of planning permission (13/00444/DCO) the application raises no land use policy concerns. This site is identified in Appendix 5 of the LDP as a development of over 10 dwellings with planning permission, and then further identifies it as awaiting a legal agreement with 30 private and 20 housing associations.

5. **INTERNAL CONSULTEE RESPONSES**

- 5.1 Strategic Planning has provided the following response:

As the principle of residential development of this site has already been established with the grant of planning permission (13/00444/DCO) the application raises no land use policy concerns.

- 5.2. The Council's ecologist says that he agrees with the mitigation measures set out in Table 1 in section 4.4 of the September 2015 addendum, and recommends that these be secured by a planning condition. These mitigation measures accord with those recommended by NRW in their letter of 17th December 2015.

In addition he would support any recommendations put forward by the Tree Officer in relation to protection of the adjacent woodland edge.

5.3. The Placemaking Team has raised the following issues:

Access

Further information should be provided to illustrate that an appropriate pedestrian and vehicular access route leading into/out of the site could be established given that a private driveway currently cuts across half of the area indicated as the proposed access.

(The applicant's agent has subsequently confirmed that his client owns this land).

Density

The density of the proposed development would reasonably reflect that of the existing development within the local area and is therefore considered to be appropriate.

Sense of Arrival

The approach into the application site would be via Clos-Y-Cwarra between a pair of hipped roof double garages associated with No's 43 and 46; and would not therefore represent a particularly memorable or interesting entrance. Once in the site, the first thing you would see is a large hardstanding parking area and a bland 3 dwelling terrace. Further consideration should therefore be given to how an improved sense of arrival might be achieved within the site. This could be through a change in the architecture or scale of the initial dwellings and an improvement in how they address the street. The car parking spaces associated with these dwellings should also be located in a more discrete location.

(The amended layout seeks to address this by introducing a landscaping feature and repositions the parking).

Highway Treatment

It is acknowledged that the topography of the site would be restrictive of the potential layout options available, however the layout currently proposed appears overly highway engineered. A more relaxed approach to the highway treatment, coupled with improved variety in the built form, should subsequently be explored.

Layout

The application site is not located within particularly close proximity to local facilities or public transport and the pedestrian routes leading to these are long and convoluted. Consideration should therefore be given improving the pedestrian permeability of the site in order that residents can take a less longwinded route through the site than the meandering road alignment currently dictates.

The topography of the site coupled with the proposed layout would mean that the rear boundaries of Plot No's. 12-15 would be exposed. Concerns would subsequently be had with regard to the resulting aesthetic of this approach. Further consideration should subsequently be given to the layout arrangement of these plots such that any means of enclosure at the rear of the properties would be less visually prominent.

(The amended plans now show understorey tree planting between the rear of these properties and the highway).

Should any boundary treatment be prominent, these would be expected to be of high quality, robust materials in order to reduce their prominence whilst offering a sufficient level of security for the occupiers of the dwellings.

(see paragraph 1.9 of the report).

Consideration might be given to rotating units 42, 43 & 44 by 90 degrees in order that these dwellings would form a clear end to the development and also terminate the view along the street.

The necessity for the provision of a pedestrian access route to the rear of plot 26 would be questioned. The quality of the route proposed would also be poor.

(Rear access is required because of the difference in levels at the front of the proposed house).

Landscaping

Some concern would be had with regard to the finish and ongoing maintenance of the greenspaces within the site, particularly those proposed running parallel to the highway given the degree of prominence they would have. The input of a landscape architect should subsequently be sought in order that these spaces areas are well considered and designed from the outset.

A well-considered landscaping scheme would also be of benefit in potentially screening any exposed means of enclosures.

Parking

The majority of the car parking provision proposed would be located to the side the dwellings which is welcomed. Consideration might however be given to the parking areas being positioned slightly further back into the plot thereby reducing the visual prominence of any vehicles within the street scene.

Where parking is to be located to the front of properties, it would be important that these areas are broken up and softened with landscaping, in order to add interest to the development and reduce the visual dominance of vehicles.

It is noted that the level of car parking provision proposed is high. Consideration might therefore be given to reducing the number of spaces provided in order promote more sustainable means of travel. This would also be of benefit to the overall aesthetic of the development.

(See paragraph 1.4 of this report).

Amenity Space

The amenity space provision associated with each of the proposed dwellings would exceed the minimum standard set out in the Residential Design Guide, with the exception of Plot 12. Improved provision should subsequently be provided for this dwelling.

(See paragraph 1.3 of this report).

Shared amenity areas are proposed for the two blocks of flats. Some concern would be had with regard to the quality and usability of these spaces however given the topography of the site and their proximity to, and therefore the potential over shadowing, of trees. Further information should subsequently be provided which demonstrate that these areas would be appropriate.

Architecture

While it is appreciated that the development is for 100% affordable housing and therefore the scope for a more bespoke architecture is limited, it is considered that uplift in quality of some of the buildings, particularly those in key locations, should be considered.

Link to the Ely Trail

The provision of a pedestrian and cycle link to the nearby Ely trail should be included as part of any scheme, should this be feasible. Any link should be well overlooked in order that people feel safe and therefore content using it.

- 5.4 The Operational Manager Environment (Noise and Air) recommends that:-
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.

I note from the noise report produced by Hunter Acoustics dated 12th October 2015 that currently the garden criteria would not be met and as a result further more detailed assessment is required to ensure, 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.

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.

Further comments were received expressing concern regarding the external garden criteria which is currently being exceeded by 8-9dB(A). Would be this matter be considered under the S106 agreement for a barrier on the link road.

(The developer submitted further evidence from an acoustic expert that only 9 of the dwellings exceeded the 55dBA by less than 3dBA).

5.5 The Pollution Control: Contaminated Land Team state-

The application includes a Geo-environmental and Geotechnical Assessment, prepared by Earth Science Partnership. The report identifies a potential ground gas risk, associated with a former 'old pit' to the north-east of the site, but concludes there is no evidence of Made Ground or unacceptable levels of soil contamination identified on the site.

Former landfill/raise sites have been identified within 250m of the proposed development. Such sites are associated with the generation of landfill gases, within subsurface materials, which have the potential to migrate to other sites. This may give rise to potential risks to human health and the environment for the proposed end use.

Conditions to ensure any imported soils or aggregates are contamination free prior to importation and advisory notes relating to radon gas protection, contamination and unstable land are recommended.

5.6 The Operational Manager Parks has made no comments in respect of this application.

5.7 The Tree Officer states inter alia:-

The submitted Arboricultural Method Statement (AMS) needs to be amended to include details of precautionary measures at landscaping stage – e.g. no cultivation within Root Protection Areas. ...The AMS also needs to include full details of an auditable system of arboricultural site monitoring – i.e. who the site monitoring arboriculturist will be, when they will visit the site (e.g. pre-commencement barrier set up and every 2 weeks thereafter and as required), how they will report to the Local Planning Authority.

The submitted Soil Resource Report needs to make provision for a soil scientist to oversee soil stripping, storage, remediation and placement, to ensure it is fit for purpose. As with the AMS, the site monitoring reports should be made available to the LPA.

I have suggested some amendments to the landscaping scheme shown on the attached. This includes spacing of trees to avoid mutual suppression, amendment of species in the SW corner to alder (a good woodland edge tree tolerant of a wide range of soil conditions), amendment of x3 trees by the access loop from *Tilia cordata* 'Streetwise' to *Sorbus aucuparia* 'Streetwise' (amendment proposed for the smallest beds). I advise that if this amendment is made there should be no need for the tree pit adjoining hard landscape as proposed.

The Tree Officer's comments have been forwarded to the applicant.

5.8 The Operational Manager Education Service states:-

"The planning application contains 32 eligible for Education S106 planning applications

The total PO contribution request is for "200,744

- Both Ysgolo Coed Y Gof and Ysgol Plasmawr are projected to be over-subscribed from within catchment, and requests for £20,578 and £19,571 respectively are therefore included in this sum.
- The catchment EM school is Hywel Dda. As Herbert Thompsons' capacity has reduced to 2FE, the combined projected EM demands across the 3 EM schools exceeds demand and we have therefore requested a contribution towards EM primary provision of £82,312
- The catchment for Glyn Derw High School and Michaelston Community College combined, yields a projected demand greater than the capacity for MCC and hence demand exceeds pupil place supply. A request for £78,283 is therefore included in the total
- No contribution has been requested towards land assuming we are able to expand provision on site.

5.9 The Operational Manager Transportation says that the position remains as per the previous 'Outline' on this site, and as such would recommend that those Conditions, Recommendations and S106 Matters (relating to Highways & Transportation) still remain valid (a financial contribution would be required

towards public transport / infrastructure enhancement and Pedestrian / Cycle/ Safer Routes to School of approximately £520 per unit) . There is no highway objection.

- 5.10 The Waste Strategy Officer specifies the storage the size of bins required for the houses and flats.

Properties 44-38 will not be accessible to the collection vehicles. Collection vehicles are not permitted to reverse down any roads/lanes, and will therefore not be able to access these properties. In order to alleviate this problem, a separate collection point must be identified where the bin can be presented for collection. We advise this location would be opposite property 35.

(The applicant has submitted amended plans to address this concern).

The bin store shown for flats 19-24 is in a good location, but the access route is not suitable. I am not convinced that the bulk bins will be able to pass through the narrow gate shown next to the block of flats. The gate needs to be wide enough to fit the bin and a collection crew member. For bin dimensions, please refer to the Waste Collection and Storage Facilities Supplementary Planning Guidance. Please show that the specified bulk bins will be able to pass through this gate.

(See proposed condition 23).

With regards to the bin store for flats 1-6, please can the agent confirm that the bin store is no further than 30m from the collection vehicle. For health and safety reasons our collection crews are not able to move large bulk bins further than 30m.

(The applicant has submitted amended plans to address this concern).

Ideally communal bin stores should have double doors that open outward. Surfaces should be smooth and impervious to permit cleaning and the floor must be laid to create suitable drainage. Adequate lighting must be provided- natural or artificial, and good natural ventilation if completely enclosed.

The developer is advised; as bulk containers are specified for this development, access paths to the kerbside for collection should be at least 1.5 metres wide, clear of obstruction, of a smooth surface with no steps. Dropped kerbs should also be provided to ensure safe handling of bulk bins to the collection vehicle.

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

General Comments

Vehicle tracking will have to be carried out on the site to ensure our biggest vehicles can enter and exit in a forward gear. We have seen the potential turning area at the end of the proposed road; however, vehicle tracking needs

to be submitted to ensure our biggest collection vehicle (OLYMPUS-19N 6x2RS Narrow) can manoeuvre safely.

All road surfacing must have suitable foundations to withstand the weight of a refuse collection vehicle (27 tonnes). Block paving is not appropriate as it can break/sink over time, particularly where vehicles are manoeuvring.

A copy of the comments from Waste Management has been forwarded to the applicant's agent.

5.11 Neighbourhood Regeneration states inter alia:

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.

In summary, the following contribution is sought from the developer : £35,667

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.

The nearest community facilities to the proposed development 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.

- North Ely Youth Centre
- Dusty Forge Community Centre
- Other community facilities in the Ely Ward.

It is anticipated that these facilities are likely to experience added pressure as a result of the new population from the proposed development. Therefore, any financial contribution will help to provide the best possible facilities for the area and offset the impact of the additional population.

6. **EXTERNAL CONSULTEE RESPONSES**

6.1 Wales and West Utilities have submitted a plan showing their apparatus terminating at the entrance to the application site.

6.2 Natural Resources Wales advises:

We do not object the application as submitted provided appropriately worded conditions are included on any permission your Authority is minded to grant.

We have reviewed the submitted Preliminary Ecological Appraisal Addendum prepared by Celtic Ecology, dated September 2015.

The ecology report identifies the site grassland and woodland edge provides suitable bat foraging habitat. There is also potential for bat commuting along the woodland edge and bat roosting within trees along the woodland edge. Although there will be no loss of trees along the woodland edge, the housing development is proposed adjacent to this habitat. Therefore we strongly recommend the following bat mitigation measures, as outlined in table 1 of the ecology report, are included as appropriately worded conditions on any permission your Authority is minded to grant.

- Lighting to be directed away from hedges, trees and landscaping and / or baffled to minimise impacts on flight lines and reduce overall light spill;
- Lighting will be minimised and be of type which causes least impact on bats wherever possible.
- We highlight the following recommendations which we advise should also be implemented by the developer:
- All vegetation and tree clearance will be minimised to retain as much of the existing habitat as possible;
- In the event that any trees need to be felled or pruned, a ground based assessment will be undertaken followed if necessary by climb and inspect surveys to provide an accurate
- reclassification of the tree; licences will be sought if bats are discovered. Dawn return to roost check visits will be carried out by a suitable experience ecologist on the day of felling;
- All felling and pruning operations will be supervised by a licensed bat ecologist; and,
- A licensed bat ecologist will be “on call” for duration of the project in the unlikely event that bats are discovered, in which case the work will cease immediately and NRW will be contacted. A development licence may be required prior to any work being carried out. No further work will be undertaken without the approval of NRW.

Although there are no dormice records for this area or any evidence of dormice found during the nut search, the ecology report identifies the woodland adjacent to the application site has the potential to support dormice. Therefore we strongly recommend the following dormice mitigation measures, as outlined in table 1 of the ecology report, are included as appropriately worded conditions on any permission your Authority is minded to grant.

- All woodland, tree and scrub clearance, should it be required, will be carried out during the winter months (October to February inclusive) to ensure that animals are not adversely impacted;
- Any and all lighting will be directed away from woodland and scrub areas to reduce light pollution;
- Wherever possible, the hedges and woodland on site should be separated from housing by gardens or other green infrastructure;
- An appropriately experienced ecologist will be “on call” for the duration of the project in the unlikely event that a dormouse or dormice are found on

site, in which case the relevant work will cease immediately, NRW will be contacted. A development licence may be required prior to any further work being carried out. No further work will be undertaken without the approval of NRW.

As you are aware, all species of British bats, dormice and otters are European Protected Species (EPS), protected by The Conservation of Habitats and Species Regulations 2010. Where an EPS is present, and a development proposal is likely to contravene the protection afforded to it, development may only proceed under a licence issued by us having satisfied three requirements set out in the legislation. One of these requires the development authorised will 'not be detrimental to the maintenance of the population of the species concerned at a favourable conservation status (FCS) in their natural range.'

These requirements are translated into planning policy through Planning Policy Wales (PPW) November 2012 sections 5.5.11 and 5.5.12, and Technical Advice Note (TAN) 5, Nature Conservation and Planning September 2009. Your Authority should take them into account when considering development proposals where an EPS is present.

Protected Sites

The Ely Valley Site of Special Scientific Interest (SSSI) is located approximately 40m to the west of the site. Provided the proposed development is carried out in the manner and location specified, and in line with the following conditions, we are of the opinion there is unlikely to be a significant adverse impact on the SSSI.

Condition Should areas of Monk's Hood be cleared, the re-establishment of the species should be through appropriate management, with no planting from stock outside of the site. Only rootstock found on site may be used to re-establish the species.

Reason To protect the Ely Valley SSSI. Planting with Monk's Hood from outside of the site may inadvertently introduce varieties that would impact on the SSSI population.

The submitted Geo-Environmental and Geotechnical Assessment prepared by Earth Science Partnership, reference 5837b/2362, dated November 2015, identifies: i) a storm drain runs east-west through the centre of the site, and, ii) the groundwater within the aquifer on site supplies base flows to the River Ely. Therefore, there is a high risk silt contamination and pollution to surface waters during construction. This could also have an adverse impact on the Ely Valley SSSI. The proposed development will be acceptable if the following conditions are included on any permission your Authority is minded to grant.

Condition No development shall take place until a full surface and ground water drainage assessment has been carried out for the site.

Reason To protect water quality and the integrity of the Ely Valley SSSI.

Condition No development shall take place until a scheme to treat and remove suspended solids from surface water run-off during construction works has been submitted to, and approved in writing, by the Local Planning Authority.

We advise that the following measures are considered within such a scheme:

A. Ensure all construction works contain adequate mitigation in order to prevent silt running off-site and into any nearby watercourses, that without which would otherwise result in pollution. The Applicant will need to demonstrate which mitigation measures will be employed at each stage of the development until completion;

B. Ensure only clean surface water drains in to nearby watercourse(s) by using adequate measures to separate clean from contaminated water on site;

C. Ensure regular maintenance, including record checks, are undertaken to ensure mitigation methods employed are working effectively. All records will need to properly maintained and kept on site for subsequent inspection by Natural Resources Wales;

D. Produce a method statement that contains a silt management plan. This should include how the Developer intends to ensure the above (points A-C), along with emergency/contingency plans in the event of a pollution, are to be achieved. All staff should be aware of the method statement and emergency/contingency plans which form part of an Environment Management System and staff training. Natural Resources Wales must be contacted immediately in the event of an emergency/pollution, whilst every measure deemed necessary should be taken to control any spills and emissions.

E. It is advised an environmental consultant be employed to facilitate the above and ensure minimal impact on the environment throughout development.

Reason To protect water quality and the integrity of the Ely Valley SSSI.

Condition No development shall take place until the Construction Management Plan has been submitted to, and approved in writing by, the Local Planning Authority.

Reason To protect water quality and the integrity of the Ely Valley SSSI.

A copy of NRW's comments has been forwarded to the applicant's agent.

- 6.3 Glamorgan Gwent Archaeological Trust has no objection subject to a suitable condition to ensure that the archaeological resource in the area is investigated and recorded should be attached to any planning consent that is granted. We recommend that the condition should be worded in a manner similar to the model given in Welsh Office Circular 60/96, Section 23:

No development shall take place until the applicant, or their agents or successors in title, has secured the implementation of a programme of archaeological work in accordance with a written scheme of investigation which has been submitted by the applicant and approved in writing by the local planning authority.

Reason: To identify and record any features of archaeological interest discovered during the works, in order to mitigate the impact of the works on the archaeological resource.

A copy of GGAT's comments has been forwarded to the applicant.

- 6.4 Dwr Cymru has raised no objection subject to a condition. Their comments and advisory notes have been forwarded to the applicant's agent.
- 6.5 South Wales Police has no objection to the proposed development and support the current general layout proposal which is in effect a cul de sac. Research would indicate this type of layout can lead to lower crime risk. The orientation of properties generally affords for good surveillance over the development apart from the vehicle parking spaces for plots 9, 10 and 11. South Wales Police welcome the commitment to adhere to the principles of Secured by Design (as mentioned in the Design and Access Statement) to reduce the risks of crime and create a more sustainable development. Overall crime in the vicinity adjacent to the proposed development is as follows:

Over a period between November 2014 and November 2015 there were 1369 incidents reported to South Wales Police in the Creigiau / St Fagans ward. Over the same period the area adjacent to the proposed site saw 49 incidents reported to South Wales Police which include 5 violent incidents, 4 thefts, 2 damage, 1 burglary and 2 incidents of anti-social behaviour.

The comments and advisory notes from the Police have been forwarded to the applicant's agent. The agent has confirmed that plot 9 contains a ground floor side facing window overlooking the parking spaces for 9, 10 and 11 and this now satisfies the Police.

7. **REPRESENTATIONS**

- 7.1 Local Members and local residents have been notified of the proposal which has also been advertised on site and in the press. A local resident was re-notified following an amendment to the scheme near their property (no comments have yet been received to that re-notification).
- 7.2 Members of St Fagan's Community Council have a number of serious concerns in relation to this application. Members are aware that Outline Planning Permission has already been granted in spite of the numerous objections raised at that time, including the timing of a site visit [2pm on a Tuesday] which would not give a true indication of the amount of traffic using and parking on Denison Way and Clos y Cwarra. Those objections, Members feel, are still valid to this application and are restated in this submission. Members also believe that there are aspects of this planning application that contain incorrect or deliberately misleading information. These aspects are included below as appropriate.

Vehicle Access

The design and access statement only briefly discusses access to the site from Clos-y-Cwarra [Section 2.8] and brushes over the access to Clos-y-Cwarra from Michaelston Road via Falconwood Drive and Denison Way

[Section 2.9]. Clos-y-Cwarra is a cul-de-sac and accessed via Denison Way; both of these roads are residential streets that were not designed for significant volumes of traffic and are already difficult to navigate at peak times. Therefore, all vehicles accessing any of the current 120 dwellings on the estate have to travel a corridor through the first 50 metres of Denison Way. The number of vehicles, private cars, commercial vehicles making deliveries, council vehicles collecting rubbish at this current time is extremely high and with the addition of 44 proposed new dwellings this could make a total in the region of 656 vehicles per day passing those properties situated in the first fifty metres of Denison Way. This Council believes that is an unacceptable situation for a domestic street, in which, as pointed out in the Application, the carriageway is only 5.5 metres wide. When cars are parked on both sides of the road there is not enough room for vehicle access between them, therefore during the construction phase the access through this corridor in respect of large vehicles, especially low loaders carrying earth moving equipment, will be extremely dangerous and a nightmare for existing residents. Taking into account the vehicle movements on surrounding roads, especially Michaelston Road and coupled with other approved developments at Cwrt y Cadno and Great House Farm, the situation will only worsen impeding the free flow of traffic.

Foot & Bicycle Access

In the Design & Access Statement – Section 5.9 – commencing in terms of access ability on foot & bicycle etc., this statement is completely misleading. There are not numerous schools, shops, employment, leisure & entertainment facilities within 2km walking distance. There are not several cycling routes [only 1, the Ely Trail]. St Fagans linking with the International Sports Village, is quite a contradictory phrase, as cyclists would have to navigate a busy section of Cowbridge Road and then carry their bicycles over a railway bridge. Reaching the start of the Trail would involve navigating the narrowest and most dangerous stretch of Michaelston Road which would be irresponsible for parents ever to allow their children to consider.

Public Transport – Bus

In the Design & Access Statement – Section 5.10 – commencing the nearest bus stops, etc. – this statement is totally incorrect. The south bound bus stop is no longer in use, buses only run in a northerly direction, the no. 12 bus [cannot be used by people commuting to the City Centre] runs 6 times per day during the week and not at all on weekends and public holidays.

The bus service is grossly under used and the inference that its existence will reduce the use of private cars is not fit for purpose.

Public Transport – Train

In the Design & Access Statement – Section 5.11 – commencing the nearest train station, etc. – Waun Gron Park, this being 4.7 km from the site is of no use to people living in the area and should not be considered in any way to be part of the public transport services relevant to the Application. The negativity of the services available at Waun Gron Park are quite unbelievable

on the basis that it is not staffed, has no self-service ticket machine, has no seating area, has no waiting room, has no toilets, has no pay phones, has no impaired mobility set down area, has no disabled parking, has no cycle storage, has no taxi rank, has no bus services. There is no dedicated parking and there is no realistic kerbside parking anywhere near the station.

Site Suitability

Clos y Cwarra, as mentioned previously, is part of an estate of 120 dwellings. The other roads on this estate are Denison Way, Ffordd y Barcer & Clos y Gof. Clos y Cwarra is a relatively long cul-de-sac that branches off Ffordd y Barcer down a relatively steep incline with 2 small branches at the western end. It now contains 46 dwellings and this would almost double if this development proceeds. Every dwelling in Clos y Cwarra is a single occupancy detached house. Approval of the construction of 15 terrace style, multiple occupancy buildings, containing 44 dwellings at the lower end of the cul-de-sac, would be totally out of character with the rest of the street and unsuitable for this semi-rural location. In fact, out of the 120 dwellings on this estate all but 3 are single occupancy detached houses.

Referring to the Design & Access Statement, Sections 5.16, 5.17 & 5.18, that refer to the scale of the development and the extent to which it is a reflection of and in accordance with the existing dwellings within the vicinity, are all completely false and, therefore, should not have been allowed to be included in the Application.

Referring to the actual existing site, the steep incline to and from the area is now problematic for residents with physical infirmities and should the entrance become blocked for any reason, access for all residents will be jeopardised. The topography of the site means that any development will reduce the permeability of the ground leading to additional water run-off into surrounding streams and rivers exacerbating the flooding problems that already occur in and around St Fagans.

Loss of Amenity

The green fields that this development will destroy are currently a much appreciated area for residents to enjoy the countryside. It is also a site where a number of rare species of wildlife can be found such as buzzards, red kites, barn owls, jays, woodpeckers, foxes, frogs, snakes, hedgehogs, etc. This is their natural habitat which should be protected. No alternative habitat is proposed for this wildlife which would mean that if this development is approved they would be lost forever.

Noise Pollution

In respect of the Environmental Noise Survey – Section 3.1.1 – Sample Noise Measurements – we note that the time period for these measurements was the least busy 3-hour period of the optional 10.00 to 17.00 hours window allowed by the “Calculation of Road Traffic Noise 1988”. If this measurement had been taken at the other end of the window, the traffic density would have been approximately 25% higher with a corresponding increase in road noise.

This would, most probably, result in a noise exposure category of level C [see table 1 of TAN11]. As a Council, we would also mention that the noise from road traffic under consideration of TAN11, Annexe B, Section B1, should come under recently improved or altered roads as the A4232 falls into this category. This road is where the flow of traffic will significantly increase over the next 15 years. All traffic entering or leaving the A4232 at Junction 33 will flow past this site.

A final point on the Environmental Noise Survey Section 4.0 Results – is a minor one but slightly disturbing. The statement made is: “The results of our survey are shown in Table 3477/T2”. However, the Table shown is Table 3760/T2 – what happened to Table 3477/T2?. The Council asks - was it possibly some inconvenient results?

Members request that these concerns are brought to the attention of the Planning Committee, with the overall recommendation of the Community Council being that the application should be refused.

7.3 Neighbour objections received from the occupiers of 2, 5, 6, 14, 16, 18, 20, 22, 24, 27, 31, 36, 39, 42, 43 and 46 Clos Y Cwarra, 2 Ffordd y Barcca and a resident of Aberystwyth. The objections received have been précised and cover the following issues:

- (i) Increased traffic using the one road leading to and from the site by future residents and construction vehicles , which includes a blind bend, would result in increased highway dangers and congestion and the site would be difficult to access/egress during winter due to the incline up to Clos Y Cwarra.;
- (ii) Insufficient size and number of car parking spaces.
- (iii) Future residents of the proposed development would be reliant on their cars to reach services due to the distances involved and poor public transport;
- (iv) Proposed dwellings are not in keeping with the style of houses in Clos Y Cwarra;
- (v) Affordable housing would be out of keeping with the character of the immediate area and would depreciate the already falling market price of surrounding homes.
- (vi) Wildlife on site
- (vii) The River Ely often floods into the woodland to the bottom of the application site.
- (viii) There is Japanese knotweed on the site or edges of the site.
- (ix) Inadequate facilities within neighbourhood such as doctors’ surgeries, and there appears to be no plans to build a new doctors surgery, and local schools are at capacity;
- (x) Land used by dog walkers
- (xi) Unacceptable road noise from A4232, which will get worse as traffic flows increase as a result of future development at J33;
- (xii) Clos y Cwarra has no parking available for construction workers or unloading of delivery vehicles which could cause obstructions for residents and emergency vehicles and result in mud on the road.
- (xiii) The development would potentially lead to increased levels of crime

- (xiv) Possible impact on light and privacy;
- (xv) Access to the site would encroach upon land outside the applicant's control;
- (xvi) Rubbish is collected late in the day and this will delay collections further.
- (xvii) Loss of trees and too close to mature trees.
- (xviii) The need for more housing following recent planning approvals for residential development is questioned;
- (xix) Developers should redevelop brownfield sites rather than building upon countryside;
- (xx) An application for residential development in 1991/92 was refused on highway grounds.
- (xxi) A resident suggests Members visit the site.
- (xxii) Another resident says residents will be seeking compensation from the Council if planning permission is allowed.

7.4 National Museum of Wales expresses concern that the development will increase vehicle movements through St Fagans village and Michaelston Rd is extremely narrow with no footpath. Assurances are sought that the development will not give rise to increased flooding of the Ely River.

8. **ANALYSIS**

- 8.1 The principle of developing the site for residential purposes has previously been considered acceptable by the Planning Committee in 2013, and the planning consent was issued last month. The issues associated with the principle of residential development on this site were reported in detail and carefully considered by Committee at that time.
- 8.2 The proposed development would represent a sustainable development providing affordable housing, for which there is an acknowledged need, in accordance with PPW.
- 8.3 It is considered that the density is appropriate for the size and location of the site given the constraints which have been highlighted with regard to the topography of the site and the protected woodland along the boundaries of the site.
- 8.4 Development would not be seen against the skyline and rather than being an incursion on the Ely valley, it would lie on the slope against a backdrop of woodland and vegetation which would form a natural screen for much of the site.
- 8.5 Access to the site is in accordance with the earlier consent and the Transportation Officer has no objection. The topography of the site dictates the alignment of the highway arrangements.
- 8.6 The Operational Manager Transportation has no objections subject to conditions and a financial contribution. The Community Regeneration Officer requires £35,667 towards North Ely Youth Centre and Dusty Forge

Community Centre, which are 3 kilometres and 2.24 kilometres respectively from the entrance to this site.

8.7 A viability assessment has been undertaken by the DVS who concludes that in view of the 100% affordable housing provision reduces the available S106 Agreement to a contribution of £105,000. To date only Education, Transportation and Regeneration have submitted cases for the Section 106 contribution. The outline application also made provision for Parks and Education following submissions from that service area for financial contributions, but no comments have been made by parks on this particular application.

8.8 In response to representations raised, some of which have already been addressed within the report and previously addressed in the report on the outline application, I would comment as follows:-

(A) St Fagans Community Council

- (i) Vehicular Access: The Transportation Officer has raised no objection and the access was accepted when the outline application was considered.
- (ii) Foot and Bicycle Access and Public Transport: The Transportation Officer has raised no objection and asked for a Section 106 contribution for public transport and cycle/pedestrian enhancements. This site is located towards the periphery of the city and currently access by other means of transport is not as convenient as in some other locations. However, this situation was accepted when the outline application was considered.
- (iii) Site Suitability: The site has already received outline planning permission. The Housing Officer supports affordable housing on the site. The design of the dwellings is considered acceptable and would only be partially visible from views into the site. Welsh Water and NRW have raised no objection in respect of drainage.
- (iv) Loss of Amenity: The Council's ecologist and NRW have raised no wildlife objection.
- (v) Noise Pollution: The Operation Manager (Noise and Air) has raised no objection.

(B) Local Residents

- (i-iii) The Operational Manager Transportation has no objections to the proposed development in terms of traffic generation, capacity of immediate highway infrastructure, or access for construction.

Committee has previously agreed to grant planning permission for residential development, including affordable housing, on this site. There is more than sufficient parking spaces proposed to serve this development.

- (iv-v) The design of the proposed dwellings is consistent in style. Each house will have a gable porch and brick detailing around windows. Walling material is principally brick with some dwellings finished in render. Similar materials are used on the external surfaces of dwellings in Clos Y Cwarra. The development is surrounded by trees for the most part with relatively limited views in from the end of Clos Y Cwarra and of the upper part of the site from fast moving vehicles on the A4232. The proposed semi-detached and terraced dwellings and apartments are different in design from the existing detached houses on Clos Y Cwarra leading to the site. However, in view of the site's location at the end of Clos Y Cwarra and the topography, which results in the development disappearing down the slope, the difference in appearance between existing and proposed residential units is not considered to be a significant factor in the determination of this application.

The suitability of this site for affordable housing was accepted when the Planning Committee resolved to approve the earlier application in 2013.

Whilst the site does not immediately adjoin public transport or facilities it is not so remote as to be considered unacceptable for the provision of affordable housing. The site adjoins existing residential development and would contribute to the creation of a mixed and inclusive community. There is considerable need for providing more affordable housing in Cardiff and this proposal will make a positive contribution towards that need.

Residential planning applications are considered on their planning merits not whether they are private or social.

- (vi-viii) NRW has raised no objection in respect of wildlife, invasive plants nor flooding. The Council's ecologist has raised no objection in respect of wildlife. The proposed development is designed in a manner to avoid damage to the adjacent SSSI sites subject to the conditions proposed by NRW and Council's ecologist.

The presence of invasive plants around the margins of the site have been identified in the Geo Environmental and Geo technical assessment which recommends eradication.

- (ix) The Education Officer has submitted no objection to this application or the earlier proposal. The existence of facilities is comparable to when the outline application was approved.
- (x) The land is currently private land and any dog walking in the vicinity of the site can take place along the public footpath.
- (xi) The Operational Manager Environment (Noise and Air) originally suggested a condition requiring that 50% of the private garden area not exceed 55dBA Leq 16 hour. The developer's acoustic expert provided evidence that revealed that 9 of the gardens would exceed the suggested limit ie two by less than 1dBA, two by less than 2dBA and

five by less than 3dBA. A barrier along the A4232 was suggested but this would have needed to be 180m long in a highly visible location in a Special Landscape Area, as defined by the LDP. The Operational Manager Environment (Noise and Air) has withdrawn this concern about noise to gardens. The condition in respect of internal noise is still relevant.

- (xii) A compound for contractors' vehicles and storage of builders' materials within the site should be required by condition.
- (xiii) There is no objection from the Police.
- (xiv) The Council's privacy standards are not infringed and the nearest proposed dwelling to an existing dwelling is a minimum of 18m distant from a proposed dwelling and would be at a higher level, and as such there would be no material impact on light.
- (xv) A challenge was put to the developer as to whether any part of the site was in the control of another party and his agent confirmed that the application site was owned by those persons identified on the planning application form.
- (xvi) The Waste Strategy Officer has raised no objection and the concerns raised have in the main been addressed by the submission of a revised layout.
- (xvii) The Tree Officer has raised no objection subject to conditions.
- (xviii-xx) Housing need and developing on a greenfield site were considered when the previous application was determined. The most relevant historical planning decision is in respect of the 2013 application.
- (xxi) The previous application was the subject of a Committee site visit in 2013.
- (xxii) Planning applications have to be determined on their planning merits. An objector who says they will seek compensation is not a matter relevant to the determination of this planning application.

8.9 During the processing of this application the applicant provided additional information and amended his landscaping scheme as follows:-

Trees - A new tree survey was undertaken. The site layout has been amended to reflect the root protection areas and a number of the gardens have been redesigned to exclude root protection areas.

Tree Pit Details - The requested tree pit detail is provided at Appendices 1 and 2 of the submitted Landscape Specification & Management Plan.

Japanese Knotweed - The survey found that there is no knotweed present onsite although there are some stands of Himalayan Balsam. The Landscape Specification & Management Plan provides recommendations for mitigation.

Landscaping – The application is accompanied by an updated comprehensive landscaping plan and a landscape specification and management plan.

- 8.10 In regard to the comments made by the Placemaking Team, certain units near the access to the site have been re-positioned and re-orientated to provide an improved appearance at the entrance to this development. Also parking to certain units has been reduced to break up longer rows of parking. Several other matters that were raised have been addressed by the submission of an amended layout and have been identified earlier in this report
- 8.11 In summary the application has to be assessed in light of the decision in 2013 by the Planning Committee to grant in principle consent for residential development on this site and the issue of the outline planning consent in 2016. In addition the scheme will help towards meeting a pressing need for additional affordable housing and supports economic development, in line with ministerial objectives and the sustainable objectives of national planning policy. The proposal is considered to be acceptable subject to conditions and a Section 106 Agreement.

9. **Section 106 Requirements and Viability**

- 9.1 The developer is able to offer a planning contribution of £105,000. However, the total contribution sought by Education, Regeneration and Transportation is in excess of this sum.
- 9.2 The District Valuer Service undertook an independent viability review of this development. The District Valuer concluded that if the council were seeking a contribution of £250,000 then the proposed development would be unviable. (The Service Areas that have responded on this application have identified a higher contribution of £259,281). The District Valuer Service doubted that the scheme would be viable with a contribution of £105,000. However, the developer is prepared to offer this sum.
- 9.3 The District Valuer Service points out that as the development is an over-provision of affordable housing (100%) the council may wish to exercise some discretion in the pursuit of other planning obligations but this they recognise is for the Council to consider on a case by case basis.
- 9.4 In view of the pressing need for affordable housing and the consequent viability difficulties for this site then the proposal to build 100% affordable housing managed by an RSL and a 105,000 contribution prorated to Education, Regeneration and Transportation for those purposes identified in Section 5 of this report to include in a Section 106 Agreement.
- 9.5 It is considered that the Section 106 Heads of Terms satisfy the requirements of Circular 13/97 Planning Obligation and the statutory tests out in Regulation 122 of the Community Infrastructure Levy.



- Site Layout Key**
- 3b House type
 - Br Brick finish
 - Rf Render finish
 - 20.600 Proposed slab levels
 - 30.30 Proposed road levels
 - 79.8m² Garden areas
- External Works Key**
- 1.8m high close board fence (with privacy panels)
 - 1.8m high timber gate - gates to rear access areas to be reinforced and have sprung hinges
 - 1.8m high facing brick screen wall
 - 1.1m high ranch style fence to perimeter of woodland
 - Trees to be retained
 - Trees to be removed
 - New landscaping in accordance with tda landscape architects plans and reports
 - Indicates part m level threshold
 - Indicates steps up/down to dwelling entrance
 - 3m x 3m (9m²) patio area
 - Drying space in private gardens
4m⁺ of drying line to 1 & 2 beds; 6m⁺ for 3 beds+
rotary lines footings are to be set in concrete
 - Garden shed location, shed to be set on concrete base with a steel fixing for bikes to secure both wheel and frame, to have secure lock to BS3621:2004, sheds to be sized to include 1msq for tools - 2m x 1.5m for 2 cycles and 2m x 2m for 3 cycles
 - 1500mm turning circle for wheelchair users
 - External composting container to be provided in each rear garden; bin to be accessible in line with requirements of idp checklist; bins to be located away from windows, doors or ventilation.
 - Bin slab location for wheellie bin storage 445 x 525 x 930
 - Bin slab location for recycling bin storage (600 x 380 x 280 paper box; 600 x 380 x 280 cardboard & glass box; 450 x 450 x 450 plastic & cans sock)
 - Bin slab location for food waste bin caddy 330 x 400 x 450
 - 200 litre water butt to be located adjacent to down pipe in each rear garden; specifications to include: child-proof lid; top for drawing off water; connection to down-pipe with automatic overflow into drainage system means of detaching down-pipe; stable and supported on hard-standing; durable and opaque to sunlight.
- NOTE: Final layout rear gardens for bin storage/sheds/lines etc to be subject to final review and agreement with rsl.**

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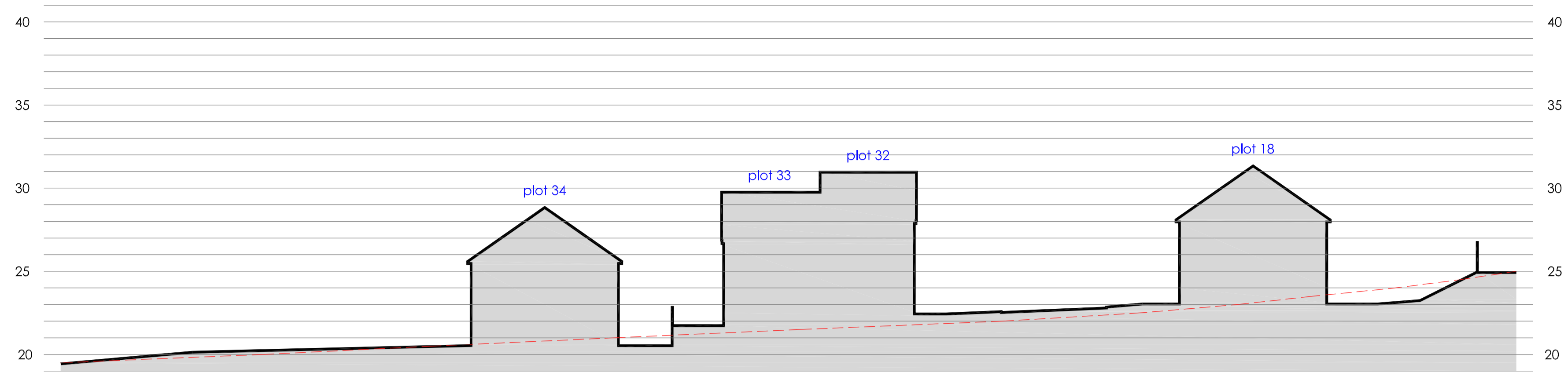
rev	date	description	by
A	09.10.15	Site layout & boundary amendments to reflect tree officers & HA comments.	JLE
B	12.01.16	Site layout amendments to planners comments.	JLE
C	03.02.16	Site layout & boundary amendments to reflect comments from DTM.	JLE
D	12.02.16	Landscaping added to site layout in conjunction with TDA.	JLE

Status:
PLANNING

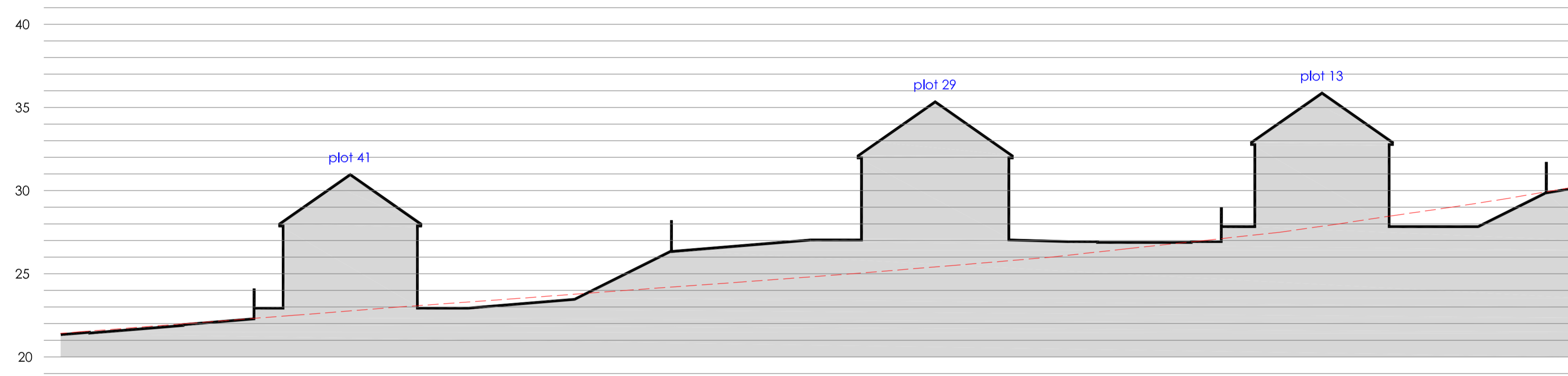
Drawn: JLE
Checked: CTW
Date: Mar 2015
Scale: 1:500 @ A1

Client: Waterstone Homes
Project: Land off Clos Y Cwarra, Cardiff
Title: Site Layout
Ref: 2066-101 Rev: D

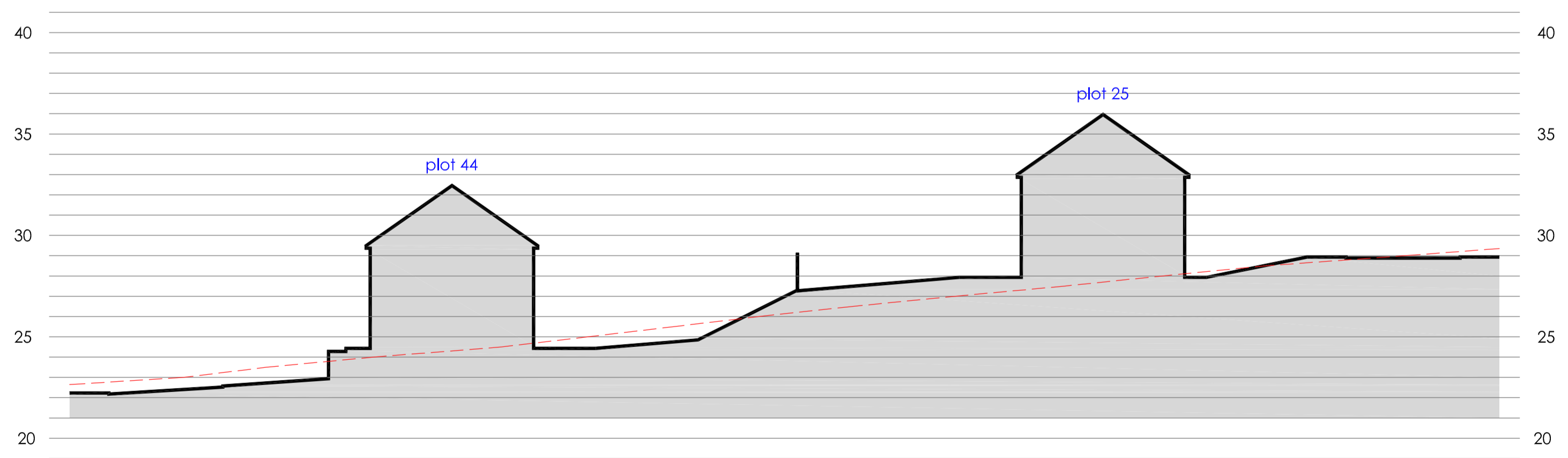




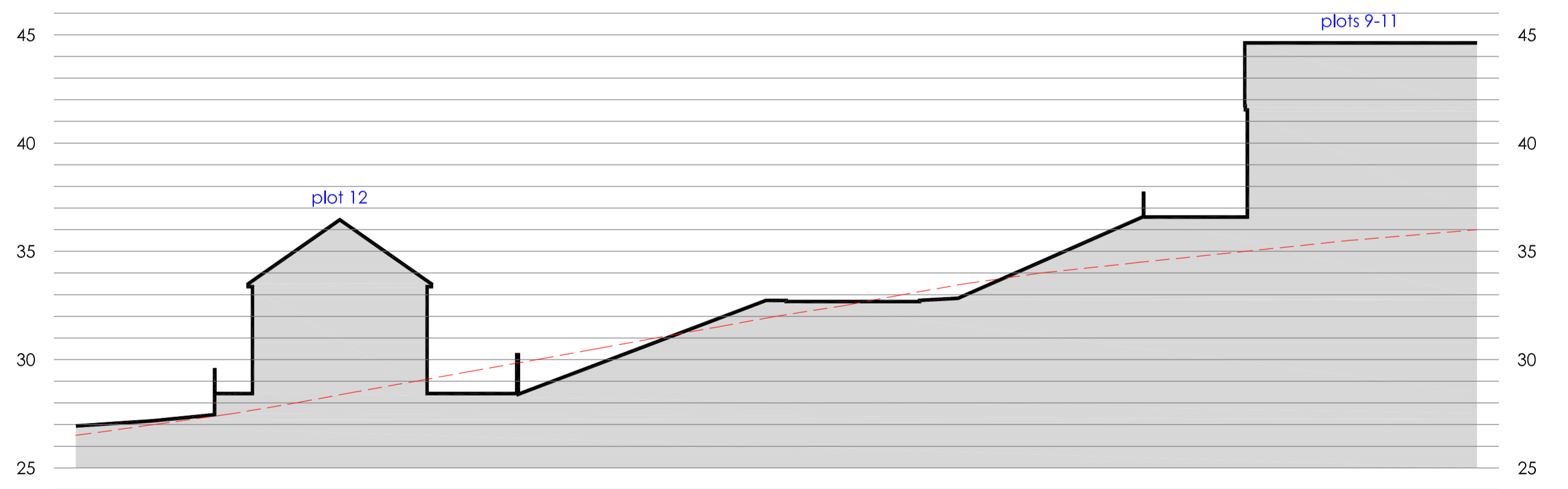
SECTION A-A



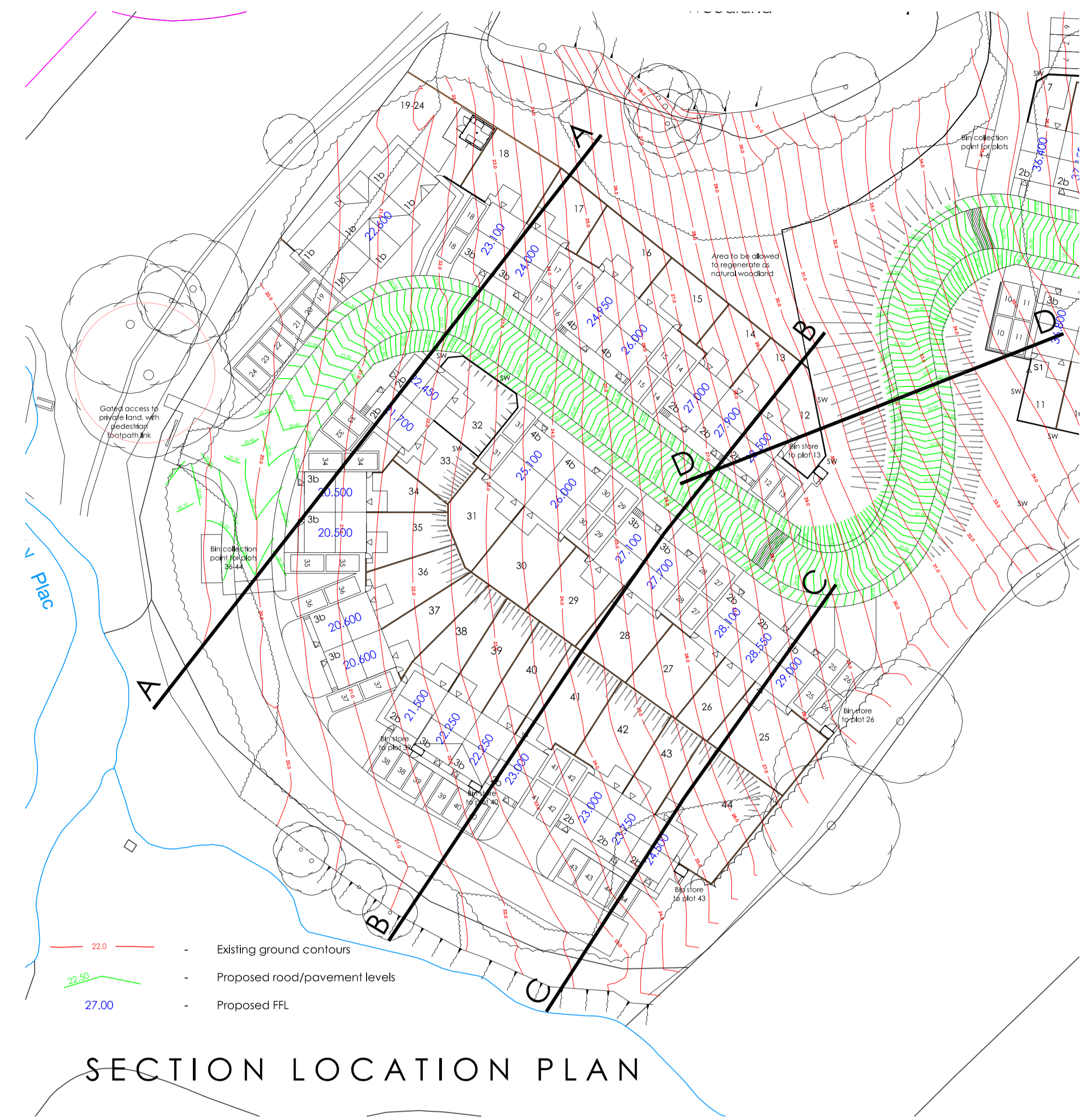
SECTION B-B



SECTION C-C



SECTION D-D



SECTION LOCATION PLAN

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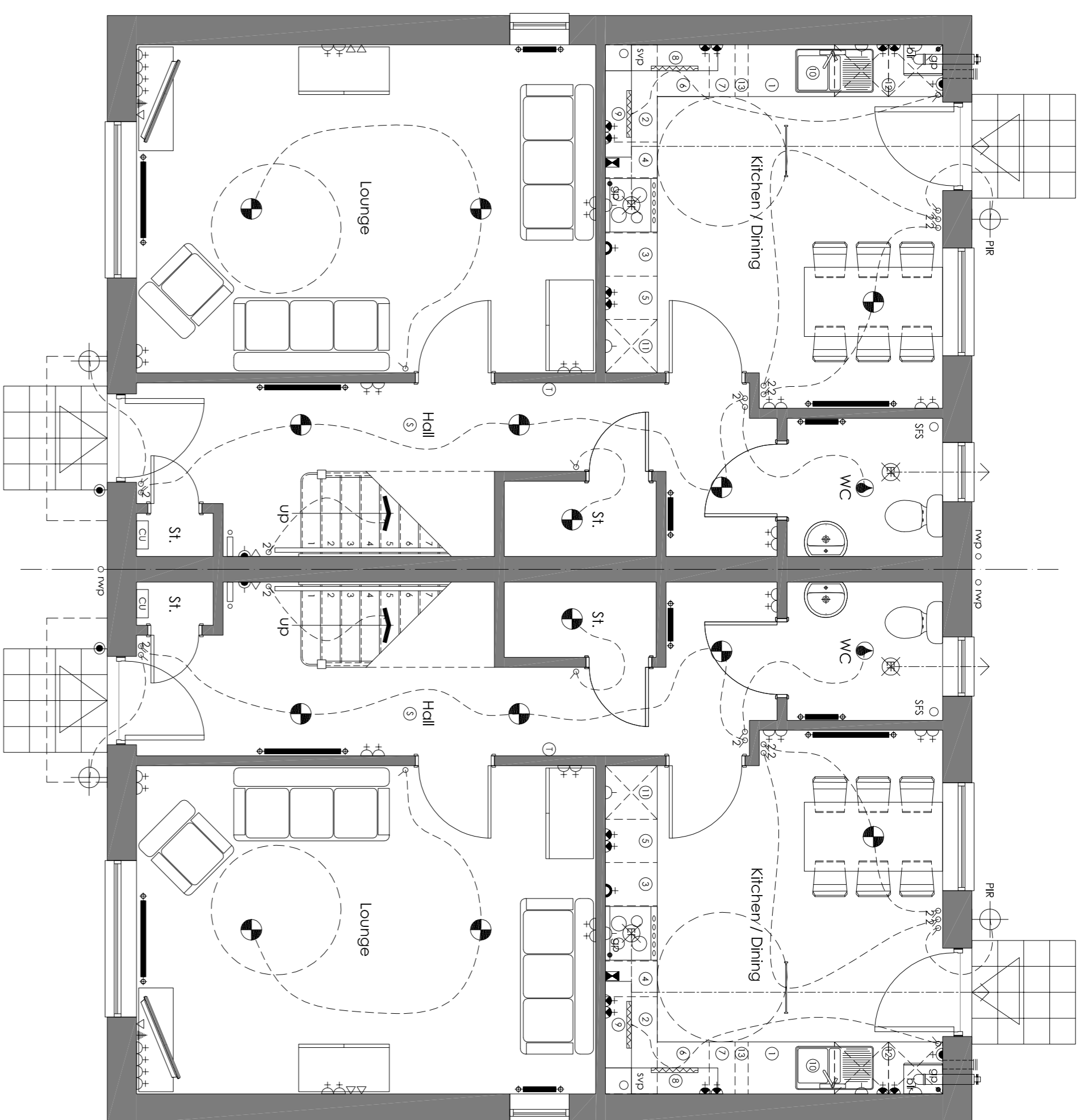
rev	date	description
A	09.10.15	Levels and site layout amended, section D-D added.

by JLE
Status: **PLANNING**

Drawn: JLE
Checked: CTW
Date: Oct 2015
Scale: 1:200 & 1:500

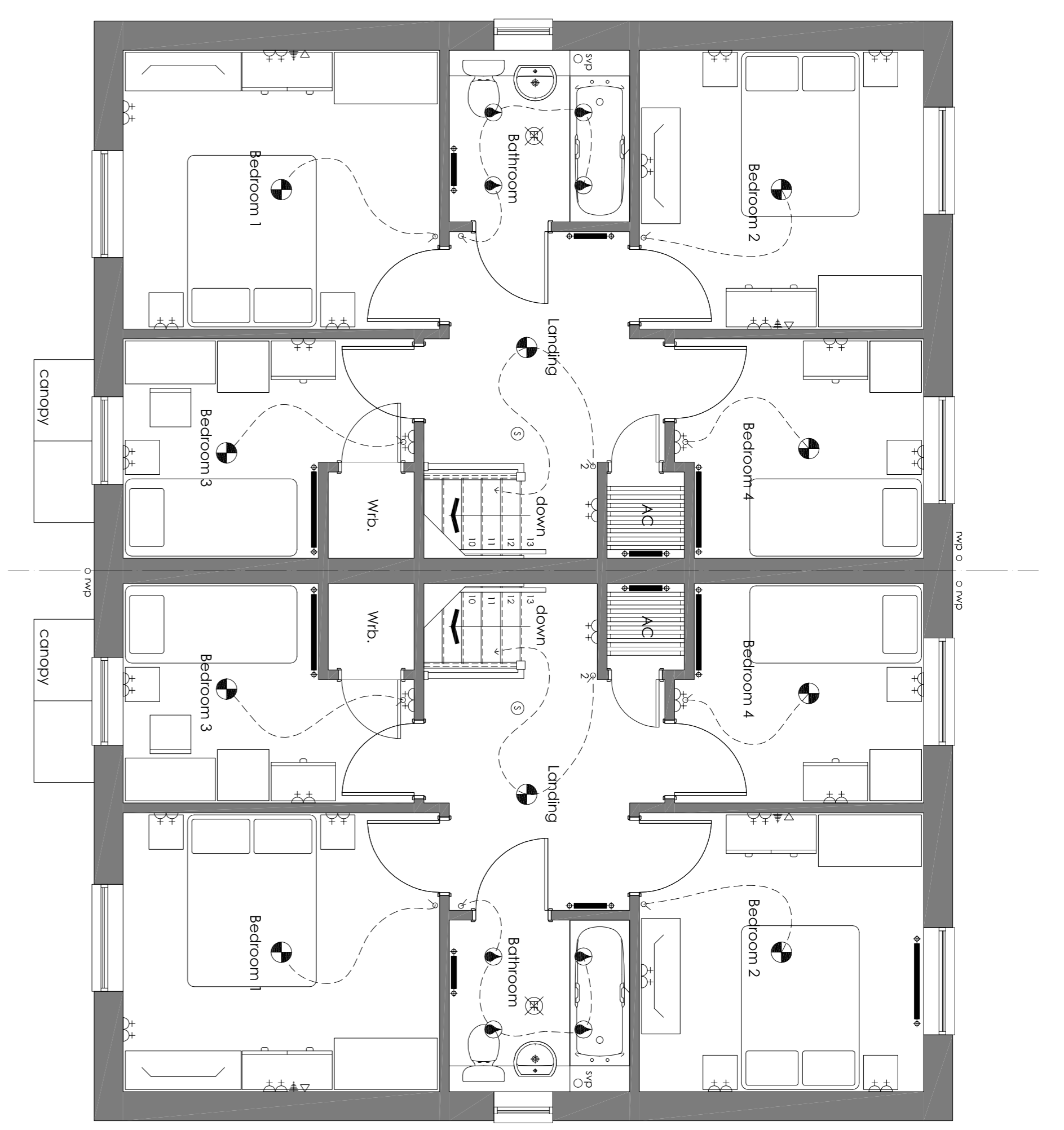
Client: Waterstone Homes
Project: The Drope, Cardiff
Title: Site Sections & Levels
Ref: 2066-103
Rev: A





- DOOR KITCHEN REQUIREMENTS:**
- 10 500 x 600mm kitchen sink unit
 - 11 Removable wooden lower fridge/freezer
 - 12 Double appliance space 1250mm wide
 - 13 Fry space
- BASE UNITS**
- 1 600 x 900mm
 - 2 1125 x 600 x 900 corner unit with 50mm door
 - 3 500 x 600 x 900mm drawer unit
 - 4 500 x 600 x 2000mm island cupboard
 - 5 600 x 600 x 900mm
 - 6 600 x 600 x 900mm
 - 7 500 x 600 x 900mm
- WALL UNITS**
- 8 300 x 900mm
 - 9 1000 x 300 x 900mm

Ground Floor Plan Type 4B (6.4.1)



First Floor Plan Type 4B (6.4.1)

ELECTRICAL LEGEND

- 13 AMP TWIN SWITCHED SOCKET OUTLET
- 13 AMP SWITCHED SOCKET OUTLET
- 13 AMP SOCKET OUTLET
- 13 AMP SWITCHED SOCKET OUTLET ABOVE WORKTOP
- 13 AMP TWIN SWITCHED SOCKET OUTLET ABOVE WORKTOP
- MULTI GEAR SWITCH ABOVE WORKTOP CONTROLLING UNSWITCHED SOCKETS BELOW WORKTOP
- 13 AMP SPUR UNIT
- ONE WAY SWITCH (IN #NEON INDICATOR)
- 13 AMP SWITCHED SPUR UNIT
- TWO WAY SWITCH
- THREE SWITCH
- TELEPHONE POINT
- TELEVISION POINT
- COOKER SWITCH (1100MM ABOVE FL)
- CONSUMER SERVICE UNIT
- SHOWER POINT
- CEILING LIGHTING POINT - FLUORESCENT TYPE
- CEILING LIGHTING POINT - BATHS TYPE
- RECESSED SPARKPROOF DOWNLIGHTER
- DOWNLIGHTERS (SEE COMPANY SPEC)
- CEILING LIGHTING POINT WITH ENERGY EFFICIENT FITTING
- WALL MOUNTED LIGHTING POINT WITH ENERGY EFFICIENT FITTING
- CEILING MOUNTED BULKHEAD FITTING
- SPARKPROOF PAD ENERGY EFFICIENT SPOTLIGHT
- CENTRAL HEATING PROGRAMMER - AN BOILER ON LOW PRESSURE SYSTEM, INTEGRAL IN BOILER ON MAINS PRESSURE SYSTEM
- ROOM THERMOSTAT
- CARBON MONOXIDE DETECTOR
- 3 POLE ESCALATOR SWITCH FOR EXTRACT FAN(S) WITH FAN SYMBOL
- FLUORESCENT LIGHT FITTING
- WALL UNIT LIGHTING (UNDERSIDE OF CUPBOARD)
- PANICATOR
- SMOKE DETECTOR
- HEAT DETECTOR
- GAS POINT
- DOOR BELL
- BELL RUSH (BELOW 1200MM)

SCHEDULE OF MATERIALS:

- 1 Through colour render
- 2 Concrete interlocking roof tiles
- 3 Facing brick - heads & cills
- 4 GFR front door canopy
- 5 UPVC windows & doors
- 6 White UPVC fascias and barge boards



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rev	date	description	by	status

PLANNING

Drawn: JLE
 Checked: CTW
 Date: Mar 2015
 Scale: 1:50 & 1:100

Client: Waterstone Homes
 Project: The Drope, Cardiff
 Title: 4B6P House
 Ref: 2066-203



DOOR KITCHEN REQUIREMENTS:

- 1 BASE UNITS 600 x 900mm
- 2 1125 x 600 x 900 corner unit with 300mm door
- 3 500 x 600 x 900mm
- 4 500 x 600 x 900mm
- 5 Tray space
- 6 WALL UNITS 1000 x 300 x 600mm
- 7 Removable worktop over 1000 x 300 x 600mm
- 8 Refrigerator
- 9 Double oven
- 10 Double oven space 1200mm wide

ELECTRICAL LEGEND

- 13 AMP 13A SWITCHED SOCKET OUTLET
- 13 AMP SWITCHED SOCKET OUTLET
- 13 AMP SOCKET OUTLET
- 13 AMP 13A SWITCHED SOCKET OUTLET ABOVE WORKTOP
- 13 AMP SWITCHED SOCKET OUTLET ABOVE WORKTOP
- MULTI GRID SWITCH ABOVE WORKTOP CONTROLLING UNSWITCHED SOCKETS BELOW WORKTOP
- 13 AMP SPUR UNIT
- 13 AMP SWITCHED SPUR UNIT
- ONE WAY SWITCH (N = NEON INDICATOR)
- TWO WAY SWITCH
- TRIPER SWITCH
- TELEVISION POINT
- COOKER SWITCH (1100MM ABOVE FIT)
- CONSUMER SERVICE UNIT
- SHAVER POINT
- CEILING LIGHTING POINT - FLUORESCENT TYPE
- RECESSED SPREADER DOWNLIGHTER
- DOWNLIGHTERS (SEE COMPANY SPEC)
- CEILING LIGHTING POINT WITH ENERGY EFFICIENT FITTING
- WALL MOUNTED LIGHTING POINT WITH ENERGY EFFICIENT FITTING
- CEILING MOUNTED BULKHEAD FITTING
- SPREADER P14 ENERGY EFFICIENT SPOTLIGHT
- CENTRAL HEATING PROGRAMMER - AT BOILER OR LOW PRESSURE SYSTEM INTEGRAL IN BOILER ON MAINS ROOM THERMOSTAT
- CARBON MONOXIDE DETECTOR
- 3 POLE EVAPORATOR SWITCH FOR EXTRACT MARKED WITH FAN SYMBOL
- FLUORESCENT LIGHT FITTING
- WALL UNIT LIGHTING (UNDERBENCH OR CURBBOARD)
- RADIATOR
- SMOKE DETECTOR
- HEAT DETECTOR
- GAS POINT
- DOOR BELL
- BELL FLUSH (BELOW 1200MM)

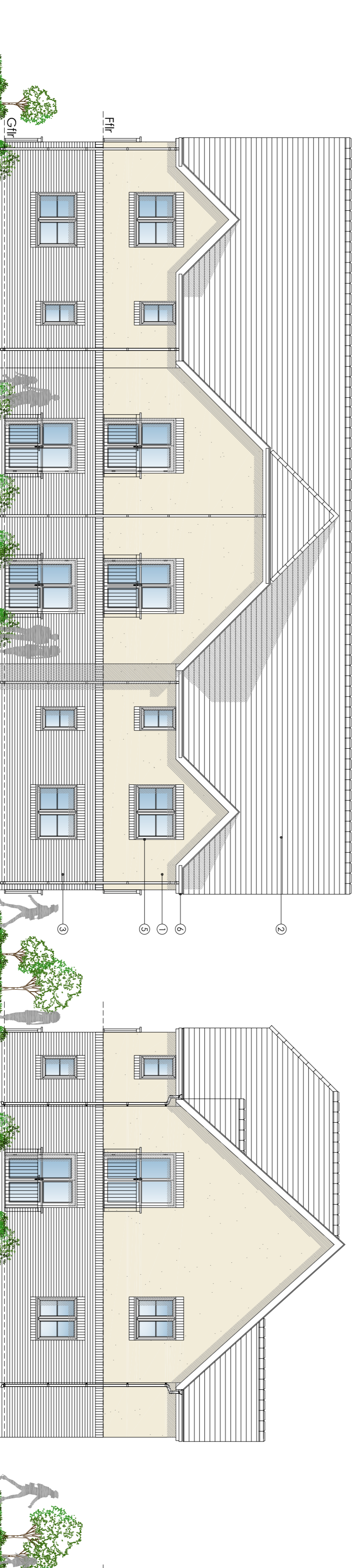
SCHEDULE OF MATERIALS:

- 1 Through colour render
- 2 Concrete interlocking roof tiles
- 3 Facing brick - heads & cills
- 4 GRP front door canopy
- 5 Upvc windows & doors
- 6 White Upvc fascias and barge boards

ELECTRICAL LEGEND COMMUNAL AREAS

- LANDLORD POWER SUPPLY WITH KEY-OVERRIDE IN STORE OR FITTED WITH NON-STANDARD SOCKETS
- SMOKE DETECTOR WITH NON-STANDARD SOCKETS
- SMOKE DETECTOR C/W SOUNDER BASE AND REMOTE INDICATOR
- SMOKE DETECTOR AND REMOTE INDICATOR
- MANUAL CALL POINT
- SOUNDER
- FIRE ALARM PANEL
- FIRE ALARM SYSTEM TO BS 5834-1988 FOR TYPE 12
- EXTERNAL LIGHT WITH PHOTOCELL
- 29W 2D FITTING
- 29W 2D FITTING (WALL MOUNTED)
- 29W 2D FITTING C/W EMERGENCY
- 29W 2D FITTING C/W EMERGENCY (WALL MOUNTED)
- EXTERNAL COVER DOOR EMERGENCY FITTING
- INTERNAL EXIT SIGN EMERGENCY FITTING
- LOCAL I/O SW SWITCH

Ground Floor Plan Type 1B (2.1.1)
BLOCK 2



FRONT ELEVATION

RIGHT SIDE ELEVATION

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rev date description

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Status:

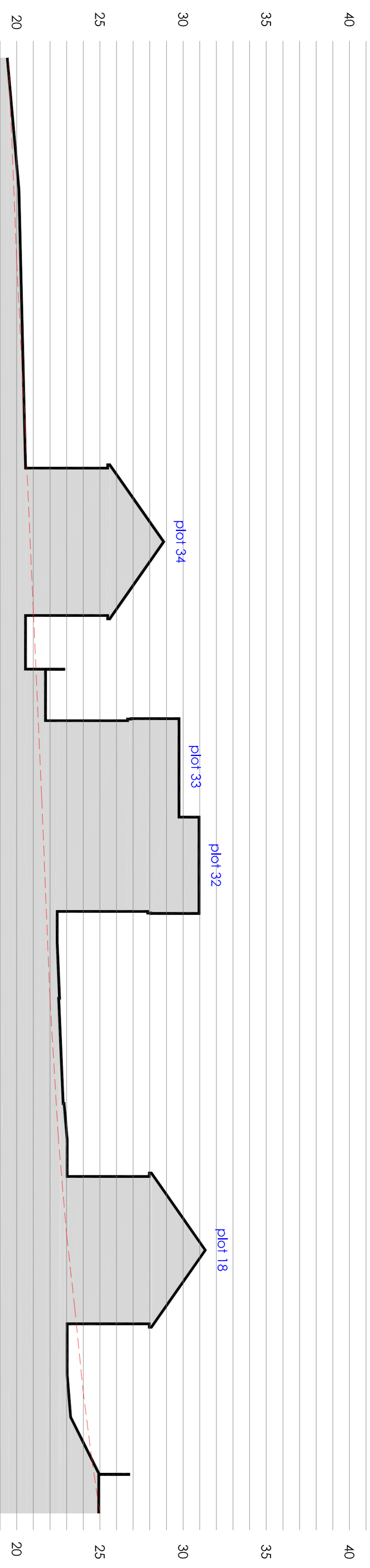
PLANNING

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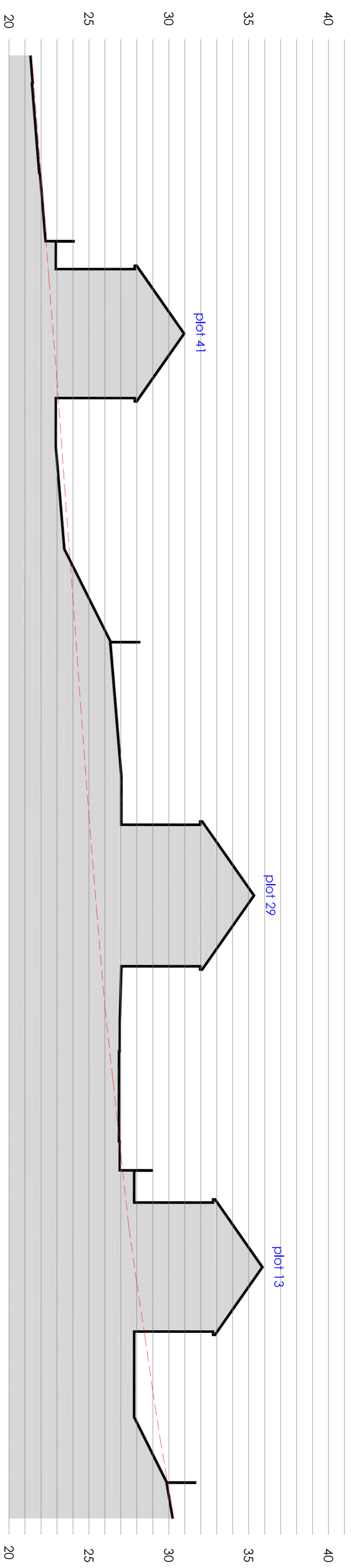
Client: Waterstone Homes
Project: The Drope, Cardiff
Title: 182P Flat - Block 2
Ref: 2066-205-01

Rev:

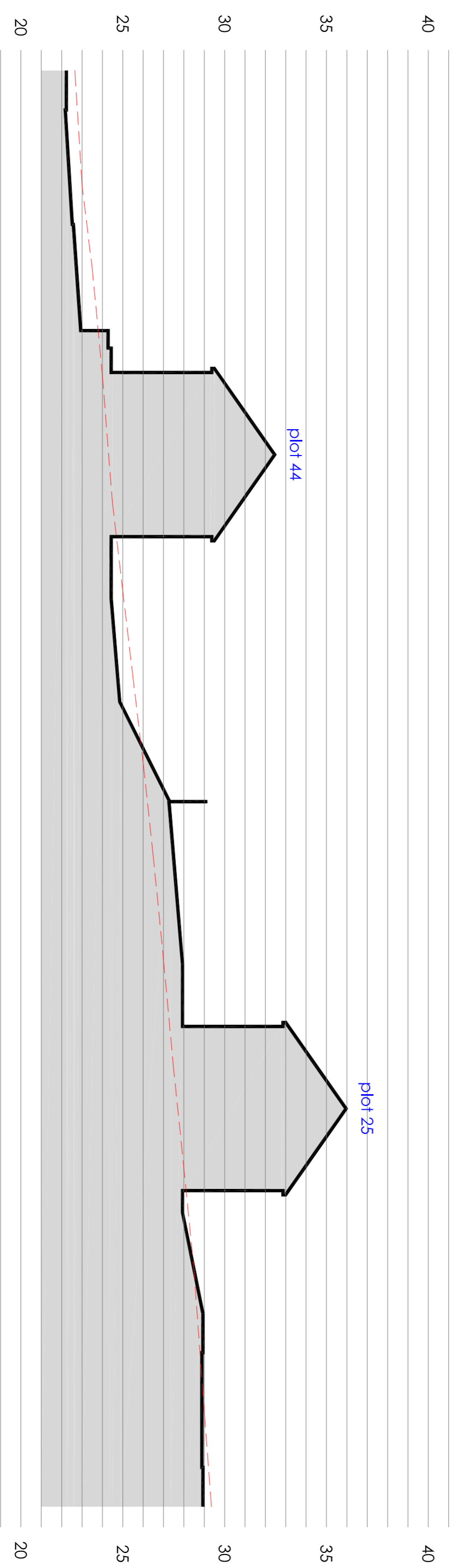
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Bridgend, CF92 0LS | 01455 656227
mail@spring-consultancy.co.uk



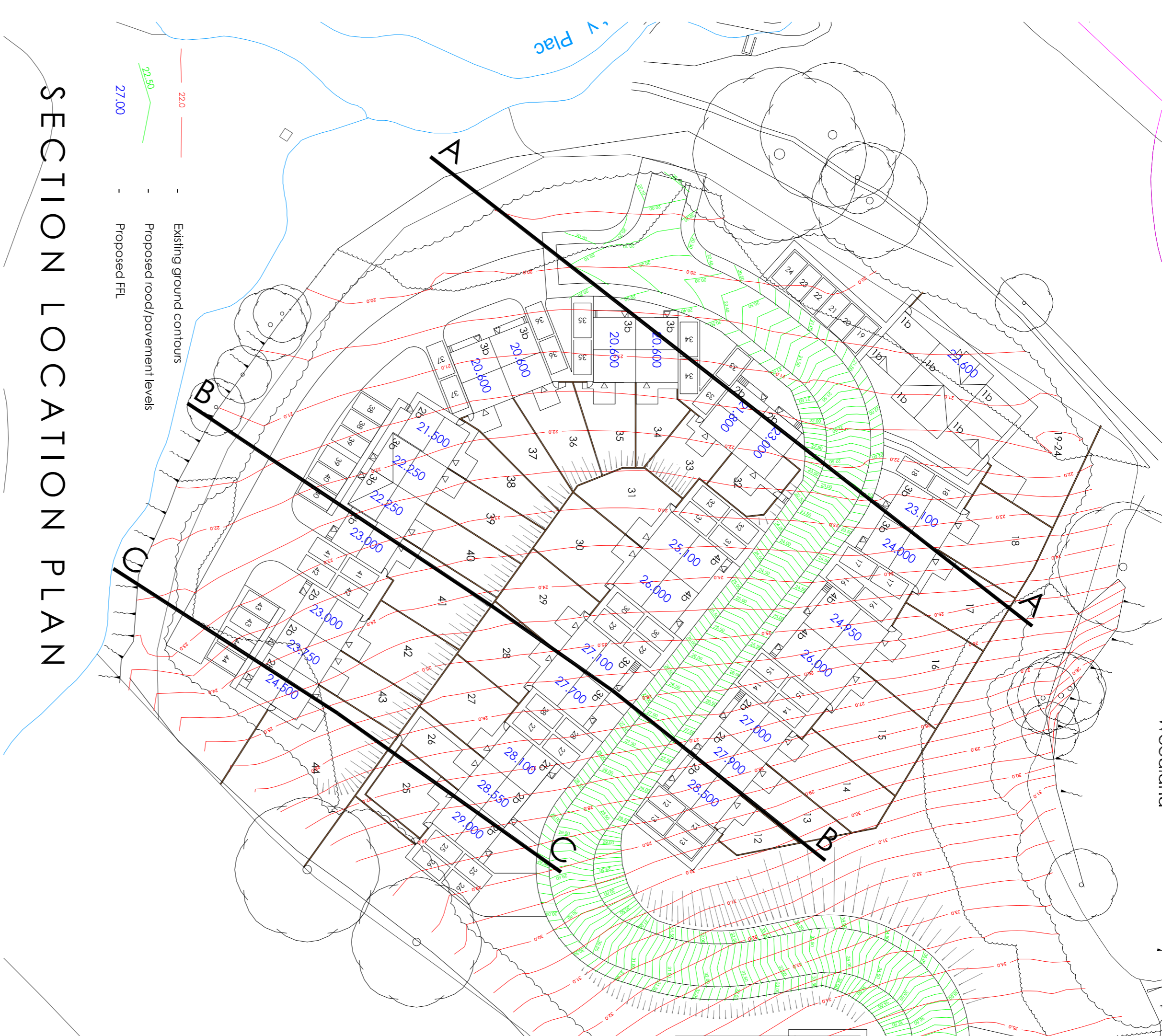
SECTION A-A



SECTION B-B



SECTION C-C



SECTION LOCATION PLAN

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rev	date	description	by	status:
				PLANNING

Drawn: JLE	Client: Waterstone Homes
Checked: CTW	Project: The Drope, Cardiff
Date: Oct 2015	Title: Site Sections & Levels
Scale: 1:200 & 1:500	Ref: 2066-103
	Rev: