LOCAL MEMBER COMMENT

COMMITTEE DATE: 13/12/2017

APPLICATION No. 17/01801/MJR APPLICATION DATE: 27/07/2017

ED: **PONTPRENNAU/ST MELLONS**

APP: TYPE: Full Planning Permission

APPLICANT: Taff Housing Association

LOCATION: DROKE HOUSE, 948 NEWPORT ROAD, OLD ST MELLONS,

CARDIFF, CF3 5UA

PROPOSAL: CONSTRUCTION OF 33 AFFORDABLE APARTMENTS, ACCESS

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 10.1 of this report, planning permission be **GRANTED** subject to the following conditions:

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

Plans

(90) 001A	Site Location Plan		
(SK) 001A	Existing Site Survey		
(SK) 100Q	Proposed Site Layout/Lower Ground Floor Plan		
(SK) 101Q	Proposed Ground Floor Plan		
(SK) 102Q	Proposed First Floor Plan		
(SK) 103P	Proposed Second Floor Plan		
(SK) 104P	Proposed Roof Plan		
(SK) 105E	Proposed Sections		
(SK) 106H	Proposed Elevations Front & Rear		
(SK) 107F	Proposed Side Elevations		
(SK) 108G	Proposed Elevations		
(SK) 111	Elevation & Proposed Section Through Flat 7 to		
	Forge House		
TDA.2030.03 A	Detailed Soft Landscape Proposals		
1752.OS.102.01	Proposed Site Access		

Documents

LRM Pre-Application Consultation Report dated July 2017 LRM Design & Access Statement dated July 2017

LRM Planning Statement dated July 2017

Lime Transport, Transport Statement ref: 17152 d1a dated 13 July 2017 Lime Transport amended Appendix D to Transport Statement received 13 September 2017

TDA Pre Development Tree Survey & Assessment ref: TDA/2303/TS&A/RhC/06.17.

TDA Tree Constraints Plan ref: TDA/2303/TCP/RhC/06.17 Weather Graph 23-30 June received 13 September 2017 Weather Graph 01-08 July received 13 September 2017

Reason: for the avoidance of doubt.

- 3. No above ground superstructure works shall be commenced until a full schedule and samples of the external finishing materials have been submitted to and approved by the Local Planning Authority. The development shall be carried out in accordance with the approved details. Reason: To ensure a satisfactory finished appearance to the development.
- 4. The bedroom and bathroom windows to Flat 7 of Block 2 as identified on the approved plan (SK)101Q shall be non-opening and shall be glazed in obscured glass below the height of 1.8m above internal floor level. Reason. To protect the privacy and amenity of future and adjacent occupiers.
- 5. Prior to the commencement of the development an assessment of the nature and extent of contamination shall be submitted to and approved in writing by the Local Planning Authority. This assessment must be carried out by or under the direction of a suitably qualified competent person * in accordance with BS10175 (2011) Code of Practice for the Investigation of Potentially Contaminated Sites and shall assess any contamination on the site, whether or not it originates on the site.

The report of the findings shall include:

- (i) a desk top study to identify all previous uses at the site and potential contaminants associated with those uses and the impacts from those contaminants on land and controlled waters. The desk study shall establish a 'conceptual site model' (CSM) which identifies and assesses all identified potential source, pathway, and receptor linkages;
- (ii) an intrusive investigation to assess the extent, scale and nature of contamination which may be present, if identified as required by the desk top study;
- (iii) an assessment of the potential risks to:
 - human health,
 - groundwaters and surface waters
 - adjoining land,
 - property (existing or proposed) including buildings, crops, livestock, pets, woodland and service lines and pipes,
 - ecological systems,

- archaeological sites and ancient monuments; and
- any other receptors identified at (i)
- (iv) an appraisal of remedial options, and justification for the preferred remedial option(s).

All work and submissions carried out for the purposes of this condition must be conducted in accordance with DEFRA and the Environment Agency's 'Model procedures for the Management of Land Contamination, CLR 11' (September 2004) and the WLGA / WAG / EA guidance document 'Land Contamination: A guide for Developers' (2012), unless the Local Planning Authority agrees to any variation.

* A 'suitably qualified competent person' would normally be expected to be a chartered member of an appropriate professional body (such as the Institution of Civil Engineers, Geological Society of London, Royal Institution of Chartered Surveyors, Institution of Environmental Management) and also have relevant experience of investigating contaminated sites.

Reason: To ensure that information provided for the assessment of the risks from land contamination to the future users of the land, neighbouring land, controlled waters, property and ecological systems is sufficient to enable a proper assessment in accordance with policy EN13 of the Cardiff Local Development Plan.

6. Prior to the commencement of the development a detailed remediation scheme and verification plan to bring the site to a condition suitable for the intended use by removing any unacceptable risks to human health, controlled waters, buildings, other property and the natural and historical environment, shall be submitted to and approved in writing by the Local Planning Authority. The scheme shall include all works to be undertaken, proposed remediation objectives and remediation criteria, a timetable of works and site management procedures.

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.

7. The remediation scheme as approved by condition 5 above must be fully undertaken in accordance with its terms prior to the occupation of any part of the development unless otherwise agreed in writing by the Local Planning Authority. The Local Planning Authority must be given two weeks written notification of commencement of the remediation scheme works. Within 6 months of the completion of the measures identified in the approved remediation scheme, a verification report that demonstrates the effectiveness of the remediation carried out must be submitted to and approved in writing by the Local Planning Authority.

Reason: To ensure that any unacceptable risks from land contamination to the future users of the land, neighbouring land, controlled waters, property and ecological systems are minimised, and to ensure that the development can be carried out safely without unacceptable risks to workers, neighbours and other offsite receptors.

In the event that contamination is found at any time when carrying out the 8. approved development that was not previously identified it must be reported in writing within 2 days to the Local Planning Authority, all associated works must stop, and no further development shall take place unless otherwise agreed in writing until a scheme to deal with the contamination found has been approved. An investigation and risk assessment must be undertaken and where remediation is necessary a remediation scheme and verification plan must be prepared and submitted to and approved in writing by the Local Planning Authority. Following completion of measures identified in the approved remediation scheme a verification report must be submitted to and approved in writing by the Local Planning Authority. The timescale for the above actions shall be agreed with the LPA within 2 weeks of the discovery of any unsuspected contamination.

Reason: To ensure that any unacceptable risks from land contamination to the future users of the land, neighbouring land, controlled waters, property and ecological systems are minimised.

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

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

- 10. Any aggregate (other than virgin quarry stone) or recycled aggregate material to be imported shall be assessed for chemical or other potential contaminants in accordance with a scheme of investigation which shall be submitted to and approved in writing by the Local Planning Authority in advance of its importation. Only material approved by the Local Planning Authority shall be imported. All measures specified in the approved scheme shall be undertaken in accordance with Pollution Control's Imported Materials Guidance Notes. Subject to approval of the above, sampling of the material received at the development site to verify that the imported soil is free from contamination shall be undertaken in accordance with a scheme and timescale to be agreed in writing by the LPA.
 - Reason: To ensure that the safety of future occupiers is not prejudiced.
- 11. Any site won recycled aggregate materials 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 reuse. Only material approved by the Local Planning Authority shall be reused.

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

12. No development shall commence until a drainage scheme for the site has been submitted to and approved in writing by the local planning authority. The scheme shall provide for the disposal of foul, surface and land water, and include an assessment of the potential to dispose of surface and land water by sustainable means. Thereafter the scheme shall be implemented in accordance with the approved details prior to the occupation of the development and no further foul water, surface water and land drainage shall be allowed to connect directly or indirectly with the public sewerage system.

Reason: To prevent hydraulic overloading of the public sewerage system, to protect the health and safety of existing residents and ensure no pollution of or detriment to the environment.

- 13. 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
 - an upper rate of not less than 37 litres per second against a back pressure of 10 newtons per square metre and not less than 31 litres per second against a back pressure of 30 newtons per square metre, to
 - 2) a lower rate of between 10 and 17 litres per second against zero back pressure.

No habitable room shall be occupied until the approved sound insulation and ventilation measures have been installed in that room. Any private open space (excepting terraces or balconies to any apartment) shall be designed to provide an area which is at least 50% of the area for sitting out where the maximum day time noise level does not exceed 55 dBA Leq 16 hour [free field].

Reason: To ensure that the amenities of future occupiers are protected.

- 14. Prior to commencement of development a scheme shall be submitted to and approved in writing by the Local Planning Authority to provide that
 - Light into neighbouring residential windows generated from the floodlights shall not exceed 5/10*Ev (lux) (vertical illuminance in lux).
 - Each floodlight must be aligned to ensure that the upper limit of the

- main beam does not exceed 70 degrees from its downward vertical.
- The floodlighting shall designed and operated to have full horizontal cut-off and such that the Upward Waste Light Ratio does not exceed 2.5/5*%.

The submitted scheme shall include an isolux diagram showing the predicted illuminance in the vertical plane (in lux) at critical locations on the boundary of the site and at adjacent properties. The approved scheme shall be implemented prior to beneficial use and be permanently maintained.

Reason: To ensure that the amenities of occupiers of other premises in the vicinity are protected.

- 15. Prior to implementation a noise assessment shall be carried out and submitted to the Local Planning Authority to ensure the noise emitted from fixed plant and equipment on the site achieves a rating noise level of background -10dB 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.
- Notwithstanding the submitted plans, prior to any above ground development, details of the facilities for refuse storage, which shall have regard to the information contained in the email to the agent dated 03 July 2017, shall be submitted to and approved in writing by the Local Planning Authority. The development shall be carried out in accordance with the approved details. The facilities shall be provided prior to the beneficial occupation of the development and shall thereafter be retained and maintained.

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

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

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

- 18. Notwithstanding the submitted plans, details of the construction of the cycle (minimum 33 spaces) and scooter parking facility shall be submitted to and approved in writing by the Local Planning Authority. The approved facility shall be provided prior to the beneficial occupation of the development and shall thereafter be retained and maintained. Reason: To ensure an orderly form of development and ensure appropriate provision for cycles.
- 19. Notwithstanding the submitted plans, details of the construction of the refuse storage facility shall be submitted to and approved in writing by the Local Planning Authority. The approved facility shall be provided prior to the beneficial occupation of the development and shall thereafter be retained and maintained.
 Reason: To ensure an orderly form of development and to protect the amenity of the area.
- 20. No part of the development hereby permitted shall be commenced until a scheme of reinstatement works to Newport Road adjacent to the site has been submitted to and approval in writing by the LPA. The scheme to include the resurfacing/reinstatement of the footway/carriageway as may be required as consequence of implementation of the development; to include the access road off Newport Road, new pedestrian access, relocated bus stop. These works would include, but not be limited to, road surfacing, kerbs, edging, (tactile) paving, drainage, lighting, road marking & lining, signing and street furniture as required as a consequence of the scheme. No part of the development shall be occupied until the approved scheme has been implemented.

Reason: To amend and reinstate the carriageway and footway to provide an improved environment to facilitate safe commodious access to and from the proposed development.

21. No part of the development hereby permitted shall be commenced until a Construction and Demolition Management Plan has been submitted to and approved in writing by the Local Planning Authority. The plan should include (but not limit to) details of site hoardings, welfare facilities, site access and wheel washing facilities, a strategy for the delivery of plant and materials, construction staff parking, traffic management proposals etc. Development may only be commenced in accordance with the construction and demolition management plan approved by the Local Planning Authority.

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

22. A Travel Plan shall be submitted to and approved in writing by the Local Planning Authority prior to the beneficial occupation of the development. The plan should include (but not limited to) details such as the promotion of public transport and other alternatives to the private car. The approved travel plan should be incorporated in to a welcome pack (for example) provided to all new residents to encourage the use of alternative transport. The Travel Plan shall be implemented in accordance with a timetable set out in the plan or in accordance with a revised timetable which shall be

agreed in writing by the Local Planning Authority. Reports demonstrating progress in promoting the sustainable transport measures detailed in the Travel Plan shall be submitted to the Local Planning Authority for a period of five years from beneficial occupation of the development.

Reason: To encourage sustainable transport and effect modal shift to noncar modes.

23. Notwithstanding the submitted plans, details of the means of site enclosure shall be submitted to and approved in writing by the Local Planning Authority. The approved enclosures shall be implemented prior to the beneficial occupation of the development and shall thereafter be retained and maintained.

Reason: In the interests of visual amenity.

24. All planting, seeding, turf-laying and paving shown on the approved plans shall be carried out in the first planting and seeding season following the occupation of the building or the completion of the development, whichever is the sooner.

Any retained or planted trees or plants which within a period of 5 years from the completion of the development die, are removed, become seriously damaged or diseased, or (in the opinion of the Local Planning Authority) otherwise defective, shall be replaced in the planting season following their death with others 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. No development or site clearance shall commence until the local planning authority have been informed in writing of the name of a professionally qualified archaeologist who is to be present during the undertaking of any excavations in the development area so that a watching brief can be conducted. No work shall commence until the local planning authority has confirmed in writing that the proposed archaeologist is suitable. A copy of the watching brief report shall be submitted to the local planning authority within two months of the archaeological fieldwork being completed. 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.
- 26. The car parking and manoeuvring areas hereby approved shall be laid out in accordance with the approved plans before the development is brought into beneficial use and be thereafter maintained and retained at all times for those purposes in association with the development.

 Reason: to make provision for the parking of vehicles clear of the roads so as not to prejudice the safety, convenience and free flow of traffic.

RECOMMENDATION 2: The archaeological work must be undertaken to the Chartered Institute for Archaeologists (ClfA), "Standard and Guidance for an

Archaeological Watching Brief" (www.archaeologists.net/codes/ifa) and it is recommended that it is carried out either by a ClfA Registered Organisation (www.archaeologists.net/ro) or an accredited Member.

RECOMMENDATION 3: The contamination assessments and the effects of unstable land are considered on the basis of the best information available to the Planning Authority and are not necessarily exhaustive. The Authority takes due diligence when assessing these impacts, however you are minded that the responsibility for

- (i) determining the extent and effects of such constraints and;
- (ii) ensuring that any imported materials (including, topsoils, subsoils, aggregates and recycled or manufactured aggregates / soils) are chemically suitable for the proposed end use. Under no circumstances should controlled waste be imported. It is an offence under section 33 of the environmental Protection Act 1990 to deposit controlled waste on a site which does not benefit from an appropriate waste management license. The following must not be imported to a development site:
 - Unprocessed / unsorted demolition wastes.
 - Any materials originating from a site confirmed as being contaminated or potentially contaminated by chemical or radioactive substances.
 - Japanese Knotweed stems, leaves and rhizome infested soils. In addition to section 33 above, it is also an offence under the Wildlife and Countryside Act 1981 to spread this invasive weed; and
- (iii) the safe development and secure occupancy of the site rests with the developer.

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

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

RECOMMENDATION 4: To protect the amenities of occupiers of other premises in the vicinity attention is drawn to the provisions of Section 60 of the Control of Pollution Act 1974 in relation to the control of noise from demolition and construction activities. Further to this the applicant is advised that no noise audible outside the site boundary adjacent to the curtilage of residential property shall be created by construction activities in respect of the implementation of this consent outside the hours of 0800-1800 hours Mondays to Fridays and 0800 - 1300 hours on Saturdays or at any time on Sunday or public holidays. The applicant is also advised to seek approval for any proposed piling operations.

RECOMMENDATION 5: The applicant may need to apply to Dwr Cymru / Welsh Water for any connection to the public sewer under S106 of the Water industry Act 1991. If the connection to the public sewer network is either via a

lateral drain (i.e. a drain which extends beyond the connecting property boundary) or via a new sewer (i.e. serves more than one property), it is now a mandatory requirement to first enter into a Section 104 Adoption Agreement (Water Industry Act 1991). The design of the sewers and lateral drains must also conform to the Welsh Ministers Standards for Gravity Foul Sewers and Lateral Drains, and conform with the publication "Sewers for Adoption"- 7th Edition. Further information can be obtained via the Developer Services pages of www.dwrcymru.com

RECOMMENDATION 6: Prior to the commencement of development, the developer shall notify the local planning authority of the commencement of development, and shall display a site notice and plan on, or near the site, in accordance with the requirements of Article 12 of the Town & Country Planning (Development Management Procedure)(Wales)(Amendment) Order 2016.

RECOMMENDATION 7: The applicant is advised that the highway works condition and any other works proposed to the existing adopted public highway, to be undertaken by the developer, shall be subject to agreement(s) under Section 278 of the Highways Act 1980 between the developer and Council.

1. <u>DESCRIPTION OF PROPOSED DEVELOPMENT</u>

- 1.1 A full application for redevelopment to provide 33no. self-contained affordable apartments, with associated ground works, provision for car, cycle and scooter parking, refuse storage and landscaping.
- 1.2 The proposed accommodation is set in two blocks, fronting Newport Road, with rear projecting annexes. The accommodation is broken down as follows:

Block 1

A 2.5 storey (fronting Newport Road – 3.5 storey to the rear) block accommodating 21 flats, comprising 17no 1 bed flats and 4no 2 bed flats, with 2 of the flats intended for disabled occupiers.

Block 2

- A 2 storey (fronting Newport Road partial 3 storey to rear) block accommodating 12 flats, comprising 11no 1 bed flats and 1no 2 bed, with 1 of the flats intended for disabled occupancy.
- 1.3 To the rear of the site, at a ground level which is lower than Newport Road by approx. 3.0m there are 11no car parking spaces (with 3no designated for disabled use), a refuse container store and a combined storage facility for 33 cycles and 5 mobility scooters, all running along the rear boundary of the site.

The hard surfaced areas are indicated as being laid with brick paviours, with areas of grassed landscaping, including amenity spaces between the two projecting annexes and to the southern boundary area.

1.4 Access to the rear of the site is via a single point, set at the northern end of the site and running along the northern boundary. The accommodation blocks can be accessed (pedestrian) via dedicated points off Newport Road, and the rear amenity/facilities can be accessed by all residents through the blocks.

The improved access is facilitated by the relocation of the existing bus boarder and cage slightly further west, with new tactile paving to be provided either side of the new access road.

1.5 Block 1 is to be finished wholly in render, (with the exception of the basement level to the rear, which is to be facing brick) with an imitation slate roof and reconstituted stone surrounds and cills to the windows.

Block 2 is to be finished in facing brick to the Newport Road frontage, and on the return elevations of the main frontage element and basement level to the rear. The remainder of the rear is to be finished in the same render as Block 1, the roof and window surrounds are as per Block 1.

1.6 The site is to be enclosed by a 2.1m high close boarded timber fence to the rear and majority of the southern boundary (shared with Forge House).

The Newport Road frontage (and an element of the return along the Southern Boundary) is to be enclosed with a dwarf brick wall and railings, to a height of approx. 1.2m.

The northern boundary (to the retained footpath), is to be enclosed with a hoop topped steel railing at approx. 1.5m height.

2. **DESCRIPTION OF SITE**

- 2.1 The site is located at Old St Mellons along the south eastern side of Newport Road. To the north east of the site is a fish & chip shop with flat above, to the south west of the site is a dwelling (Forge House). The land levels drop away significantly to the south east toward residential properties in Orchard Park.
- 2.2 The application site comprises:
 - (i) Droke House; a two storey dwelling which is located within the St Mellons Conservation Area.
 - (ii) Holts Garage; a commercial garage which occupies a corrugated metal building set back from Newport Road by a large concrete forecourt. The garage is located outside the St Mellons Conservation Area boundary.

3. **PLANNING HISTORY**

3.1 06/02862/E – Prior Approval application for the demolition of Droke House and adjoining garage – Granted

07/01711/E - Full application to demolish existing dwelling and garage and

redevelop for 34 flats - Granted

07/01712/E – Conservation Area Consent application for the demolition of dwelling and garage – Granted

13/01456/DCO – Renewal of pp 07/01711/E – Resolution to grant, subject to S106 (unsigned)

13/01551/DCO - Renewal of CAC 07/01712/E - Granted

4. **POLICY FRAMEWORK**

National policy

- 4.1 Planning Policy Wales (PPW) Edition 9, 2016 favours the sustainable re-use of previously developed land.
- 4.2 The following Technical Advice Notes (TANs) are relevant:
 - TAN 12: Design
- 4.3 The following policies of the recently adopted 2016 City of Cardiff LDP are relevant to the consideration of this application:-
 - KP5 Good Quality and Sustainable Design
 - KP7 Planning Obligations
 - H6 Change of Use or Redevelopment to Residential Use
 - EN9 Conservation of the Historic Environment
 - C1 Community Facilities
 - C5 Provision for Open Space, Outdoor Recreation, Childrens Play and Sport
 - T1 Walking and Cycling
 - T5 Managing Transport Impacts
 - W2 Provision for Waste Management Facilities in Development
- 4.4 The following Supplementary Planning Guidance relates to the previous 1996 Local Plan. It is under review following the adoption of the LDP however it remains a material consideration in considering the application insofar as it is consistent with LDP policy:
 - Community Facilities and Residential Development (2007)
 - Access, Circulation and Parking Requirements (2010)
- 4.5 In addition to the above, the following new Supplementary Planning Guidance is also relevant:
 - Locating Waste Management Facilities Jan. 2017
 - Planning Obligations Jan. 2017
 - Green Infrastructure Nov. 2017
 - Infill Sites Nov. 2017
 - Public Rights of Way and Development Nov. 2017

Trees and Development Nov. 2017

5. **INTERNAL CONSULTEE RESPONSES**

5.1 The Operational Manager Transportation has no objection subject to conditions, making the following comments:

This project comprises of the construction of two blocks containing a total of 33 affordable homes. There would be 30 one bedroom flats and three two bedroom flats. Three of the one bedroom flats would be wheelchair accessible.

The development would provide 11 parking spaces (3 disabled bays), 33 secure covered cycle parking spaces and five secure covered mobility scooter parking spaces.

There are local facilities (local shops, public houses, take-away food, restaurants, bus stops) in the immediate vicinity of the development.

Comments:

I would confirm that the above application submission has been assessed and is considered to be acceptable in principle subject to the comments, conditions and financial requirements detailed below.

The application proposes to provide two separate buildings:

- One comprising 21 units
- One comprising 12 units.

Vehicle access will be taken from Newport Road using an existing northern access to St Mellons Garage (located to the north east of the site). The access carriageway will include a 2m footway on its southern side, until the access becomes a shared space. The first 6m of the access road would become public highway. The carriageway after this point, demarcated by a rumble strip, will become a private shared area. The footway would be at grade with the shared surface carriageway to accommodate pedestrians and mobility scooter users. There would be a section of appropriate tactile paving (details to be approved during the S278 process) at this juncture.

A seven day traffic survey was undertaken to identify traffic flows and speeds outside the proposed development. The 85th percentile speed recorded during weekdays can be accommodated within the visibility splay, in accordance with the Manual for Streets 2 calculation. To accommodate a safe stopping distance for a HGV, or bus, the stopping distance for northbound vehicles would be 50m (46m light vehicles) and for southbound HGV/buses would be 46m (42m light vehicles).

The proposed car park will include 11 parking spaces, including three disabled spaces, in accordance with the SPG – Access, Circulation and Parking Requirements (2010). The parking provision within the site is in an

acceptable form, with adequate space to manoeuvre parking vehicles and adequate space within the parking and access routes to accommodate a refuse vehicle and delivery vehicles. The adequacy of the access road is demonstrated with swept path analysis.

The secure cycle provision (33 spaces) is in accordance with the council's SPG – Access, Circulation and Parking Requirements (2010). There are existing cycle lanes on both sides of Newport Road to / from Cardiff (although not toward Newport).

Public transport provision is convenient to the site (13 buses per hour each way), with a bus stop (from Newport to Cardiff) located immediately outside the development. The bus cage (and bus boarder) is to be relocated to the west to accommodate the access to the site. The bus stop and shelter will not be relocated. The bus stop (from Cardiff toward Newport) on the opposite side of the road is located some 130m from the proposed development. Users are able to use a controlled pedestrian crossing to cross Newport Road.

It is concluded that the proposed development is acceptable in transport terms, subject to the listed conditions and financial contribution, and that any objection on traffic or parking grounds would therefore be unsustainable.

Financial Contribution:

A S106 contribution, of £3000, is sought in respect of amending any traffic regulation orders associated with the relocation of the bus cage and associated waiting restrictions required to accommodate the installation of the access arrangements. Reason: To facilitate implementation of the new access and prohibit inappropriate parking.

- 5.2 The Pollution Control Manager (Noise & Air) has no objection, subject to conditions in respect of traffic noise, lighting and plant noise, with further advice in respect of construction noise.
- 5.3 The Pollution Control Manager (Contaminated Land) has no objection, subject to conditions in respect of contaminated land issues, with further contaminated land advice.
- 5.4 The Highways Drainage Manager has been consulted and no comments have been received.
- 5.5 The Air Quality Manager has no objection, subject to a condition relating to the control of dust..
- 5.6 The Regeneration Manager has no objection, making the following comments:

Request for Community Facilities

The Cardiff Planning Obligations SPG 2017 (Section 8 - Community Facilities) states that 'Growth in population arising from new development

generates demand for and increases pressure on community facilities. To meet the needs of future residents, it may be necessary to meet this additional demand through:

- The provision of new facilities,
- The extension to, or upgrading of existing facilities.

If no onsite provision is proposed, a financial contribution is sought on residential developments containing 25 or more new dwellings where it has been identified that investment in community facilities will be required to meet the needs of the new population.

The formula in the SPG is based on the number of bedrooms and associated occupancy figures per dwelling, and is calculated as follows:

No. of bedrooms	Number of Dwellings	Contribution per dwelling	Totals
1	28	£720.51	£20,174.28
2	5	£997.63	£4,988.15
3		£1,385.60	£0.00
4		£1,718.14	£0.00
5+		£2,106.11	£0.00
Where number of bedrooms unknown		£1,291.38	£0.00
Single Student Bedroom	0	£554.24	£0.00
TOTALS:			£25,162.43

In summary, the following contribution is sought from the developer:

£25,162.43

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 Cardiff Planning Obligations SPG was formally adopted by Council on 26th January 2017. The SPG was adopted to help to ensure that developments contribute toward the provision of necessary infrastructure and measures required to mitigate their impact. Policy KP6 of the Cardiff Local Development Plan (adopted January 2016) 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 onsite provision and/or 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.

(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.

5.7 The Parks Manager has no objection, making the following comments:

Design Comments

No street trees appear to be affected by the development

Open Space Provision

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

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

Based on the information provided on the number and type of units, I have

calculated the additional population generated by the development to be **43.1**. This generates an open space requirement of **0.105 ha** of on-site open space based on the criteria set for **Housing accommodation**, or an off-site contribution of **£44,718**. I enclose a copy of the calculation

As no public open space is being provided on-site, the developers will be required to make a financial contribution towards the provision of new open space, or the design, improvement and/or maintenance of existing open space in the locality, given that demand for usage of the existing open spaces would increase in the locality as a result of the development.

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

Notes relating to Affordable Housing Schemes

The request for an offsite contribution is applied consistently across both private and affordable house developments. In providing for the additional residents the development will result in increased use of local public open spaces, with a corresponding need for increased maintenance, more rapid upgrading and potential expansion of existing facilities. This is regardless of the financial model for the development.

In the event that the Council is minded to approve the application, I assume it will be necessary for the applicant and the Council to enter into a Section 106 Agreement to secure payment of the contribution.

Consultation will take place with Ward Members to agree use of the contribution, and this will be confirmed at S106 stage. The closest areas of recreational open space are Orchard Park, Beech Tree Park and Elgar Crescent.

- 5.8 The Council's Trees Officer has no objection to the landscape proposals as indicated on the approved plans.
- 5.9 The Waste Manager has no objection, advising that the proposed refuse storage area is acceptable.
- 5.10 The Council's Ecologist comments that the existing buildings show a number of features that may be exploited by roosting bats and advises that a preliminary assessment of bat roosting potential is requested.
- 5.11 The Neighbourhood Regeneration Manager (Access) has been consulted and no comments have been received.
- 5.12 The Housing Strategy Manager has no objection, making the following comments:

The planning application has been submitted by one of our partner Registered Social Landlords (RSL) (Taff Housing Association), and the whole site will be delivered as affordable housing.

The Housing Development Enabling team fully supports the development of this site wholly for affordable housing, given the levels of housing need in the area, and have been working very closely with Taff Housing Association to ensure the successful delivery of the scheme. The development will comprise of 33 units of new affordable housing.

All social rented units will meet Welsh Government Development Quality Requirements (DQR) & the Welsh Housing Quality Standard (WHQS).

5.13 The Council's Rights Of Way Manager has no objection, making the following comments:

St Mellons No.1 footpath runs adjacent to the development site on the Eastern side therefore the footpath is to remain in situ and unaffected. From the design plans, it appears the public right of way will be utilised and retained while being improved to 2m width to provide improved access for walkers. The path will need to be open without a fence/wall or any gates to improve access for all.

The right of way footpath from Newport Road to Orchard Park is only intended for walkers therefore any proposal for creating a shared use path will require an application to the PROW team for consideration.

6. **EXTERNAL CONSULTEE RESPONSES**

- 6.1 Welsh Water have no objection subject to a standard drainage details condition.
- 6.2 Glamorgan Gwent Archaeological Trust have no objection, subject to a condition requiring the provision of an Archaeological Watching Brief during any excavations, and provide addition advice in respect of qualified persons.
- 6.3 South Wales Police have no objection. Further advice in respect of crime prevention has been provided and has been passed to the agent.
- 6.4 Western Power Distribution have been consulted and no comments have been received.

7. **REPRESENTATIONS**

7.1 Local Members for the Wards of Pontprennau/Old St Mellons and Trowbridge have been consulted.

The Planning Service was copied into an email from Cllr J Williams (Pontprennau/Old St Mellons), addressed to Cllr D Rees (Pontprennau/Old St

Mellons) and Cllrs M Michael, C Lay and B Bowen-Thomson (Trowbridge), dated 31 July 2017, making the following comments:

"Please be advised that I and Councillor Rees will be submitted an objection to this planning application.

To advise our Trowbridge colleagues that we have been contacted by residents in their Ward (who live behind the proposed application) who have strong reservations surrounding this application. I trust you will be undertaking a knock and drop in the area of your Ward impacted by this application to understand local feeling on this matter."

No further representations have been received from Local Members.

7.2 Old St Mellons Community Council were consulted and object to the proposals, making the following comments:

As Clerk to the Old St. Mellons Community Council we are electing to put our objection in writing, as well as our local residents our Councillors have also expressed an objection to this application.

We would like to draw your attention to the original planning application: 13/01456/DCO dated 26th July 2013, to erect 34 apartments, garages and associated access, according to the planning application at that time there were 39 car park spaces.

The current planning application indicates 33 apartments and only 7 car park paces and 3 disabled.

This will be of great concern to Old St. Mellons Community as there are no parking facilities on the public highway, there are 4 spaces available outside the Seaview Stores and 4 on the main road near Coach House and Bluebell Inn Public Houses.

This will undoubtedly cause severe traffic issues as residents of the new development would be forced to park their cars on the public highway by mounting the pavement along Newport Road, which would also cause obstruction to the cycle lane.

OSMCC would also like to draw your attention to the following points:

- Taff Housing very emphatic they would be managing the tenants / residents of the building but no guarantee this would be the case in in the future!
- There must be sufficient parking spaces for all units. Residents, visitor's carers etc. must be able to park without infringing the parking restrictions on the main road.
- The Village Hall has no car parking facilities. It is in constant use, daytime
 and evenings when every available public car parking space in the Village
 is needed by the Hall users. These spaces are extremely limited

- Only one local bus route through the village i.e. No 30 Newport to Cardiff.
 There was reference at the meeting with LRM of 'many' buses but they
 were possibly taking into account buses that serve the St Mellons estate
 via Greenway Road and X route buses.
- There is a need in the community for accommodation for the elderly.
- There are far too many units being planned.
- The development is being cost driven as explained by Taff Housing!
- Original plans had greater number of car spaces.
- The Village is a conservation area. Is this being considered by the Planning Authority?
- Following issues in the past all four very local public houses and the off licence premises are now part of the Pub Watch Scheme. The area needs to be well patrolled to ensure no further disturbances occur. Further significant development in the close proximity of the licenced premises would aggravate the situation.
- A development of this size and nature would jeopardise the conservation environment of Old St Mellons.

Please consider these points before making any decisions.

7.3 The occupier of 31 Orchard Park objects to the proposal, making the following comments:

We are strongly objecting as this planned building will be overlooking our garden. I feel that we are surrounded in affordable and association properties in our area. This build is also not privately owned properties so it is going to affect the selling price of my property. I have worked all my life to buy a house on a private estate so I don't feel it is fair for a privately owned property turned into association flats this is totally unfair to the residents surrounding the. I also feel it is not in keeping with the small village.

7.4 The Occupier of 40 Orchard Park objects to the proposals, making the following comments:

My concern is that there is insufficient parking for 33 apartments. There will be eight standard parking spaces and three disabled spaces. The planners estimate that car ownership will be under fifty percent, but it needs to be under twenty-five percent for there not to be a problem, and that is before visitors are accounted for. An alleyway runs alongside the proposed development, at the bottom of which are a number of parking spaces. All of these spaces are allocated to specific existing houses (one of which I live in). What will prevent residents of the new apartments and their guests parking in these spaces and causing a constant nuisance for existing house-owners. Additionally what will prevent the construction workers parking here during the building of the apartments?

7.5 The application was publicised as a Major development by way of site and press notice. No comments have been received.

8. ANALYSIS

This application was deferred by Planning Committee at its meeting of 8th November 2017 in order to undertake a site visit. The site visit took place on Monday 4th December 2017.

- 8.1 The application site falls within the settlement boundary, as defined by the Cardiff Local Development Plan (2006-2026) Proposals Map. The site has no other specific designation or allocation. The application should be assessed against Policy H6 'Change of Use or Redevelopment to Residential Use', which states that the change of use of redundant premises or redevelopment of redundant previously developed land for residential use will be permitted where:
 - i. There is no overriding need to retain the existing use of the land or premises and no overriding alternative local land use requirement;
 - ii. The resulting residential accommodation and amenity will be satisfactory;
 - iii. There will be no unacceptable impact on the operating conditions of existing businesses;
 - iv. Necessary community and transportation facilities are accessible or can be readily provided or improved; and
 - v. It can be demonstrated that the change of use to a more sensitive end use has been assessed in terms of land contamination risk and that there are no unacceptable risks to the end users.

The existing commercial garage is offered no specific protection in land use policy terms in this location. Given the surrounding land uses, and the fact that the principle of residential use has already been established through planning application 13/01456/DCO the redevelopment of the site for residential purposes is considered acceptable in policy terms subject to detailed considerations.

- 8.2 It is of note that the current proposals are, in broad terms and in respect of the built form and layout, consistent with the previously approved proposal for 34 flats (07/01711E & 13/01456DCO), insofar as the development proposes multiple blocks fronting Newport Road, with traditional features including pitched roofs and gables, and with the smaller 2 storey block lying adjacent to Forge House and the larger 2.5 (to Newport Road) storey block replacing the existing commercial garage space.
- 8.3 The design of the proposal is considered to be acceptable, having regard for its scale, massing and appearance on the Old St Mellons Conservation Area (south-western end of the site & opposite side of Newport Road), and the wider street scene.

The architectural design is generally supported as drawing on the character of the local vernacular, which is relatively mixed and includes a new build flat development in the vicinity of this site. The enclosure created by the proposal is generally welcomed in replacing a level of enclosure at the heart of the village where the buildings on the garage site are currently set back. The introduction of a low wall and railing enclosure to the whole of the Newport Road frontage (access point excepted) is also welcomed as reinforcing the street scene and providing an important defensive area for residents.

The use of two separate blocks of differing scale and massing is considered to add interest to the street scene. This variation in scale, massing and finish appearance, in conjunction with the separation of the blocks from themselves and the adjacent Forge Cottage to the south-west and the commercial terrace to the north-east, and the degree of set back off the footpath to Newport Road (Block 1 approx. 2.7m; Block 2 approx. 4.1m) ensures that the proposed buildings do not present as overbearing or over dominant.

8.4 The proposed blocks are set towards the front of the site. At the rear of the site, there is a shared boundary to dwellings located on Orchard Park, with some dwellings lying close to that boundary.

With regard to Block 1, the separation distance from the rearmost elevation to this boundary is approx. 16m at its closest point, with the side elevation of the projecting rear annexe being approx. 10m from the boundary to the adjacent footpath to the north-east.

In this case, it is considered that Block 1 would have no adverse impact on the privacy or amenity of adjacent occupiers.

8.5 Block 2 is set closer to the Orchard Park boundary at approx. 9.5m and the boundary to the south-west, shared with Forge Cottage, at distances ranging between approx. 3.7m and 7.5m.

The original submission showed Flat 7 of Block 2 (first floor equivalent) having a lounge window looking towards the rear of Forge Cottage. At a distance of approx. 7.5m, although not appearing to have direct views into any windows, may have had views into the rear garden area. In this case, the internal arrangement has been amended. The proposals now show a bedroom window to this elevation, which is indicated (and conditioned above), to be non-opening and obscurely glazed below 1.8m above internal floor level.

Whilst it is noted that the same flat has a kitchen window facing towards the rear of 32 Orchard Park, it is of note that under pp 06/835E no 32 benefits from a large two storey rear extension. That consent included a bedroom window to the rear elevation, facing into the current application site. However, a condition was imposed in a similar vein to condition 4 above requiring that window to be obscurely glazed. In this case, the rear elevation of no. 32 is effectively a blank elevation. Having regard for the condition attached to pp 06/835E, and the fact that the window in Flat 7 of Block 2 is a kitchen, it is considered that to impose an obscure glazing condition would be an unnecessary duplication and would therefore fail the tests for the use of conditions in planning permissions.

In addition to the fenestration issues above, Block 2 has been considered in respect of the impact of its scale on, what appears to be, a conservatory structure to the rear of Forge Cottage. The proposals introduce a 2-2.5 storey structure where currently there is none. However, it is of note that the proposal site has a reduced ground level of approx. 1.0m to that at Forge Cottage, effectively reducing the proposed building's scale at the point of concern, and the proposed building is also set to the north-east of Forge Cottage and therefore has very limited, or no adverse Impact on direct sunlight.

In light of the above, and having regard for the mitigating factors described, it is considered that Block 2 would have no adverse impact on the amenity or privacy of adjacent occupiers.

- 8.5 With regard to the request for a preliminary bat survey (para 5.10 above), this has been the subject of further discussion with the agent and the Council' Ecologist. Having regard for the extant demolition consents that run to May 2019, and the overarching authority of Natural Resources Wales in respect of the protection of roosting bats, it is considered that such a survey is not required at this time. However, the applicant has been made aware that should demolition not take place within the remaining time available, such a survey may then be required.
- 8.6 With regard to objections raised not discussed above, the following comments are made:
 - Matters relating to the management of future tenants is not a material consideration in the determination of this application;
 - The proposals have been considered by the Operational Manager, Transportation, who has no objection in respect of the amount of onsite parking provided;
 - The Housing Strategy Manager has advised that the Housing Development Team support the proposals in this area of high housing need. Whilst there may be a need for need for housing for the elderly, that is a matter for the landlord and is not subject to this application;
 - There is no evidence that future occupiers of the proposed development would exacerbate any existing issues of anti-social behaviour or crime and disorder;
 - The impact of development on adjacent/nearby property value is not a material planning consideration. As indicated above, the area is identified as in high housing need and the nature of tenancy/occupants is not a material planning consideration;
 - Whilst instances of un-authorised parking in adjacent streets may already be taking place, this matter is controlled by other legislation. There is no evidence that future occupiers of the proposed development would exacerbate any existing situation. It is also of note that a Construction Management Plan is required by condition, which could include the control of site staff. In addition, a Travel Plan is also required by condition, which will seek to inform and advise future occupiers of alternative modes of transport

9. OTHER CONSIDERATIONS

- 9.1 Crime and Disorder Act 1998 Section 17(1) of the Crime and Disorder Act1998 imposes a duty on the Local Authority to exercise its various functions with due regard to the likely effect of the exercise of those functions on, and the need to do all that it reasonably can to prevent, crime and disorder in its area. This duty has been considered in the evaluation of this application. It is considered that there would be no significant or unacceptable increase in crime and disorder as a result of the proposed decision.
- 9.2 Equality Act 2010 The Equality Act 2010 identifies a number of 'protected characteristics', namely age; disability; gender reassignment; pregnancy and maternity; race; religion or belief; sex; sexual orientation; marriage and civil partnership. The Council's duty under the above Act has been given due consideration in the determination of this application. It is considered that the proposed development does not have any significant implications for, or effect on, persons who share a protected characteristic.
- 9.3 Well-Being of Future Generations Act 2016 Section 3 of this Act imposes a duty on public bodies to carry out sustainable development in accordance with the sustainable development principle to act in a manner which seeks to ensure that the needs of the present are met without compromising the ability of future generations to meet their own needs (Section 5). This duty has been considered in the evaluation of this application. It is considered that there would be no significant or unacceptable impact upon the achievement of wellbeing objectives as a result of the recommended decision.

10. PLANNING OBLIGATIONS

10.1 The following contribution requests have been made, with reference made to the Community Infrastructure Levy tests:

Parks – A contribution of £44,718 is requested towards the maintenance/provision of open space in the vicinity of the site.

Regeneration - A contribution of £25,162.43 is requested towards the provision/maintenance of community facilities in the vicinity of the site.

Transportation – A contribution of £3000 is requested, towards amended Traffic Orders associated with the relocation of the Bus Cage and waiting periods adjacent to the site.

In addition to the above, it is recommended that the development is limited to use as affordable housing, secured through any legal agreement made.

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

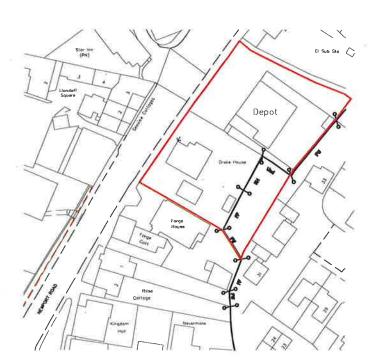
11. **CONCLUSION**

11.1 The proposals include the redevelopment of an unattractive and conflicting commercial vehicle garage site and provide affordable housing in an area identified as having high housing need. It is considered that the standard of the layout and design will enhance the appearance and amenity of the area.

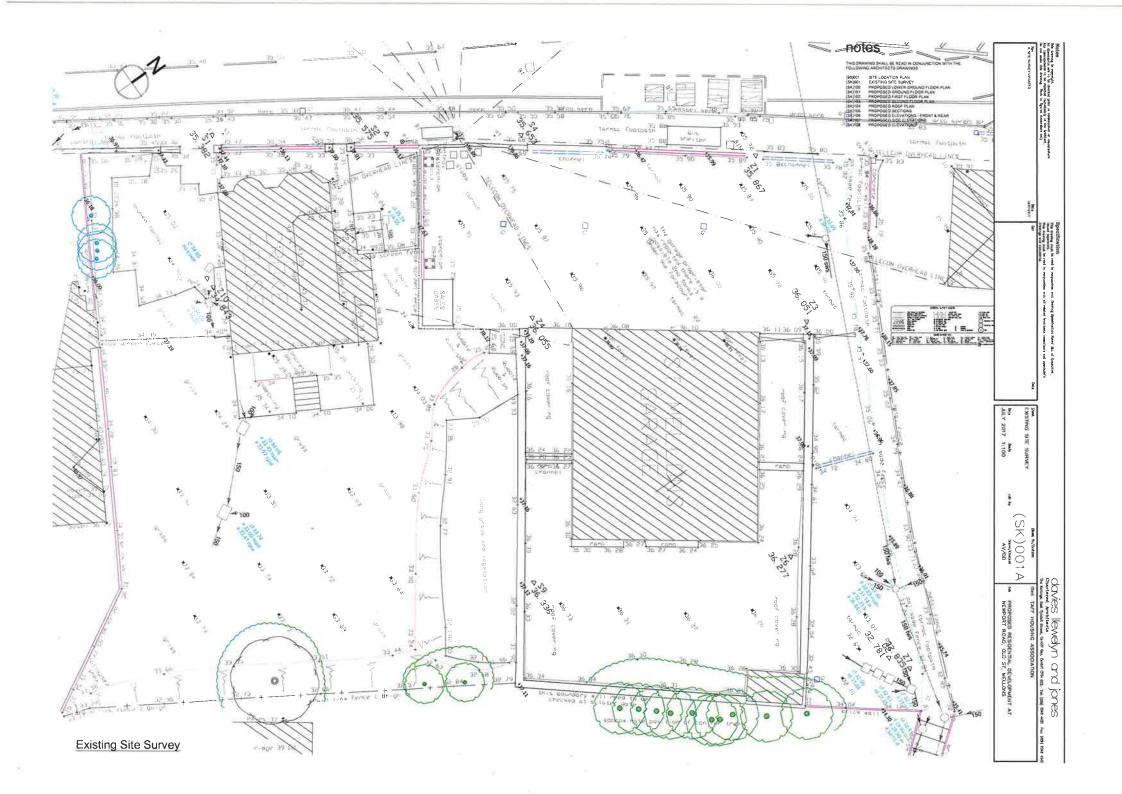
In light of the above, and having regard for adopted planning policy guidance, it is recommended that planning permission be granted, subject to conditions and a Legal Agreement.

	yright. to be checked prior to const o be reported immediately to	the Architect			Chartered Architects The Mellings, Rest Tyndall Street, Cardiff Bay, Cardiff CF1 5EA, Tel: (029) 20464433 Fax: (029) 20464345
Sheet SITE	LOCATION P	LAN	Sheet No/Revision	(90)001A	Client TAFF HOUSING ASSOCIATION
Date JUL	2017	Scale 1:1250	Drawn/Checked	AV/DD	Job PROPOSED RESIDENTIAL DEVELOPMENT AT NEWPORT ROAD, OLD ST. MELLONS





Site Location Plan







(SK)106H

Bleweyn and J

PROPOSED RESIDENTIAL DEVELOPMENT NEWPORT ROAD, OLD ST. MELLONS



BLOCK - 1

Proposed Front Elevation



BLOCK - 2

Proposed Rear Elevation

Proposed Elevations



(SK)106H

Bleweyn and J

PROPOSED RESIDENTIAL DEVELOPMENT NEWPORT ROAD, OLD ST. MELLONS



BLOCK - 1

Proposed Front Elevation



BLOCK - 2

Proposed Rear Elevation

Proposed Elevations