

LOCAL MEMBER OBJECTION

COMMITTEE DATE: 15/03/2018

APPLICATION No. **17/03101/MJR** APPLICATION DATE: 21/12/2017

ED: **LLANISHEN**

APP: TYPE: Reserved Matters

APPLICANT: WYG PLANNING & ENVIRONMENT

LOCATION: FORMER TRAVIS PERKINS TRADING CO LTD. 1 MALVERN DRIVE, LLANISHEN

PROPOSAL: SUBMISSION OF DETAILS FOR APPROVAL OF ACCESS, APPEARANCE, LANDSCAPING, LAYOUT AND SCALE FOR NO.121 DWELLINGS PURSUANT TO OUTLINE CONSENT 14/00283/DCO

RECOMMENDATION 1 : That matters reserved of access, layout, scale, appearance and landscaping of outline planning application 14/00283/DCO, dated 08/05/2015, for the residential development and associated development (including demolition of existing buildings) on the site of the former Travis Parkins, Malvern Drive, Llanishen be **APPROVED** subject to the following conditions and a deed of variation of the **SECTION 106**.

1. The Development shall be carried out in accordance with the following approved plans and documents:

Plans

P01 OS Plan

P02 Rev B - Proposed Block Plan

P03 Rev M - Proposed Site Plan

P04 Rev B – Proposed Block A Ground Floor Plan

P05 Rev B – Proposed Block A 1st – 3rd Floor Plan

P06 Rev C – Proposed Block B Ground Floor Plan

P07 Rev C – Proposed Block B 1st – 3rd Floor Plan

P08 Rev C – Proposed Block B 4th Floor Plan

P09 Rev A – Proposed Elevations 1 – A Block

P10 Rev A – Proposed Elevations 2 – A Block

P11 Rev A – Proposed Elevations 1 – B Block

P12 Rev A – Proposed Elevations 2 – B Block

P17 Rev E – Terraced House Elevations

P18 Rev D – House Type A, B and C Elevations

P19 Rev A – House Type A, B and C Floor Plans

P20 – Entrance Elevation

A102736 LA1[G] Landscape Strategy LA.1 - Dated 13th February 2018

A102736 LA2[G] Shrub Planting Details LA.2 - Dated 13th February 2018
A102736 LA3[G] Hard Landscape LA.3 - Dated 13th February 2018

A102736-SK04 Rev B – Proposed Access Visibility Assessment
A102736-SK05 Rev B – Proposed Servicing Swept Path Analysis

Documents

Investment Construction Limited – Transport Assessment ref: A102736 dated December 2017

ArbTS – Arboricultural Technical Services – Arboricultural Report, ref ArbTS_375.1_Malvern Drive dated 14th December 2017

Images

P15 – Proposed Street Scenes

P16 – Proposed Perspectives

P21 Proposed Perspectives - Houses

Reason: To ensure satisfactory completion of the development and for the avoidance of doubt in line with the aims of Planning Policy Wales to promote an efficient planning system.

2. Notwithstanding the submitted plans, no development shall take place until details of the junction between the proposed access road and the highway (including footway improvements to the frontages/boundaries along Malvern Drive and Ashbourn Way, carriageway resurfacing, highway drainage and street lighting) have been submitted to and approved in writing by the Local Planning Authority. The approved details shall be implemented prior to the development being put into beneficial use and thereafter maintained and retained.

Reason: To ensure that the use of the proposed development does not interfere with the safety and free flow of pedestrians, cyclists or vehicular traffic passing along the highway, in accordance with Policy T5: Managing Transport Impacts, of the Cardiff Local Development Plan (2006-2026).

3. Notwithstanding the submitted plans, prior to the commencement of development, a scheme showing the architectural detailing for the apartment blocks shall be submitted to and approved in writing the Local Planning Authority. The development shall not be brought into beneficial use until the approved scheme is implemented.

Reason: to ensure a satisfactory finished appearance to the apartment buildings in accordance with policy KP5 of the adopted Cardiff Local Development Plan (2006 – 2026).

4. Notwithstanding the submitted plans, no above ground development shall take place until samples of the external finishing materials have been submitted to and approved by the Local Planning Authority. The development shall thereafter be carried out in accordance with the approved details.

Reason: To ensure that the finished appearance of the development is in keeping with the area in accordance with policy KP5 of the adopted Cardiff Local Development Plan (2006 - 2026).

5. The car parking spaces shown on the approved plans shall be provided prior to the development being brought into beneficial use and thereafter 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 along the highway, in accordance with Policy T5: Managing Transport Impacts, of the Cardiff Local Development Plan (2006-2026).

6. 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 shall be subject to sound insulation measures to ensure that all such rooms achieve an internal noise level of 40 dBA Leq 16 hour during the day and 35 dBA Leq 8 hour at night. The submitted scheme shall ensure that habitable rooms subject to sound insulation measures shall be provided with acoustically treated active ventilation units. Each ventilation unit (with air filter in position), by itself or with an integral air supply duct and cowl (or grille), shall be capable of giving variable ventilation rates ranging from –

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

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

Reason: To ensure that the amenities of future occupiers are protected in accordance with Policy EN13 of the adopted Cardiff Local Development Plan (2006 - 2026).

7. Prior to commencement of development a scheme shall be submitted to and approved in writing by the Local Planning Authority to provide that the dwellings are designed and constructed so as to ensure that vibration dose values do not exceed 0.4m/s^{1.75} between 07.00 and 23.00 hours, and 0.26m/s^{1.75} between 23.00 and 07.00 hours, as calculated in accordance with BS 6472:1992, entitled "Guide to Evaluation of Human Exposure to Vibration in Buildings", [1Hz to 80Hz]. The dwellings shall be constructed in accordance with the approved scheme. Reason: To ensure that the amenities of future occupiers are protected in accordance with

Policy EN13 of the adopted Cardiff Local Development Plan (2006 - 2026).

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 in accordance with Policy EN13 of the adopted Cardiff Local Development Plan (2006 - 2026).

8. No development shall take place until the following have been submitted to and approved in writing by the Local Planning Authority (LPA) in accordance with the current British Standard 5837:

- An **Arboricultural Impact Assessment** based on the finalised design.
- An **Arboricultural Method Statement (AMS)** detailing the methods to be used to prevent loss of or damage to retained trees within and bounding the site, and existing structural planting or areas designated for new structural planting.

The AMS shall include details of site monitoring of tree protection and tree condition by a qualified arboriculturist, undertaken throughout the development and after its completion, to monitor tree condition. This shall include the preparation of a chronological programme for site monitoring and production of site reports, to be sent to the LPA during the different phases of development and demonstrating how the approved tree protection measures have been complied with.

- A **Tree Protection Plan (TPP)** in the form of a scale drawing showing the finalised layout and the tree and landscaping protection methods detailed in the AMS that can be shown graphically.

Unless written consent is obtained from the LPA, the development shall be carried out in full conformity with the approved AMS and TPP.

Reason: To enable the Local Planning Authority to assess the effects of the proposals on existing trees and landscape; the measures for their protection; to monitor compliance and to make good losses in accordance with Policy EN8: Trees, Woodlands and Hedgerows of the adopted Cardiff Local Development Plan (2006-2026).

9. Any pruning necessary to implement the planning permission shall be undertaken in accordance with British Standard 3998: 2010 'Tree Work' or any Standard that replaces it.

Reason: The trees are of value in the local environment and should be

protected and maintained in good condition in accordance with Policy EN8: Trees, Woodlands and Hedgerows of the adopted Cardiff Local Development Plan (2006-2026).

10. No development shall take place until full details of soft landscaping have been submitted to and approved in writing by the Local Planning Authority. These details shall include:
- A landscaping implementation programme.
 - Scaled planting plans prepared by a qualified landscape architect and informed by knowledge of all existing and proposed service constraints.
 - Schedules of plant species, sizes, numbers and densities prepared by a qualified landscape architect.
 - Scaled tree pit sectional and plan drawings for different tree sizes, prepared by a qualified landscape architect.
 - Topsoil and subsoil specification for all planting types, including full details of soil assessment, protection, stripping, storage, handling, amelioration and placement to ensure it is fit for purpose. Where imported planting soils are proposed, full specification details shall be supplied, including certification in accordance with British Standards and interpretive reports by a soil scientist demonstrating fitness for purpose for the particular planting type, and a methodology for handling, amelioration and placement.
 - Planting methodology and post-planting aftercare methodology prepared by a qualified landscape architect, to include details of oversight of landscaping implementation by the project landscape architect.

The submitted details shall be consistent with other plans submitted in support of the application and the landscaping shall be carried out in accordance with the approved design and implementation programme.

Reason: To enable the Local Planning Authority to determine that the proposals will maintain and improve the amenity and environmental value of the area, and to monitor compliance in accordance with Policy EN8: Trees, Woodlands and Hedgerows of the adopted Cardiff Local Development Plan (2006-2026).

11. Any newly planted trees, plants or hedgerows, 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 (LPA) otherwise defective, shall be replaced.

Replacement planting shall take place during the first available planting season, to the same specification approved in discharge of condition *, unless the Local Planning Authority gives written consent to any variation.

Reason: To maintain and improve the amenity and environmental value of the area in accordance with Policy EN8: Trees, Woodlands and

Hedgerows of the adopted Cardiff Local Development Plan (2006-2026).

12. No development shall take place until a Construction Management Plan (CMP) has been submitted to and approved in writing by the Local Planning Authority. The approved CMP shall be adhered to throughout the construction period. The plan shall provide for:
- (i) access;
 - (ii) the parking of vehicles of site operatives and visitors;
 - (iii) loading and unloading of plant and materials;
 - (iv) storage of plant and materials used in constructing the development;
 - (v) the erection and maintenance of security hoarding;
 - (vi) wheel washing facilities;
 - (vii) measures to control the emission of dust and dirt during construction;
 - (viii) a scheme for recycling/disposing of waste resulting from demolition and construction works.

Reason: In the interests of highway safety, public amenity and to avoid any conflict situations with students and/or staff attending/working on this site in accordance with policies T5, T6 and EN13 of the adopted Cardiff Local Development Plan (2006 - 2026).

13. The existing secondary vehicular access to the site shall not be used and shall be permanently closed before the development is brought into beneficial use, and the footway shall be restored.

Reason: To ensure that the use of the proposed development does not interfere with the safety and free flow of pedestrians and cyclists passing along the highway, in accordance with Policy T5: Managing Transport Impacts, of the Cardiff Local Development Plan (2006-2026).

14. Notwithstanding the submitted plans, no above ground development shall take place until, details of the differing means of enclosure proposed throughout the site, including any gates, have been submitted to and approved in writing by the Local Planning Authority. The approved means of enclosures and gates shall be implemented prior to the beneficial occupation of the development hereby approved and thereafter maintained and retained.

Reason: to ensure that the amenities of the area are protected in accordance with policy KP5 of the adopted Cardiff Local Development Plan (2006 – 2026).

RECOMMENDATION 2: The applicant is encouraged to liaise with South Wales Police and to seek accreditation under the Secured by Design scheme.

RECOMMENDATION 3: To protect the amenities of occupiers of other premises in the vicinity attention is drawn to the provisions of Section 60 of the Control of Pollution Act 1974 in relation to the control of noise from demolition and construction activities. Further to this the applicant is advised that no noise

audible outside the site boundary adjacent to the curtilage of residential property shall be created by construction activities in respect of the implementation of this consent outside the hours of 0800-1800 hours Mondays to Fridays and 0800 - 1300 hours on Saturdays or at any time on Sunday or public holidays. The applicant is also advised to seek approval for any proposed piling operations.

RECOMMENDATION 3: The 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

The applicant is also advised that some public sewers and lateral drains may not be recorded on our maps of public sewers because they were originally privately owned and were transferred into public ownership by nature of the Water Industry (Schemes for Adoption of Private Sewers) Regulations 2011. Under the Water Industry Act 1991 Dwr Cymru Welsh Water has rights of access to its apparatus at all times.

RECOMMENDATION 4: Prior to the commencement of development, the developer shall notify the local planning authority of the commencement of development, and shall display a site notice and plan on, or near the site, in accordance with the requirements of Article 12 of the Town & Country Planning (Development Management Procedure) (Wales)(Amendment) Order 2016.

1. **DESCRIPTION OF PROPOSED DEVELOPMENT**

- 1.1 Outline planning permission (Ref: 14/00283/DCO) was granted on 8th May 2015 for the residential development of the application site and associated development (including demolition of existing buildings). Details regarding the number of units proposed nor detailed parameters setting limitations on the scale and massing of the development were not prescribed as part of the outline permission.
- 1.2 This application should be considered alongside planning application ref: 17/01302/MJR which seeks to remove conditions 5, 6, 7 (Code for Sustainable Homes), 16 (Vehicular Access) & 21 (Open Space) of the outline planning permission (Ref: 14/00283/DCO) to which this reserved matters submission relates.
- 1.3 Approval is sought for the detailed residential redevelopment of the site, comprising; 9 x 3 bed terraced - two-storey dwellings and 2 x 4/5 storey blocks, comprising 112 apartments (81 x 1 bed and 31 x 2 bed flats), along with associated amenity space provision, landscaping and vehicular and cycle

parking.

- 1.4 The terraced housing proposed would be located in a north-south alignment adjacent to, and fronting onto, the Public Open Space directly to the west of the site. These would each have a small area of defensible space to their front and an enclosed rear garden. To the east of the terraced would be two blocks of flats, Blocks A and B.
- 1.5 Block A is an L shaped building located centrally within the site. Its principal elevations would front onto Malvern Drive and the access road serving the development. The proposed block is four storeys in height with a pitched roof.
- 1.6 Block B is also an L shaped building but with its principal elevations fronting onto Malvern Drive and Ashbourn Way. Block B is 4/5 stories in height, with the 5 floor element being located in the northeast corner of the site, fronting onto Ashbourn Way, adjacent to the neighbouring 4 storey block of flat to the north, which are located at a higher ground level.
- 1.7 Blocks A and B would together form a U shape, enclosing an area of shared amenity space serving the two blocks. This landscaped space would be broken up into two distinct components by a refuse storage building.
- 1.8 Vehicular access to the site would be retained in its current location to the east of the bus gate along Smith Road/Malvern Drive.
- 1.9 A total of 39 parking spaces would be provided in total serving the development with no visitor spaces.
- 1.10 Amended Plans were received on 14th February 2018 which included minor changes to the scheme, including the following;
 - A revised junction arrangement, prohibiting vehicles from turning right out of or left into the site, passing through the adjacent bus gate.
 - The introduction of an additional 3 parking spaces, increasing the number of spaces to 42.
 - Amendments to the differing means of enclosures proposed.
 - Changes to the corner entrance location and the internal configuration of Apartment Block B to reduce issues of overlooking and amenity considerations.
 - A revision to the corner entrance to Apartment Block B to improve the private amenity of the flats adjoining this entrance.
 - The addition of improved architectural detailing to the row of terraced dwellings.
 - Improvements to the design of dwelling H1 such that it would better turn the corner better between the adjacent park and Smith Road,
 - The provision of a single, centrally located refuse store to the rear of Blocks A and B
 - Increased provision of defensible space to surrounding the blocks of flats.
- 1.11 Further minor amended plans were received on 1st March 2018 which included

the following minor changes to the scheme;

- Revised detailing to the terraced houses, including the addition of a bay window to the side elevation of house H1.
- Revised bin and cycle store designs.
- Improvements to the accessibility of the pathway to the rear of the terraced dwellings.

2. **DESCRIPTION OF SITE**

- 2.1 The application site comprises approximately 0.8 ha of land which was formally occupied by a builders' merchants (Travis Perkins). The existing buildings on the site have been demolished with the site now comprising of a large area of hardstanding enclosed by a large palisade fence, approximately 2.4m in height.
- 2.2 A small section of the site along the eastern perimeter is occupied by an area of informal landscaping and a small number of mature trees. Other trees are located along the boundary of the site.
- 2.3 The site is bounded by Malvern Drive to the south from which it is accessed. Access along Smith Road to the south west of the site is restricted to residents and buses only by means of a bus gate (rising bollards). The bus gate is located part way along the site's southern boundary. The vehicular entrance into the site is located to the east of the bus gate.
- 2.4 The surrounding area is mixed in character, primarily comprising residential and commercial uses.
- 2.5 To the north of the site lies a large residential area of houses and flats accessed via Ashbourn Way and developed in recent years on former employment land by Bellway Homes and Persimmon Homes. The northern boundary of the site adjoins three and four storey flats at Tatham Road and their associated car parking/amenity areas.
- 2.6 To the west and south west lies a further large area of residential development comprising a mix of houses and flats which was formerly occupied by the AWE Royal Ordnance Factory. Immediately adjoining the western boundary of the site lies an area of public open space incorporating a playground, which was provided in association with the residential developments referred to above.
- 2.7 To the south of the site, on the opposite side of Malvern Drive lies a development of four storey 'ipad' apartments on Pentland Close and a cleared business site which was recently subject of an outline planning application for up to 70 new dwelling units (ref. 13/1923/DCO).
- 2.8 A number of industrial/warehouse units and offices occupy land to the east and south east of the site, on the opposite side of Ashbourn Way and Malvern Drive, forming part of Cardiff Business Park.
- 2.9 Ty Glas Railway halt is located approximately 170 metres to the south of the site

on the Coryton to Radyr line.

- 2.10 The topography of the site is relatively level with a slight fall in a north-south direction. Previous development cutting into the site to allow level access from Malvern Drive, results in embankments along its northern, eastern and western boundaries.

3. **SITE HISTORY**

- 3.1 18/00198/MJR – Discharge of Condition 4 of 14/00283/DCO – Under Consideration.
- 3.2 17/03102/MJR – Removal of conditions 5, 6, 7 (Code for Sustainable Homes), 16 (Vehicular Access) & 21 (Open Space) of 14/00283/DCO – Under Consideration
- 3.3 17/00988/MJR – Discharge of Conditions 11 (Contamination), 12 (Remediation Scheme) and 15 (Gas Investigation) of 14/00283/DCO.
- 3.4 14/00283/DCO – Residential development and associated development (including demolition of existing buildings) Approved
- 3.5 Applications at the site relate primarily to the builders yard (Class B8) including the erection of a new shopfront, fencing and external decorations (local planning authority ref. 89/2242N) and change of use of the forecourt to storage area (local planning authority ref. 91/1390N and 91/1068N).

4. **POLICY FRAMEWORK**

National policy

- 4.1 Planning Policy Wales (PPW) Edition 9, November 2016.
- 4.2 The following Technical Advice Notes (TANs) are relevant:
- TAN 12: Design
 - TAN 18: Transportation
- 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
 - KP8: Sustainable Transport
 - KP14: Healthy Living
 - KP15: Climate Change
 - C5: Provision for Open Space, Outdoor Recreation, Childrens' Play & Sport
 - EN8: Trees, Woodlands and Hedgerows
 - EN12: Renewable Energy and Low Carbon Technologies
 - EN13: Air, Noise, Light Pollution and Land Contamination
 - T1: Walking and Cycling
 - T5: Managing Transport Impacts

- T6: Impact on Transport Networks and Services
- W2: Provision for Waste Management Facilities in Development

4.4 The following Guidance was supplementary to the Local Plan, now superseded by the Local Development Plan. However, it is considered consistent with adopted Local Development Plan policies and provides relevance to the consideration of this proposal to help and inform the assessment of relevant matters.

- Access, Circulation and Parking Requirements Jan. 2010

4.5 In addition to the above, the following Supplementary Planning Guidance is also relevant:

- Locating Waste Management Facilities Jan. 2017
- Planning Obligations Jan. 2017
- Green Infrastructure Nov. 2017
- Trees and Development Technical Guidance Note Nov. 2017
- Residential Design Guide Jan. 2017

5. **INTERNAL CONSULTEE RESPONSES**

5.1 The Operational Manager Transportation raises no objection to the proposals, subject to conditions.

5.2 The Housing Strategy Officer (Enabling) supports the development of this site for 100% affordable housing, given the high levels of need for affordable housing in the area.

In the event that the site and/or units are not purchased by LINC Housing Association for social rented accommodation, then an affordable housing contribution would be sought in line with the current planning policy as outlined in the Planning Obligations – SPG (2017). This will need to be addressed through the planning process and secured in the s106 agreement as the housing association will not be party to the legal agreement.

5.3 The Director of Education and Lifelong Learning raises no objection to the revised financial contribution being sought, as part of the amended S106 agreement given the circumstances particular to this application and that of application ref: 17/03102/MJR.

5.4 The Pollution Control Manager (Noise) raises no objection to the application proposal, subject to conditions.

5.5 The Pollution Control Manager (Air) raises no objection to the application proposal subject to conditions.

5.6 The Highways Drainage Manager has been consulted and any comments will be reported to committee.

- 5.7 The Group Leader Neighbourhood Regeneration raises no objection to the application subject to the provision of the financial contribution agreed at outline.
- 5.8 The County Ecologist has been consulted and any comments will be reported to committee.
- 5.9 The Waste Strategy and Minimisation Manager considers that the bin storage areas and vehicle tracking illustration acceptable and therefore raises no objection to the application.
- 5.10 The Council's Tree Officer – Raises no objection to the proposed development subject to conditions.
- 5.11 The Operational Manager, Parks and Open Space -

Change to open space provision from outline application

The original scheme included provision of an additional area of land to form part of the existing Watkins Square open space. Although the option of being able to extend the existing open space was attractive, Parks accept in principle the reserved matters layout with the site fully developed for housing, and improvements being made to the existing open space in lieu of this, providing the payment below is agreed.

On site amenity space

Overall the design of the on-site amenity open space is disappointing, providing an area of grass and trees, but with no strong design element or seating. The space is enclosed by two bike shelters and the road forming the end of the cul-de-sac, so feels like an area of leftover space rather than a communal space.

Drainage

One element that has yet to be addressed is the potential problem of water flowing from the steep bank on the northern edge down into the site – unless addressed this could form flooding or make the amenity space very wet. I would like to see evidence that this has been addressed. Planting *Betula pendula* in a potentially wet verge could be problematic –if this the case it would be better to use *Betula pubescens*.

Discussions were also held about a drainage scheme being installed to allow water from the lower part of Watkins Square open space to be drained via a system on the Travis Perkins site. No proposals have come forward on this.

Footpath into properties H1-H9

Although the proposed footpath serving these properties currently makes sense, it is known that the area immediately adjacent to the boundary within the park is used as a significant walkway / desire line from the nearby station. Therefore it is likely that a second pathway would then be constructed in parallel as part of any open space improvements. By constructing one path within the park this could serve both functions and release front garden space. I have no objection to the existing design remaining in the application but with a proviso that it can be altered as a non-material amendment at a later date if both the Council and

applicant agree to relocate it into the park. I'm also unable to determine whether there is a boundary wall or railings along the edge of the park.

The existing tree planting in the park will also need to be assessed in terms of long term impact on these properties – the species originally planted may not be compatible with houses so close and lead to over-shading and a need for removal or frequent pruning.

Tree planting between car parking spaces

In most cases this is only successful if there are underground cells to extend the rooting area under the tarmac. I have some reservations about Choisya 'Aztec Pearl' in a central bed next to car parking spaces as it may get damaged or overgrow into parking spaces. Stephandra used elsewhere is a better choice. Similarly grass in small areas between parking spaces is rarely successful and could be replaced with Stephanandra or Bergenia.

Consultation process and improvements to existing open space

As part of discussions prior to reserved matters the applicant provided sketch designs for a community garden within the Watkins Square open space, along with Linc providing a consultation service to determine local residents views on the open space, and establishment of a community garden. Partnership working between the Council and Linc would have benefits for developing the open space to reflect more closely the aspirations of the wider community who will use it, and Linc have more expertise and resources in this area than Parks currently have. However Parks had concerns that the focus on developing a community garden on one part of the site prior to any consultation process may not be workable. The existing Watkins Square open space is poorly designed and doesn't serve the needs of the current and future residents. Therefore rather than concentrating on just one area of the site, the design of the whole open space needs to be reviewed, in order to secure sufficient funding from off-site contributions to fund the work.

Therefore to ensure that the Council's interests are served, whilst enabling use of Linc's skills, without the applicant being expected to provide a full contribution and additional time for consultation, I proposed the following to be included in the Deed of Variation.

- Figure is agreed for an off-site contribution, taking into account the agreed area of amenity space provided on site, as below
- A second figure is included in the S106 covering Linc's costs for carrying out a consultation process (and what elements this involves). To be provided by applicant. The Council could then choose to receive a reduction in off-site contribution based on Linc's involvement.
- A third figure is included for construction of a drainage system or outlet for the grass area between the new development and play area, including discharge point into the Travis Perkins site. Applicant to provide outline scheme to prove this is deliverable, and approximate costs.

As the Council (Parks) will ultimately own and be responsible for the open space (including any community garden) I believe they would have to take the leading role, working alongside Linc and others from the Llanishen Community Garden or other group.

Once consultation has taken place, the Council then has the option on how to proceed with the design and construction, ideally combining the contribution remaining after the above costs have been deducted, with contributions from other nearby developments to create overall improvements to the open space, including involvement of residents and a community garden if required.

Assuming that the areas of landscape within the development will be maintained by a management company I would advise there is a plan showing clearly which areas are privately maintained, and which areas are management company, to avoid any long term problems.

6. **EXTERNAL CONSULTEE RESPONSES**

- 6.1 South Wales Police raise no objection to the proposed development subject to recommendations.
- 6.2 Dwr Cymru/Welsh Water raise no objection subject to conditions and recommendations in respect of site drainage.

7. **REPRESENTATIONS**

- 7.1 Adjacent occupier have been consulted and the application has been advertised on site in accordance with adopted procedure. 11 letters of objection have been received to the proposed development, on the following grounds:

- The development would add to existing parking problems in the area;
- The 39 parking spaces indicated would be insufficient for 121 units proposed and any visitors;
- The development will add to further pressures to the already busy road infrastructure in the area;
- The development would generate significantly more traffic than the previous use of the site.
- The buses and trains from the area are overcrowded, expensive or inefficient thereby forcing more people onto the roads;
- The development will block light from neighbouring buildings;
- The area is overdeveloped and the local infrastructure cannot support the number of additional units proposed.
- The height of the proposed apartment buildings should be more in keeping with the surrounding built form.
- The submitted Transport Assessment fails to recognise that the no. 86 bus service has been recently cut.
- The development will worsen the views from neighbouring properties and reduce their property values;
- The local schools and nurseries are at capacity and could not cope with the level of additional housing proposed;
- The addition of double yellow lines which are proposed on a number of local roads will not stop people parking illegally in the area;

- The provision of 100% affordable housing will change the socio-economic make-up of the area and decrease the value of local properties;
- The provision of affordable housing would lead to an increase in crime in the local area.
- The development would result in increased pollution levels in the area;
- The application site should be used as public open space, through extending the adjacent provision;
- The level of traffic in the local area makes cycling extremely unsafe. The additional traffic generated by the development would only worsen this situation for those who choose to cycle from the development;
- Trains from Ty Glas station are at capacity and cannot support the additional volume of users which the development would generate.
- The proposal dwellings would overshadow the current buildings on Tatham Road, reducing their daylight, outlook, and overall saleability. Particularly for the block currently standing along Tatham road/Ashbourne Way. Proposed Block B would block the south facing windows and leave an unsightly view of another window or brick wall;
- Ty Glas station currently has no associated parking. This site would better benefit the area if it were developed into a parking area to reduce the current traffic issues associated with the station;
- The bus gate is ineffective at preventing people using travelling between Smith Road and Malvern Drive as a rat run.
- The proposed extension to the area of public open space is unfortunate. Any payment in lieu of the provision of this space should be used to bring the existing area of POS up to an appropriate standard.
- There is an elderly persons complex directly opposite these flats who will be disturbed by traffic and all the noise from 121 properties.
- The provision of some low rise retirement apartments on the site would be more suitable.
- There are already to many houses in the area.

7.2 2 letters of support have been received to the proposed development, on the following grounds:

- The use of the site for residential accommodation is more appropriate than the existing use;
- I am looking forward to these great looking plans being put into action.
- The current site is an eyesore and the proposed development would provide affordable housing in the area. It would also be good for local businesses by bringing more customers;

7.3 1 neutral letter has been received to the proposed development, commenting as follows;

- Happy for affordable housing to be built here rather than on green belt land. It's so much better that brownfield sites such as this are used instead. Yes, the public transport infrastructure needs to be improved to cope, but ultimately we all moved into an urban area and should expect the parking restrictions etc. that accompany urban life.

- The development can only work if each dwelling has an allocated parking space.
- 7.4 Following receipt of amended plans on 14th February, a second 10 day re-consultation was undertaken. A further 4 letters of objection have been received to the application proposal on the same grounds as previously detailed under para 6.1.
- 7.5 Councillor Bale has raised an objection to the proposed development on the following grounds;
- The amended plans and assessments incorrectly state the local 86 bus service runs every 60mins during the day. Cardiff Bus have cut this service to just one bus every hour and a half now even though many elderly residents rely on the bus service more than the train due to their concessionary bus passes.
 - There is considerable loss of open space on the new plans, facing the square and playground. The original outline plans would have seen the perimeter of the Square made symmetrical. This public open space is in need of further investment to improve the drainage off the grass and provide better facilities for the local community.
 - I have not seen any evidence that the applicant has put in place any measures to prevent seagulls on the roof of the new buildings. This has been a long standing problem in this area, perhaps due to the proximity of Memory Lane Cakes, and therefore the design of the roof spaces needs to minimise this risk as it will lead to considerable noise nuisance for existing and new occupants to the development site.
 - The height of the development should not lead to loss of light or privacy for existing nearby residents.

In addition, I would also wish to welcome the commitment to provide 100% affordable and/or social housing on the site as there is a significant shortage in north Cardiff at present.

7.6 Any further comments received will be reported to Committee.

8. **ANALYSIS**

8.1 This reserved matters application should be considered together with application ref: 17/03102/MJR, which seeks the removal of conditions 5, 6, 7, (Code for Sustainable Homes) 16 (Vehicular Access) & 21 (Open Space) of the outline permission for the site. (Application ref: 14/00283/DC)

8.2 **Principle of Development**

The principle of the residential development of the application site has been established under planning application ref: 14/0283/DCO. This subsequent

application seeks approval of the matters reserved following the granting of this outline planning permission.

8.3 Affordable Housing

The redevelopment of the application site for 100% affordable housing is welcomed in an area with high level of demand.

8.4 Parks

Change to open space provision from outline application

The original scheme included provision of an additional area of land to form part of the existing Watkins Square open space. Although the option of being able to extend the existing open space was attractive, Parks accept in principle the reserved matters layout with the site fully developed for housing, and improvements being made to the existing open space in lieu of this.

It is considered that the terraced row of dwellings proposed within this reserved matters submission would effectively round off the adjacent park through creating a strong built edge and active frontage along its eastern boundary. Whilst the size of the park would remain unaltered within the proposed scheme, it is considered that a financial contribution in lieu of the provision of additional space would allow for improvements to be made to the existing park making it more useable, permeable and generally attractive. This approach is considered to be acceptable.

On site amenity space

The amended plans see the onsite amenity space provision broken up into two distinct parcels, each of these containing a grassed area, tree and shrub planting and some seating. Whilst detail regarding the landscaped design of the two spaces are limited, as the site would be 100/5 affordable housing and therefore a managed facility, it likely that the spaces would evolve over time to meet the needs of the future residents. The onsite amenity space provision it therefore considered acceptable.

Drainage

The drainage of the application site would be controlled by way of condition 4 of the outline consent. (14//0283/DCO).

Whilst it is acknowledged that the lower part of the adjacent public Open Space, to the site has drainage issues, no details have been submitted for consideration regarding the inclusion of a drainage scheme for this area as part of the application submission, despite early discussions about this. However, given that this area falls outside of the application site, it is not considered to be a material consideration in the determination of this application.

Footpath into properties H1-H9

Whilst the comments of the Operational Manager, Parks and Open Space regarding the footpath link to the front of the terraced dwellings are noted, the LPA cannot require a non-material amendment be submitted at a later date to

restrict the need for a second pedestrian route through the park in this area, despite the principle of a single route being supported.

Tree planting between car parking spaces

Conditions are proposed to control the trees and landscaping within the site, including those within the car park.

Consultation process and improvements to existing open space

Detailed discussions were held at pre-application stage regarding the involvement of the affordable housing provider in providing community consultation with a view to engaging the local community and redesign of the existing open space, and provision of a drainage connection to improve drainage of the existing open space, as a way of mitigating the loss of the additional area of open space agreed at outline stage. However the applicant has not provided any details relating to these at Reserved Matter stage, despite Parks raising these in their planning response.

Whilst the inclusion of the information detail above would have been welcomed as part of the reserved matters submission, its inclusion is not considered to be fundamental to the determination of this application or sufficient to warrant a refusal of the application within the context of all matters considered.

8.5 Transportation

Access and Highway Capacity

The Operational Manager Transportation has considered the information contained in the submitted Transport Assessment and accepts that robust assumptions on the level of development traffic has been provided. As such, he raises no objection to the proposal on the basis of the location of the access or the impact of vehicles entering and leaving the site via Malvern Drive and Parc-Ty-Glas/Ashbourne Way.

Junction Design

The Operational Manager Transportation raised concerns over the proposed junction design, which as originally proposed, allowed for left in, right out movements, thereby creating conflict with the bus gate.

Amended plans have since been received which include a revised junction design. These see the junctions design amended such as to inhibit vehicles existing the application site and turning right or vehicles entering the site through turning left as this would require them passing through the bus gate. The Operational Manager transportation welcomes this change but has requested that a condition be added regarding the detailed design of this junction.

Vehicular Parking

It is acknowledged that the Illustrative Layout submitted as part of the outline planning application indicated 72 parking space for the 96 units proposed. However, it should be noted that all matters were reserved within the outline planning permission and that the indicative layout submitted at that time has no status.

42. no parking spaces are proposed serving the 9 dwellings and 112 flats as part of this reserved matters submission. Whilst it is therefore recognised that the number of spaces is on the low side, the level of car provision proposed is policy compliant for a development comprising 100% affordable housing.

Condition 3 of the outline planning permission for this site requires the parking of vehicles be in line with the Council's Access, Circulation and Parking SPG.

Cycle Parking

The Operational Manager Transportation has questioned the amount of cycle parking provision and the accessibility of the store proposed for residents in Block 1, but has suggested that a condition be included to control the level of cycle parking and its location. Whilst noting this request, this matter is already controlled via condition 3 of the outline planning permission requires that the provision of cycle parking for the development be in line with the guidance set out in the Council's Access, Circulation and Parking Standards SPG. As such, the addition of such a condition is not considered necessary.

8.6 Design

Density, Scale and Massing

The Illustrative Layout submitted as part of the outline planning application detailed the provision of 96 units of accommodation on this site. However, neither the number of units, nor building scale and massing parameters, were fixed as part of the outline approval. The units numbers has now been fixed under a revised outline application, ref: 17/03102/MJR.

121 units of accommodation are proposed as part of this reserved matters submission, 25 more than indicatively stated at outline. Despite this increase in unit numbers, the density of development is considered acceptable taking into consideration the scale, form and layout of the proposed scheme. It is also noted that the indicative unit numbers within the outline submission included 88 x 2 bed flats and 8 x 1 bed flats. As such, whilst the number of units within this reserved matters submission is 25 more than indicatively proposed at outline, in terms of the breakdown of units proposed, the reserved matters submission is likely to generate a lower fewer residents residing on the site. The reserved matters scheme also proposes developing on the area to the west of the site, identified as being provided as open space within the outline submission. As such, the developable area has been increased relative to that indicated at outline.

Houses

The proposed row of terrace properties would front onto the adjacent public open space providing appropriate surveillance over this space, whilst being of a scale consistent with other buildings fronting onto it to the west and north.

The design/detailing of the proposed terraced properties have been amended such that they would better reflect the finish of those properties bounding the park to the north and east. Gable features have been added at either end of the terrace and to the central property and detailed features such as cills and

porches added.

Whilst the length of the proposed terrace is longer than that of other terraces in the area, the introduction of a terrace here would not be considered uncharacteristic within the context of the area.

Flats

The layout of the two apartment blocks is considered acceptable in design terms. The blocks would turn the corner between Malvern Drive and Ashbourn Way, providing active frontages over and entrances onto these streets and the amenity space to the rear of the development, whilst respecting the layout and scale of the development to the north along Tatham Road.

The two apartment blocks proposed would be predominantly 4 stories in height, though Block B includes a fifth storey along a small part of its length. The five storey element of the building would be located in the north-east corner of the site, directly adjacent to the 4 storey apartment block to the north which is located at a higher ground level. Given the change in levels here, the five storey element of Block B would have approximately the same ridge and eaves height as that of this neighbouring block. As such, it is considered that the site and wider street scene could comfortably accommodate this additional height in this location.

Taking the above into consideration, the scale and massing of the development is considered to be appropriate within the context of the surrounding built form which comprises of a mix of 2 storey dwellings and 4 storey flats.

Outlook

Whilst the majority of the flats proposed are single aspect, the layout of the proposed development is such that, each of proposed units within the development would have an acceptable aspect and would receive acceptable levels of natural light.

The 9 terraced dwelling houses proposed would be located approximately 26m from the equipped play area in the adjacent park. As such, it is considered that the houses would provide sufficient surveillance over the park without being located unacceptably close to it that potential issues of noise disturbance might be a future issue.

Overlooking / Overshadowing / Overbearing

The 5 storey element of Block B would represent the closest point between the application development and the adjacent properties to the north. Block B would however be located approximately 11.5m from the side elevation of this neighbouring block and contain high level windows in its side elevation. As such, given this separation distance and the proposed use of high level windows in the side elevation of Block B, it is considered that the proposed development would have no unacceptable overlooking, overshadowing or overbearing impact upon this neighbouring property.

The separation distances between the rest of the proposed development and surrounding properties would meet the minimum requirements set out in the Council's Design SPG's.

The rear elevation of the terraced dwellings and Block A would be separated by a distance of approximately 27m, with a separation distance of 17m between the rear gardens of the terraced properties and Block A. As such, the separation distances involved meet to minimum requirements set out in the Councils Design SPG.

Block A and B would be separated by a gap of approximately 10m. As such, the windows proposed in facing elevations to this gap would each be high level, secondary windows, in order to illuminate any potential overlooking issues.

Taking the above into consideration, it is considered that the proposed development would not unreasonably overlook, block light or have an overbearing impact upon any neighbouring property.

Materials and Detailing

Details have not been provided at this time with regard to the finishing materials proposed for the apartment blocks nor houses. As such, condition no. 4 is proposed to ensure that the finishing materials proposed will be of an appropriate quality, in line with Policy KP5.

Additionally condition 3 requires details to be submitted of the architectural detailing for the apartment buildings, in order to ensure their appropriate design and finish.

Amenity Space

An area of shared amenity space is proposed to the rear of the site serving Blocks A and B. This space would be enclosed to the south, east and west by the apartment blocks would therefore receive good levels of surveillance. Whilst limited detail has been provided with regard to the potential landscaping of this space, the space would be managed and is likely to evolve over time to suit the needs of the future residents of the development. As such, the

Each of the proposed dwellings would have an enclosed rear garden measuring a minimum of 50sqm, thereby meeting the minimum standard set out in the Councils Residential Design Guide SPG.

Trees and Landscaping

Whilst little detail has been provided with regard to the overall landscaping of the proposed site, various trees located on the boundary of the site would be retained as part of the proposed scheme which is welcomed. It is however considered necessary for various tree protection and landscaping conditions to be applied to ensure that the development is policy compliant in this regard.

8.7 **Other matters not covered above**

- 8.8 The parking space provision within the submitted application is policy compliant.
- 8.9 The enforcement of illegal parking in area is not a material planning consideration in the determination of this application. There is no evidence to suggest that the proposed development would lead to an increase in illegal parking within the locality.
- 8.10 A revised financial contribution has been agreed towards education provision in the local area in order to reflect the demand generated by the proposed development. (See application ref: 17/03102/MJR)
- 8.11 There is no evidence to suggest that the lives of existing residents surrounding the application site would be unacceptable disrupted as a result proposed development. Whilst a certain amount of disruption would be inevitable during the construction period, this would be for a limited time and would not be considered sufficient to justify a refusal of the application. A condition requiring the submission of a Construction Management Plan, is also proposed in order to minimise any potential impact to local residents.
- 8.12 The LPA has a duty to consider all planning applications on their individual merits having regard to national and local policy and guidance and cannot dictate what developers might apply for on their land.
- 8.13 The capacity of local public transport was considered as part of the outline planning application. Whilst the number of units proposed within this reserved matters submission differs from that of the indicative number at outline, the Operational Manager Transportation raises no objection to the application on the basis of public transport provision.
- 8.14 There is no policy requirement for development proposals to include measures to deter seagulls from a populating a development or locality.
- 8.15 The protection of private views is not a material consideration in the determination of this planning application.
- 8.16 No evidence has been provided which demonstrates that local property values would be reduced as a result of the proposed development. The impact of development on local property values is not a material planning consideration in the determination of this application irrespective.
- 8.17 There is no evidence to suggest that issues of crime and/or antisocial behaviour would rise in the local area as a result of the proposed development because it comprises of affordable housing.
- 8.18 Whilst the proposed development might result in a change to the socio-economic make-up of the area, given the number of private residential dwellings in the local area, it is not considered that any change would be disproportionate or would result in a detrimental impact upon to social cohesion in the area.

- 8.19 It is acknowledged that the no.86 bus service has been reduced in frequency, however, it is considered that the application site is located in a sustainable location, given the proximity of the Ty Glas Train Station, local bus services and its proximity relative to local goods and services. The reduced frequency of the No. 86 bus service would not therefore represent a suitable reason to justify the refusal of this application.
- 8.20 The operation and enforcement of the appropriate use of the bus gate adjacent to the site is not a material consideration in the determination of this planning application.

9. **OTHER CONSIDERATIONS**

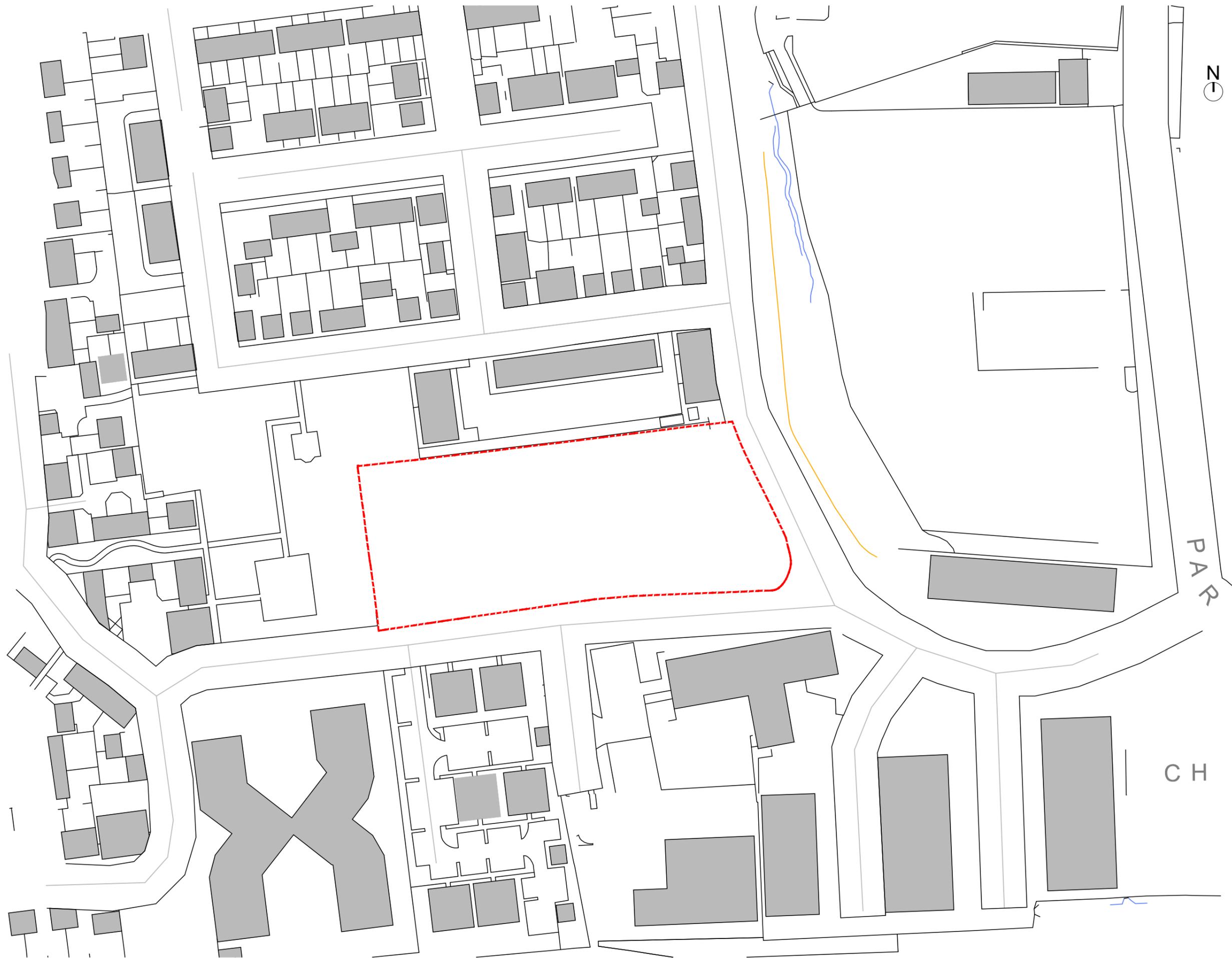
- 9.1 Crime and Disorder Act 1998 - section 17(1) of the Crime and Disorder Act 1998 imposes a duty on the Local Authority to exercise its various functions with due regard to the likely effect of the exercise of those functions on, and the need to do all that it reasonably can to prevent, crime and disorder in its area. This duty has been considered in the evaluation of this application. It is considered that there would be no significant or unacceptable increase in crime and disorder as a result of the proposed decision.
- 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, over and above any other person.
- 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 – SECTION 106**

- 10.1 Officers note that the granting of this reserved matters application increases the numbers of residential units on site beyond that of the original outline application. The outline application has since been revised along with its associated S106 agreement. (See application ref: 17/03102/MJR)

11. **CONCLUSION**

- 11.1 The proposal is a brownfield site located in close proximity to sustainable means of transport, goods and services and with a high level of demand for affordable housing. The proposed development is therefore considered appropriate within the context of the site and its surroundings.
- 11.2 The proposed scale, massing and design is considered to meet national and local policy objectives and has regard to the character of the area.
- 11.3 The access arrangement and parking provision proposed is policy compliant.
- 11.4 The onsite amenity space provision along with the agreed financial contribution towards offsite Public Open Space improvements is considered acceptable.
- 11.5 For the reasons outlined above, and having regard for adopted planning policy guidance it is recommended that reserved matters be approved, subject to conditions.



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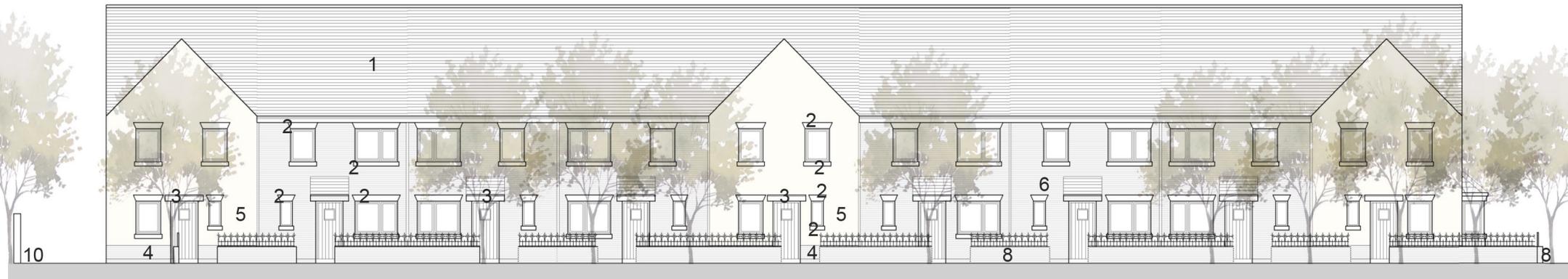




- 1 - Artificial Slate / Concrete Roof Tiles
- 2 - Reconstituted Stone
- 3 - Porch
- 4 - Brick Plinth
- 5 - Off White Through Colour Render
- 6 - Red Brickwork
- 7 - Timber Fence 1800mm
- 8 - Low Wall & Railings 1100mm
- 9 - Low Wall with Close Board Fencing 1800mm
- 10 - Brick Wall 1800mm



Rear Elevation



Front Elevation

CONNECTIONS DESIGN

ARCHITECTURE & INTERIORS

Project

Malvern Drive, Cardiff

Drawing Title

Terrace House Elevations

Scale

1:200 @ A4

Job No.

J16/53

Dwg No.

P17

Rev

E



PROPOSED ASHBOURN WAY STREET ELEVATION

scale - 1:250 @ A3



PROPOSED MALVERN DRIVE STREET ELEVATION

scale - 1:250 @ A3

