

COMMITTEE DATE: 15/03/2018

APPLICATION No. **17/02936/MJR** APPLICATION DATE: 05/12/2017

ED: **GRANGETOWN**

APP: TYPE: Reserved Matters

APPLICANT: Wales and West Housing Association  
LOCATION: LAND TO THE WEST OF, CLIVE LANE, GRANGETOWN  
PROPOSAL: RESERVED MATTERS APPLICATION FOR APPEARANCE,  
LANDSCAPING, LAYOUT AND SCALE IN RESPECT OF 101  
NEW DWELLINGS APPROVED UNDER OUTLINE  
PERMISSION 15/02834/MJR

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**RECOMMENDATION 1** : That, subject to a **deed of variation to the Section 106** Agreement to secure the obligations listed in paragraph 9.5 of this report, the matters reserved in condition 1A of planning permission 15/02834/MJR be **GRANTED** subject to the following conditions:

1. The development shall be carried out in accordance with the following approved plans:

- (i) Location Plan (3599 PA 001);
- (ii) Proposed Site Plan (3599 PA 003 Rev B);
- (iii) 2B4P House Type Plans & Elevations (3599 PA 010 Rev A);
- (iv) 3B5P House Type Plans & Elevations (3599 PA 011 Rev B);
- (v) 4B6P House Type Plans & Elevations (3599 PA 012 Rev A);
- (vi) Apartment Block A Floor Plans (3599 PA 020);
- (vii) Apartment Block A Elevations (3599 PA 021 Rev A);
- (viii) Apartment Block B Floor Plans (3599 PA 022);
- (ix) Apartment Block B Elevations (3599 PA 023);
- (x) Apartment Block C Floor Plans (3599 PA 024);
- (xi) Apartment Block C Elevations (3599 PA 025);
- (xii) Boundary Details (3599 PA 090);
- (xiii) Street Elevations (1 of 2) (3599 PA 050 Rev A);
- (xiv) Street Elevations (2 of 2) (3599 PA 051 Rev A);
- (xv) Planting Proposals (17-55-PL-201 Rev A);
- (xvi) Planting Proposals (17-55-PL-202 Rev A);
- (xvii) Planting Proposals (17-55-PL-203 Rev A);
- (xviii) Tree Pit Details (17-55-PL-204 Rev B);
- (xix) Proposed Levels (14099-SK102 Rev F);

The development shall be carried out in accordance with the following approved documents:

- (i) Planting Methodology and Maintenance Plan by The Richards Partnership, January 2018 (17-55-R01 Rev A (2018-02-19)).

Reason: The plans form part of the application.

2. The development shall be carried out and completed in accordance with the brick, cladding and fascia/soffit materials detailed in the letter

by Pegasus Developments dated 16 February 2018.  
Reason: To ensure a satisfactory finished appearance.

3. Prior to the construction of apartment Blocks B and C details of the render finish shall be submitted to and approved in writing by the Local Planning Authority. The apartments shall be constructed and completed in accordance with the approved details and retained thereafter.

Reason: To ensure a satisfactory finished appearance.

4. Prior to their installation on any dwellinghouse or apartment Block A samples of the roof tile shall be submitted to and approved in writing by the Local Planning Authority. The dwellinghouses and apartment block shall be constructed and completed in accordance with the approved details and retained thereafter.

Reason: To ensure a satisfactory finished appearance.

5. The means of enclosure hereby approved shall be constructed in accordance with approved details prior to beneficial occupation of the dwelling to which the enclosure relates, or in any event prior to the beneficial occupation of the 101<sup>st</sup> dwelling. Brick enclosures shall be constructed using the brick sample detailed in the letter by Pegasus Developments dated 16 February 2018.

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

6. The refuse storage facilities hereby approved shall be provided before the development is brought into beneficial use and shall be retained thereafter. The enclosures shall be shall be constructed using the brick sample detailed in the letter by Pegasus Developments dated 16 February 2018.

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

7. The car parking spaces shown on the approved plans shall be provided prior to the development being brought into beneficial use and thereafter shall be maintained and shall not be used for any purpose other than the parking of vehicles.

Reason: To ensure that the use of the proposed development does not interfere with the safety and free flow of traffic passing along the highway.

8. Prior to the beneficial occupation of any apartment hereby approved, full details of covered and secure cycle parking facilities to serve the apartment blocks on drawing no. 3599 PA 003 Rev B shall be submitted to and approved in writing by the Local Planning Authority. The approved facilities shall be constructed prior to the beneficial occupation of any apartment and retained thereafter.

Reason: To ensure for the satisfactory provision of cycle storage.

9. Notwithstanding the provisions of Schedule 2, Part 2, Class A and

Class B of the Town and Country Planning (General Permitted Development) Order 1995 (as amended for Wales) (or any order revoking and re-enacting that Order with or without modification), no means of enclosure to Clive Lane shall be altered nor shall any means of access to Clive Lane be constructed other than those expressly authorised by this permission and shown on drawing no. 3599 PA 003 Rev B.

Reason: To ensure an orderly form of development.

**RECOMMENDATION 2:** To protect the amenities of occupiers of other premises in the vicinity attention is drawn to the provisions of Section 60 of the Control of Pollution Act 1974 in relation to the control of noise from demolition and construction activities. Further to this the applicant is advised that no noise audible outside the site boundary adjacent to the curtilage of residential property shall be created by construction activities in respect of the implementation of this consent outside the hours of 0800-1800 hours Mondays to Fridays and 0800 - 1300 hours on Saturdays or at any time on Sunday or public holidays. The applicant is also advised to seek approval for any proposed piling operations.

**RECOMMENDATION 3:** That the applicant be advised to have regard to the advice contained in Dwr Cymru Welsh Water's email dated 19 December 2017, forwarded to the agent acting on their behalf.

**RECOMMENDATION 4:** That the applicant be advised to have regard to the advice from the Operational Manager, Waste Management, in their memo dated 13 February 2018, forwarded to the agent acting on their behalf.

**RECOMMENDATION 5:** That the applicant be advised to have regard to the contents of Network Rail's email dated 12 December 2017, forwarded to the agent acting on their behalf.

**RECOMMENDATION 6:** That the applicant be advised to have regard to the contents of Wales and West Utilities email dated 12 December 2017, forwarded to the agent acting on their behalf.

**RECOMMENDATION 7:** That the applicant be advised to have regard to the advice contained within Natural Resources Wales' email dated 2 January 2018, forwarded to the agent acting on their behalf.

**RECOMMENDATION 8:** 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 Approval for the reserved matters of appearance, landscaping, layout and scale is sought in respect of 101 new dwellings on land west of Clive Lane, Grangetown. Outline permission was granted for up to 116 dwellings on the site in August 2016 (ref: 15/02834/MJR).
- 1.2 Contrary to the outline permission, which contained a mix of affordable and open market dwellings, the proposed development would be for 100% affordable homes (social-rented) in a mix of 1 and 2 bed apartments and 2, 3, and 4 bed homes. The apartments would be located in 3 three-storey blocks around the main vehicular entrance to the site. Two blocks would be flat-roofed with the third, facing the site entrance, having a pitched roof and projecting gables to form a focal point on arrival.
- 1.3 The apartments and dwelling houses would be finished in red/brown brick and dark grey timber effect cladding. Render would also be used on two of the three apartment blocks.
- 1.4 Beyond the three-storey apartment blocks the two-storey family homes front onto the main street or are positioned around areas of amenity open space. These two areas of open space comprise approximately 196 square metres and 263 square metres respectively and have been introduced through negotiations with the applicant. They are positioned at either end of this long linear site to maximise accessibility for future occupiers.
- 1.5 The street to the south of the main entrance has been amended in accordance with design principles for shared spaces. Build outs/narrowings with tree planting, rumble strips and surface treatments are included.
- 1.6 Pedestrian access points are included (as indicated at the outline stage) along the east site boundary to improve permeability and allow for ease of movement with the surrounding area.
- 1.7 Car parking has been provided at a ratio of 1 space for 2 bed dwellings, 2 spaces for 4 bed dwellings, and a mix of 1 and 2 spaces for 3 bed dwellings. 48 no. apartments shared 45 no. spaces including visitor parking. Secure cycle parking will be provided for the apartment blocks.
- 1.8 Tree and shrub planting has been introduced along the highway and at key locations including the entrance and the open space area to create an aesthetically pleasing environment. Full landscaping details, tree planting details and aftercare methodology have been submitted.

## **2. DESCRIPTION OF SITE**

- 2.1 The site extends to approximately 1.97 hectares of redundant former railway land to the west of Clive Lane. The IKEA Superstore adjoins the site to the west. The southern boundary of the site is set back from Ferry Road by a minimum of 10 metres. Cardiff Bay Retail Park is further to the southwest.

Clive Lane adjoins the east boundary of the site with the rear gardens of two and three-storey dwellings on Clive Street further east.

- 2.2 The site is linear in nature with a width of approximately 35 to 55 metres. The former railway embankment has been removed under the recent permission and the site is now cleared and enclosed by security fencing. There is currently no authorised public access to the site.

### 3. **SITE HISTORY**

- 3.1 15/02834/MJR: Hybrid application granted in November 2016 comprising an outline permission for residential development (up to 116 no. new dwellings), including demolition of 130 Clive Street and associated garage to create new means of vehicular access from Clive Street and full permission for removal of approximately 60,000 cubic metres of material to enable lowering of site levels.

### 4. **POLICY FRAMEWORK**

- 4.1 Planning Policy Wales, Edition 9 (November 2016).

*1.2.1 The planning system manages the development and use of land in the public interest, contributing to the achievement of sustainable development. It should reconcile the needs of development and conservation, securing economy, efficiency and amenity in the use of land, and protecting natural resources and the historic environment. A well functioning planning system is fundamental for sustainable development.*

*1.4.3 The Well-being of Future Generations Act (Wales) 2015 places a duty on the Welsh Ministers (and other public bodies) to produce well-being objectives and take reasonable steps to meet those objectives in the context of the principle of sustainable development.*

*4.2.2 The planning system provides for a presumption in favour of sustainable development to ensure that social, economic and environmental issues are balanced and integrated, at the same time, by the decision-taker when...taking decisions on individual planning applications.*

*4.1.4 The Act puts in place seven well-being goals to help ensure that public bodies are all working towards the same vision of a sustainable Wales:*

- *A prosperous Wales*
- *A resilient Wales*
- *A healthier Wales*
- *A more equal Wales*
- *A Wales of cohesive communities*
- *A Wales of vibrant culture and thriving Welsh language*
- *A globally responsible Wales*

*4.2.4 Legislation secures a presumption in favour of development in accordance with the development plan for the area unless material*

*considerations indicate otherwise.*

*4.3.1 All those involved in the planning system are expected to adhere to (inter alia):*

- putting people, and their quality of life now and in the future, at the centre of decision-making;*
- engagement and involvement, ensuring that everyone has the chance to obtain information, see how decisions are made and take part in decision-making;*
- taking a long term perspective to safeguard the interests of future generations, whilst at the same time meeting needs of people today;*
- respect for environmental limits, so that resources are not irrecoverably depleted or the environment irreversibly damaged. This means, for example, mitigating climate change, protecting and enhancing biodiversity, minimising harmful emissions, and promoting sustainable use of natural resources;*
- tackling climate change by reducing the greenhouse gas emissions that cause climate change and ensuring that places are resilient to the consequences of climate change; and*
- taking account of the full range of costs and benefits over the lifetime of a development, including those which cannot be easily valued in money terms when making plans and decisions and taking account of timing, risks and uncertainties. This also includes recognition of the climate a development is likely to experience over its intended lifetime.*

*4.4.1 The following sustainability objectives for the planning system reflect our vision for sustainable development and the outcomes we seek to deliver across Wales. These objectives should be taken into account...in taking decisions on individual planning applications in Wales. These reflect the sustainable development outcomes that we see the planning system facilitating across Wales.*

*4.4.3 Planning policies, decisions, and proposals should (inter alia):*

- Contribute to the protection and improvement of the environment so as to improve the quality of life and protect local and global ecosystems*
- Ensure that all communities have sufficient good quality housing – including affordable housing – in safe neighbourhoods*
- Promote access to employment, shopping, education, health, community facilities and green space*
- Foster improvements to transport facilities*
- Foster social inclusion.*
- Promote resource-efficient and climate change resilient settlement patterns that minimise land-take and urban sprawl, especially through preference for the re-use of suitable previously developed land and buildings, wherever possible avoiding development on greenfield sites;*
- Locate developments so as to minimise the demand for travel, especially by private car;*

- *Support the need to tackle the causes of climate change by moving towards a low carbon economy.*
- *Play an appropriate role to facilitate sustainable building standards (including zero carbon) that seek to minimise the sustainability and environmental impacts of buildings.*
- *Contribute to the protection and improvement of the environment, so as to improve the quality of life, and protect local and global ecosystems.*
- *Ensure that all local communities – both urban and rural – have sufficient good quality housing for their needs, including affordable housing for local needs and for special needs where appropriate, in safe neighbourhoods.*
- *Promote access to employment, shopping, education, health, community, leisure and sports facilities and open and green space, maximising opportunities for community development and social welfare.*
- *Foster improvements to transport facilities and services which maintain or improve accessibility to services and facilities, secure employment, economic and environmental objectives, and improve safety and amenity.*
- *Foster social inclusion by ensuring that full advantage is taken of the opportunities to secure a more accessible environment for everyone that the development of land and buildings provides. This includes helping to ensure that development is accessible by means other than the private car.*

#### 4.2 Technical Advice Notes (TANs):

2	Planning and Affordable Housing
5	Nature Conservation and Planning
11	Noise
12	Design
15	Development and Flood Risk
16	Sport, Recreation and Open Space
18	Transport
21	Waste

#### 4.3 Local Development Plan (January 2016):

KP1	Level of Growth
KP5	Good Quality and Sustainable Design
KP6	New Infrastructure
KP7	Planning Obligations
KP8	Sustainable Transport
KP12	Waste
KP13	Responding to Evidenced Social Needs
KP14	Healthy Living
KP15	Climate Change
KP18	Natural Resources
H1	Non-Strategic Housing Sites
H3	Affordable Housing

EN6	Ecological Networks and Features of Importance for Biodiversity
EN7	Priority Habitats and Species
EN8	Trees, Woodlands and Hedgerows
EN10	Water Sensitive Design
EN11	Protection of Water Resources
EN12	Renewable Energy and Low Carbon Technologies
EN13	Air, Noise, Light Pollution and Land Contamination
EN14	Flood Risk
T1	Walking and Cycling
T5	Managing Transport Impacts
C1	Community Facilities
C3	Community Safety/Creating Safe Environments
C5	Provision for Open Space, Outdoor Recreation, Children's Play and Sport
C6	Health
C7	Planning for Schools
W2	Provision for Waste Management Facilities in Development

- 4.4 The following guidance documents were supplementary to the City of Cardiff Local Plan (1996), now superseded by the Local Development Plan (LDP). They remain a material consideration insofar as they are consistent with LDP policy:

Access, Circulation and Parking Standards (January 2010)

- 4.5 Supplementary Planning Guidance:

Green Infrastructure  
Planning Obligations  
Residential Design Guide  
Waste Collection and Storage Facilities

## 5. **INTERNAL CONSULTATION RESPONSES**

- 5.1 The **Operational Manager, Transportation**, has no objection to the amended plans.
- 5.2 The **Operational Manager, Environment (Contaminated Land)** has no comments in respect of the reserved matters in addition to the requirements of conditions 10 – 18 of outline/hybrid permission no. 15/02834/MJR.
- 5.3 The **Council's Tree Officer** has no adverse observations on the amended landscaping plans, tree planting plan, and planting and aftercare methodology submitted during the processing of the application.
- 5.4 The **Operational Manager, Waste Management**, considers that the amended site layout plan is acceptable in respect of the bin storage provision shown. She provides details of the waste storage requirements for the apartment blocks including their design requirements (e.g. outward opening doors, surfaces, lighting). She also confirms her satisfaction with secure

storage arrangements for dwellinghouses. She is satisfied with the updated tracking diagram for the amended layout.

- 5.5 The **Council's Ecologist** refers back to his comments on the original hybrid application in which he expressed concern at the lack of green infrastructure that has been incorporated into the proposed layout of the scheme. Although he accepts that it is a 'brownfield' site, it used to support secondary woodland, grassland and scrub which would have provided a range of green infrastructure benefits, including for biodiversity and climate change mitigation. He considers that the existing green infrastructure should have influenced and been reflected in the final layout of the scheme, in compliance with policy KP16. Similarly, Policy EN6 requires that ecological networks and connectivity features should be protected. From aerial photographs it is evident that this site would have formed a green corridor between the railway network and Sevenoaks park to the north and Ferry Road to the south. Therefore he supports the comments of Ed Baker in respect of the landscaping details, in that addressing the concerns he has raised would increase the habitat connectivity value of the landscaping. In particular, areas of incidental turfed open space should either be sown and managed as wildflower areas, or planted with shrubs, preferably flowering varieties.
- 5.6 The **Operational Manager, Environment (Noise & Air)**, has no comments to make on the application.
- 5.7 The Council's **Access Officer** has been consulted and any comments received will be reported to Committee.
- 5.8 The **Chief Schools Officer** advises that the development yields the following obligations:

Education type	Obligation sought
ALN	£17,398
Total Nursery	£16,468
English-medium Primary	£92,644
Welsh-medium Primary	£0
English-medium Secondary + 6 <sup>th</sup> Form	£112,357
Welsh-medium Secondary + 6 <sup>th</sup> Form	£28,089
<b>Total</b>	<b>£266,955</b>

- 5.9 The **Operational Manager, Parks and Sport**, welcomes the design changes made since the original outline application was submitted. The site now incorporates two small areas of open space, which break up the housing, provide a green space for houses looking onto them, and in providing a place for younger children to play informally and families to meet. Given their size and proximity to properties it is difficult to incorporate any additional specific design features, although there would be some benefit in providing seating. There is potential to develop the character of the open spaces over time working with the residents.

- 5.10 The additional pedestrian access from the site onto Clive Street also provides reasonable access to some of the nearby open spaces, although access to these will remain quite difficult, particularly for unaccompanied children, due to the high levels of traffic and large number of busy junctions. Therefore improvements to highway crossing points would be highly beneficial. There are several Parks within the locality, notably Grangemoor, Ferry Road Nature Reserve and The Marl. The latter contains a play area, teen equipment and formal recreation.
- 5.11 He agrees with all the comments made by the Council's Tree Officer with regard to the trees and inclusion of mixed native hedges, managed in a way that will still provide a neat appearance (for example hawthorn, hazel, field maple). These would be valuable in providing a green corridor, replacing some of the vegetation that has been lost. Use of trees to break up the linear road is welcome, as this will slow traffic and make the whole site more pedestrian / child friendly. He also welcomes the inclusion of more private space around the apartments which was lacking in earlier designs.
- 5.12 He would advise that maintenance of the on-site open spaces and highway landscape would be best carried out by the Housing Association. There needs to be a clear demarcation between public and private space and submission of a plan showing responsibility for maintenance would be valuable. There are a number of small areas where maintenance access looks difficult (eg to rear of properties 99-101), or there needs to be further clarity on responsibility for ownership and maintenance (eg adjacent to no 99 and 96).
- 5.13 He also makes the following comments in relation to on-site provision of open space, as detailed in 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), which is supported by policies set out in the 2008 SPG for Open Space setting out the Council's approach to open space provision. The 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.
- 5.14 Based on the information provided on the number and type of units, he has calculated the additional population generated by the development to be 181.60. This generates an open space requirement of 0.441 ha of on-site open space based on the criteria set for Housing accommodation, or an off-site contribution of £188,419. Although some 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. Based on the information/drawings submitted he has calculated that 0.073 hectares of functional open space is being provided on site. Therefore a further financial contribution will be required to meet the open space standard, equal to an area of 0.368 hectares, giving a contribution payable of £157,250.

- 5.15 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. 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, it will be necessary for the applicant and the Council to enter into a Section 106 Agreement to secure payment of the contribution. The closest areas of recreational open space are Grange Gardens, The Marl and Grangemoor Park. The use of off-site contribution in the S106 at outline stage was 50% towards upgrading play area in Grange Gardens and 50% towards upgrading the play area, multi-use games area, site furniture or entrances in The Marl.
- 5.16 The **Operational Manager, Regeneration**, has been consulted and any comments received will be reported to Committee.
- 5.17 The Council's **Drainage Division** has been consulted and any comments received will be reported to Committee.
- 5.18 The **Housing Development (Enabling) Officer** advises that the application has been submitted by Wales & West Housing Association and the scheme consists of 101 units for affordable housing in the form of social rented accommodation. They fully support the development of this site for affordable housing, given the high levels of need for affordable housing in the area and will be working closely with Wales & West Housing Association to ensure the successful delivery of the scheme.

## 6. **EXTERNAL CONSULTEES RESPONSES**

- 6.1 **Welsh Water** notes that the principle of the residential development has been established under outline planning reference 15/02834/MJR which contained specific drainage related conditions 22 and 23. At the time of their formal response to the Hybrid/Outline application, they were unable support the application in full and requested further investigations be undertaken to assess the potential to dispose of surface water by sustainable means. They were however satisfied in principle that the existing public sewer network had the required capacity to accommodate the proposed foul water flows. They acknowledge that several new connections are proposed to the 1060x700mm combined brick work sewer in Clive Lane. This would not be appropriate given its strategic importance to the business, risk of damage and health and safety concerns associated, therefore they recommend that further investigations are undertaken including a CCTV survey to locate potential alternatives. They have reviewed the details submitted as part of the Reserved Matters

application and it appears that condition 22 will be addressed under a separate application. They respectfully request that the drainage related conditions imposed on the outline planning permission, and any subsequent applications to vary the conditions thereon are maintained on any new consent granted for the development.

- 6.2 A water supply can be made available to serve this proposed development. The developer may be required to contribute, under Sections 40 - 41 of the Water Industry Act 1991, towards the provision of new off-site and/or on-site watermains and associated infrastructure. The level of contribution can be calculated upon receipt of detailed site layout plans which should be sent to the address above.
- 6.3 **Natural Resources Wales** do not object to the reserved matters application. They have reviewed the submitted application and have no comments to make.
- 6.4 **Wales and West Utilities** advise that they have pipes in the area and their apparatus may be affected and at risk during construction works. In the event of planning permission being granted they require the promoter of the works to contact them directly to discuss their requirements in detail before any works commence on site. Any diversion works will be fully chargeable.
- 6.5 The **South Wales Police Crime Prevention Design Advisor** has been consulted and any comments received will be reported to Committee.
- 6.6 **Network Rail** have no objection in principle to this proposal, provided the proposed does not impact upon their reserved rights of 24/7 access through the site for maintenance vehicles HGVs etc. Notwithstanding the above, they give further comments and requirements for the safe operation of the railway and the protection of their adjoining land, including fencing, landscaping, drainage, plant, signalling, excavations and layout.

## 7. **REPRESENTATIONS**

- 7.1 **Local Members** for Grangetown have been consulted and any comments received will be reported to Committee.
- 7.2 In accordance with Article 12(4) of The Town and Country Planning (Development Management Procedure) (Wales) Order 2012, the proposals were publicised as a major development in the press and by site notice on 28 December 2017.
- 7.3 The occupier of **198 Clive Street** expresses concerns about possible security issues as they consider that the new development will pose a risk to the safety of residents living nearby opposite the development. Many of the new properties will have full view of the gardens and kitchens of residents living opposite the development. This will not only pose a security threat, but also invade the privacy of those using their kitchens and gardens. They would like to suggest that all properties avoid having windows that face existing

neighbours and that existing neighbours are provided with a boundary wall, similar to the boundary wall Ikea has in place. This will ensure that residents on Clive Street feel safe and secure in their properties.

- 7.4 The occupier of **214 Clive Street** considers that the general aspect of Clive Lane would be greatly improved by planting of small and medium trees within the rear gardens of plots 1-22. He could not determine the boundary treatment between plot gardens with Clive Lane as the dashed red line on site plan did not appear to be annotated and seeks clarification that there will be privacy provided. He requests that security locks be provided to any garden gates to prevent fly tipping. He considers that this is a great opportunity to improve the streetscape of Clive Lane and it would benefit enormously from sympathetic, secure boundary treatment and enhanced tree planting.

## 8. **ANALYSIS**

- 8.1 Mindful that the site benefits from an outline permission for residential development, the key issues for the consideration of this application are the reserved matters of layout, appearance, scale, and landscaping.

### **Layout**

- 8.2 The proposed site layout accords with the parameters which were set under the outline permission. The arrangement of three-storey apartment blocks around the vehicle entrance creates a sense of arrival by virtue of the height and scale of development. The amended plans have reduced the height of the roof ridge on apartment Block A facing the entrance which is considered to result in an improved finished appearance by reducing the massing of this large building.
- 8.3 The arrangement and layout of two-storey family housing using shared space principles is welcomed. The use of sensitive traffic calming features such as build-outs, raised tables and rumble strips, as well as demarcating a pedestrian safe zone will help to create an environment where pedestrians can walk without fear and children can play safely.
- 8.4 Through discussions with the applicant amended plans were also received which introduce two areas of amenity open space within the development site. The absence of on-site open space for what will be a predominantly family orientated development was a concern for officers at outline however the two areas have been successfully introduced without a loss in dwelling numbers and will provide important focal areas at both ends of long linear site.
- 8.5 Pedestrian access points have been secured to improve permeability with the surrounding area.

### **Scale**

- 8.6 The scale of development, with three-storey apartment blocks around the vehicle entrance to the site, reducing to two-storey development away across

the wider site, is considered to be appropriate. This is in accordance with the parameters agreed under the outline permission.

- 8.7 The provision of 101 dwellings on the site at a density of 52 dwellings per hectare, is considered to be an appropriate density for this urban area and represents an efficient use of this brownfield development. Members are reminded that LDP Policy H1 (Non-Strategic Housing Sites) estimates that this site could contribute 80 no. units to meeting Cardiff's housing needs.

### **Appearance**

- 8.8 The design and finished appearance of the buildings is considered to be acceptable and will result in an attractive and pleasant living environment. The use of red/brown brick and dark cladding with some render to the apartments is considered to be appropriate.
- 8.9 A varied use of design including flat roof apartments, gable fronted dwellings and terraces and semi-detached properties offers pleasing variety and interest in the built form.
- 8.10 The introduction of brick and railings to the enclosures around public areas and limiting the use of timber enclosures to private gardens away from public viewpoints will enhance the overall finished appearance of the development in the longer term.

### **Landscaping**

- 8.11 The provision of two areas of amenity open space and at either end of this linear site and the provision of tree and shrub planting within the highway will combine to create an attractive development for future occupiers. The Tree Officer is content with the amended landscaping plans, tree pit details and aftercare methodology. The landscaping areas will be maintained by the applicant and this will be set out in the deed of variation to the Section 106 Agreement previously agreed.
- 8.12 The comments of the Council's Ecologist are noted however these issues were examined during consideration of the outline application. A balance has to be struck between mitigating impacts whilst encouraging the efficient re-use of this brownfield site. A condition was attached to the outline permission requiring measures to be introduced to encourage biodiversity and this was discharged in February 2018 following consultation with the Council's Ecologist.

### **Transport**

- 8.13 It has previously been established that the site is well served by public transport and is in a sustainable location. The amended site layout shows a reduced level of car parking provision to accommodate the on-site areas of open space. Other amendments include the build-outs, differing surface treatments and traffic calming features normally associated with shared

spaces. These amendments are welcomed.

- 8.14 The provision of court yard parking to the apartment blocks are welcomed and relevant conditions are attached to secure parking provision and cycle parking.

### **Residential Amenity**

- 8.15 The dwellings and apartment blocks have been sensitively arranged to safeguard the privacy of future occupiers by retaining adequate distances between habitable room windows and avoiding scenarios where a loss of amenity may occur through an overbearing relationship between plots. A front-to-front distance of 16 metres has been achieved between the apartments which is above the minimum distance normally applied by the Council in inner urban areas, mindful that the buildings would be separated by a public highway.
- 8.16 The agreed enclosures will ensure that private gardens will retain a satisfactory degree of privacy.
- 8.17 It is noted that the occupier of 198 Clive Street is concerned about security and overlooking between the new dwellings where they back onto the existing rear gardens of properties on Clive Street. These concerns are noted however this proposed relationship is typical of many in the City where back-to-back gardens are separated by a rear lane. Furthermore, it should be noted that the distances between the back-to-back windows meet the minimum distance requirement of 21 metres stated in the Council's Residential Design Guide (page 53). There is also a case to be made that overall security will increase above that which is currently experienced by residents of Clive Street who back onto the application site due to the increased levels of natural surveillance that will result in the event that development proceeds.
- 8.18 Regarding the comments received from the occupier of 214 Clive Street, there are no plans to provide tree planting in rear gardens near to Clive Lane. However, it is considered that the appearance and perception of Clive Lane will be enhanced through its relationship adjacent to the site. Increased natural surveillance by future occupiers and increased pedestrian movements across the lane at multiple points may lead to improvements to the character and function of this lane.

### **Other Considerations**

- 8.19 *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.

- 8.20 *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.
- 8.21 *Wellbeing of Future Generations (Wales) Act 2015* – 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.

## 9. **SECTION 106 AGREEMENT**

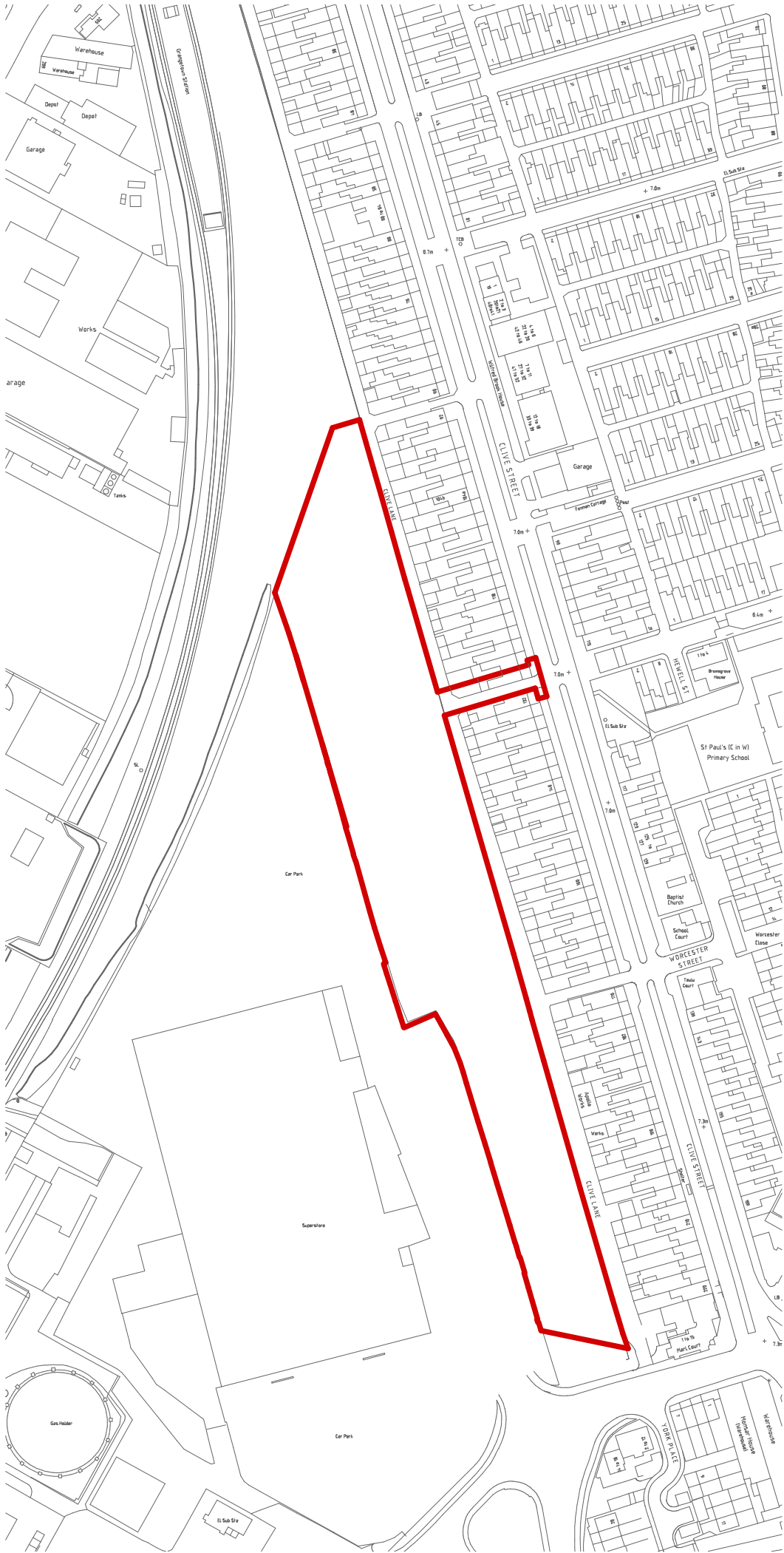
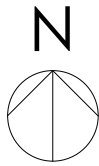
- 9.1 The Section 106 Agreement attached to the outline permission secured the following contributions to mitigate any significant adverse impacts and to provide essential, enabling and necessary infrastructure as defined within LDP Policies KP6 and KP7:
- (i) Affordable Housing: 20% on site provision (100% intermediate rented accommodation).
  - (ii) Public Open Space: A financial contribution towards the improvement (including design and maintenance) of Grange Gardens, The Marl and/or Grangemoor Park (revised to £157,250 under this application).
  - (iii) Education: £584,894 towards the purchase of land to accommodate new primary and secondary school provision as existing schools in the vicinity are over-subscribed (based on 116 no. dwellings) (revised to £266,955 under this application).
  - (iv) Community Facilities: £988.50 per dwelling unit, in lieu of on-site provision;
  - (v) Waste Management: Financial contribution for provision of waste and recycling bins £50 (plus VAT) per dwelling house and £805 plus VAT for every 10 flats.
- 9.2 However, the submission of a viability appraisal with this reserved matters application concludes that the development would be unviable were these contributions to be required for the scheme, due to the scheme now comprising 100% affordable homes as opposed to the mix of affordable and private market housing previously proposed.
- 9.3 This viability information has been independently assessed and its conclusions have been accepted by the valuer. There is therefore a decision to be made between approving a much needed affordable housing development of 101 dwellings and, in doing so, foregoing the above

contributions, which would result in a development that does not meet the Council's policy expectations, or requiring that the agreed obligations be met, which would jeopardise the delivery of the development.

- 9.4 It is the view of officers that, in the light of the independent valuer's conclusions, the scheme should, on balance, proceed.
- 9.5 A deed of variation to the Section 106 Agreement would be necessary to secure the provision of affordable housing across the whole development and ensure that the applicant takes on the liability for the maintenance of the landscaping and open space.

## 10. **CONCLUSIONS**

- 10.1 It is recommended that the reserved matters be approved for the re-development of this brownfield site, subject to a deed of variation to the Section 106 Agreement to secure the obligations in paragraph 9.5 and relevant conditions. The development will generate 101 much needed affordable homes, including family housing, on this cleared brownfield site which is allocated for residential development in the Local Development Plan.



**Note:**  
All site and ownership boundaries to be confirmed by client.

**pentan**  
architects

22 Cathedral Road  
Cardiff CF11 9LJ

t: 029 2030 9010  
info@pentan.co.uk

Project  
Clive Lane, Grangetown

Client  
Pegasus Developments

Drawing Title

**Location Plan**

NOTES Do not scale. All dimensions are in millimetres unless stated otherwise

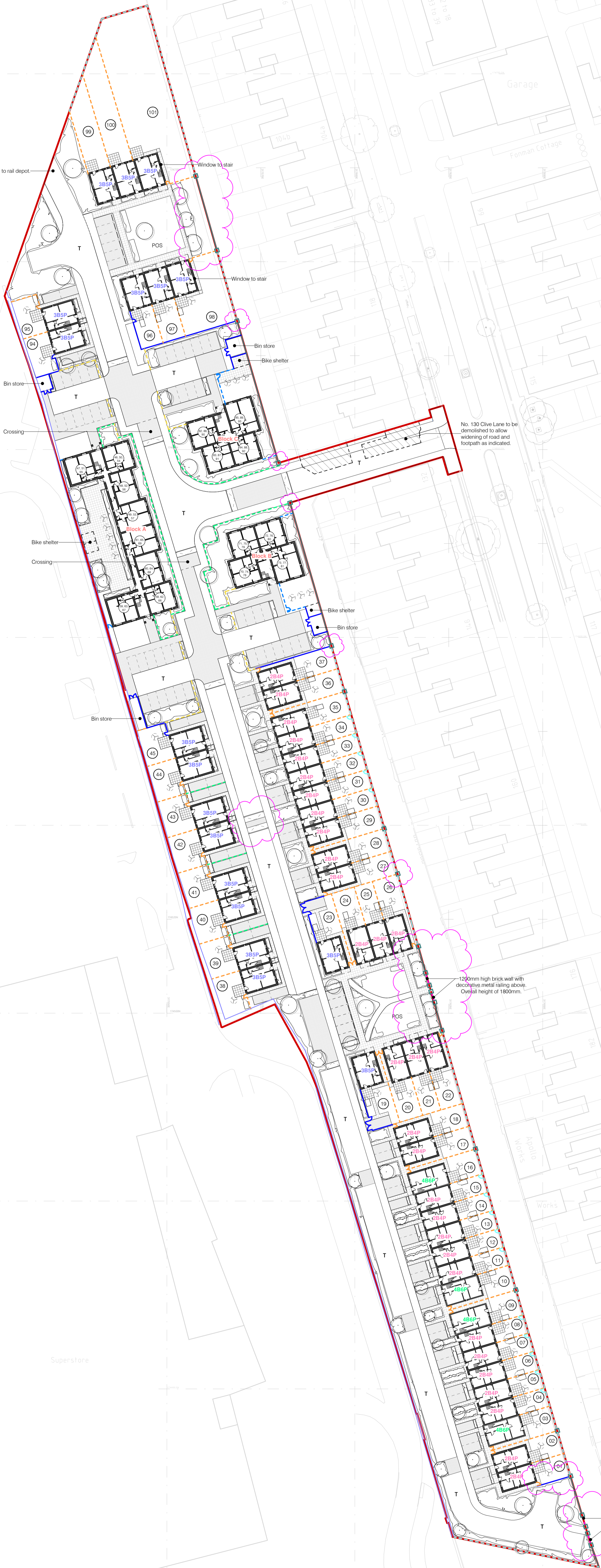
Date  
Oct '17

Scale  
1 : 2500 @ A3

Drawing No.  
3599 PA 001

Rev.

Revisions		
A	Northern turning head amended, ramps added to raised surfaces, additional planting to Public Open Spaces, brick piers added to boundary along Clive Lane, brick walls added to car apartment parking areas, plot 99 – 101 gardens extended.	30.01.2018
B	Brick piers added to site plan and key. Plot 1 boundary changed to brick wall. Rubble strip added. New brick and railing boundary type added to key and adjacent to access points to Clive Lane. Brick wall boundary to northern POS.	05.02.2018



**Boundary Types**

- 1100mm high decorative metal railing.
- 700mm high brick wall with brick on end coping and decorative metal railing above. Overall height of 1800mm.
- 1800mm high decorative metal railing.
- 1800mm high brick wall to match dwellings.
- 2100mm high brick wall to match dwellings.
- 2100mm high brick pier to match dwellings.
- 1800mm high h/t & misc timber fencing.
- 2100mm high h/t & misc timber fencing.
- 1200mm high brick wall with brick on end coping and decorative metal railing above. Overall height of 1800mm.
- Existing brick retaining wall to be reduced to 1800mm.

Note: Gates in brick wall and fencing to be timber. Gates in decorative metal railings to match railing design. Gates to match height of adjacent boundaries.

**Landscaping Materials**

- Concrete block paving.
- Concrete flag paving.
- Fine grade tarmac.

**Symbols**

- Plot numbers.
- Garden shed.
- Rotary drier.
- Proposed tree.

Apartment bike stores to be proprietary lockable enclosures with walls and roof. Enclosure to accommodate 1 bike per apartment. Site plan produced using detailed survey supplied by Pegasus Developments. Ownership of all boundaries to be confirmed by client.

Plans are subject to imposed planning conditions & thorough drainage and other survey investigations.

Position of any existing underground services to be confirmed following further investigation.

Refer to engineer's proposals for details of upgrading works to existing highway, proposed highways within new development and for proposed site levels and drainage details.

Refer to landscape architect's proposals for details of soft landscaping.



