

## PETITION, LOCAL MEMBER OBJECTION

COMMITTEE DATE: 15/05/2019

APPLICATION No. **19/00016/MJR**

DATE RECEIVED: 17/01/2019

ED: **CANTON**

APP: TYPE: Full Planning Permission

APPLICANT: Pegasus Developments (Cowbridge Road ) Ltd

LOCATION: 637 Cowbridge Road East, Canton, Cardiff, CF5 1BH

PROPOSAL: DEMOLITION OF EXISTING CAR SHOWROOM BUILDING, RELOCATION OF EXISTING ACCESSES, ERECTION OF FOUR/FIVE STOREY BUILDING TO COMPRISE PARKING AT GROUND FLOOR LEVEL AND 23NO. ONE AND TWO BEDROOM AFFORDABLE HOUSING APARTMENTS AT 1ST, 2ND, 3RD AND 4TH FLOOR, LANDSCAPING AND ANCILLARY WORKS

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**RECOMMENDATION 1:** That, subject to relevant parties entering into a binding planning obligation in agreement with the Council under **SECTION 106** of the Town and Country Planning Act 1990, within 6 months of the date of this resolution unless otherwise agreed by the Council in writing, in respect of matters detailed in paragraph 8.8 of this report, planning permission be **GRANTED** subject to the following conditions:

- 1 C01 – Statutory Time Limit
- 2 The development shall be carried out in accordance with the approved drawings numbered A-90-101; A-00-100B; A-00-101; A-00-200B; A-00-201B and documents titled: Planning Design & Access Statement; Flood Consequences Assessment and Transport Statement.  
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.
- 3 No construction excluding demolition shall take place until a scheme of architectural detailing of the front elevation including the ground floor wall/screen to the car park has been submitted to and approved by 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 building, in accordance with Policy KP5 of the Local Development Plan.
- 4 No construction excluding demolition shall take place until details of the front boundary enclosure adjacent to the footway of Cowbridge Road East has been submitted to and approved by 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 building, in accordance with Policy KP5 of the Local Development Plan.

- 5 No construction excluding demolition shall take place until samples of the external finishing materials have been submitted to and approved by the Local Planning Authority. The development shall be carried out in accordance with the approved details.

Reason: To ensure a satisfactory finished appearance to the building, in accordance with Policy KP5 of the Local Development Plan.

- 6 Prior to occupation of the flats hereby approved, details of undercover and secure cycle storage to accommodate at least 27 cycles shall be submitted to and approved by the Local Planning Authority. The approved scheme shall thereafter be retained.

Reason: To ensure that secure and under cover cycle parking facilities are provided to encourage other modes of transport over the private car, in accordance with Policy T5 of the Local Development Plan.

- 7 No development excluding demolition shall take place until full details of the soft landscape works to the front forecourt have been submitted to and approved in writing by the Local Planning Authority. These details shall include proposed finished levels, earthworks, planting plans (including schedules of plant species, sizes, numbers or densities, and in the case of trees, planting, staking, mulching, protection, soil protection and after care methods) and an implementation programme. The scheme shall be informed by a basic soil assessment and carried out in accordance with the approved details.

Reason: To ensure provision of adequate for future occupiers, in accordance with Policy KP5 of the Local Development Plan.

- 8 Any trees, plants, or hedgerows which within a period of five years from the completion of the development die, are removed, become seriously damaged or diseased, or become (in the opinion of the Local Planning Authority) otherwise defective, shall be replaced in the current planting season or the first two months of the next planting season, whichever is the sooner, unless the Local Planning Authority gives written consent to any variation.

Reason: To maintain and improve the amenity of the area, in accordance with Policy KP5 of the Local Development Plan.

- 9 No development excluding demolition 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 Method Statement (AMS) detailing the methods to be used to prevent loss of or damage to retained trees bounding the site. The AMS shall include details of site monitoring of tree protection and tree condition by a qualified arboriculturist,

undertaken throughout the development. 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 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; the measures for their protection; to monitor compliance and to make good losses, in accordance with Policy KP16 of the Local Development Plan.

- 10 No development excluding demolition shall proceed until an Air Quality Assessment is undertaken and approved by the Local Planning Authority which quantifies potential impacts on the future occupants at the proposed development and on current local residents. The assessment should address and evaluate all potential impacts through the development stage and when the development is complete. The assessment shall focus on dust emissions during the demolition and construction phase of the development and potential exposure of future occupants to traffic derived Nitrogen Dioxide (NO<sub>2</sub>) & Particulate Matter following completion of the development. Should the assessment indicate that future occupants will be made vulnerable to poor air quality then appropriate mitigation measures must be developed and their effectiveness assessed and be approved by the LPA prior to the development commencing.

Reason: To assess air quality, agree any mitigation measures and to safeguard the health of future occupiers of the proposed development and local residents, in accordance with policy EN13 of the Local Development Plan.

- 11 No building shall be occupied until the drainage system for the site as shown on drawing number 17066-SK002 has been completed in accordance with the approved details. Thereafter no further foul, surface water and/or land drainage shall be allowed to connect directly or indirectly with the public sewerage system.

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

- 12 Prior to the commencement of any development works a scheme to investigate and monitor the site for the presence of gases\* being generated at the site or land adjoining thereto, including a plan of the area to be monitored, shall be submitted to the Local Planning Authority for its approval. Following completion of the approved monitoring scheme, the proposed details of appropriate gas protection measures to ensure the safe and inoffensive dispersal or management

of gases and to prevent lateral migration of gases into or from land surrounding the application site shall be submitted to and approved in writing to the LPA. If no protection measures are required than no further actions will be required. All required gas protection measures shall be installed and appropriately verified before occupation of any part of the development which has been permitted and the approved protection measures shall be retained and maintained until such time as the Local Planning Authority agrees in writing that the measures are no longer required. \* 'Gases' include landfill gases, vapours from contaminated land sites, and naturally occurring methane and carbon dioxide, but does not include radon gas. Gas Monitoring programmes should be designed in line with current best practice as detailed in CIRIA 665 and or BS8485 year 2007 Code of Practice for the Characterization and Remediation from Ground Gas in Affected Developments.

Reason: To ensure that the safety of future occupiers is not prejudiced, in accordance with policy EN13 of the Local Development Plan.

- 13 Prior to the commencement of the development (excluding demolition) an assessment of the nature and extent of contamination shall be submitted to and approved in writing by the Local Planning Authority. This assessment must be carried out by or under the direction of a suitably qualified competent person \* in accordance with BS10175 (2011) Code of Practice for the Investigation of Potentially Contaminated Sites and shall assess any contamination on the site, whether or not it originates on the site. The report of the findings shall include:

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

All work and submissions carried out for the purposes of this condition must be conducted in accordance with DEFRA and the Environment Agency's 'Model procedures for the Management of Land Contamination, CLR 11' (September 2004) and the WLGA / WG / NRW guidance document ' Land Contamination: A guide for Developers' (2017), unless the Local Planning Authority agrees to any variation. \* A

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

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

- 14 Prior to the commencement of the development (excluding demolition) a detailed remediation scheme and verification plan to bring the site to a condition suitable for the intended use by removing any unacceptable risks to human health, controlled waters, buildings, other property and the natural and historical environment shall be submitted to and approved in writing by the Local Planning Authority. The scheme shall include all works to be undertaken, proposed remediation objectives and remediation criteria, a timetable of works and site management procedures. The scheme must ensure that the site will not qualify as contaminated land under Part 2A of the Environmental Protection Act 1990 in relation to the intended use of the land after remediation. All work and submissions carried out for the purposes of this condition must be conducted in accordance with DEFRA and the Environment Agency’s ‘Model procedures for the Management of Land Contamination, CLR 11’ (September 2004) and the WLGA / WG / NRW guidance document ‘ Land Contamination: A guide for Developers’ (2017), unless the Local Planning Authority agrees to any variation.

Reason: to ensure that any unacceptable risks from land contamination to the future users of the land , neighbouring land, controlled waters, property and ecological systems are minimised, and to ensure that the development can be carried out safely without unacceptable risks to workers, neighbours and other offsite receptors, in accordance with policy EN13 of the Local Development Plan.

- 15 The remediation scheme approved by condition 14 must be fully undertaken in accordance with its terms prior to the occupation of any part of the development unless otherwise agreed in writing by the Local Planning Authority. The Local Planning Authority must be given two weeks written notification of commencement of the remediation scheme works. Within 6 months of the completion of the measures identified in the approved remediation scheme, a verification report that demonstrates the effectiveness of the remediation carried out must be submitted to and approved in writing by the Local Planning Authority. All work and submissions carried out for the purposes of this condition must be conducted in accordance with DEFRA and the Environment Agency’s ‘Model procedures for the Management of Land Contamination, CLR 11’ (September 2004) and the WLGA / WG / NRW

guidance document ' Land Contamination: A guide for Developers' (2017), unless the Local Planning Authority agrees to any variation.

Reason: To ensure that any unacceptable risks from land contamination to the future users of the land , neighbouring land, controlled waters, property and ecological systems are minimised, and to ensure that the development can be carried out safely without unacceptable risks to workers, neighbours and other offsite receptors, in accordance with policy EN13 of the Local Development Plan.

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

Reason: To ensure that any unacceptable risks from land contamination to the future users of the land , neighbouring land, controlled waters, property and ecological systems are minimised, and to ensure that the development can be carried out safely without unacceptable risks to workers, neighbours and other offsite receptors in accordance with policy EN13 of the Cardiff Local Development Plan.

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

Reason: To ensure that the safety of future occupiers is not prejudiced in accordance with policy EN13 of the Local Development Plan.

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

measures specified in the approved scheme shall be undertaken in accordance with the relevant Code of Practice and Guidance Notes. Subject to approval of the above, sampling of the material received at the development site to verify that the imported material is free from contamination shall be undertaken in accordance with a scheme and timescale to be agreed in writing by the LPA.

Reason: To ensure that the safety of future occupiers is not prejudiced in accordance with policy EN13 of the Local Development Plan.

- 19 Any site won material including soils, aggregates, recycled materials shall be assessed for chemical or other potential contaminants in accordance with a sampling scheme which shall be submitted to and approved in writing by the Local Planning Authority in advance of the reuse of site won materials. Only material which meets site specific target values approved by the Local Planning Authority shall be reused  
Reason: To ensure that the safety of future occupiers is not prejudiced in accordance with policy EN13 of the Local Development Plan.

- 20 Piling or any other foundation designs using penetrative methods shall not be permitted other than with the express written consent of the Local Planning Authority, which may be given for those parts of the site where it has been demonstrated that there is no resultant unacceptable risk to groundwater.

Reason: There is an increased potential for pollution of controlled waters from inappropriate methods of piling. To ensure no unacceptable harm to water resources in accordance with policy EN13 of the Local Development Plan.

- 21 Prior to commencement of development (excluding demolition) all habitable rooms exposed to external road traffic noise in excess of 63 dBA Leq 16 hour [free field] during the day [07.00 to 23.00 hours] or 57 dBA Leq 8 hour [free field] at night [23.00 to 07.00 hours] shall be subject to sound insulation measures to ensure that all such rooms achieve an internal noise level of 40 dBA Leq 16 hour during the day and 35 dBA Leq 8 hour at night. The 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 maximum day time noise level does not exceed 55 dBA Leq 16 hour [free field].

Reason: To ensure that the amenities of occupiers of the flats are protected in accordance with policy KP5 of the Local Development Plan.

- 22 Prior to commencement of development (excluding demolition) all habitable rooms exposed to external railway noise in excess of 66 dBA Leq 16 hour (free field) during the day (07.00 to 23.00 hours) or 59 dBA Leq 8 hour (free field) at night (23.00 to 07.00 hours) shall be subject to sound insulation measures to ensure that all such rooms achieve an internal noise level of 40 dBA Leq 16 hour during the day and 35 dBA Leq 8 hour at night. The 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 maximum day time noise level does not exceed 55 dBA Leq 16 hour [free field].

Reason: To ensure that the amenities of occupiers of the flats are protected in accordance with policy KP5 of the Local Development Plan.

- 23 Prior to commencement of development (excluding demolition) all dwellings shall be designed and constructed so as to ensure that vibration dose values do not exceed 0.4m/s<sup>1.75</sup> between 07.00 and 23.00 hours, and 0.26m/s<sup>1.75</sup> 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 occupiers of the flats are protected in accordance with policy KP5 of the Local Development Plan.

**RECOMMENDATION 2:** The applicant is advised to contact Highway Operations (02922 330954 [Streetworks@cardiff.gov.uk](mailto:Streetworks@cardiff.gov.uk)) to agree to removal of the existing vehicular crossover to Cowbridge Road East which will be made redundant as a result of the proposal.



**RECOMMENDATION 3:** The applicant is advised that a commercial contract is required for the collection and disposal of all commercial wastes under section 34 of the Environmental Protection Act 1990. Owners or developers of commercial developments/properties who require Cardiff County Council to collect and dispose of their waste are advised to contact the Commercial Services dept. (tel: 029 2071 7500).

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

**RECOMMENDATION 5:** The applicant may need to apply to Dwr Cymru / Welsh Water for any connection to the public sewer under S106 of the Water industry Act 1991. If the connection to the public sewer network is either via a lateral drain (i.e. a drain which extends beyond the connecting property boundary) or via a new sewer (i.e. serves more than one property), it is now a mandatory requirement to first enter into a Section 104 Adoption Agreement (Water Industry Act 1991). The design of the sewers and lateral drains must also conform to the Welsh Ministers Standards for Gravity Foul Sewers and Lateral Drains, and conform with the publication "Sewers for Adoption"- 7th Edition. Further information can be obtained via the Developer Services pages of [www.dwrcymru.com](http://www.dwrcymru.com)

**RECOMMENDATION 6:** The developer should contact Network Rail's Asset Protection Wales Team well in advance of mobilising on site or commencing any works. The initial point of contact is [assetprotectionwales@networkrail.co.uk](mailto:assetprotectionwales@networkrail.co.uk). The department will provide all necessary Engineering support subject to a Basic Asset Protection Agreement.

**RECOMMENDATION 7:** The contamination assessments and the effects of unstable land are considered on the basis of the best information available to the Planning Authority and are not necessarily exhaustive. The Authority takes due diligence when assessing these impacts, however you are minded that the responsibility for

- (i) determining the extent and effects of such constraints and;
- (ii) ensuring that any imported materials (including, topsoils, subsoils, aggregates and recycled or manufactured aggregates / soils) are chemically suitable for the proposed end use. Under no circumstances should controlled waste be imported. It is an offence under section 33

of the environmental Protection Act 1990 to deposit controlled waste on a site which does not benefit from an appropriate waste management license. The following must not be imported to a development site:

- Unprocessed / unsorted demolition wastes.
- Any materials originating from a site confirmed as being contaminated or potentially contaminated by chemical or radioactive substances.
- Japanese Knotweed stems, leaves and rhizome infested soils. In addition to section 33 above, it is also an offence under the Wildlife and Countryside Act 1981 to spread this invasive weed; and

- (iii) the safe development and secure occupancy of the site rests with the developer.

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

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

**RECOMMENDATION 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 The application seeks planning permission to erect a part four/part five storey building to accommodate a total of 23 flats, and car parking for an existing adjoining commercial premises.
- 1.2 The building would be up to 24m long and 14m wide. The roof would be 16.3m above ground level at the west end and 13.2m at the east end. Parts of the building would be set back from front and rear elevations by 2.2m and 2.8m respectively. The external walls would be finished in facing brick at upper level elevations with surround features to some of the windows in the front elevation. The ground floor front and side elevations would be finished in a perforated screen. The windows would be dark grey upvc framed and the doors aluminium framed. It would accommodate 15 car parking spaces within the majority of the ground floor, plant and store rooms within the ground floor at the west end and 23 flats within the upper levels. Primary access to the flats would be via a communal entrance lobby towards the west end of the front elevation.

- 1.3 The external space between the building and Cowbridge Road East would be landscaped. Cycle and refuse storage for all flats would be accommodated within the west end of the ground floor.
- 1.4 The application originally proposed no render surround features to the front elevation and proposed that the car parking spaces to be used by the adjoining Royal Mail building. However, the design was subsequently revised following advice that the scheme represented an unbroken horizontal mass with minimal visual interest, and the parking arrangement revised as Royal Mail will not be leasing the ground floor parking once the development is complete.

## 2. **DESCRIPTION OF SITE**

- 2.1 The site largely comprises a car park used by commercial vehicles associated with an adjoining Royal Mail delivery office building, having formerly been used for car sales. The west end of the site is occupied by a vacant single storey building. The site is adjoined by a two storey commercial Royal Mail building to the east, a railway line to the south and a railway line on a raised embankment to the west. There are three storey and two storey residential buildings on the opposite side of Cowbridge Road East to the north at the front.

## 3. **SITE HISTORY**

- 3.1 14/02774/MNR – planning permission granted for change of use of a vacant former car showroom to a Royal Mail sorting hall.
- 3.2 13/00724/DCO – planning permission granted and implemented for change of use from a car forecourt to a car parking facility for Royal Mail fleet vehicles and installation of palisade fencing.
- 3.3 06/01871/W – planning permission granted for 20 no. 2 bedroom flats.
- 3.4 07/02384/W – draft planning permission granted for 24 flat units (6 no. 1 bed units, 18 no. 2 bed units) over four storeys with undercroft car parking at part of 635 Cowbridge Road East.

## 4. **POLICY FRAMEWORK**

- 4.1 Relevant National Planning Guidance:

Planning Policy Wales (Edition 10, 2018)  
Technical Advice Note 12: Design  
Technical Advice Note 15: Development & Flood Risk

- 4.2 Relevant Cardiff Local Development Plan (2006-2026) policies:

Policy KP5 (Good Quality and Sustainable Design)  
Policy KP16 (Green Infrastructure)

Policy C5 (Provision for Open Space, Outdoor Recreation, Children's Play and Sport)  
Policy EN13 (Air, Noise, Light Pollution and Land Contamination)  
Policy EN14 (Flood Risk)  
Policy H3 (Affordable Housing)  
Policy H6 (Change of Use or Redevelopment to Residential use)  
Policy T5 (Managing Transport Impacts)  
Policy W2 (Provision for Waste Management Facilities in Development)

#### 4.3 Relevant Supplementary Planning Guidance

Managing Transportation Impacts (Incorporating Parking Standards) 2018.  
Waste Collection and Storage Facilities (2016).  
Infill Sites (2017).  
Planning Obligations (2017)  
Trees and Development Technical Guidance Note

### 5. **INTERNAL CONSULTEE RESPONSES**

- 5.1 Tree Officer – I am concerned that the development does not afford sufficient above ground growing space for the highway lime tree. This tree attains 'B' categorisation and should therefore be retained and protected from harm, and the constraint it offers to development used to inform design. As an early mature tree with a 20+ year life expectancy, it has considerable growth potential, but the proposed building line does not respect its current southerly branch spread (5.5m) let alone its likely future branch spread, which might reasonably double. The development should at least allow for unimpeded branch spread arc to 8m on the development side. *Tilia cordata* is a large species tree, and although it is not as problematic as *Tilia platyphyllos* or *Tilia x europaea* with regard to honeydew, nevertheless it can support moderately high aphid populations throughout the growing season such that honeydew vaporisation may present a significant nuisance. Development should respect the future growth potential of trees. Further to response from the applicant that an 8m set back from the tree would render the scheme unviable the Tree Officer has advised of a tree protection condition that can be imposed should consent be granted.
- 5.2 Transportation – The existing site has two dropped kerb access points onto Cowbridge Road East, although it appears the furthest east of these is not currently in use. It is proposed to close the access furthest west (nearest the car building) and move the eastern access slightly further east. The relocated access is shown with kerb radii, which the current access does not have. The principle of the proposed access strategy is acceptable, although a suitable condition would be required to deal with the details, and it would be necessary for pedestrian access on Cowbridge Road to be safeguarded without requiring them giving way to traffic or altering their route. The revised proposed car parking quantum is within the maximum standards of the Managing Transportation Impacts (Incorporating Parking Standards) SPG. Residents will not be eligible for resident parking permits on adjacent streets. A minimum of 27 cycle parking spaces will be required. These need to be secure, covered

and accessible, with footprints of 1.8m x 0.5m, or 1m between Sheffield stands. The parking should not all be of the vertical/semi-vertical type. It is not clear these points are currently achieved on the plans, and further details of cycle parking should be provided. It is not considered there is a need to amend the existing loading restrictions outside the site, as this only applies to peak hours anyway.

5.3 Drainage – no comments received.

5.4 Parks Services – A Parks maintained highway tree (lime) is located within the pavement adjacent to the development. I agree with the comments made by Ed Baker in relation to the tree in that there would be significant conflict between the tree and building as it grows over time, resulting in a need for unsuitable pruning, although I welcome planting along the front of the building, which means the building is partly set back from the kerb line and will provide some rooting space. Tree protection will also be required during construction (eg plywood boxing around trunk). Establishing highway trees in the area is difficult due to services and other constraints, so therefore the tree is of importance. The Council's LDP requires provision of a satisfactory level and standard of open space on all new housing/student developments, or an off-site contribution towards existing open space for smaller scale developments where new on-site provision is not applicable. Based on the information provided on the number and type of units, I have calculated the additional population generated by the development to be 31.9. This generates an open space requirement of 0.078 ha of on-site open space based on the criteria set for Housing accommodation, or an off-site contribution of £33,098. As no public open space is being provided on-site, the developers will be required to make a financial contribution towards the provision of new open space, or the design, improvement and/or maintenance of existing open space in the locality, given that demand for usage of the existing open spaces would increase in the locality as a result of the development.

5.5 Waste Management – The refuse storage area, shown in the site plans, has been noted and is acceptable, however as a designated area for the storage of bulky waste is now a compulsory element of all communal bin stores it would be advisable for a small area of this bin store to be divided for the storage of bulky waste. This will prevent bulky waste blocking access to the bins on collection day. Please ensure the refuse storage area is large enough to accommodate the following recommended provisions for 23 apartments: Dry Recyclables: 3 x 1100 litre bulk bins; General waste: 3 x 1100 litre bulk bins; Food Waste: 2 x 240 litre bin. Please note, the collection method utilised by Cardiff Council will likely change in the future which could result in different/more receptacles being required for the storage of waste between collections. In light of this, the bin store areas should allow a degree of flexibility in order to be able to adapt to potential collection changes. Communal bin stores should have double doors that open outward. Surfaces should be smooth and impervious to permit cleaning and the floor must be laid to create suitable drainage. Adequate lighting must be provided- natural or artificial, and good natural ventilation if completely enclosed. The developer is advised; as bulk containers are specified for this development, access

paths to the kerbside for collection should be at least 1.5 metres wide, clear of obstruction, of a smooth surface with no steps. Dropped kerbs should also be provided to ensure safe handling of bulk bins to the collection vehicle. Bulk containers must be provided by the developer/other appropriate agent, to the Councils' specification (steel containers are required where capacity exceeds 240 litres) as determined by S46 of the Environment Protection Act 1990 and can be purchased directly from the Council. Refuse storage, once implemented, must be retained for future use.

- 5.6 Shared Regulatory Services (Environmental Health) – initially advised that having reviewed the submitted Environmental Noise & Vibration Assessment dated 22nd November 2018, there were significant concerns regarding the suitability of the development site as a result of the current noise environment. Whilst it may theoretically be possible to achieve an appropriate internal noise environment with acoustic glazing, this will lead to an unacceptable situation for the future occupiers as the required internal noise levels will not be achievable with open or partially open glazing; which would be reasonable for occupiers to expect. In line with planning guidance document TAN 11; the development falls in the Noise Exposure Category D at night due to railway noise, and Noise Exposure Category C during the day & night due to road traffic noise; the guidance would recommend that planning permission should normally be refused. Additionally, the acoustic assessment has failed to take account of the Royal Mail Western Postal Delivery Office and associated noise sources; for example early morning vehicle movements, vehicle loading, parcel roll cage movements etc.

Further to the submission of a revised Environmental Noise & Vibration Assessment SRS are satisfied that road traffic noise arising from Cowbridge Road is the dominant noise source over Royal Mail van activity taking place adjacent to the development site. Therefore, they have no further comment or observations to make on this development. Conditions are requested to require sound insulation measures to mitigate road and railway noise to be submitted and agreed, a scheme to mitigate railway vibration. An advisory recommendation is requested with regard to construction site noise.

- 5.7 Shared Regulatory Services (Contaminated Land) - In reviewing available records and the application for the proposed development, the site has been identified as formerly commercial. It is acknowledged that the Trading Standards records show the underground tanks associated with the PFS were decommissioned and removed, although the potential for contamination from this use cannot be ruled out. In addition, the site was subsequently utilised as a car showroom and for commercial vehicle parking which may have caused the land to become contaminated. The above issues may give rise to potential risks to human health and the environment for the proposed end use. In addition former landfill/raise sites have been identified within 250m of the proposed development. Such sites are associated with the generation of landfill gases, within subsurface materials, which have the potential to migrate to other sites. This may give rise to potential risks to human health and the environment for the proposed end use. A robust assessment of the potential contamination and ground gas risks at the site would therefore be required. In

the absence of this information as part of a planning application, SRS would request the standard conditions in relation to this. Should there be any importation of soils to develop the garden/landscaped areas of the development, or any site won recycled material, or materials imported as part of the construction of the development, then it must be demonstrated that they are suitable for the end use. This is to prevent the introduction or recycling of materials containing chemical or other potential contaminants which may give rise to potential risks to human health and the environment for the proposed end use. Shared Regulatory Services would request the inclusion of conditions and informative statement in accordance with CIEH best practice and to ensure that the safety of future occupiers is not prejudiced.

- 5.5 Shared Regulatory Services (Environment) - Due to the nature of the development, in terms of its purpose for residential housing and its location, via the submission of an appropriate air quality assessment (AQA) the applicant must give consideration to the potential impacts on ambient air quality and the magnitude/ risk of these potential air quality impacts on future residents. Consideration of air quality impacts should be examined when the development is complete, focusing on potential exposure of existing/ current and future residents to traffic derived Nitrogen Dioxide (NO<sub>2</sub>) & Particulate Matter following completion of the development. The development is scheduled to be sited in an area where there are known high volumes of vehicle movements, as well as committed interest for other traffic generating developments (Paper Mill site). Given the busy nature of the A4161 and cumulative concerns resultant of committed development in the surrounding area, it is concerning what potential effects traffic derived emissions nitrogen dioxide (NO<sub>2</sub>) and particulate matter could have on the amenity of current residents and future occupants of the proposed accommodation once completed. In terms of air quality, due to the sensitivity that surrounds the proposed site and introduction of new sensitive receptors an Air Quality Assessment (AQA) must be undertaken to ascertain the potential impacts for current surrounding occupants, as well as future occupants of the proposed development. Although this development may not be recognised as generating significant additional traffic flows, based on best practise guidance the applicant must determine whether the number of vehicle movements generated by the development will pose a detrimental impact to the already poor air quality in the area and therefore add further concerns to public health. The AQA should use detailed dispersion modelling to examine projected air quality levels for traffic derived Nitrogen Dioxide (NO<sub>2</sub>) and Particulate Matter (PM<sub>10</sub>) at the necessary locations. The assessment shall consider the potential exposure of current/ future residents for the proposed year of opening. Should the assessment indicate that current nearby residents and future occupants will be made vulnerable to poor air quality then appropriate mitigation measures must be must be proposed and approved by the Local Planning Authority. The applicant will be expected to provide evidence that any implemented mitigation measures would alleviate any poor air quality levels expected. These mitigation measures shall be implemented to the satisfaction of the Local Planning Authority prior to beneficial occupation. As outlined in Local Air Quality Management (LAQM) Technical Guidance TG16, February 2018, examples of where the air quality objectives should apply are

detailed in Box 1.1. Based on the detailed criteria, projected levels of traffic derived emissions (NO<sub>2</sub> & PM<sub>10</sub>) must be quantified, considering both the short term and long term air quality objectives. The Air Quality Assessment should look to focus on the national annual mean (40µg/m<sup>3</sup>) & 1- hour mean objective for NO<sub>2</sub> (200µg/m<sup>3</sup> not to be exceeded more than 18 times a year) and annual mean (40µg/m<sup>3</sup>) & 24- hour mean objective for PM<sub>10</sub>. (50µg/m<sup>3</sup> not to be exceeded more than 35 times a year).

- 5.9 Neighbourhood Renewal (Affordable Housing) - We are aware that one of our partner Registered Social Landlords (RSL) (Taff Housing Association) is looking to deliver the whole site as affordable housing via Pegasus, subject to them reaching agreement. The Housing Development team would support the development of this site for affordable housing, given the levels of housing need in the area.

## 6. **EXTERNAL CONSULTEE RESPONSES**

- 6.1 Network Rail – Whilst there is no objection in principle to this proposal I give below my comments and requirements for the safe operation of the railway and the protection of Network Rail's adjoining land. As this is a notice to commence design adjacent to what we can confirm will be an electrified railway at 25kV, we must inform the proposers that their designers must, as part of their CDM duties, include the risk of the adjacent live conductors, and propose mitigation as appropriate within the design. We can support as required with details on clearances, standards etc, but the first priority is for the proposer to confirm intended use as part of a design risk assessment. Standard advice is provided with regard to demolition, foundations, drainage, ground disturbance, fencing, site layout, piling, excavations/earthworks, signalling, environmental issues, landscaping and access points.
- 6.2 Welsh Water – In respect of the aforementioned planning application, we can confirm that Dwr Cymru Welsh Water (DCWW) have been previously informed of the proposed development and consulted, as a 'Specialist Consultee', in accordance with Schedule 1C Article 2D of the Town & Country Planning (Development Management Procedure) (Wales) (Amendment) Order 2016. We note that our consultation response is referenced within the accompanying Pre-Application Consultation (PAC) Report, We have reviewed the information submitted as part of this application with particular focus on the Flood Consequence Assessment and Drainage Strategy ref 17066.D100A and note that the intention is to drain both foul and surface water to the mains sewer. We acknowledge that the existing site drains both foul and surface water to the public sewer in Cowbridge Road and that this existing connection can be re-used as part of the proposed development. We note that the proposed scheme will introduce attenuation and storage to restrict the discharge rate of surface water to reduce the risk of flooding from the site. Based on the betterment offered we have no objection in principle to the proposed drainage strategy. Therefore, if you are minded to grant planning permission we request that a conditions and advisory notes are included within any subsequent consent.



- 6.3 South Wales Police – have no objection. Analysis has shown that overall crime in the vicinity adjacent to the proposed development is as follows: 637 Cowbridge Road East is located within the local authority Ward of Canton. During a period between January 2018 and January 2019, there were 2084 incidents reported to South Wales Police within the Canton Ward. Over that same period there were 77 incidents reported to South Wales Police in the near vicinity of the proposed development. These include 30 thefts, 4 violent incidents, 3 incidents of anti-social behaviour, 3 damages and a burglary. In order to address concerns regarding community safety and crime prevention, South Wales Police would recommend that the following principles are adopted by developers in terms of design and layout. 1) All building lines should be as straight as possible avoiding any recessed areas where a person can hide out of sight. 2) A suitable audio /visual access control should be fitted to the main entrance doors to the apartments. 3) Ground floor windows should comply with PAS24: 2016. 4) Main entrance and exit doors to apartment blocks should comply with PAS24 2016 or equivalent. 5) All individual apartment doors should be tested and certified to PAS24: 2016. 6) Access to individual floors should be controlled. 7) All communal areas needs to be well lit. 8) Railings or defensible planting should be located at ground floor level to indicate semi-private and public space and to prevent persons approaching ground floor windows. 9) The bicycle storage area should be located within view of the apartments in a purpose built lockable construction which consists of individual stands for securing bicycles and the cycle store should be well lit. 10) Loft hatches located in communal areas such as over landings must be locked to prevent access into apartments through the loft. 11) A secure individual mail delivery system should be included. 12) Adequate fire warning and prevention systems should be in place. 13) Any private amenity space should be for residents use only. Ensure that the fence or railings dividing this area from public areas is high enough so that it cannot be scaled.
- 6.4 Natural Resources Wales – We have significant concerns with the proposed development as submitted. We recommend you should only grant planning permission if the scheme can meet the following requirement and you attach the conditions listed below. Otherwise, we would object to this planning application. A revised Flood Consequences Assessment (FCA) is required to demonstrate the risks and consequences of flooding can be managed to an acceptable level in accordance with Technical Advice Note 15: Development and Flood Risk (TAN15) (July 2004). The application site lies entirely within Zone C1, as defined by the Development Advice Map (DAM) referred to in TAN15. Our Flood Map information, which is updated on a quarterly basis, confirms the site to be within the 1% (1 in 100 year) and 0.1% (1 in 1000 year) annual probability fluvial flood outlines. The FCA prepared by Shear Design, dated January 2019, states the finished ground floor level will be set at 7.7m AOD. The residential apartments are to be elevated above this level, at first floor and above. However, the ground floor level of the development is to include cycle parking, bin store and ancillary works, which are an integral part of the new residential development. Based on a finished ground floor level of 7.7m AOD, the FCA shows: During a 1% (1 in 100 year) plus 25% for climate change annual probability fluvial flood event, the proposed development is

predicted to flood to a maximum depth of 920mm, at a maximum velocity of 1.3m/s. This fails to meet the requirements of A1.14 of TAN15. The predicted flood depth and velocity result in a flood hazard rating of danger for most, including the general public; During a 0.1% (1 in 1000 year) annual probability fluvial flood event, the proposed development is predicted to flood to a maximum depth of 1.21m, at a maximum velocity of 1.42m/s. This exceeds the tolerable limits of A1.15 of TAN15. The predicted flood depth and velocity result in a flood hazard rating of danger for all. In consideration of the above, a revised FCA is required to be submitted which demonstrates the risks and consequences of flooding can be managed to an acceptable level in accordance with TAN15.

The submitted Design and Access Statement (DAS) identifies the site was historically used as a petrol filling station and the associated tanks have been decommissioned and removed. The DAS further identifies the site is known to be free of contamination and references correspondence from Shared Regulatory Services. This correspondence has not been made available. Furthermore, an assessment / investigation of the risks associated with contamination at the site has not been provided. In the absence of such an assessment, we are of the opinion contamination may still exist. Therefore, we consider planning permission should only be granted to the proposed development as submitted if the following planning conditions are imposed as set out below. Without these conditions, the proposed development on this site poses an unacceptable risk to the environment and we would wish to object to the application.

## 7. **REPRESENTATIONS**

7.1 The application was publicised by letter, site and press notices. A petition of objection to the original proposal was received, signed by 52 residents, all of which are from addresses within the vicinity who could reasonably be affected by the matter. Full details are viewable online, reasons are summarised as follows:

- a) *The adjoining Royal Mail delivery office has no customer parking, customers frequently park on residential streets;*
- b) *The proposed development has no parking for its residents;*
- c) *The proposed 15 parking spaces for Royal Mail vehicles will not be sufficient for their needs, therefore they will park on residential streets.*

7.2 Cllrs Stephen Cunnah, Susan Elsmore, and Ramesh Patel objected to the original proposal, as follows:

*We believe this proposal needs to be revisited to take account our concerns as set out below. If the officers of the local planning authority are minded to recommend this application to be approved, we would like the application to be put in front of a full meeting of the Planning Committee, and for the members of the Committee to undertake a site visit so they can fully understand the context and the concerns we have raised.*

*Based on the information available to us and submitted to the Local Planning Authority, we believe the application is not compliant with the Council's Supplementary Planning Guidance "Managing Transport Impacts (Incorporating Parking Standards) (July 2018)" (hereafter referred to as "the SPG"). We believe this to be true for the four principle reasons which we set out below: the submitted Transport Statement does not take into account trip generation or parking needs for Royal Mail's operational needs, for Royal Mail's customers, for disabled residents of the proposed development, and does not accurately assess the impact of nearby streets and footpaths of having no onsite parking or drop-off point.*

#### *Royal Mail's Operational Needs*

*The letter to the Local Planning Authority from Cushman and Wakeman on behalf of Royal Mail makes it clear that: "(The) loss of operational parking during the construction phase will be highly disruptive"; and that "no binding obligation or agreement is in place" with Royal mail to use the proposed car parking in the development on an ongoing basis. As a consequence they set out that their statutory service may be threatened, and/or the development will result in ad-hoc or on-street parking.*

*It is also clear from this letter that application 19/00643/MNR has been made as a direct result and is clearly dependent on the main proposal and linked to it.*

*We can also see, in the photos submitted as evidence, that for Royal Mail's current operational needs, the current 26 space car park is frequently full. The application that Royal Mail have submitted for a temporary car park is for 22 spaces. We believe that it is untenable that 15 spaces will be sufficient for Royal mail's operational needs on an ongoing basis, given they currently use 26 and need 22 temporarily.*

*We believe that if the proposal goes ahead it is highly likely that there will be Royal Mail vans parked on nearby residential streets. It is our understanding that the land Royal Mail have proposed to build the temporary car park is earmarked for the potential future development of a metro station and could not be permanently a car park. Royal Mail themselves say on-street parking is the likely outcome during construction phase, but for the reasons set out above, we believe it will also be a permanent outcome.*

*The submitted Transport Statement states that "(since) Royal Mail will be reduced to 15 spaces from 26, there will be a net reduction in the trips generated by the proposed development". Given Royal Mail's own words and submitted plan for the temporary car park, we believe this cannot be correct. Section 4 of the SPG sets out a number of criteria for a Transport Assessment, including that it should clearly communicate the impacts to assist the decision making process. Given the above argument, we believe that the Transport Statement submitted is demonstrably false and does not clearly communicate transport impacts.*

### Royal Mail's customers

*Apart from operational requirements, the Royal Mail delivery office also generates many trips when local people collect their parcels. The impact of the principal development will change the use of the land, and Royal Mail's dependent application to have another car park will also change the use of another parcel of land. Paragraph 6.12 of the SPG is clear that: Changes of use will generally be subject to the same standards as new development for the same use class [...]. Paragraph 6.28 of the SPG is clear that: In shops and buildings to which the public have access and in public car parks, spaces should be reserved for people needing to transfer young children to and from the car[...]. The information we have suggests that Royal Mail could control three separate car parks, of which two will have been subject to change of use. We believe that Royal Mail has a duty to reserve spaces for its customers especially those who have young children.*

### Residents with disabilities

*Paragraph 6.25 of the SPG clearly states that: The parking standards for people with disabilities represent minimum provision and should be provided in addition to the standard car parkin provision. Where a reduced number of car parking spaces below the maximum level are provided, the level of car parking provision for disables people should be maintained in the same proportion as if the overall number of spaces was up to the maximum level. At certain locations, and where the proportion of disabled people is known to be higher, the ratio of parking for disabled people may need to be increased [our emphases].*

*In line with the SPG, the maximum allocation for a development in a central area would be one space per unit, or 23 spaces for this proposed development. We do not know of any formula to calculate minimum disabled parking but bearing in mind that there is no other on-site parking proposed and there is no on-street parking on that side of Cowbridge Road East, we believe it should be increased and there should at least be several disabled spaces.*

### Impact on local streets

*We believe that the three points above represent ways in which the proposed development has not adhered to the SPG. However, we also believe that the guidance in the SPG is being stretched to its limit with the lack of provision of onsite parking for any residents. We would argue that there must be adequate onsite parking and make the following observations in support of that:*

- *There is no on-street parking on that side of Cowbridge Road East;*
- *As well as no parking, the proposal does not provide a pick up/drop off point, even though there are no-waiting traffic orders on that side of Cowbridge Road East;*
- *The wider area – Mayfield Avenue / Windway Road / Aldsworth Road – already suffers from high rates of illegal parking due to the collection depot, bank and other nearby business;*

- *There have been accidents, including one very recently, at this location as vehicles turn right onto Mayfield Avenue / Windway Road / Aldsworth Road;*
- *The site of the main proposed development and the proposed temporary car park surround a foot bridge which many children use to go to the nearby Ysgol Treganna;*
- *The site of the development is at the very outer limit of the “Central Area” with its more stringent guidance for maximum allowances.*

7.3 Comments on the original proposal were received on behalf of Royal Mail who are concerned that the proposed development will cause significant disruption and operational difficulties, to the detriment of its local service and statutory obligations, for the following reasons:

- a) *Construction Phase - The current position is that the applicant has not guaranteed or secured temporary parking provision for Royal Mail during the construction phase of the proposed development, as indicated it will do in the application. This has prompted Royal Mail to pursue its own arrangements for temporary parking on a nearby vacant site, as per the recently submitted planning application (ref: PP-07702321). Loss of operational parking during the construction phase will be highly disruptive. As it stands, Royal Mail is dependent on securing its own permission to avoid operational difficulties and the potentially harmful effects of ad-hoc on-street parking in the local area during the construction phase of the proposed development.*
- b) *Operational Phase - The current position is that Royal Mail has no security of tenure once the development has been completed. Whilst the applicant has indicated that 15no. parking spaces will be made available to Royal Mail within the completed development, no binding obligation or agreement is in place. Given the above, the proposed development has the potential to significantly impact on the ongoing operation of the Delivery Office and it could result in closure if there isn't continuity of sufficient parking at both construction and operational phases. Whilst Royal Mail has no objection to the principle of the proposed development, the Local Planning Authority is urged to consider the potential impacts on the operation of the Delivery Office, an essential service to the local resident and business community, arising from short- and longer-term absence of dedicated parking for its delivery vehicle fleet. Should the Local Planning Authority be minded to grant permission, it is requested that consideration is given to suitable conditions that may serve to protect Royal Mail's ongoing operations.*

7.4 Cllrs Stephen Cunnah, Susan Elsmore, and Ramesh Patel, the lead petitioner and the agent who commented on behalf of Royal Mail were notified of the revised proposed parking arrangement. No comments were received.

## 8. **ANALYSIS**

### 8.1 **Land Use**

Change of use of redundant premises or redevelopment of redundant previously developed land for residential use is supported by Policy H6 of the Local Development Plan. National Planning policy encourages the provision of additional housing stock within previously developed or existing residential land. Paragraph 4.2.17 of Planning Policy Wales states that *'Maximising the use of suitable previously developed and/or underutilised land for housing development can assist regeneration and at the same time relieve pressure for development on greenfield sites.'* The site has no specific designation or allocation therefore the existing car showroom is afforded no policy protection. The surrounding area is mixed use in nature comprising both retail, commercial uses and residential uses. Policy H6: Change of use or Redevelopment to Residential Use permits the change of use of redundant premises for residential use where: (i) There is no overriding need to retain the existing use of the land or premises and no overriding alternative local land use requirement; (ii) The resulting residential accommodation and amenity will be satisfactory; (iii) There will be no unacceptable impact on the operating conditions of existing businesses; (iv) Necessary community and transportation facilities are accessible or can be readily provided or improved; and (v) It can be demonstrated that the change of use to a more sensitive end use has been assessed in terms of land contamination risk and that there are no unacceptable risks to the end users. Assessed against this policy framework the existing use of the site as parking for the Royal Mail delivery vans will continue, albeit at a reduced level. The site is located in a highly sustainable location, well related to the primary highway network and on a major route in/out of Cardiff City Centre with a frequent bus route in both directions. There is a bus stop immediately outside the application site. The site is also located in close proximity to the shops and services in Cowbridge Road District Centre. Given the mixed use character of the area, the proposal is considered compatible with the surrounding land and raises no land use policy concerns.

### 8.2 **Design**

Policy KP5 of the Local Development Plan states that *'all new development will be required to be of a high quality, sustainable design and make a positive contribution to the creation of distinctive communities, places and spaces by: responding to the local character and context of the built and landscape setting so that the layout, scale, form, massing, height, density, colour, materials, detailing and impact upon the built and natural heritage are all addressed within development proposals.'* With regard to site redevelopment the Council's Infill Sites SPG paragraph 2.13 advises that *'It is important to strike a balance between maintaining the established positive character of a residential street and introduce additional housing. To avoid a town cramming effect, any proposals must: Maintain a useable amenity space or garden for new as well as any existing dwellings/occupiers; maintain an established spacing between buildings that respects the pattern of layout in the vicinity of*

*the site; maintain appropriate scale and massing which respects buildings in the vicinity of the site; respect the frontage building line and respond to the existing street scene'. Paragraph 3.12 advises that 'Infill development needs to be sensitive to its immediate surroundings and respond well to the built context'.*

The principle of incorporating a new structure in this location is welcomed, this proposal will alleviate the issue of a large gap in the street scene by providing a more continuous frontage. The proposed scale is considered acceptable in relation to the existing buildings, and the window surround features to the Cowbridge frontage would break up the horizontal mass of the building and add visual interest to the building. The building would be of appropriate materials. Accordingly, it is considered that the proposal is compliant with the Infill Sites SPG. It is crucial that the architectural approach of the building's frontage to Cowbridge Road East is of a high architectural quality, condition 3 is therefore necessary to ensure a scheme of architectural detailing is submitted for agreement. As no details have been included of the front boundary enclosure adjacent to the footway of Cowbridge Road East have been provided, condition 4 is considered necessary to ensure details of the front enclosure are submitted for agreement. It is also considered necessary for samples of the finishing materials proposed for the building to be submitted and approved prior to their use on site in order to ensure that they are of an appropriate quality, condition 5 is therefore necessary.

### 8.3 Amenity

It is not considered that the proposed building or its use would be generally un-neighbourly to justify concern for the local planning authority. The site is located within a mixed use commercial/residential area. It is not envisaged that the structure would have any unreasonable amenity impact upon the existing Royal Mail building to the east having regard that the adjoining building is in commercial use and it would be separated by approximately 5m. The building would be positioned at least 18m from the side elevation and side boundary with the gardens of existing residential buildings on the opposite side of Cowbridge Road East, and would not result in unreasonable loss of light in accordance with standard daylighting/overshadowing analysis techniques. Conditions are considered necessary to ensure sound insulation schemes to mitigate road and railway noise are submitted and agreed, and to mitigate railway vibration. Having regard to the above it is not considered that the proposal would have any unreasonable amenity impact.

The conditions requested by Natural Resources Wales with regard to contamination investigation and remediation are noted and are consistent with the contamination and remediation conditions imposed requested by Shared Regulatory Services (Environment).

### 8.4 Internal/External Space

The internal floor area of all flats satisfies the minimum requirements, and the outlook from all living areas is considered adequate. It is acknowledged that

no outdoor amenity space would be provided for occupiers of the flats, however in this instance there is no opportunity to provide any amenity space at ground floor as the existing car park is being retained within the majority of the ground floor level. The agent has explored the possibility of providing communal balconies to the rear and Juliet balconies to the front, however the applicant has concerns that communal balconies at the rear would become a target for anti-social behaviour having regard to the proximity to the railway line and Juliet balconies to the front would not be viable from a noise perspective. Whilst it would be desirable for flats to have external amenity space it is not always viable or desirable and it is recognised that flats will not always have such space.

#### 8.5 Transportation

The proposal is compliant with the Managing Transportation Impacts (Incorporating Parking Standards) SPG which requires a maximum of 1 off street car parking space per residential unit and cycle parking at ratio of 1 space per bedroom, as confirmed by the Operational Manager of Transportation. The site is sustainably located in transport terms in an area where walking, cycling and public transport offer viable daily alternatives to the use of a private car; having frequent bus services on the street. Condition 6 is considered necessary to ensure full details of secure and undercover cycle storage are submitted and agreed prior to occupation of the flats.

#### 8.6 Impact Upon Street Tree

The concern from the Tree Officer that the development does not afford sufficient above ground growing space for the highway lime tree is noted. The agent has advised that the requested 8m branch spread arc would reduce the scheme by at least four units render the scheme unviable. It is also noted that there are two other street trees with close proximity to the east of the site in front of the Royal Mail building which are a similar distance from the building to that proposed (4.5m) in this case. Having regard to the above, the proximity of the proposed building to the street tree is considered acceptable in this instance. Condition 8 is considered necessary to ensure an Arboricultural Method Statement and a Tree Protection Plan are submitted and agreed prior to commencement of development to prevent loss of or damage to the tree.

#### 8.7 Flood Risk

The objection from Natural Resources Wales with regard to flood risk is noted, however is solely focussed on the depths of flooding predicted on the ground floor. Although they recognise this proposal has non-living accommodation on the ground floor, they still consider the bin and cycle stores and utilities rooms as residential (highly vulnerable) development. They advise this should be flood free as per A1.14 of TAN15 and have acknowledged that it is clear that an updated FCA would be very unlikely to meet the TAN15 requirement given that mitigation (i.e. raising of levels) wouldn't be feasible. However, it must be noted that no residential units are proposed at ground floor level and the



creation of any ground floor residential units in the future would constitute development requiring separate planning permission. In this case the proposed living accommodation would be flood free as it would be located at upper floor levels. Having regard to the above is not considered that the occupants of the proposed flats would be subject to unacceptable flood risk, the development is therefore considered justified in accordance with section 6 of TAN15.

## 8.8 Planning Obligations

The request from Parks Services for a financial contribution of £33,098 towards the provision of new open space, or the design, improvement and/or maintenance of existing open space in the locality is considered necessary, fairly and reasonably related to the development and in accordance with Policy C5 of the Local Development Plan. The agent has confirmed that the applicant agrees to this contribution. A section 106 planning obligation is also required to ensure that the dwelling units are restricted for use for 100% affordable housing as requested by Housing Strategy in accordance with the approved Planning Obligations SPG (2017).

## 8.9 Representations

The representations received from the neighbouring residents and Cllrs Stephen Cunnah, Susan Elsmore, and Ramesh Patel, and on behalf of Royal Mail are noted. While the substance of local views must be considered, the duty is to decide each case on its planning merits. Specific issues are addressed as follows:

- a) Royal Mail's operational needs. It should be noted that there is no planning requirement for the application site to be used by Royal Mail in conjunction with their adjoining building. The site was previously separately occupied by a car sales premises and no condition was imposed upon planning permission 13/00724/DCO requiring use of the site to be retained for use by the adjoining Royal Mail building. Furthermore, Royal Mail are not the owner of the site and will not be leasing the ground floor parking once the development is complete. The concerns raised with regard to provision of parking for Royal Mail's commercial vehicles during and after construction are therefore not material planning considerations.
- b) Royal Mail's customers. The current application does not propose any change of use or alterations to the adjoining Royal Mail building which is a separate site in planning terms, therefore the impact and provision of customer parking for that site is not a matter that can be considered by the current application.
- c) Provision of parking for residents including disabled residents. The proposal is compliant with the Council's adopted Managing Transportation Impacts (Incorporating Parking Standards) SPG as detailed within the above analysis and confirmed by the Operational

Manager of Transportation. In this instance 15 off street car parking spaces are proposed, of which one will be a dedicated disabled space. The site is located within the Central Area as identified by the SPG, and as such there is no requirement for pick up/drop off points. The site is sustainably located in transport terms in an area where walking, cycling and public transport offer viable alternatives to the use of a private car, with frequent bus services adjacent to the site.

- d) Parking impact upon local streets. Any parking in resident's parking bays in nearby streets or illegal parking where there are no waiting traffic orders would be matters controlled by the Council's Civil Parking Enforcement service and the Police. It should be noted that all vehicles have the right to park on streets which are not restricted to resident's parking.

#### 8.10 Other Legal Considerations

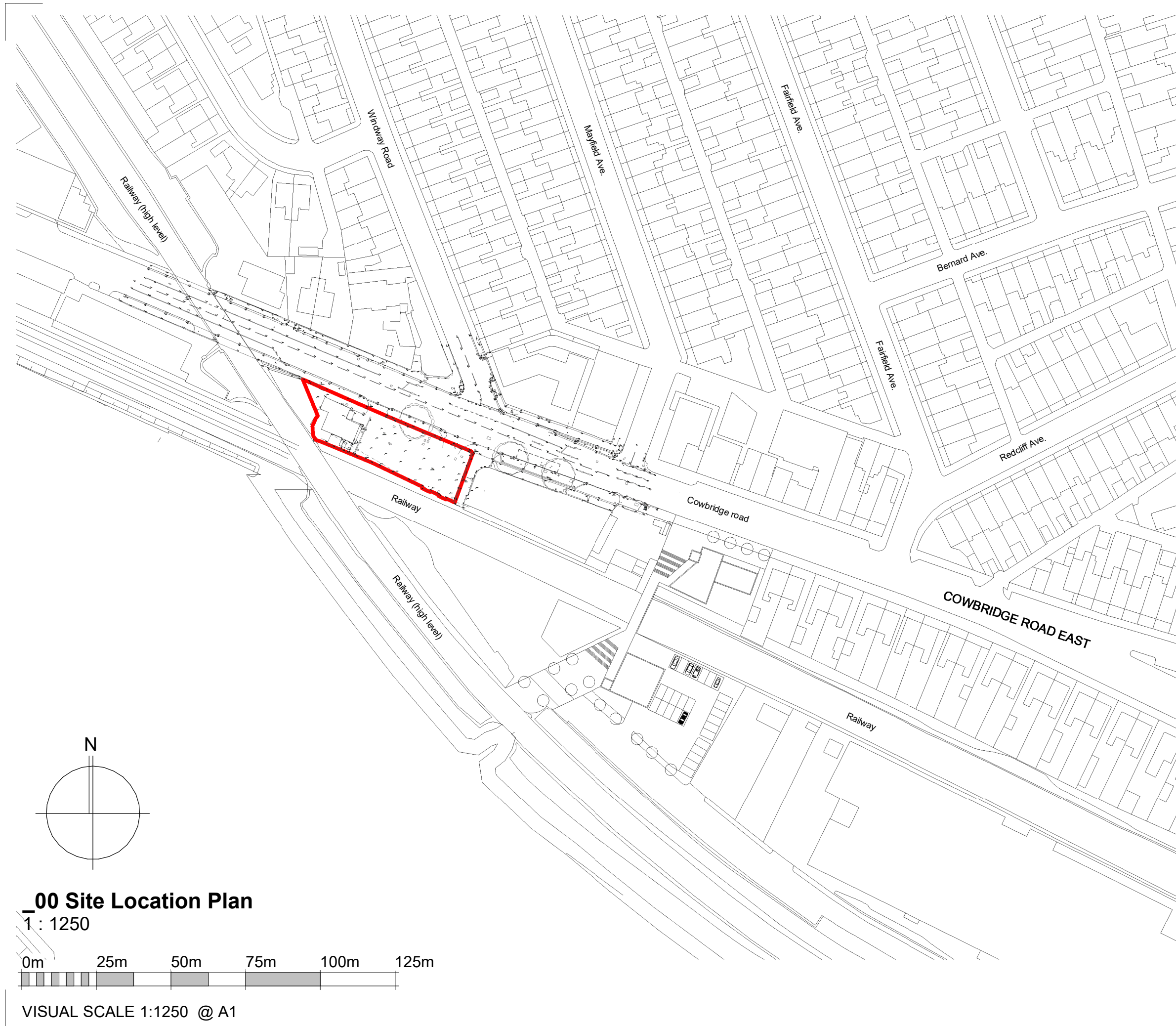
*Crime and Disorder Act 1998* – Section 17(1) of the Crime and Disorder Act 1998 imposes a duty on the Local Authority to exercise its various functions with due regard to the likely effect of the exercise of those functions on, and the need to do all that it reasonably can to prevent, crime and disorder 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.

*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.

*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.

#### 8.11 Conclusion

It is concluded that the application is acceptable in accordance with the planning policies listed, and is recommended that planning permission be granted, subject to conditions.



**\_00 Site Location Plan**  
**1 : 1250**



**VISUAL SCALE 1:1250 @ A1**

FOR EASE OF DRAWING REFERENCE PLEASE  
REFER TO THE FOLLOWING DRAWING  
SERIES:

(00) SERIES - GENERAL ARRANGEMENT  
(90) SERIES - SITE INFORMATION

*A-00-\*\*\* - General Arrangement*  
*A-90-\*\*\* - Site Information*

-	21/12/18	RC	FIRST ISSUE
Rev	Date	Check	Description

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Project  
Residential Development  
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Pegasus  
Title  
Site Location Plan

Status  
**PLANNING**  
Scale at A3  
As indicated

Job No <b>4355</b>	Sheet No <b>A-90-100</b>	Revision
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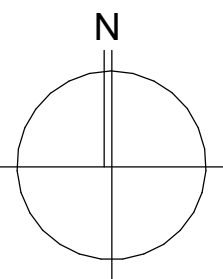
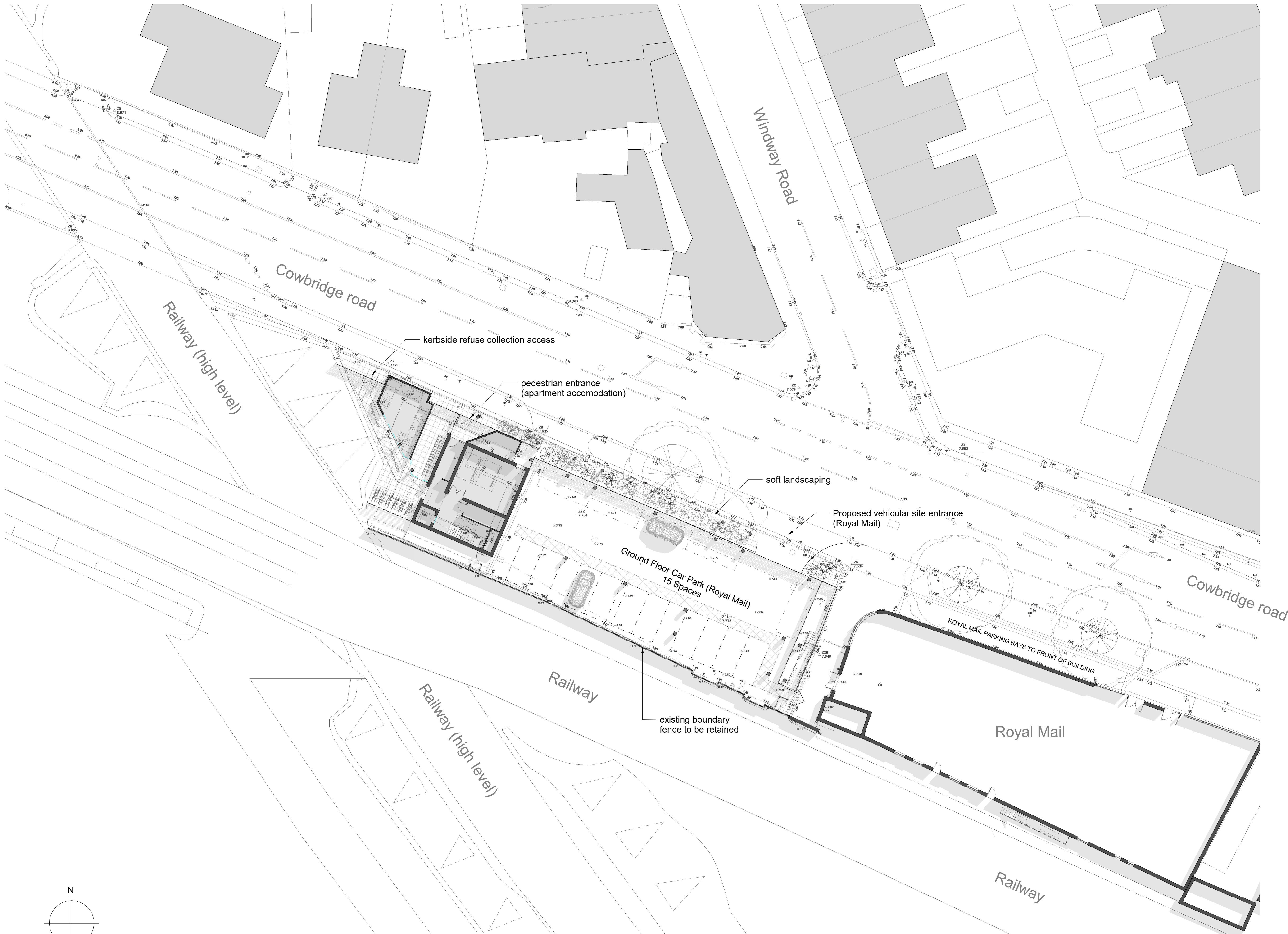


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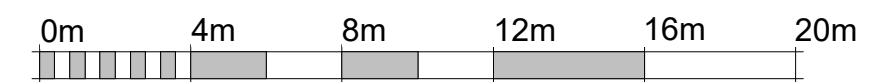
(00) SERIES - GENERAL ARRANGEMENT  
(90) SERIES - SITE INFORMATION

A-00-\*\*\* - General Arrangement  
A-90-\*\*\* - Site Information

Please note that all drawn information is based upon OS mapping information and Topographical Survey data recieved June 2018 undertaken by 'Zenith Land Surveys LTD'



\_00 Proposed Site Plan  
1 : 200



VISUAL SCALE 1:200 @ A1

Checker: FIRST ISSUE  
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Title  
Proposed Site Plan

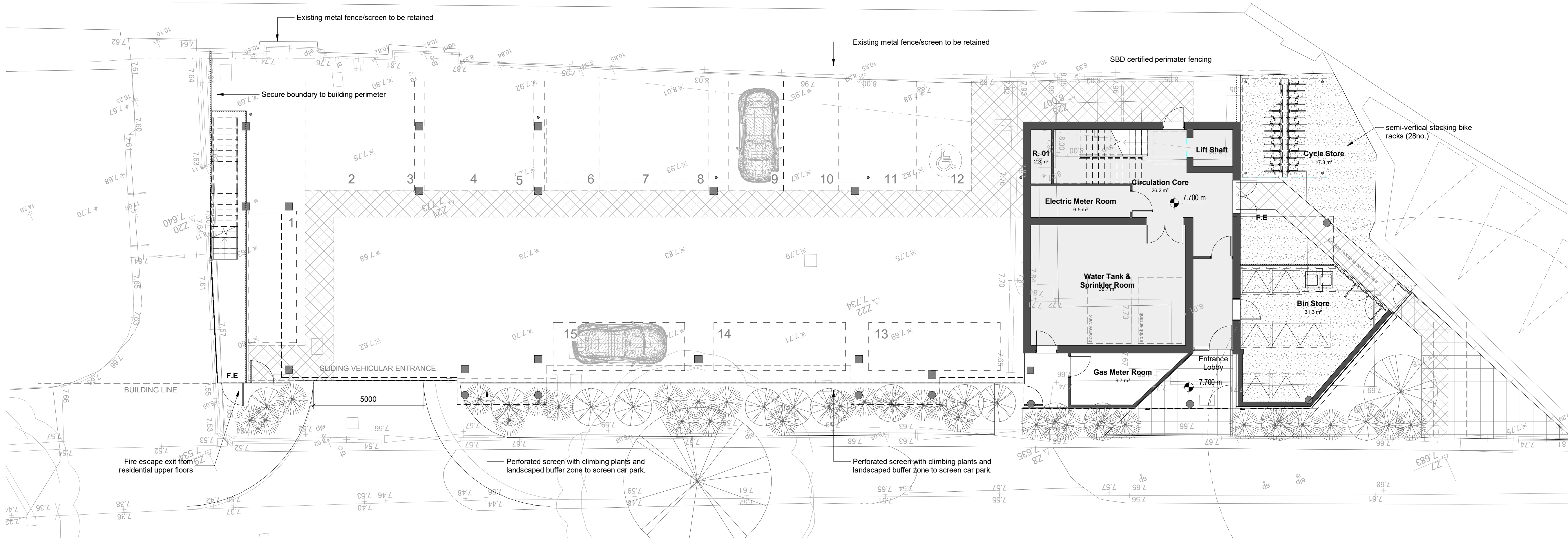
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PLANNING

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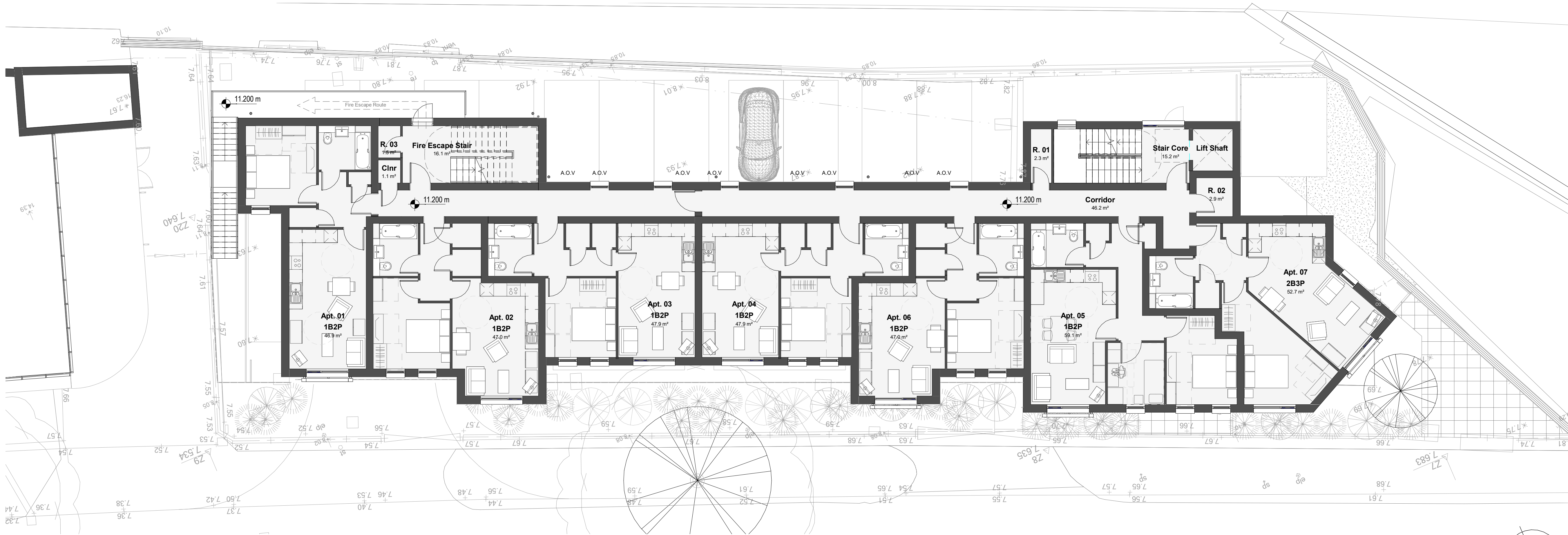
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00 Ground Floor  
1 : 100



01 First Floor  
1 : 100

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Accommodation Schedule		
Room Number	Room Name	Area

00 Ground Floor		
-	Bin Store	31.3 m <sup>2</sup>
01	Water Tank & Sprinkler Room	38.7 m <sup>2</sup>
02	Cycle Store	17.3 m <sup>2</sup>
03	Electric Meter Room	6.5 m <sup>2</sup>
05	Gas Meter Room	9.7 m <sup>2</sup>
06	R. 01	2.3 m <sup>2</sup>
C5	Circulation Core	26.2 m <sup>2</sup>
R.10	Lift Shaft	3.3 m <sup>2</sup>

01 First Floor		
Apt. 01	1B2P	46.9 m <sup>2</sup>
Apt. 02	1B2P	47.0 m <sup>2</sup>
Apt. 03	1B2P	47.9 m <sup>2</sup>
Apt. 04	1B2P	47.9 m <sup>2</sup>
Apt. 05	1B2P	59.1 m <sup>2</sup>
Apt. 06	1B2P	47.0 m <sup>2</sup>
Apt. 07	2B3P	52.7 m <sup>2</sup>
C1	Stair Core	15.2 m <sup>2</sup>
C1	Fire Escape Stair	16.1 m <sup>2</sup>
C1	Corridor	46.2 m <sup>2</sup>
C6	Clnr	1.1 m <sup>2</sup>
R.11	Lift Shaft	3.6 m <sup>2</sup>
Riser 01	R. 01	2.3 m <sup>2</sup>
Riser 02	R. 02	2.9 m <sup>2</sup>
Riser 03	R. 03	1.5 m <sup>2</sup>
Grand total: 23		

B	25.04.19	RC	Undercroft Car park ownership revised to residential. Associated access to Royal Mail omitted, new access into building core added.
A	30.01.19		Proposals revised to provide area reduction to apartments.
-	21/12/18	RC	FIRST ISSUE
Rev	Date	Check	Description

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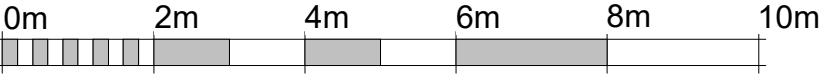
Title  
Proposed Ground & First Floor Plans

Status  
PLANNING

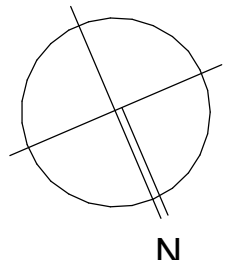
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A-00-\*\*\* - General Arrangement  
A-90-\*\*\* - Site Information



Material Schedule	
	Type
1	Brickwork cladding/tile system - Buff in colour
2	Brickwork cladding/tile system - Green in colour
3	Perforated/Decorative metal planting screen
4	uPVC Windows - Dark grey in colour
5	PPC aluminium parapet capping
6	Galvanised steel escape stair
7	uPVC rainwater goods - dark grey in colour
8	PPC Aluminium entrance signage
9	PPC Aluminium doors

B	19.03.19	RC	Feature projecting window surrounds added to Cowbridge Road elevation
A	07.02.19		Elevations updated to match revised floor plans
-	21/12/18	RC	FIRST ISSUE
Rev	Date	Check	Description

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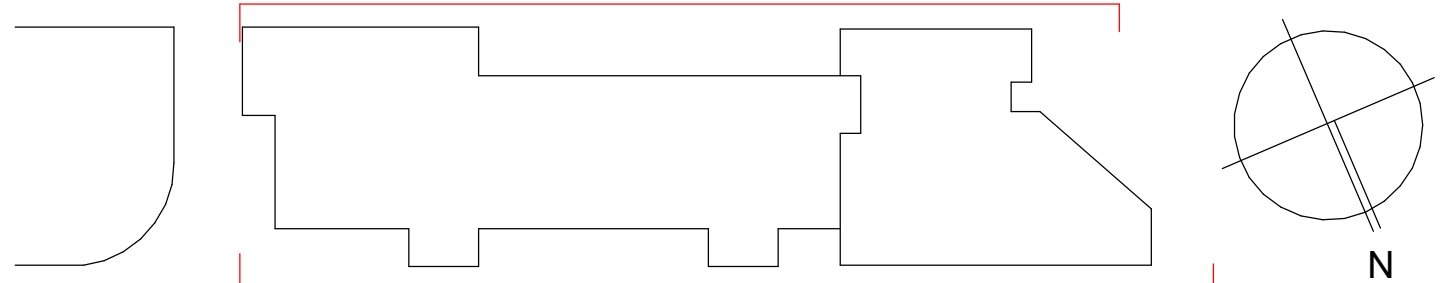
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Job No	Sheet No	Revision
4355	A-00-200	B

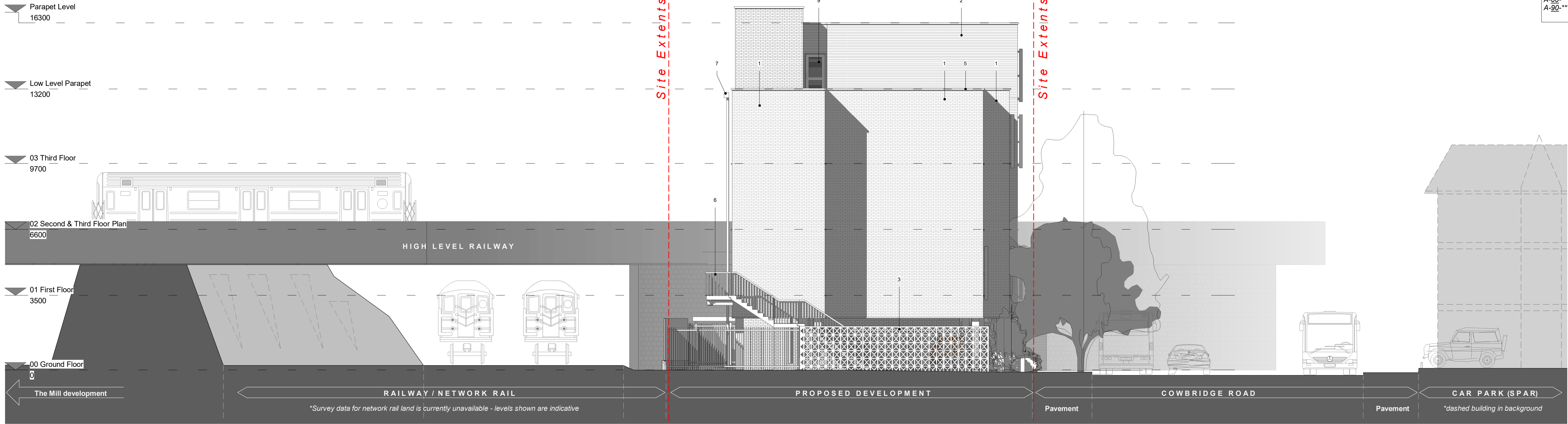
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0m 2m 4m 6m 8m 10m

VISUAL SCALE 1:100 @ A1







West Elevation  
1 : 100



East Elevation  
1 : 100

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(90) SERIES - SITE INFORMATION

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